



New South Wales

Motor Accidents (Determination of Non-Economic Loss) Order No 9

under the

Motor Accidents Act 1988

I, Jeffrey William Shaw, in pursuance of section 80 of the *Motor Accidents Act 1988*, make the following Order.

Dated this 14th day of September 1998.

JEFFREY SHAW, Q.C., M.L.C.,

Attorney General.

Explanatory note

The object of this Order is to declare the amounts that may be awarded for damages for non-economic loss to persons who have been injured as a consequence of motor accidents.

Section 80 of the *Motor Accidents Act 1988* requires the Minister to declare the amounts on or before 1 October in each year. The amounts are indexed by reference to movements in average weekly earnings.

An amount specified in the Order applies to the exclusion of the corresponding amount specified in section 79 or 79A of the *Motor Accidents Act 1988*.

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Motor Accidents (Determination of Non-Economic Loss) Order No 9

1 Name of Order

This Order is the *Motor Accidents (Determination of Non-Economic Loss) Order No 9*.

2 Commencement

This Order commences on 1 October 1998.

3 Notes

The explanatory note and table of contents do not form part of this Order.

4 Section 79—Determination of non-economic loss (accidents occurring before midnight on 26.9.95)

(1) Section 79 (3)

It is declared that the maximum amount that may be awarded for non-economic loss of an injured person as a consequence of a motor accident that occurred before midnight on 26 September 1995 is \$259,000.

(2) Section 79 (4)

It is declared that if the amount of non-economic loss is assessed to be \$21,000 or less, no damages for non-economic loss shall be awarded.

(3) Section 79 (5)

It is declared that if the amount of damages to be awarded for non-economic loss in accordance with section 79 (3) of the *Motor Accidents Act 1988* is more than \$21,000 but less than \$79,000, the following deductions shall be made from that amount:

- (a) if the amount of damages is less than \$57,000—the amount to be deducted is \$21,000,
- (b) if the amount of damages is not less than \$57,000—the amount to be deducted is \$21,000, or \$21,000 reduced by \$1,000 for every \$1,000 by which the amount of damages exceeds \$57,000.

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Clause 5 Motor Accidents (Determination of Non-Economic Loss) Order No 9

5 Section 79A (5)—Determination of non-economic loss (accidents occurring after midnight on 26.9.95)

It is declared that the maximum amount that may be awarded for non-economic loss of an injured person as a consequence of a motor accident that occurred after midnight on 26 September 1995 is \$259,000.