

**Submission
No 5**

FIRST REVIEW OF THE DUST DISEASES SCHEME

Organisation: Safe Work Australia

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Ms Sharon Ohnesorge
Director
Standing Committee on Law and Justice
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ms Ohnesorge

Safe Work Australia's response to the First Review into the Dust Diseases and Lifetime Care and Support schemes

Safe Work Australia welcomes the New South Wales Legislative Council's Standing Committee on Law and Justice First Review into the Dust Diseases and Lifetime Care and Support schemes.

Safe Work Australia leads the development of national policy to improve work health and safety and workers' compensation arrangements in Australia. Safe Work Australia is an inclusive, tripartite body comprising 15 members, including an independent Chair, nine members representing the Commonwealth and each State and Territory, two representing the interests of workers, two representing the interests of employers and the Chief Executive Officer of Safe Work Australia.

Safe Work Australia has led two projects regarding dust diseases and lifetime care and support schemes. The following information on these two projects may be of interest to the Standing Committee for the Review.

1. Deemed Diseases in Australia Report

Most Australian workers' compensation schemes, including the New South Wales scheme, include a list of diseases and associated exposures that are 'deemed' to be work-related for compensation purposes. These lists of deemed diseases are not up to date and are not structured to facilitate claims to be made.

In response, Safe Work Australia Members commissioned an expert in the field of epidemiology and occupational medicine to develop the *Deemed Diseases in Australia* report which provides a recommended up-to-date list of deemed diseases based on the latest scientific evidence and according to agreed criteria. The development of the report was overseen by a temporary advisory group which included representatives of Commonwealth, State and Territory workers' compensation authorities, employer groups, and unions.

The final report was provided to State and Territory Ministers with responsibility for workers' compensation seeking their in-principle agreement to consider the report in the event they choose to update their deemed diseases list. To date, all States and Territories, except for Victoria have provided in-principle agreement and support for using the *Deemed Diseases in Australia* report when reviewing their deemed disease provisions.

The report was completed in 2015 and is published on the Safe Work Australia website at <http://www.safeworkaustralia.gov.au/sites/swa/workers-compensation/deemed-diseases/pages/deemed-diseases>.

2. *The National Injury Insurance Scheme (NIIS)*

The National Injury Insurance Scheme (NIIS) aims to provide lifetime care and support to people who suffer a catastrophic injury from a motor vehicle accident, workplace accident, medical treatment injury or general accident. The intention of the NIIS is to ensure that all individuals who are catastrophically injured in an accident will be entitled to lifetime care and support regardless of whether or not they are able to prove that another party was at fault for their injuries.

Clause 114 of the Council of Australian Governments Intergovernmental Agreement on the National Disability Insurance Scheme (NDIS) Launch requires all jurisdictions endeavour to agree to minimum benchmarks to provide no-fault lifetime care and support for people who are catastrophically injured through workplace incidents.

In 2013, the Safe Work Australia Strategic Issues Group for Workers' Compensation established a temporary advisory group to undertake technical work that was provided to the NIIS Senior Officials group in early 2014, and assisted this group in developing options for minimum benchmarks for consideration by the Standing Council on Federal Financial Relations.

Information on the minimum benchmarks can be found at <http://www.treasury.gov.au/Policy-Topics/PeopleAndSociety/National-Injury-Insurance-Scheme>. NSW meet the minimum benchmarks to provide no-fault lifetime care and support for people who are catastrophically injured through workplace accidents.

For further information regarding Safe Work Australia's work in this area, please contact

Yours sincerely

Michelle Baxter
Chief Executive Officer
Safe Work Australia

21 April 2017