New South Wales

Motor Accidents Compensation (Determination of Loss) Order No 2

under the

Motor Accidents Compensation Act 1999

I, John Della Bosca, Special Minister of State, in pursuance of section 146 of the *Motor Accidents Compensation Act 1999*, make the following Order.

Dated this 3rd day of September 2001.

JOHN DELLA BOSCA, M.L.C.,

Special Minister of State

Explanatory note

The object of this Order is to adjust the amounts that may be awarded for damages:

(a) for past or future economic loss in relation to persons who have been injured or killed as a consequence of motor accidents, and

(b) for non-economic loss to persons who have been injured as a consequence of motor accidents.

Section 146 of the *Motor Accidents Compensation Act 1999* requires the Minister 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 section 125 or 134 of the *Motor Accidents Compensation Act 1999*.

Motor Accidents Compensation (Determination of Loss) Order No 2

1 Name of Order

This Order is the *Motor Accidents Compensation (Determination of Loss) Order No 2*.

2 Commencement

This Order commences on 1 October 2001.

3 Notes

The explanatory note does not form part of this Order.

4 Section 125: Damages for past or future economic loss—maximum for loss of earnings etc

It is declared that, in the case of an award under section 125 (1) of the *Motor Accidents Compensation Act 1999*, the court is to disregard the amount (if any) by which an injured or deceased person's net weekly earnings would (but for the injury or death) have exceeded $2,712.

5 Section 134: Maximum of amount of damages for non-economic loss

It is declared that the maximum amount that may be awarded for non-economic loss of an injured person as a consequence of a motor accident is $296,000.

BY AUTHORITY