



**The Hon Dominic Perrottet MP**  
Treasurer and Minister for Industrial Relations

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

Dear Mr Blunt

Please find enclosed the NSW Government response to the Law and Justice Committee's *First review of the Dust Diseases Scheme* and *First review of the Lifetime Care and Support Scheme*.

Yours sincerely,

**Dominic Perrottet MP**  
Treasurer  
Minister for Industrial Relations

*Encl.*

Received by me at 4.50pm  
on Tuesday 27 February 2018  
and authorised to be  
printed.

on behalf of  
the Clerk of the Parliaments

**GOVERNMENT RESPONSE  
to the report of the  
LEGISLATIVE COUNCIL STANDING COMMITTEE  
ON LAW AND JUSTICE**

**FIRST REVIEW OF THE DUST DISEASES CARE SCHEME**

***Recommendation 1 - That the relevant Minister urgently convene a taskforce of industry, regulatory and workforce representatives to review safety standards in the manufactured stone industry and consider regulatory changes necessary to protect workers in the industry.***

**Supported** - On 24 October 2017, the NSW Government launched a five-year hazardous chemicals strategy with a top priority to protect workers against exposure to crystalline silica. The strategy was developed in consultation with industry associations, unions, peak bodies, medical professionals and other government agencies. The *2017-2022 Hazardous Chemicals and Materials Exposures Baseline and Reduction Strategy*, aims to introduce measures to protect workers in all industry sectors, including the manufactured stone industry.

The strategy includes:

- undertaking an extensive program of workplace assessments to identify exposure levels and verify control measures;
- engaging with businesses to build their knowledge and skills to eliminate or reduce exposures;
- encouraging and promoting research that drives innovation and best practice in the design of jobs and work practices that create healthy and safety workplaces;
- collaborating with Dust Disease Care to introduce a NSW register for occupational lung disease;
- the icare "Lung Screen" bus providing subsidised health monitoring in Sydney and Regional NSW; and
- working with Safe Work Australia to adopt international best practice Workplace Exposure Standards for Crystalline Silica.

***Recommendation 2 - That icare consult with stakeholders to examine the feasibility of establishing a national dust diseases data collection system.***

**Supported** – The Government acknowledges and supports the benefits of developing a national dust diseases collection system. Preliminary discussions have been held with relevant stakeholders and the Government is looking towards obtaining support for this initiative at a Commonwealth and state/territory jurisdiction level.

***Recommendation 3 - That Dust Diseases Care ensure that its fact sheets and brochures emphasise the importance of lodging a Dust Diseases scheme application quickly, and explain the nexus between receipt of application and payment of benefits.***

**Supported** – The Government recognises and supports the importance of providing timely information to claimants to ensure they are aware of the nexus between receipt of application and payment of benefits.

To this end, icare is reviewing and updating Dust Diseases scheme factsheets and brochures to include relevant information about the connection between receipt of application and payment of benefits. This project is scheduled to be finalised by early 2018.

The Dust Diseases scheme application form has also been streamlined, reducing it to two pages, and a phone-based application process has been introduced to alleviate the administrative burden, complexity and improve timeframes for the determination of claims for applicants.

***Recommendation 4 - That icare expedite the development of an online application process for the Dust Diseases scheme that provides 24 hour electronic lodgement and receipt, similar to that provided by the Dust Diseases Tribunal.***

**Supported** – The Government supports the development of an online application process that provides 24-hour access.

icare has updated its website and application forms to inform Dust Diseases scheme applicants that they can submit applications via email or facsimile 24 hours a day, seven days per week. A new Customer Liaison team has been established to assist claimants in completing applications to access benefits payable under the Dust Diseases scheme.

An online application process to facilitate 24 hour lodgement and receipt of applications for the Dust Diseases scheme is currently in development and will be available to the public within the 2017/18 financial year.

***Recommendation 5 - That the NSW Government consider establishing a statutory internal appeals panel to provide an affordable and independent avenue to review decisions about the Dust Diseases scheme eligibility.***

**Supported in principle** – The Government recognises that the current appeal process set out under section 81 of the *Workers' Compensation (Dust Diseases) Act 1942* requiring matters to be heard in District Court of NSW can be a costly and lengthy process, and may deter some individuals from initiating the appeal process. The Government will explore the options concerning the establishment of a statutory appeals panel.

It should be noted that the establishment of statutory internal appeals panel will require a legislative amendment and is ultimately a matter for the Parliament.