

*RACCANELLO & ORS*  
v  
*MOTOR ACCIDENT COMMISSION*  
[2026] HCADisp 87  
A5/2026

1       The applicants seek special leave to appeal from a judgment of the Court of Appeal of the Supreme Court of South Australia (Livesey P, Kourakis CJ and S Doyle J agreeing (in separate reasons)), which allowed the respondent's appeal and dismissed the applicants' cross-appeal from a decision of the District Court of South Australia (Judge Deuter) and set aside and re-assessed the applicants' damages award resulting from a motor vehicle accident.

2       The proposed appeal has insufficient prospects of success to warrant a grant of special leave to appeal. It is therefore an inappropriate vehicle to consider reasoning in the Court of Appeal: that compensation for a diminution of earning capacity does not extend to an award of damages for a lost commercial opportunity consequential on a reduction in earnings or is beyond the scope of a duty to take care not to cause physical injury; that losses flowing from a causally related substance abuse habit were beyond the scope of liability; and that limits should be imposed on the anomalous principle of damages *per quod servitium amisit*.

3       Special leave to appeal is refused with costs.

Gageler CJ  
Gordon J  
Edelman J  
Steward J  
Jagot J  
Beech-Jones J

9 April 2026