



2021 Review of Dust Diseases Public Hearing – 16 February 2021

ANSWER TO QUESTIONS ON NOTICE TO MS JOANNE WADE, REPRESENTATIVE OF THE AUSTRALIAN LAWYERS ALLIANCE, ASBESTOS/DUST DISEASES PRACTICE GROUP LEADER, SLATER & GORDON LAWYERS

Question – Mr David Shoebridge

On notice, will you have a look at the proposed recommendation that Mr Walsh has just reference and see if there are examples around any other jurisdiction that we could pull off the shelf? I will ask Mr Walsh the same on notice.

Answer –

The answer to this is no. No other jurisdiction has developed a definition of dust disease to include secondary injuries attributable or caused by dust such as psychological injuries or auto-immune diseases. The other jurisdictions have similar definitions of dust-disease as New South Wales. However, there was a recent case in the Supreme Court of Queensland which grappled with this issue of a psychiatric illness where the primary injury was accelerated silicosis. I draw the committee's attention to the decision at *Coleman v Caesarstone Australia Pty Ltd & Ors* [2021] QSC 125.