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Date: 20 / 08 / 2020

Resolved to publish Yes / No

## Dust diseases: Update on SIRA programs of work (August 2020)

### SIRA's role in the workers compensation dust diseases scheme

SIRA's regulatory role in relation to Workers Compensation Dust Diseases as defined in the *Workers Compensation (Dust Diseases) Act 1942* is to determine the contributions to be paid by insurers to the Workers Compensation (Dust Diseases) Fund (Fund). The Dust Diseases Authority (DDA) administers the Fund and is not subject to independent regulation of claims, conduct or prudential functions, though the NSW Treasurer is the responsible Minister according to the allocation of Acts.

### Progress on recommendations from the 2018 review of the dust diseases scheme

Recommendation	Comments	Status
<p><b>Recommendation 6:</b> That SIRA liaise with key stakeholders, including the Thoracic Society of Australia and New Zealand, regarding updating of the list of dust diseases contained in Schedule 1 of the <i>Workers' Compensation (Dust Diseases) Act 1942</i> and commission an independent actuarial study to consider the implications of making any amendments.</p>	<p>SIRA is collaborating with Dust Diseases Care (icare) and has consulted with the Thoracic Society of Australia and New Zealand (TSANZ) to progress action on reviewing the dust diseases schedule.</p> <p>In December 2019, TSANZ provided SIRA with a list of nominated diseases for possible inclusion in the dust diseases schedule.</p> <p>In February 2020, SIRA commissioned Professor Tim Driscoll to conduct an evidence review of the diseases nominated by TSANZ for potential inclusion in the dust diseases schedule.</p> <p>Professor Driscoll has now submitted his draft evidence review report which recommends the following diseases be added to the dust diseases schedule:</p> <ul style="list-style-type: none"><li>all pneumoconioses under the group name "Pneumoconioses, including asbestosis, coal workers' pneumoconiosis and silicosis".</li><li>lung cancer due to silica exposure.</li><li>hypersensitivity pneumonitis, with 'Farmer's lung' included under this category, and specify that the condition has to be due to exposure to dust.</li><li>diffuse dust-related pulmonary fibrosis.</li></ul> <p><b>Next steps:</b></p> <ul style="list-style-type: none"><li>Following review by icare, Professor Driscoll will prepare the final report (August).</li><li>Provide the final report to TSANZ.</li><li>Commission an independent actuarial review (Taylor Fry).</li></ul>	In progress

Recommendation	Comments	Status
<p><b>Recommendation 7:</b> That the NSW Government make a regulation that the payment of reasonable funeral expenses in the Workers Compensation (Dust Diseases) Scheme be increased to not exceed \$15,000, in line with the Workers Compensation Scheme statutory maximum.</p>	<p>In December 2019, the <i>Workers Compensation Act 1987</i> and the <i>Workers' Compensation (Dust Diseases) Act 1942</i> were amended to increase the amount of funeral expenses compensation payable in respect of the death of a worker resulting from a dust disease from \$9,000 to \$15,000.</p> <p>The amendments apply to deaths occurring on or after 5 August 2015 (the date of introduction into the Legislative Assembly of the Bill for the 2015 amending Act).</p> <p>Information on the changes was issued in the 20 December 2019 edition of the <i>SIRA Workers Compensation Regulation Bulletin</i>.</p>	<p><b>Complete</b></p>

### Supporting national programs of work

SIRA is a member of the Heads of Workers' Compensation Authorities and Safe Work Australia's workers compensation strategic issues group and continues to actively support national strategies focussed on occupational lung diseases. These strategies include programs of work directed at research, education, evidence and prevention.

SIRA also continues to monitor the activities of the National Dust Diseases Taskforce and stands ready to support the actioning of the Taskforce's five early recommendations, including the staged development of a national dust disease registry, as outlined in the *Interim Advice* issued in December 2019.

### Next steps

SIRA will be commencing work on the assessment of the dust diseases levy contribution rates for the 2021/22 financial year in November 2020 to publish the contribution notice in about May 2021. The independent actuary, Taylor Fry, will provide actuarial advice for the assessment.

At this time Taylor Fry will also be commissioned to:

- undertake an actuarial study to assess the impact of including the dust diseases recommended in Professor Driscoll's evidence review report in Schedule 1 to the *Workers' Compensation (Dust Diseases) Act 1942*
- investigate and assess options concerning contributions and management of funds for future dust diseases claims, such as silicosis compensation claims, which was a recommendation from the 2019 review of the dust disease scheme