

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

[2009-488]



New South Wales

Status Information

Currency of version

Historical version for 25 September 2009 to 7 January 2010 (accessed 8 January 2025 at 17:20)

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2009 No 106](#) (not commenced — to commence on 8.1.2010)

Authorisation

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File last modified 14 December 2009

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



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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

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
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

Column 1	Column 2
Operative date	Minimum amount of non-economic loss (threshold for assessment of economic loss)
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

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

(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

Column 1	Column 2	Column 3	Column 4
Operative date	Lower deduction amount	Upper deduction amount	Deduction withdrawal threshold amount
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

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

Column 1	Column 2
Operative date	Maximum amount of damages for non-economic loss
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.