



New South Wales

# Motor Accidents (Determination of Non-Economic Loss) Order 2009

under the

Motor Accidents Act 1988

I, Joseph Tripodi, the Minister for Finance in pursuance of section 80 of the *Motor Accidents Act 1988*, 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 amounts that may be awarded for damages for non-economic loss to persons who have been injured as a consequence of a motor accident.

Section 80 of the *Motor Accidents Act 1988* 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 79 or 79A of the *Motor Accidents Act 1988*.

This Order also repeals and consolidates all previous Orders made under section 80 of the *Motor Accidents Act 1988*.

## 2009 No 488

Clause 1 Motor Accidents (Determination of Non-Economic Loss) Order 2009

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### Motor Accidents (Determination of Non-Economic Loss) Order 2009

under the

Motor Accidents Act 1988

#### 1 Name of Order

This Order is the *Motor Accidents (Determination of Non-Economic Loss) Order 2009*.

#### 2 Commencement

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

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

##### (1) Section 79 (3)

It is declared that, on and from the date specified in Column 1 of the Table to this subclause, the maximum amount that may be awarded for the non-economic loss of an injured person as a consequence of a motor accident that occurred before midnight on 26 September 1995 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 1990	\$192,000
1 October 1991	\$198,000
1 October 1992	\$211,000
1 October 1993	\$212,000
1 October 1994	\$222,000
1 October 1995	\$235,000
1 October 1996	\$247,000
1 October 1997	\$250,000

<b>Column 1</b>	<b>Column 2</b>
<b>Operative date</b>	<b>Maximum amount of damages for non-economic loss</b>
1 October 1998	\$259,000
1 October 1999	\$273,000
1 October 2000	\$284,000
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

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

It is declared that, on and from the date specified in Column 1 of the Table to this subclause, no damages for economic loss shall be awarded to an injured person as a consequence of a motor accident that occurred before midnight on 26 September 1995 if the amount of non-economic loss is assessed to be less than the amount specified in Column 2 of that Table opposite that specified date.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Operative date</b>	<b>Minimum amount of non-economic loss (threshold for assessment of economic loss)</b>
1 October 1990	\$16,050
1 October 1991	\$16,500
1 October 1992	\$17,500
1 October 1993	\$17,500
1 October 1994	\$18,500

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Clause 3 Motor Accidents (Determination of Non-Economic Loss) Order 2009

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<b>Column 1</b>	<b>Column 2</b>
<b>Operative date</b>	<b>Minimum amount of non-economic loss (threshold for assessment of economic loss)</b>
1 October 1995	\$19,500
1 October 1996	\$20,500
1 October 1997	\$20,500
1 October 1998	\$21,000
1 October 1999	\$22,000
1 October 2000	\$23,000
1 October 2001	\$24,000
1 October 2002	\$25,000
1 October 2003	\$26,500
1 October 2004	\$27,500
1 October 2005	\$29,000
1 October 2006	\$29,500
1 October 2007	\$30,500
1 October 2008	\$31,000
1 October 2009	\$32,500

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(3) **Section 79 (5)**

It is declared that, on and from the date specified in Column 1 of the Table to this subclause, if the amount of damages that may be awarded for non-economic loss in accordance with section 79 of the *Motor Accidents Act 1988* is more than the amount specified in Column 2 of that Table opposite that specified date but less than the amount specified in Column 3 of that Table opposite that specified date, the following deductions are to be made from that amount:

- (a) if the amount of damages is less than the amount specified in Column 4—the amount to be deducted is the amount specified in Column 2,
- (b) if the amount of damages is not less than the amount specified in Column 4—the amount to be deducted is the amount specified in Column 2 or that amount reduced by \$1,000 for every \$1,000 by which the amount of damages exceeds the amount specified in Column 4.

**Table**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Operative date</b>	<b>Lower deduction amount</b>	<b>Upper deduction amount</b>	<b>Deduction withdrawal threshold amount</b>
1 October 1990	\$16,050	\$58,850	\$42,800
1 October 1991	\$16,500	\$60,500	\$44,000
1 October 1992	\$17,500	\$64,500	\$47,000
1 October 1993	\$17,500	\$65,000	\$47,000
1 October 1994	\$18,500	\$68,000	\$49,000
1 October 1995	\$19,500	\$72,000	\$52,000
1 October 1996	\$20,500	\$75,500	\$54,500
1 October 1997	\$20,500	\$76,500	\$55,000
1 October 1998	\$21,000	\$79,000	\$57,000
1 October 1999	\$22,000	\$83,500	\$60,000
1 October 2000	\$23,000	\$87,000	\$62,500
1 October 2001	\$24,000	\$90,500	\$65,000
1 October 2002	\$25,000	\$94,500	\$68,000
1 October 2003	\$26,500	\$100,500	\$72,500
1 October 2004	\$27,500	\$104,000	\$75,000
1 October 2005	\$29,000	\$109,500	\$79,000
1 October 2006	\$29,500	\$111,500	\$80,500
1 October 2007	\$30,500	\$116,000	\$84,000
1 October 2008	\$31,000	\$119,000	\$86,000
1 October 2009	\$32,500	\$124,500	\$90,000

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Clause 4 Motor Accidents (Determination of Non-Economic Loss) Order 2009

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

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 the non-economic loss of an injured person as a consequence of a motor accident that occurred after midnight on 26 September 1995 is the amount specified in Column 2 of that Table opposite that specified date.

#### Table

<b>Column 1</b>	<b>Column 2</b>
<b>Operative date</b>	<b>Maximum amount of damages for non-economic loss</b>
1 October 1996	\$247,000
1 October 1997	\$250,000
1 October 1998	\$259,000
1 October 1999	\$273,000
1 October 2000	\$284,000
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 80 of the *Motor Accidents Act 1988* before the commencement of this Order is repealed.

BY AUTHORITY

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