

**STANDING COMMITTEE ON LAW AND JUSTICE
2019 REVIEW OF THE DUST DISEASES SCHEME**

**STATE INSURANCE REGULATORY AUTHORITY (SIRA)
PRE-HEARING QUESTIONS**

Question 1:

The committee notes that the NSW Government's response to its recommendations was provided on 5 July 2019. Could you please provide any further update in terms of progress against these recommendations?

Answer:

On 26 February 2019, the Committee published its Final Report on the 2018 (second) review of the Dust Diseases Scheme. The report included eight recommendations proposing individual actions for the Government, SIRA, icare and SafeWork NSW.

The Government response to the Committee's recommendations, tabled on 8 July 2019, noted its support, or support in principle, for all eight recommendations.

Recommendation 6 (updating the list of dust diseases) was directed to SIRA to progress. An update on SIRA's progress on this recommendation is provided in the answer to question 5 below.

While not specifically directed to SIRA in the Committee's report, SIRA is working in collaboration with other agencies on recommendations 4 (Dust diseases register) and 7 (Funeral expenses). Updates on progress on these recommendations are provided in the answers to questions 2, 4 and 6 below.

Updates on recommendations 1, 5 and 8 are best provided by icare and on recommendation 3 by SafeWork NSW.

Question 2:

Could SIRA provide the committee with an update on the establishment and activities of the National Dust Diseases Taskforce.

Answer:

On 30 April 2019, the Federal Minister for Health announced the Federal Government's decision to fund the establishment of a 'National Dust Diseases Taskforce' to develop a national approach for the prevention, early identification, control and management of dust diseases in Australia.

The Australian Government has indicated it will provide \$5 million to support the taskforce and related measures. These include establishing a National Dust Disease Register, and new research to support understanding, prevention and treatment of preventable occupational lung diseases.

On 26 July 2019, the Taskforce Chair, the Commonwealth Chief Medical Officer Professor Brendan Murphy, announced the establishment of the National Dust Disease Taskforce (the Taskforce) and released its Terms of Reference and the list of Members.

The members of the National Dust Disease Taskforce are:

- Professor Brendan Murphy (Chair)
- Ms Sophie Dwyer (Deputy Chair)
- Ms Clare Amies
- Ms Michelle Baxter
- Professor Fraser Brims
- Dr Graeme Edwards
- Dr Ryan Hoy
- Professor Christine Jenkins

Following its initial meeting on 1 August 2019, the Taskforce issued its first communique which:

- confirmed the Taskforce will need to prioritise the issues related to prevention, education and management of the relevant dust diseases;
- confirmed the importance of recognising the roles and responsibilities of the states and territories, particularly with respect to workplace health and safety;
- acknowledged the various efforts to collaborate between jurisdictions and confirmed the Taskforce intends working with the relevant agencies to optimise consistency by building on the current work underway;
- reported that the Taskforce discussed practical actions that the Taskforce can explore that would further mitigate respirable silica dust exposure, and considered undertaking a research priority setting process to help identify areas for potential investment;
- confirmed the Taskforce is committed to examining the scope and nature of the National Dust Disease Register.

The Taskforce also acknowledged the importance of early and effective engagement with the broad range of individuals, in particular affected workers and their family members, and organisations affected by or with an interest in occupational dust disease.

The Taskforce has noted the need to provide early advice to the Commonwealth Minister for Health in early 2020 and a final report by the end of 2020 to Australian Health Ministers

The Communique noted the Taskforce's next steps include:

- commencing preparations for broad engagement with key stakeholders and continuing cross-jurisdictional consultation
- considering the options for a scoping and design necessary to establish a National Dust Diseases Register.

The Taskforce was scheduled to meet again on 12 September 2019 in Melbourne and SIRA is monitoring for availability of an updated communique.

SIRA has engaged with representatives from the Commonwealth Office of Health Protection and will continue to monitor the activities of the Taskforce.

Question 3:

Could SIRA provide the committee with an update on measures to establish National Dust Disease Register and the mandatory reporting of dust diseases.

Answer:

As outlined above the National Dust Diseases Taskforce will examine the scope and nature of the National Dust Disease Register as part of their work.

In addition, SIRA has continued to work with key stakeholders and support concurrent work that is underway at state and national level, including meeting with the Commonwealth Office of Health Protection. SIRA is participating in work that is progressing many complementary strategies including research, education, evidence, prevention and claims management. For example:

- Occupational lung disease is a priority condition under Safe Work Australia's (SWA) 2012-2022 strategy. SWA is investigating existing data sources to estimate the incidence and industry profile of occupational lung diseases and collecting and analysing data provided by the jurisdictions to inform future national policy work.

- The Heads of Workers Compensation Authorities (HWCA) is progressing a national strategy (from prevention to claims management) to address silicosis. This will complement the work of Safe Work Australia. SIRA is a member of the recently established HWCA Silica Working Group.

SIRA also notes that the Lung Foundation Australia launched its National Strategic Action Plan for Lung Conditions in February 2019. The plan includes facilitating establishment of a national register and a process for mandatory notification of occupational lung diseases.

Question 4:

Could SIRA provide the committee with an update on any further measures to establish a national dust disease data collection system.

Answer:

It is anticipated the National Dust Diseases Taskforce will provide advice on a national dust diseases data collection system as part of its work on the establishment of a national dust diseases register, as outlined in item 4 of the Taskforce's Terms of Reference:

4. Options for sustainable approaches for the future prevention, detection and management of occupational dust diseases, including the consideration of the establishment of a National Dust Disease register, including its scope and outcomes to be achieved.

Data is a key component of Safe Work Australia's occupational lung diseases work plan which has commenced collecting and analysing data to inform a national policy approach. It is currently investigating data sources and the type of information collected, recorded and held by jurisdictions.

Question 5:

Could SIRA provide the committee with an update on further measures taken to update the list of dust diseases contained in Schedule 1 of the *Workers' Compensation (Dust Diseases) Act 1942* and commissioning of an independent actuarial study to consider the implications of making any amendments. *(This includes research into the medical aspects).*

Answer:

SIRA and icare continue to meet regularly to progress action against this recommendation.

SIRA met with the Chief Executive of the Thoracic Society of Australia and New Zealand (TSANZ) in August 2019 who advised that a member of the TSANZ Occupational and Environmental Lung Diseases Group could provide expert advice and ongoing liaison regarding this recommendation. A representative from TSANZ has agreed to work with SIRA to progress the commissioning of the necessary research and actuarial studies.

Question 6:

Could you provide the committee with details of the progress that SIRA and icare are together making on the payment of reasonable funeral expenses in the Workers' Compensation (Dust Diseases) Scheme.

Answer:

SIRA and icare have met to progress action against this recommendation. The proposed increase to reasonable funeral expenses in the Workers' Compensation (Dust Diseases) Scheme from \$9,000 to \$15,000 requires a change to legislation, the timing of which is yet to be confirmed.

Question 7:

Are you aware of whether there is a system of notification of diagnosis which is shared with the regulator? Is there a follow-on mechanism leading to an audit of the workplace of the diagnosed worker?

Answer:

SIRA suggests the Committee refer this question to SafeWork NSW and icare.

SIRA understands that the Work Health and Safety legislation sets out the requirements regarding notification of health monitoring reports by the person conducting a business or undertaking (employer).

Question 8:

Are you aware of the low silicosis detection rate in NSW? Why are the detection rates in NSW lower than in other jurisdictions and lower than expected? Are there administrative barriers to access detection measures?

Answer:

SIRA suggests the Committee refer this question to icare and the Ministry of Health for a detailed response.

For work-related dust diseases, SIRA is aware that the Dust Diseases Authority (icare) has offered a subsidised lung screening program since 1999. The detection rates for this service for work related dust diseases can be provided by icare. However, workers can also use their own medical practitioner for screening unrelated to the icare lung screening program. Under Work Health and Safety legislation it is the duty of the employer to report any adverse health findings in relation to workplace injury or illness to SafeWork NSW.

For both work-related and non-work-related diseases the NSW Ministry of Health may be able to provide additional information.

SIRA understands there is limited availability of comparable data on the rates of detection across jurisdictions as jurisdictions have their own regulatory frameworks and compensation schemes. Safe Work Australia's investigation of data sources and the information collected and held in all jurisdictions will assist in providing a fuller picture.

Question 9:

What measures are in place to assist vulnerable people to make a claim and access compensation, in particular workers with low or no English literacy.

Answer:

icare has responsibility for all claims and compensation processes for claims under the *Workers Compensation (Dust Diseases) Act 1942*.

SIRA understands that icare provides a range of services for vulnerable workers which include:

- Workers can contact icare to request the assistance of an icare client liaison officer in completing their application over the phone.
- Workers can authorise a family member, carer or other person to make an application on their behalf using the Dust Diseases Care online portal or by downloading an application from the icare website
- Workers with limited mobility can request that an icare industrial history officer visit them at home to assist in making an application and collecting documents necessary to support an application.
- Workers can access interpreting and translation services available for customers with low or no English literacy.

icare has advised SIRA, that since December 2016, it has also provided Home Lung Function testing to workers who are unable to leave their home and travel to medical screening appointments due to their ill health, age or immobility.

Question 10:

Is counselling available for people diagnosed with silicosis and their family members.

Answer:

icare has responsibility for all claims and support services provided by the dust diseases scheme.

Workers who are entitled to benefits under the Dust Diseases Scheme are entitled to be reimbursed for costs associated with attending counselling and other psychological supports. The *Workers' Compensation (Dust Diseases) Act 1942* does not contain any provisions to allow the Scheme to extend this level of support to family members.