

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 5 January 2025 at 18:50)

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Provisions in force

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

Authorisation

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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

| 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 |
| 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

| 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 |

| | |
|----------------|-----------|
| 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.