

New or Amended Provision	Short Description	Comment	Takes Effect	Transitional Arrangements
Amendments to <i>Motor Accident Injury Act 2017</i>	A claimant who recovers CTP damages as well as permanent impairment lump sum compensation under Section 66 of the WCA will only need to repay the section 66 sum if that worker has recovered damages for Non-Economic Loss (i.e. pain and suffering and loss of amenities of life).		On 26 October 2018.	Extends to compensation or damages paid or payable before commencement in respect of MVA occurring on or after 1.12.17.
	Workers injured in a motor vehicle accident who are entitled to receive workers compensation benefits maintain an entitlement to reasonable and necessary medical, treatment and care expenses from the CTP insurer should workers compensation entitlements cease.		On 26 October 2018.	Extends to compensation or damages paid or payable before commencement in respect of MVA occurring on or after 1.12.17.

The amendments, with a few exceptions, do not apply 'exempt workers' - i.e. police, fire fighters, ambulance paramedics, rescue workers and coal miners.

Note: Information current as at 19.11.2018.

TurksLegal will be presenting an in-house seminar on the latest changes to the workers compensation scheme in early 2019 (once further commencement dates have been proclaimed and Regulations issued).

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New laws to establish presumptive rights to compensation for firefighters in respect of certain cancers

[Link to website](#)

The *Workers Compensation Legislation Amendment (Firefighters) Bill 2018* was passed by the NSW Parliament on 22 November and presently awaits assent.

The changes will enable eligible firefighters diagnosed with one of 12 specified cancers, and who meet applicable employment periods, to be automatically presumed to have acquired that cancer because of their firefighting work. The presumption will apply to all eligible firefighters with cancers diagnosed on or after 27 September 2018. A firefighter who has previously had a claim for one of the specified cancers denied on the basis that the firefighter was unable to prove a link to employment may also bring a new claim under the presumption legislation.

The Bill is expected to be passed by both houses and enacted as law in the very near future.

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