



Motor Accidents Compensation (Determination of Loss) Order No 5

under the

Motor Accidents Compensation Act 1999

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

Dated, this 22nd day of September 2004.

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

The object of this Order is to adjust the amount 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 a motor accident, and
- (b) for non-economic loss to persons who have been injured as a consequence of a motor accident.

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 this Order applies to the exclusion of the corresponding amount specified in section 125 or 134 of the *Motor Accidents Compensation Act 1999*.

2004 No 661

Clause 1 Motor Accidents Compensation (Determination of Loss) Order No 5

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Motor Accidents Compensation Act 1999

1 Name of Order

This Order is the *Motor Accidents Compensation (Determination of Loss) Order No 5*.

2 Commencement

This Order commences on 1 October 2004.

3 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 \$3,127.

4 Section 134: Maximum 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 \$341,000.

BY AUTHORITY