

What is the Injury Scale Value and how is it used in motor vehicle accident claims?

If you've been injured in a motor vehicle accident, you could be entitled to claim damages if your injuries were due to the negligence of the driver of another registered motor vehicle.

In South Australia, the assessment of damages for personal injury claims is set out in Part 8 of the Civil Liability Act (SA) 1936 together with the Civil Liability Regulations (SA) 2013 (the Civil Liability Act and Regulations).

What is the Injury Scale Value (ISV)

Damages for personal injury in motor vehicle accident claims are assessed according to the **Injury Scale Value ("ISV")** provisions as set out by the Civil Liability Act and Regulations. The ISV provisions are used to assess the severity of injuries suffered by a person in a motor vehicle accident.

The Civil Liability Regulations (SA) 2013 contain a table of injuries for all body parts which is meant to categorise every possible injury that could be suffered in a motor vehicle accident. Each injury in the table has an ISV range that has been prescribed for that injury.

The ISV range for each injury falls somewhere between 0 to 100. A range on the lower end of the ISV scale (for example an ISV range of 0 – 5 or 6 – 10) indicates a minor or moderate injury. A range on the higher end of the ISV scale (for example an ISV range of 16 – 30 or 31 – 50) indicates a serious or extreme injury.

Is there a minimum ISV to seek compensation?

In motor vehicle accident claims, an injured person needs to meet a particular ISV threshold (as well as other requirements) before they will have an entitlement to compensation under some heads of damage.

Below is an overview of those heads of damage and the ISV thresholds that need to be met for a person to have an entitlement to compensation:

- **Non-Economic Loss –** A person who suffers personal injury from a motor vehicle accident may only be awarded damages for non-economic loss if the ISV that applies in relation to the injury exceeds 10.
- **Future Economic Loss –** A person who suffers personal injury from a motor vehicle accident may only be awarded damages for loss or impairment of future earning capacity if the ISV that applies in relation to the injury exceeds 7.
- **Gratuitous Services –** Damages for the recompense of gratuitous services are not to be awarded unless the ISV that applies in relation to the injury exceeds 10. In addition to the ISV threshold, there are other thresholds that need to be met before an entitlement to gratuitous services will arise.
- **Consortium –** Damages for the loss or impairment of consortium suffered by the spouse or domestic partner of an injured person on account of personal injury will not be awarded unless the ISV that applies in relation to the injury exceeds 10.

There are some heads of damage that do not require a person injured in a motor vehicle accident to meet a particular ISV threshold before having an entitlement to compensation. These include past economic loss, future care/services and future treatment.

The assessment of a person's entitlements to compensation for injuries suffered as a consequence of a motor vehicle accident is a complex area. This is not only because of the complexities with assessing an injured person's ISV, but also due to there being other requirements that need to be met before an entitlement to compensation will arise.

You can find out more about the **Injury Scale Value** here.

How can Andersons help?

If you or someone you know has been injured in a motor vehicle accident and have either commenced or are thinking about commencing a CTP claim, we recommend obtaining legal advice to better

understand your potential entitlements.

At Andersons, we offer a free, no obligation 30-minute consultation to understand your personal circumstances. This allows us to provide you with advice on the likelihood of a successful motor vehicle accident claim and what potential entitlements to compensation you may have. You can **contact us** here.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.