

# Motor Vehicle Accidents



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If you have been injured in a motor vehicle accident, you may be entitled to compensation.

From 1 July 2013, new legislation came into effect in South Australia regarding compensation as a result of injuries sustained in a motor vehicle accident.

There are now significant differences between the Compulsory Third Party ("CTP") insurance schemes for entitlements to compensation as a result of injuries sustained in a motor vehicle accident before 1 July 2013 as opposed to accidents on or after that date.

These changes have made a significantly more complex system than for those with claims under the previous scheme. This makes it even more important to seek legal advice as soon as possible. You can contact us for a free, no obligation discussion about your situation.

## Claims from 1 July 2013

Below is a brief summary of the significant changes:

- For an individual to receive any compensation for pain and suffering, consortium or gratuitous services (personal care and voluntary services), the injury must be assessed exceeding 10 points on the Injury Scale Values ("ISV Scale").
- No compensation is payable for future loss of earning capacity unless a person sustains an injury assessed in excess of 7 points on the ISV Scale.
- Amounts payable for pain and suffering (non economic loss) have been considerably reduced with injuries less than 31 points on the scale effectively equal to \$1,000 for each point that the assessment exceeds 10 points, in addition to a base payment of \$2,000. For example, 15 points on the ISV Scale equates to \$7,000.
- If a person is entitled to a payment for past economic loss or future economic loss, the net amount assessed as payable (after taking into

consideration any other relevant reduction that may be applicable) is reduced by 20 percent.

- Additional information must now be provided in a prescribed form when a claim for compensation is submitted.
- The injured person must provide an authority allowing the insurer (usually Allianz) or the Nominal Defendant (if the driver of the vehicle cannot be identified) to access records or other sources of information relevant to the claim.
- The introduction of the ISV Scale to assess injuries focuses on determining the dominant injury and the extent of any permanent impairment percentage.
- Mental harm injuries, for permanent impairment purposes, are to be assessed using GEPIC (Guide to the Evaluation of Psychiatric Impairment for Clinicians).
- In the event of multiple injuries, there is opportunity for uplift in payment for non economic loss.
- There is no change to the time limit of three years within which a person needs to either complete the claim or institute court proceedings claiming compensation.

The summary above is a very brief overview of the new scheme. Your compensation claim will depend on your individual circumstances so seek legal advice about your claim as soon as possible.

Despite the significant changes you may have entitlements and it is more important than ever to talk to an experienced lawyer who can help you to negotiate this process.

## Claims before 1 July 2013

The new laws are not retrospective so if you were injured in an accident prior to 1 July 2013 your claim falls under the previous scheme. However, strict time limits apply so contact us as soon as possible.

## What will Rudall & Rudall do if you have a claim?

If you have a claim, we will conduct all negotiations with Allianz (or the relevant insurance company) direct.

We will obtain medical and other expert reports to strengthen your claim. In most cases we will pay the cost of these reports and other expenses during the course of your claim (or get the insurer to pay for them).

Throughout the claim we will liaise with you, the insurance company and the doctors to collate information to strengthen your claim.

Where court proceedings are necessary we will prepare all relevant court documentation and appear at the court as your advocate.

## Contact Us

Contact us on **8523 8400** or email us at [legal@rudalls.com.au](mailto:legal@rudalls.com.au) for a free consultation without obligation.



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