

Submission
No 4

INQUIRY INTO 2024 REVIEW OF THE DUST DISEASES SCHEME

Organisation: State Insurance Regulatory Authority (SIRA)

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SIRA

2024 Review of Dust Diseases Scheme

Submission to the Standing Committee on Law and Justice
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The State Insurance Regulatory Authority (SIRA) is pleased to provide a submission to the *2024 Review of the Dust Diseases Scheme*.

1. Introduction

The New South Wales Dust Disease Scheme is critical in providing treatment and financial support to workers experiencing compensable dust-related disease, such as silicosis. With the prevalence of such conditions, particularly among younger workers in high-risk industries, it is vital to review and ensure that the scheme adequately meets the needs of workers. This includes maintaining their ability and opportunity to continue employment, and when this is difficult, providing comprehensive support for their health and financial well-being.

The specific focus areas of the Review fall outside SIRA's remit in relation to its role in the Dust Diseases Scheme. SIRA plays a relatively limited role in the Scheme as defined in the *Workers' Compensation (Dust Diseases) Act 1942* and SIRA's submission focuses on this role. Noting this, SIRA is open to working collaboratively to support any opportunities to improve outcomes for workers impacted by the Scheme.

2. The State Insurance Regulatory Authority's role in the Dust Disease Scheme

2.1. Dust Disease Scheme levy

SIRA's role in the Dust Disease Scheme is limited to those functions set out in the *Workers Compensation (Dust Diseases) Act 1942*. These functions primarily relate to SIRA's role around the Dust Disease Scheme levy.

Each year, the Dust Disease Authority provides SIRA with an estimate of expenditure for scheme funding requirements. SIRA then determines:

- The insurers or classes of insurers by whom contributions be paid
- Contribution amounts and payment times.

Subsequently, SIRA publishes a notice setting out the contribution methodology and payment arrangements.

SIRA's external actuary provides advice during this assessment process. SIRA recently completed this function for the 2024-25 financial year, approving an insurer contribution of \$75 million.

2.2. Draft best practice workers compensation principles

Throughout 2023, SIRA chaired the Heads of Workers Compensation Authority (HWCA) Group. Return to Work South Australia (RTWSA) is now the chair of HWCA and SIRA participates as a member.

In response to a request from Work Health and Safety Ministers, a HWCA Working Group has developed draft best practice workers compensation principles for workers with silicosis and related diseases. The principles will contribute towards more consistent, fit-for-purpose, tailored and improved workers compensation schemes to better support workers and their families, regardless of the jurisdiction they are claiming in. The principles are intended to operate alongside supports and services available outside the various workers compensation schemes.

In October 2024, HWCA is meeting to consider these draft principles. In November 2024, a HWCA representative is attending the Safe Work Australia Strategic Issues Group – Workers Compensation meeting to share details about these draft principles.

2.3. SIRA funded support programs

SIRA, as the NSW workers compensation scheme regulator, provides vocational program funding as:

- Incentives to support new employment of workers with injuries.
- Funding training and modifications.
- Promoting work experience with a host employer.
- Covering the cost of barriers to job seeking and returning to work.

In the 2023-24 financial year, SIRA provided \$5.3 million in funding for these programs. These programs cover the broader NSW Workers Compensation Scheme only. However, these programs may provide insights for future Dust Disease Scheme support programs.

3. Conclusion

As the NSW workforce continues to evolve, the NSW Dust Disease Scheme is faced with unique challenges in ensuring the needs of younger workers are met and in high-risk industries like tunnelling and quarrying.

Although SIRA's role in the Scheme is limited, SIRA is open to working collaboratively on any opportunities to improve outcomes for workers impacted by the Scheme. SIRA would be pleased to provide further information about its limited role in the Dust Disease Scheme and any insights of interest from the other NSW personal injury schemes it regulates.

Disclaimer

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident compulsory third party (CTP) insurance and home building compensation in NSW. This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals, or as a substitute for legal advice.

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