

**Submission  
No 17**

## **INQUIRY INTO 2024 REVIEW OF THE DUST DISEASES SCHEME**

**Organisation:** PSA (Public Service Association of NSW)

**Date Received:** 5 November 2024

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Hon Greg Donnelly MLC  
Chair, Standing Committee on Law and Justice  
Parliament House  
Macquarie St  
Sydney  
NSW 2000.

31 October 2024.

Dear Mr Donnelly,

**2024 Review of the Dust Diseases scheme.**

Thank you for the opportunity to submit to this Inquiry.

The Public Service Association (PSA) represents state public servants from across all government Clusters, Departments and State-Owned Corporations, inclusive of the tertiary education sector within NSW. In total we represent over 40,000 members across New South Wales including staff in the Dust Diseases Board and Icare. We also represent workers in the broader workforce who may be unfortunate enough to have a covered Dust Disease and who rely upon the NSW Dust Diseases Scheme to provide them with crucial support after being diagnosed with a Dust Disease as specified under the Act.

The 2015 Amendments created a problem where none previously existed for the Dust Diseases scheme. The Board was a tripartite body of the industry, for the industry. The Scheme, unlike the Nominal Insurer at the time, was solvent with capital well over the prospective liabilities. This was in no small part a direct result of the diligent work of trade unions campaigning on behalf of workers impacted by a Dust Disease, ensuring companies paid their relevant liabilities.

After the new Dust Diseases Board was established in 2015, there were questions from Union Board members about the commitment made by the Minister to ensure the adequate monitoring of the financial health of the Dust Diseases scheme at the Dust Diseases Board. Despite this commitment, the monitoring was far less diligent than it ought to have been.

Previously, the Board had a significant role in adjusting underwriting arrangements, as well as keeping abreast of claim trends and treatment practices. Almost all of this has ceased, and the focus of the Board on the bigger picture and future trends has been removed.

We are also concerned about the staffing arrangements of the Dust Diseases Board. A number of the leadership team transitioned through the area from the Icare Agency without having particularly expertise, or at times a professional interest, in the discreet area of Dust Diseases. We note that previously the organisational leadership had a long term involvement with the subject area.

This has not led to good outcomes. The evidence of this can be seen by the somewhat belated actions of both regulators and compensation agencies in dealing with:

- the demands of the redevelopment of silicosis as a major claim category and cause of illness and death for a number of people; and
- the lack of regulation of industry, nor the appropriate levies being applied to the manufacturers and suppliers of disease-causing products.

We have grave concerns that the role and remit of the Icare Board is far too broad and complex. It does not have the expertise to deal with the specialised undertakings of the Dust Diseases Board.

### **Recommendation**

The Public Service Association of NSW recommends that the previous roles and responsibilities of the pre 2015 Dust Diseases Board are re-established and moved from the responsibilities of the Icare Board.

Please do not hesitate to contact Mr Dylan Smith, Manager Industrial Support, on 0499 799 054 should you wish to follow up on this submission.

Kind regards

Stewart Little  
General Secretary.