

1994—No. 520

MOTOR ACCIDENTS ACT 1988—ORDER

NEW SOUTH WALES



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I, John Planta HANNAFORD, being the Minister of the Crown administering the provisions of the Motor Accidents Act 1988, pursuant to section 80 of the Act (Indexation of amounts relating to non-economic loss), make the Order set out in the following Schedule.

JOHN HANNAFORD
Attorney General.

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Citation

1. This Order may be cited as the Motor Accidents (Determination of Non-Economic Loss) Order No. 5.

Commencement

2. This Order commences on 1 October 1994.

Section 79 (3)

3. It is declared that the maximum amount which may be awarded for non-economic loss of an injured person as a consequence of a motor accident is \$222,000.

Section 79 (4)

4. It is declared that if the amount of non-economic loss is assessed to be \$18,500 or less, no damages for non-economic loss shall be awarded.

Section 79 (5)

5. It is declared that if the amount of damages to be awarded for non-economic loss in accordance with section 79 (1)–(3) of the Motor Accidents Act 1988 is more than \$18,500 but less than \$68,000, the following deductions shall be made from that amount:

- (a) if the amount of damages is less than \$49,000—the amount to be deducted is \$18,500;
- (b) if the amount of damages is not less than \$49,000—the amount to be deducted is \$18,500, or \$18,500 reduced by \$1,000 for every \$1,000 by which the amount of damages exceeds \$49,000.

EXPLANATORY NOTE

The object of this Order is to declare the amounts that may be awarded for damages for non-economic loss to a person who has been injured as a consequence of a motor accident.

Section 80 of the Motor Accidents Act 1988 requires the Minister administering that Act to declare the amounts on or before 1 October in each year. The amounts are indexed by reference to movements in average weekly earnings.

An amount specified in this Order applies to the exclusion of the corresponding amount specified in section 79 of the Motor Accidents Act 1988.
