



New South Wales

Motor Accidents Act 1988—Order

I, Jeffrey William Shaw, Attorney General, in pursuance of section 80 of the *Motor Accidents Act 1988* (Indexation of amounts relating to non-economic loss), make the Order set out in the following Schedule.

Dated at Sydney, this 11th day of September 1996.

J W Shaw
Attorney General.

Schedule

1 Name of Order

This Order is the *Motor Accidents (Determination of Non-Economic Loss) Order No. 7*.

2 Commencement

This Order commences on 1 October 1996.

3 Section 79 Determination of non-economic loss—accidents occurring before midnight on 26.9.95

(1) Section 79 (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 that occurred before midnight on 26 September 1995 is \$247,000.

(2) **Section 79 (4)**

It is declared that if the amount of non-economic loss is assessed to be \$20,500 or less, no damages for non-economic loss shall be awarded.

(3) **Section 79 (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 \$20,500 but less than \$75,500, the following deductions shall be made from that amount:

- (a) if the amount of damages is less than \$54,500—the amount to be deducted is \$20,500,
- (b) if the amount of damages is not less than \$54,500—the amount to be deducted is \$20,500, or \$20,500 reduced by \$1,000 for every \$1,000 by which the amount of damages exceeds \$54,500.

4 Section 79A Determination of non-economic loss—accidents occurring after midnight on 26.9.95

Section 79A (5)

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 that occurred after midnight on 26 September 1995 is \$247,000.

EXPLANATORY NOTE

The object of this Order is to declare the amounts that may be awarded for damages for non-economic loss to persons who have been injured as a consequence of motor accidents occurring before and after midnight on 26 September 1995.

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 the Order applies to the exclusion of the corresponding amount specified in sections 79 or 79A of the *Motor Accidents Act 1988*.
