

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

[2009-488]



New South Wales

## Status Information

### Currency of version

Current version for 1 October 2022 to date (accessed 27 April 2024 at 23:57)

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### Provisions in force

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

### Authorisation

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



New South Wales

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# 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 |
| 1 October 2020 | \$590,000 |
| 1 October 2021 | \$595,000 |
| 1 October 2022 | \$605,000 |

- (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 |
| 1 October 2020 | \$47,000 |
| 1 October 2021 | \$47,500 |
| 1 October 2022 | \$48,500 |

(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**

| <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                                     |

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|                |          |           |           |
|----------------|----------|-----------|-----------|
| 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 |
| 1 October 2020 | \$47,000 | \$180,000 | \$129,500 |
| 1 October 2021 | \$47,500 | \$181,500 | \$130,500 |
| 1 October 2022 | \$48,500 | \$184,500 | \$132,500 |

#### **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  |
| 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  |



|                |           |
|----------------|-----------|
| 1 October 2020 | \$590,000 |
| 1 October 2021 | \$595,000 |
| 1 October 2022 | \$605,000 |

## **5 Repeal**

Every Order made under section 80 of the *Motor Accidents Act 1988* before the commencement of this Order is repealed.