

Question on Notice

No. 1516

Asked on Tuesday 28 October 2008

MR PURCELL ASKED THE MINISTER FOR TRANSPORT, TRADE, EMPLOYMENT AND INDUSTRIAL RELATIONS (MR MICKEL)—

QUESTION:

With reference to the Queensland Asbestos Related Disease Support Society—

What assistance has the State Government provided to Queensland asbestos related disease sufferers and their families?

ANSWER:

I am advised that Queensland's workers' compensation arrangements for victims of asbestos related diseases are the most generous in Australia, with maximum lump sum payments of up to \$477,890 to compensate these workers and provide for future needs.

In addition, amendments passed by Parliament on 13 November 2008 will benefit families of workers suffering work-related latent onset diseases. Where a sufferer dies before claiming their full lump sum entitlement, dependent family members currently receive full death benefits. However, this is not the case for dependants of sufferers who have been paid their full lump sum entitlement.

This can cause financial hardship for the surviving spouse when it comes to paying funeral expenses, or simply moving on with life after caring for a sick partner for many years.

An amendment to the *Workers' Compensation and Rehabilitation Act 2003* was made to allow new entitlements for dependants in cases where a deceased worker had already received a payment of lump sum compensation or damages for a latent onset injury. The entitlements are:

- a one-off lump sum of approximately \$63,920; and
- reasonable funeral expenses of approximately \$8,526.

A worker with pleural plaques or an asbestos related disease may be entitled to a range of services and payments under Queensland's workers' compensation scheme. WorkCover aims to manage these claims as quickly as possible recognising the impact this insidious disease can have on the worker and their family.

Pleural plaques

Pleural plaques are an indicator of asbestos exposure occurring over a period of time. If a worker has had sufficient exposure to get plaques then they have most likely had enough exposure to put them at risk of developing asbestosis, mesothelioma or lung cancer.

In the case of an accepted claim for pleural plaques, WorkCover will pay:

- reasonable medical expenses being periodic review with general practitioner specialist and CT scan. Only severe cases of plural plaques require any actual

treatment and this is likely to be oxygen and medication. Cases requiring treatment are fairly rare.

- periodic reviews and scans to allow the worker to monitor their health and allow early detection of any further asbestos related diseases such as asbestosis, mesothelioma or lung cancer.
- permanent impairments are assessed upon request. Lump sums are offered if any permanent impairment sustained.

Asbestosis

In the case of an accepted claim for asbestosis, WorkCover will pay:

- reasonable medical expenses. Early stages of asbestosis usually only requires periodic review with doctor and scans. As the asbestosis condition develops the need for actual treatment occurs.
- weekly compensation if the worker is still of working age and unable to work.
- permanent impairments are assessed and lump sums offered on request. If the worker waits until condition is more severe they will also be entitled to additional and gratuitous care lump sums as well as the permanent impairment lump sum.
- In some cases, this condition can be diagnosed as terminal entitling them to the latent onset terminal lump sums.
- as asbestosis can contribute to the workers' death, the family would be entitled to reasonable funeral expenses and may be entitled to a fatal lump sum, but only if the worker had not received a latent onset terminal lump sum or damages for the injury.
- Under the changes commencing on 28 October 2008, these families may now be entitled to a lump sum of up to \$72,446 despite an earlier payment having been made.

'Non-terminal' cancer

In the case of an accepted claim for non terminal cancer, WorkCover will pay:

- reasonable medical expenses and weekly compensation if the worker is still of working age and unable to work.
- permanent impairments are assessed and lump sums offered on request. However, specialist advice is that no assessment be done until at least 12 months in remission as most recurrences are identified in this period.
- in some cases this disease's prognosis can change to terminal entitling the worker to a latent onset terminal lump sum payment.
- as this disease can contribute to the workers' death, the family would be entitled to reasonable funeral expenses and may be entitled to a fatal lump sum, but only if the worker had not received a latent onset terminal lump sum or damages for the injury.
- Under the changes commencing on 28 October 2008, these families may now be entitled to a lump sum of up to \$72,446 despite an earlier payment having been made.

'Terminal' mesothelioma / cancer

In the case of an accepted claim for mesothelioma/cancer, WorkCover will pay:

- weekly compensation and reasonable medical expenses.
- latent onset terminal condition lump sums. These are for permanent impairment, additional lump sum and gratuitous care.
- as this disease can contribute to the workers' death, the family would be entitled to reasonable funeral expenses and may be entitled to a fatal lump sum, but only if the worker had not received a latent onset terminal lump sum or damages for the injury.
- Under the changes commencing on 28 October 2008, these families may now be entitled to a lump sum of up to \$72,446 despite an earlier payment having been made.

Current lump sums:

Latent onset terminal condition lump sums under s.128 of *Workers' Compensation and Rehabilitation Act 2003* are:

- permanent impairment lump sum \$227,565
- gratuitous care amount \$22,760
- additional lump sum \$227,565 for <70 years. From age 70 the lump sum reduces by 10 percent each year of age. From age 80 onwards there is no additional lump sum entitlement.

Other relevant current maximums:

- 100% permanent impairment = \$227,565
- 100% additional lump sum = \$227,565 (for non-terminal injuries)
- Maximum fatal lump sum for wholly dependent person = \$426,260
- 100% gratuitous care = \$257,785