

1. Executive Summary

It is the purpose of this submission to call attention to the widespread effects and injustices caused by the negligent practices of corporations such as Pink Batt Insulation (The Dimet Group) in relation to employees' exposure to toxic dust and other airborne particles. It is the intention of this submission to further bring awareness to the impact that this exposure and consequential health problems has had on the families of employees. For the reasons outlined below then, we recommend that the Senate support the enforcement of national uniform legislation and the establishment of a national dust diseases body to minimise the risks for future generations and their families as well as establishing a cost effective and accessible alternative model of financial support and compensation. We also advise that the worlds-best practices and technology be realised, executed and enforced at a national level as a result of this Senate inquiry. We ask for these recommendations in the hope that families will be, at least to some degree, alleviated from the distress caused as a consequence of negligent work practices and to prevent health risks for future generations.

2. Submission Against Terms of Reference

a. the health impacts of workplace exposure to toxic dust including exposure to silica in sandblasting and other occupations;

We ask the Senate Committee to recommend that the worlds best practices, in relation to workplace exposure to toxic dust and other airborne particles, be put into practice nationally by corporations, to prevent toxic dust related diseases such as silicosis, respiratory diseases and cancer affecting future generations and their families.

b. the adequacy and timeliness of regulation governing workplace exposure, safety precautions and the effectiveness of techniques used to assess airborne dust concentrations and toxicity;

We ask the Senate to recommend the enforcement of uniform legislation across Australia, and allocated resources to monitor and regulate the level of workplace exposure to toxic dust and other airborne particles, safety precautions and effectiveness of techniques to the worlds best practice standards, minimising the risks of toxic dust diseases for employees and their families.

c. the extent to which employers and employees are informed of the risk of workplace dust inhalation;

We ask the Senate to recommend that extensive training and education be provided to the employees exposed to toxic dust and other airborne particles in the course of their employment. We further ask that the training and education be enforced and sanctions implemented for corporations that do not comply with the level of training and education required for employees to be 'safely' exposed to toxic dust and other airborne particles.

- d. the availability of accurate diagnoses and medical services for those affected and the financial and social burden of such conditions;*

We ask that the Senate recognise the close connection that has been established by medical experts in relation to toxic dust exposure and silicosis, as well as other toxic dust diseases. Furthermore, the lack of services operating in the ACT results in a costly and timely effort for receiving treatment. Therefore, we ask that greater access to specialised services be established for the treatment of toxic dust related diseases. Ultimately, the social burden of living with a family member suffering from a toxic dust related disease is enormous. The risk of other people coughing, exposure to dead skin cells and the like could have grave consequences. We urge the Senate to therefore, take the seriousness of toxic dust diseases into account when assessing the needs for medical services and compensation for employees and their families that may alleviate both the social and financial the burden of such conditions.

- e. the availability of accurate records on the nature and extent of illness, disability and death, diagnosis, morbidity and treatment;*

We ask that the Senate recognise the importance of sharing information related to toxic dust exposure and related diseases, establishing then, advance, up-to-date treatments for future suffers of toxic dust related diseases.

- f. access to compensation, limitations in seeking legal redress and alternative models of financial support for affected individuals and their families; and*

We ask that the Senate Committee recommend a national model for financial support and legal redress, similar to the NSW Dust Diseases Board, to include access to applicable compensation and income replacement payments. We see this as a necessary outcome for the individuals and their families.

- g. the potential of emerging technologies, including nanoparticles, to result in workplace related harm.*

We ask that the Senate Committee ensure that emerging technologies and studies are recognised and implemented by corporations to prevent future generations and their families suffering from toxic dust related diseases.

3. Introduction

The implications of living with a father that suffers from a toxic dust related disease have created an onerous burden emotionally, psychologically and financially. These burdens have had an overwhelming impact on us as children and young adults. Our family has unsuccessfully attempted to seek legal redress against the negligent practices of Pink Batts Insulation (The Dimet Group) and their insurers, Commercial Union (CGU), adding to immeasurable emotional and financial burdens we have faced. We believe that the enforcement of national legislation and the allocation of

more resources to stringently implement these regulations will reduce future exposure to toxic dust related diseases. We further believe that families who have been affected by negligent practices should be compensated to remedy the injustices caused by corporations such as Pink Batts Insulation (The Dimet Group) and their insurers, Commercial Union (CGU). We have therefore outlined the burdens faced as children and young men and ask the Senate to appreciate the magnitude and importance that the results of this Senate inquiry will have, both on our family and the families of others suffering from toxic dust related diseases.

4. Implication for the Nathan and Daniel of Living with Silicosis

Our father was diagnosed with a respiratory lung disease when we were aged 7 and 9. The implications then, of living with a father suffering from silicosis has dramatically affected our father/son relationship as well as our freedom to be young. As young boys we were unable to run around and kick the football with our father due to his limited ability to be active, a past time that we know many other boys cherish. Furthermore, if we were ever sick, our father was unable to care for us for fear that he would then become infected, a potentially life-threatening situation. This has had further social implications. Firstly, we were always wary about who we brought home and their health. Secondly, we were only able to go out with our father to public places very early in the morning or late at night to prevent exposure to particles such as dead skin cells. These restrictions and boundaries, imposed by his illness, have meant that we have been denied the right to a normal father/son relationship. We therefore ask the Senate Committee to appreciate and recognise the gravity of silicosis and the need for up-to-date training and education for employees, as well as bringing attention to the enormous social and emotional burdens that toxic dust related diseases has on sufferers and their families.

In addition to the denial of a father/son relation, we have had to watch our father endure countless hospital visits. To date, our father has had 28 hospitalisations since 1992. The experience of watching our father go predominantly interstate for treatment, coupled with the worry, suspense and uncertainty of not knowing the fate or success of the operations, has had an immense psychological impact on us. The hopeless feeling of being unable to support him during these long distance operations and consequential treatment following the operations, has further added to the psychological burden of living with silicosis. It is for this reason that greater accessibility to medical treatment should be made available, to alleviate some of the burdens associated with living with silicosis. Furthermore, we ask that the Senate Committee recommend the sharing of information, both nationally and internationally, so as to ensure that the worlds best practices, studies and treatment are made available for doctors and suffers of toxic dust related diseases and their families.

In addition to the emotional implications, we have had to provide a significant proportion of the families financial and medical needs. This has meant that we have had to sacrifice many things that young men are suppose to experience in order to meet these costs. Some of the costs have included significant contributions to the

house maintenance and repairs, household and medical bills, personal and car insurance and general cost incurred with supporting a family.

The substantial financial and emotional burden has further had an effect on both our schooling and social lives due to the onerous demands associated with supporting a family at such a young age. Consequently, over the years we have had to forgo many experiences in order to collect and receive items necessary to run a household and the vast medical needs. The future risks and burdens for employees and their families involved in sandblasting and other abrasive blasting operations continues, specifically in Queensland. An investigation conducted in 2000 produced a report by the Queensland governments division of Workplace Health and Safety. This report indicated that while an *Abrasive Blasting Industry Code of Practice* was enforce at the time of the investigation, compliance with this code by corporations was extremely poor. We therefore ask the Senate Committee to recognise the need for an alternative model of financial support for employees and their families as well as the enforcement of uniform legislation that may assist in minimising both the risks and the injustices caused to employees and their families though negligent workplace practices. If necessary, we ask that the Senate recommend greater allocation of resources and funding to enforce and inspect compliance with uniform legislation to prevent future generations experiencing the burdens associated with toxic dust related diseases.

The financial burdens associated with living with silicosis will continue its presence after our fathers death. Evidence of this is the debts my father has incurred in his fight to seek legal redress against Pink Batt Insulation (The Dimet Group) and their insurers, Commercial Union (CGU). These debts and financial costs have resulted in us forfeiting our inheritance, which would have included Prime Real Estate as one example. It is not so much the lack of inheritance that is upsetting to us, but the injustices of the circumstances associated with this forfeiture. It is for this reason that we ask the Senate Committee to recommend the establishment of a national dust diseases board, similar to the NSW Dust Diseases Board, to ensure that legal redress is available nation-wide, including an income replacement scheme, in a cost effective and timely manner so as to avoid the fate that we incur as the family affected by toxic dust related diseases.

5. Conclusion

As we have indicated, toxic dust related diseases have a huge impact emotionally, psychologically and financially on both families and employees. We urge the Senate to recognise the magnitude of effects that negligent workplace health and safety practices have on employees and the lasting effects that it also has on a family. We therefore recommend that the Senate Committee support the need for national legislation, effective through compliance and enforcement by a regulatory body or inspectors. Furthermore, we ask that the Senate Committee support the need for an alternative model of financial support and an avenue of legal redress, such as a national dust diseases board. Finally, we ask that the Senate Committee recognise the importance of the implementation of world-best-practice standards and the sharing of information in order to minimise the risk of exposure to future employees. We hope that the Senate Committee recognises the injustices our family has been exposed too

and the fight that we have taken on, and alleviates these associated burdens for other families and future generations.