

Head of Damage	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Relevant Act/s	<i>Civil Law (Wrongs) Act 2002</i>	<i>Civil Liability Act 2002</i> <i>Legal Profession Act 2004</i>	<i>Personal Injuries (Liability and Damages) Act 2002</i>	<i>Civil Liability Act 2003,</i> <i>Personal Injuries Proceedings Act 2002</i>	<i>Civil Liability Act 1936</i>	<i>Civil Liability Act 2002</i>	<i>Wrongs Act 1958</i>	<i>Civil Liability Act 2002</i>
Commencement of Act	1/11/2002	CLA - 20/3/2002 LPA – 1/10/2005	1/5/2003	CLA – 9/4/2003 or 2/12/2002 PIPA – 2/12/2002	1/5/2004	1/1/2003	23/10/2002	1/1/2003
Cap on Impairment for General Damages	No cap – court is guided by earlier decisions	For injuries between 1/10/16 and 30/09/17 – \$605000 For injuries between 1/10/17 and 30/09/18 – \$612500 For injuries after 1/10/18 – \$635000	For injuries between 1/10/2016 and 30/09/17 – \$625500. For injuries between 1/10/17 and 30/09/18 – \$660000. For injuries after 1/10/18 – \$664000	For injuries between 1/07/15 and 30/06/17 – \$358500 For injuries between 1/07/17 and 30/06/18 – \$367300 For injuries between 1/07/18 and 30/06/19– \$378550 For injuries after 30/06/19 – \$389900	Indexed annually in accordance with s 52	No cap – court is guided by earlier decisions	As at 1/7/16 - \$577050 indexed annually in accordance with s 28H	No cap

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Threshold of General Damages	No	The severity of the loss must be at least 15% of the most extreme case	No award unless the whole person impairment is more than 5%	No minimum	Injured party's ability to lead a normal life was significantly impaired for 7 days or medical expenses exceed the prescribed minimum.	No award if damages are assessed at < \$4000. Where assessment is \$4000 to \$20000 – award is calculated: Award = 1.25 x (amount assessed - \$4000). Where assessment is >\$20000, award is equal to that amount.	The plaintiff must have suffered a significant injury (5% permanent impairment or 10% if psychiatric)	No award if damages are assessed at < \$18000. Where assessment is \$18001 to \$55000, award is calculated as: Assessment – \$18000 = award. Where assessment is \$55001 to \$73000, award is calculated as: assessment – (\$18000 – (award – \$55000)).
Cap on Past Economic Loss	Award is limited to 3 x average weekly earnings	Award is limited to 3 x average weekly earnings	Award is limited to 3 x average weekly earnings	Award is limited to 3 x average weekly earnings	For injuries after 2002 award capped at \$2.2 million with increases in accordance with CPI for following years	Award is limited to 3 x average weekly earnings	Award is limited to 3 x average weekly earnings	Award is limited to 3 x average weekly earnings
Cap on Future	3 x average weekly	3 x average weekly earnings at the	3 x average weekly earnings at the	3 x average weekly	No award for 1 st week of incapacity	3 x average	3 x average weekly	3 x average weekly

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Economic Loss	earnings	date of the award.	date of the award.	earnings	and total award cannot exceed prescribed maximum (ss 3, 54)	weekly earnings	earnings	earnings
Discount Rate	None	5%	5%	5%	5%	5%	5%	6%
Cap on Gratuitous Services	No	An amount equal to Average Weekly Earnings	An amount equal to Average Weekly Earnings	No	4 x State average weekly earnings, or more if the injured person has to engage a carer	A weekly amount that does not exceed adult average weekly earnings	A weekly amount that does not exceed adult average weekly earnings	A weekly amount that does not exceed adult average weekly earnings
Threshold on Gratuitous Services	No	At least 6 hrs a week and for at least 6 months	At least 6 hrs a week and for at least 6 months	At least 6 hrs a week and for at least 6 months	No	At least 6 hrs a week and for at least 6 months	At least 6 hrs a week and for at least 6 months	\$5000
Minimum reduction for contributory negligence - Intoxication	No minimum	Reduction of damages of at least 25%	Reduction of damages of at least 25%	Reduction of damages of at least 25%	Reduction of damages of at least 25%	Reduction of damages of at least 25%	No minimum reduction	No minimum reduction
Legal Costs								
Threshold	No	No	None	Nil costs for damages less than \$38390	None	None	None	None

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Cap	For damages of less than \$50000, 20% of the amount recovered or \$10000.	For damages of less than \$100000, 20% of the amount recovered or \$10000. For a District Court trial after a failed arbitration, an additional 15% or \$7500.	None	Damages for an injury on/after 1/7/2012: Up to \$40460 – Nil. From \$40461 to \$67450 - \$3380. For injuries prior to this date, see <i>Personal Injuries Proceedings Act 2002</i> , s 13.	None	None	No cap, however practitioners are under a duty to ensure that costs are reasonable and proportionate to the complexity of the matter.	None

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