

Can you claim common law compensation?

To be eligible to claim common law compensation, as a result of the transport accident:

- You must have an injury that meets the legal definition of a 'serious injury'; and
- Someone else (another person, party or organisation) must be at fault*

Do you have a 'serious injury'?	Was someone else at fault?*	Are you likely to be eligible for common law compensation?	What happens next?
Yes	Yes*	You may be eligible for common law compensation.	You can contact us directly, or engage a personal injury lawyer to act on your behalf.
	I'm not sure No	<i>It is likely more information is needed to understand if you may be eligible for common law compensation.</i>	If you were at fault* or don't know who was at fault you need to consult a personal injury lawyer. They can provide you with independent legal advice on whether you are likely to be eligible.
I'm not sure	Yes*	<i>More information is needed to understand if you may be eligible for common law compensation.</i>	We need to understand the impact the injury has had on your life, to decide if your injury meets the legal definition of a 'serious injury'. You may need to attend a medical examination or share your medical information with us, to help us understand your injuries and the impact on your life. You can contact us directly, or engage a personal injury lawyer to act on your behalf.
	I'm not sure No	<i>More information is needed to understand if you may be eligible for common law compensation.</i>	If you were at fault* or don't know who was at fault you need to consult a personal injury lawyer. They can provide you with independent legal advice about whether you are likely to be eligible.
No	Yes* I'm not sure No	You are not likely to be eligible for common law compensation.	If your injuries do not meet the legal definition of a 'serious injury' you are not eligible. You can consult a personal injury lawyer at any time to advise you, based on your individual circumstances.

*Being 'at fault' means being responsible for, or causing the accident. It includes 'partial fault' or 'contributory negligence', which is when more than one person, party or organisation is responsible for the accident. If you are eligible for compensation, the amount you receive may be reduced if you are partly at fault.

If you are not eligible for common law compensation you may still be able to get an impairment benefit. An impairment benefit is based solely on the injuries you sustained in the accident. For more information visit the TAC website and search for "impairment".