



Minister for Education
Minister for Industrial Relations and
Minister for Racing

21 JUL 2022

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Dear Mr Laurie

Thank you for your letter dated 1 July 2022 regarding Petition No. 3752-22, which calls for the establishment of a Black Lung and Silicosis Fund to fully finance workers' compensation claims for these diseases, funded by a levy per tonne of coal mined in Queensland.

Workers' compensation claims for work-related latent onset illnesses such as Coal Workers' Pneumoconiosis (CWP), also known as black lung; silicosis; mesothelioma; and other dust-related diseases, are already fully compensated and funded by workers' compensation insurers, including WorkCover Queensland (WorkCover) and licenced self-insured employers.

Since the re-emergence of CWP in Queensland, the Palaszczuk Government has worked tirelessly to tackle this insidious disease and support the workers affected by it. This work has resulted in Queensland's current workers' compensation arrangements for mine dust lung diseases, including:

1. Current entitlements and support in the workers' compensation scheme

Like all injured workers, individuals with mine dust lung disease are entitled to no-fault statutory entitlements including:

- income support;
- medical, surgical and hospital expenses (e.g. oxygen tanks, mobility devices);
- support services including counselling;
- necessary chest x-rays, scans and medical tests;
- travel expenses for tests, scans, counselling or rehabilitation appointments; and
- tailored return to work assistance that may include vocational assessment, host employment opportunities, training courses and formal job seeking training such as computer skills, resume assistance and networking skills.

Injured workers may also be eligible for a lump sum compensation if they are assessed as having a permanent impairment. This payment may be up to a maximum of \$1,131,810*, depending on the worker's level of impairment.

In 2017, Parliament passed amendments to the *Workers' Compensation and Rehabilitation Act 2003* to provide additional compensation and entitlements specifically for workers with pneumoconiosis disease, including:

- an additional lump sum payment of up to \$135,335* based on the severity of the pneumoconiosis and whether or not there is a permanent impairment;
- a top up of this pneumoconiosis lump sum if the condition further deteriorates; and

* 2022–23 indexed amounts

- free lung disease examinations for former and retired coal workers who ceased working in mining, loading, transporting or otherwise dealing with coal prior to 1 January 2017 and had six months of cumulative exposure to coal dust as a worker in Queensland.

Injured workers can also seek damages from negligent employers at common law to compensate for pain, suffering and loss of future earnings.

Workers with a dust disease injury that is a terminal condition are eligible for lump sum compensation of up to \$758,680*. In addition, the workers' dependants are eligible for lump sum compensation of up to \$101,505* and a further \$13,535* for funeral expenses. Death entitlements of up to \$694,805*, plus weekly compensation in respect of dependent children are also available (unless the worker had already received lump sum compensation for a terminal condition).

A worker may also be eligible for a caring allowance if the insurer is satisfied that the worker is dependent on day-to-day care for daily living activities. The care is to be provided to the worker in their own home on a voluntary basis by another person in relation to whom compensation is not payable.

2. Returning Workers with Mine Dust Lung Disease (MDLD) to the Workplace guidelines

In 2021, guidelines were published to provide a best practice and evidence-based framework for return to work, taking into account the individual circumstances of the worker's MDLD, including the severity of their disease and the best outcome that can be achieved. The guidelines are available at www.worksafe.qld.gov.au/__data/assets/pdf_file/0029/88913/mine-dust-lung-disease-guidelines.pdf.

The guidelines cover the process for carrying out a workplace occupational dust exposure assessment for a worker diagnosed with an MDLD; requirements for enhanced medical surveillance for a worker with an MDLD; return to work recommendations for a worker with an MDLD with regard to the severity of their disease; and psychosocial factors impacting on return to work. The guidelines received broad support from industry.

3. Mine Dust Health Support Services (MDHSS)

The MDHSS was established on 2 March 2020 as a joint initiative between the Office of Industrial Relations (OIR), Resources Safety and Health Queensland (RSHQ) and WorkCover to deliver a confidential and independent 'One Stop Shop' that assists workers in navigating the MDLD journey from health screening, counselling and other supports, making a claim for compensation, to post claim closure.

In its first year, the service assisted 266 clients, including current and former mine and quarry workers, their families and treating doctors, with contacts numbering 895 interactions across phone, email, post and face to face. An independent review of the MDHSS in 2021 found the service is overwhelmingly well received and supported by clients, stakeholders and staff, is meeting its intent and is providing quality support to current and former workers to navigate their mine dust health journey.

OIR, RSHQ and WorkCover regularly collaborate to increase the awareness of supports and entitlements available to current and former coal workers. Further information is available at www.rshq.qld.gov.au/miners-health-matters.

4. Workers' compensation premiums – an incentive for improved health and safety performance

A key objective of Queensland's workers' compensation scheme is to encourage improved health and safety performance by employers. This is operationalised through the relationship between performance and workers' compensation premiums and costs.

Coal industry employers, with the exception of self-insured employers, pay an annual premium to WorkCover that reflects their industry risk and actual claims experience. The 2022–23 WorkCover industry premium rate for Underground Coal Mining is 4.133% of wages. This reflects the industry's risk profile and is significantly higher than the average premium rate after discounts for other industries of 1.23%. Using claims experience to calculate premium is the most effective way to provide a strong incentive to maintain safe and healthy workplaces.

Self-insured employers bear 100% of claims costs, which also provides a strong incentive for improved health and safety.

Given the extensive nature and scope of the current workers' compensation arrangements for workers with mine dust lung disease as outlined above, it is not considered necessary to establish a specific fund for black lung and silicosis. Establishing such a fund would:

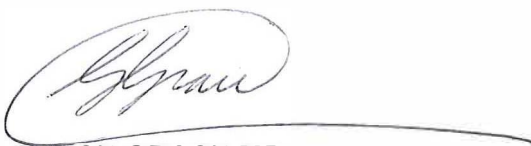
- duplicate existing workers' compensation arrangements; and
- remove the nexus between an employer's safety performance and workers' compensation premiums and costs under the workers' compensation scheme.

I also note the Petition proposes the levy be managed by a Board that includes persons with lived experience. You may be aware of the existing Consultative committee for work-related fatalities and serious incidents (the committee), which was established in 2017 to ensure there is an ongoing consultative forum for injured workers and families affected by a workplace death, illness or serious incident. The committee provides advice and recommendations to the Minister for Industrial Relations about the information and support needs of impacted individuals, as well as a forum where affected Queenslanders can connect and share information. More information is available at www.worksafe.qld.gov.au.

I would like to thank you and everyone who supported the Petition for bringing this matter to Government and continuing to ensure workers who are sadly affected by work-related injury or illness are supported by the Queensland workers' compensation scheme.

I trust this information is of assistance.

Yours sincerely



GRACE GRACE MP
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