

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

[2009-488]



New South Wales

Status Information

Currency of version

Historical version for 1 October 2019 to 30 September 2020 (accessed 8 January 2025 at 17:51)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Notes—

- **Does not include amendments by**
[Motor Accidents \(Determination of Non-Economic Loss\) Amendment Order 2020 \(556\)](#) (not commenced — to commence on 1.10.2020)
- **Editorial note**
The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-rules (em-dashes). Text of the legislation is not affected.

This version has been updated.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 18 September 2020

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



New South Wales

Contents

| | |
|--|---|
| 1 Name of Order | 3 |
| 2 Commencement | 3 |
| 3 Section 79: Determination of non-economic loss—accidents occurring before midnight on 26.9.95 | 3 |
| 4 Section 79A: Determination of non-economic loss—accidents occurring after midnight on 26.9.95 | 7 |
| 5 Repeal | 8 |

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



New South Wales

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 |
| 1 October 2010 | \$432,000 |
| 1 October 2011 | \$450,000 |
| 1 October 2012 | \$462,000 |
| 1 October 2013 | \$477,000 |
| 1 October 2014 | \$492,000 |
| 1 October 2015 | \$511,000 |
| 1 October 2016 | \$521,000 |
| 1 October 2017 | \$527,000 |
| 1 October 2018 | \$546,000 |
| 1 October 2019 | \$565,000 |

(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 |
| 1 October 2010 | \$34,500 |
| 1 October 2011 | \$36,000 |
| 1 October 2012 | \$37,000 |
| 1 October 2013 | \$38,000 |
| 1 October 2014 | \$39,000 |
| 1 October 2015 | \$40,500 |

| | |
|----------------|----------|
| 1 October 2016 | \$41,500 |
| 1 October 2017 | \$42,000 |
| 1 October 2018 | \$43,500 |
| 1 October 2019 | \$45,000 |

(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 |
| 1 October 2010 | \$34,500 | \$131,500 | \$95,000 |
| 1 October 2011 | \$36,000 | \$137,000 | \$99,000 |
| 1 October 2012 | \$37,000 | \$140,500 | \$101,500 |
| 1 October 2013 | \$38,000 | \$145,000 | \$105,000 |
| 1 October 2014 | \$39,000 | \$149,500 | \$108,500 |
| 1 October 2015 | \$40,500 | \$155,500 | \$112,500 |
| 1 October 2016 | \$41,500 | \$158,500 | \$114,500 |
| 1 October 2017 | \$42,000 | \$160,500 | \$116,000 |
| 1 October 2018 | \$43,500 | \$166,500 | \$120,000 |
| 1 October 2019 | \$45,000 | \$172,500 | \$124,000 |

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 |
| 1 October 2010 | \$432,000 |
| 1 October 2011 | \$450,000 |
| 1 October 2012 | \$462,000 |
| 1 October 2013 | \$477,000 |
| 1 October 2014 | \$492,000 |
| 1 October 2015 | \$511,000 |
| 1 October 2016 | \$521,000 |
| 1 October 2017 | \$527,000 |
| 1 October 2018 | \$546,000 |
| 1 October 2019 | \$565,000 |

5 Repeal

Every Order made under section 80 of the *Motor Accidents Act 1988* before the commencement of this Order is repealed.