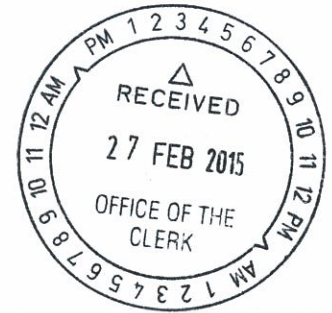




The Hon. Dominic Perrottet MP
Minister for Finance and Services



Our Ref: WC00163/15

Mr David Blunt
Clerk of the Parliaments
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt

Please find enclosed the New South Wales Government response to the Law and Justice Committee's *First Review into the Exercise of the Functions of the Workers Compensation Dust Diseases Board*.

Yours sincerely

Dominic Perrottet MP
Minister for Finance and Services

Encl.

25/2/15

Received at 4:30 pm
Friday 27 February 2015

**NSW Government Response to the first review of the New South Wales Workers
Compensation (Dust Diseases) Board by the Legislative Council Standing Committee
on Law and Justice.**

Recommendation 1

That the NSW Government investigate the feasibility of introducing provisional liability for malignant claims to the scheme.

Response:

The New South Wales Government accepts the recommendation in principle.

A worker's entitlement to compensation under the *Workers' Compensation (Dust Diseases) Act 1942* rests on establishing that:

1. The worker has contracted a compensable dust disease covered by the scheme and is disabled as a result of that disease; and
2. That dust disease was reasonably attributable to exposure to the relevant dust while the person was employed as a worker in NSW.

A worker's eligibility to receive compensation is determined following an investigation of the applicant's medical records and occupational history and exposure(s) to relevant dusts in the workplace.

Mesothelioma and asbestos induced carcinoma are malignant dust diseases covered by the scheme.

The Government will consider the impacts of the recommendation within a broader consideration of the compensation process and scheme sustainability.