



New South Wales

Motor Accidents Compensation (Determination of Loss) Order 2009

under the

Motor Accidents Compensation Act 1999

I, Joseph Tripodi, the Minister for Finance, in pursuance of section 146 of the *Motor Accidents Compensation Act 1999*, make the following Order.

Dated, this 22nd day of September 2009.

JOSEPH TRIPODI, M.P.,
Minister for Finance

Explanatory note

The object of this Order is to adjust, for the year commencing 1 October 2009, 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*.

This Order also repeals and consolidates all previous Orders made under section 146 of the *Motor Accidents Compensation Act 1999*.

2009 No 489

Clause 1 Motor Accidents Compensation (Determination of Loss) Order 2009

Motor Accidents Compensation (Determination of Loss) Order 2009

under the

Motor Accidents Compensation Act 1999

1 Name of Order

This Order is the *Motor Accidents Compensation (Determination of Loss) Order 2009*.

2 Commencement

This Order commences on 1 October 2009 and is required to be published in the Gazette.

3 Section 125: Damages for past or future economic loss—maximum for loss of earning etc

It is declared that, on and from the date specified in Column 1 of the Table to this clause, 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 the amount specified in Column 2 of that Table opposite that specified date.

Table

Column 1	Column 2
Operative date	Amount of maximum loss of earning etc (net weekly earnings)
1 October 2000	\$2,603
1 October 2001	\$2,712
1 October 2002	\$2,834
1 October 2003	\$3,021
1 October 2004	\$3,127
1 October 2005	\$3,296
1 October 2006	\$3,362
1 October 2007	\$3,500

Column 1	Column 2
Operative date	Amount of maximum loss of earning etc (net weekly earnings)
1 October 2008	\$3,584
1 October 2009	\$3,749

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

It is declared that, on and from the date specified in Column 1 of the Table to this clause, the maximum amount that may be awarded for non-economic loss of an injured person as a consequence of a motor accident is the amount specified in Column 2 of that Table opposite that specified date.

Table

Column 1	Column 2
Operative date	Maximum amount of damages for non-economic loss
1 October 2000	\$271,000
1 October 2001	\$296,000
1 October 2002	\$309,000
1 October 2003	\$329,000
1 October 2004	\$341,000
1 October 2005	\$359,000
1 October 2006	\$366,000
1 October 2007	\$381,000
1 October 2008	\$390,000
1 October 2009	\$408,000

5 Repeal

Every Order made under section 146 of the *Motor Accidents Compensation Act 1999* before the commencement of this Order is repealed.