


Motor Accidents (Determination of Non-Economic Loss) Order 2023

under the

Motor Accidents Act 1988

I, the Minister for Finance, make the following Order under the *Motor Accidents Act 1988*, section 80.

Dated 21 September 2023



The Hon Courtney Houssos MLC
Minister for Finance

Explanatory note

The object of this Order is to adjust, for the year commencing 1 October 2023, the maximum amounts that may be awarded for damages for non-economic loss to persons who have been injured as a consequence of a motor accident to which the *Motor Accidents Act 1988* (**the Act**) applies.

The Act, section 80 requires the Minister to declare the amounts on or before 1 October each year. The amounts are indexed by reference to movements in average weekly earnings.

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1 Name of Order

This Order is the *Motor Accidents (Determination of Non-Economic Loss) Order 2023*.

2 Commencement

This Order commences on 1 October 2023.

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 1 October 2023, 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 \$620,000.
- (2) **Section 79(4)** It is declared that, on and from 1 October 2023, 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 \$49,500.
- (3) **Section 79(5)** It is declared that, on and from 1 October 2023, 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 \$49,500 but less than the amount \$189,000, the following deductions are to be made from that amount—
 - (a) if the amount of damages is less than the amount \$135,500—the amount to be deducted is the amount \$49,500,
 - (b) if the amount of damages is not less than the amount \$135,500—the amount to be deducted is the amount \$49,500 or that amount reduced by \$1,000 for every \$1,000 by which the amount of damages exceeds the amount \$135,500.

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

It is declared that, on and from 1 October 2023, 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 \$620,000.