

**PUBLIC HEARING – 14 October 2016**  
**QUESTIONS ON NOTICE**

**OFFICE OF INDUSTRIAL RELATIONS, QUEENSLAND TREASURY**

*The other thing that I briefly wanted to mention was that the department of mines and the office of industrial relations have now put in place an information-sharing arrangement. We can provide a copy of the MOU between the two agencies to the committee. Going forward, all claims for CWP to either WorkCover Queensland or a self-insurer will be notified to the Department of Natural Resources and Mines as a priority.*

1. The committee requests a copy of the MOU.<sup>1</sup>

**Answer:** A copy of the MOU is attached (**Attachment A**)

*Basically you are suggesting to the retired miners of Queensland that they go to their local GP and if they are on the age pension or something like that, that they then get referred to the hospital and health service closest to them and they then fill out the form.*

2. What happens then in relation to any waiting list? Do they jump the waiting list because they are a potential WorkCover claim, or what happens?<sup>2</sup>

**Answer:** Where WorkCover Queensland receives a workers' compensation medical certificate from a medical practitioner indicating a potential diagnosis of CWP, WorkCover will as part of their claims determination process arrange and fund further investigations including radiography and specialist opinions.

The Office of Industrial Relations is unable to advise on wait times for radiography or other public health services.

3. Can you tell us when that fact sheet was first published?<sup>3</sup>

**Answer:** The Fact Sheet was published on 11 July 2016. A copy is attached (**Attachment B**). An additional fact sheet will be published in the week commencing 31 October 2016 (**Attachment C**).

4. In the two cases we are discussing prior to 2015 the insurer in those relevant cases would have been obliged to advise those workers' employer that they had had a claim accepted for CWP?<sup>4</sup>

**Answer:** Yes, WorkCover's normal process is to discuss claims decisions with employers. In addition, the employer is required to provide an employer's report in relation to all claims prior to determination. However, if the employer was no longer in business then this notification would not occur. For example in the 2006 claim, the mine in question closed in 1987 and was not in existence at the time the claim was lodged in 2006.

**Additional requests for the department from the committee:**

---

<sup>1</sup> Public briefing transcript, Brisbane, 14 October 2016, pp 23

<sup>2</sup> Public briefing transcript, Brisbane, 14 October 2016, pp 25

<sup>3</sup> Public briefing transcript, Brisbane, 14 October 2016, pp 27

<sup>4</sup> Public briefing transcript, Brisbane, 14 October 2016, pp 29

Are you also able to provide to the committee the details of the particular self-insurers that insure coalmine workers?<sup>5</sup>

**Answer:** Glencore Queensland Limited and BHP Billiton Limited are the only self-insurers that insure coalmine workers.

What we can do, Chair, with your approval, is provide the number of claims in each year.<sup>6</sup>

What I am asking is will you go back and have a look at all claims for CWP that have been made in your area going back to 1980, say, because I have asked the mines department to go back to 1980? And to reassess them to see whether they do in fact have CWP.<sup>7</sup>

I think when you are going back through your process, if you would not mind having a look to see what changed in that period when people did not claim or had a claim accepted.<sup>8</sup>

#### **Response – Data mining:**

Data mining is underway to determine the number of CWP claims lodged in the Workers' Compensation Scheme prior to 2006. This task is impeded by a number of factors:

- Less claims information is stored electronically by insurers on older claims;
- Less descriptive coding on injuries and the circumstances regarding why claims were lodged, particularly in regard to the confirmed diagnosis;
- Large system changes under by WorkCover and the Workers' Compensation Regulator between 2002 and 2006 which result in old claims information left in legacy systems and not migrated; and
- Data input errors and spelling mistakes within the claims information.

The Office of Industrial Relations is working with insurers to resolve known issues regarding accessing old claims information. By using key word searches and phonetic logic, the list of potential claims has been narrowed that will need to be investigated by insurers. Claims that were selected for follow up with insurers are claims that:

- Were lodged in regard to a respiratory condition contracted within a mining environment; or
- Made any mention of pneumoconiosis, coal dust, black lung, lung disease, anthracosis, anthracosilicosis, or pulmonary massive fibrosis regardless of industry (to take into consideration errors regarding industry coding, or injured workers moving industries)

The Office of Industrial Relations will be in a position to advise the Committee of the anticipated timeline to complete this task within the next two weeks. The Office of Industrial Relations and WorkCover Queensland have committed additional resources to ensure this task is completed as quickly as possible.

#### **Additional Notes**

**Note: p25 of the Transcripts Mr McMillian asks:**

**Are you able to tell the committee the proportion of coalmine workers that are covered by WorkCover as opposed to self-insurers?**

---

<sup>5</sup> Public briefing transcript, Brisbane, 14 October 2016, pp 25

<sup>6</sup> Public briefing transcript, Brisbane, 14 October 2016, pp 28

<sup>7</sup> Public briefing transcript, Brisbane, 14 October 2016, pp 29

<sup>8</sup> Public briefing transcript, Brisbane, 14 October 2016, pp 31

**Answer:** WorkCover insures approximately 63% of coalmine workers with the remaining 37% of coalmine workers covered by the two self-insurers listed above.

**Memorandum of Understanding**

**for**

**the provision of personal information relating to coal mine dust lung  
diseases**

**between**

**State of Queensland, acting through Queensland Treasury  
(Office of Industrial Relations)**

**and**

**State of Queensland, acting through the Department of Natural  
Resources and Mines**

## **PART 1 INTRODUCTION**

### **1. Definitions**

**"Agencies"** means:

- (a) the department from time to time responsible for the administration of the *Workers' Compensation and Rehabilitation Act 2003 (Qld)*, currently Office of Industrial Relations, Queensland Treasury; and
- (b) the department from time to time responsible for the administration of the *Coal Mining Safety and Health Act 1999 (Qld)*, currently Department of Natural Resources and Mines.

**"Authorisation"** means the authorisation set out in Annexure 1 to this document.

**"CMDLD"** means Coal Mine Dust Lung Disease resulting from workplace exposure to various types of dust in the coal mining industry, including but not limited to coal workers' pneumoconiosis, silicosis and chronic obstructive pulmonary disease.

**"Database"** means the database established according to s 327(1)(j) of the *Workers' Compensation Act*, known as the Queensland Scheme Analysis Database.

**"Department"** means the department which at the relevant time holds responsibility for the administration of the *Coal Mining Safety and Health Act 1999 (Qld)*, as varied or replaced from time to time, which at the date of this authorisation is the Department of Natural Resources and Mines.

**"Department's Data"** means certain data:

- (a) collected by the Department in relation to instances, or suspected instances, of CMDLD including but not limited to data contained in records about health assessments and any other records given to the Department under s 50 of the *Coal Mining Safety and Health Regulation 2001 (Qld)*; and
- (b) that the relevant individual worker has consented to its disclosure or its disclosure is otherwise authorised by law.

**"Personal Information"** has the meaning provided in the *Information Privacy Act 2009 (Qld)*.

**"Regulator"** means the *Workers' Compensation Regulator* established under the *Workers' Compensation and Rehabilitation Act 2003 (Qld)*.

**"Scheme"** means the *Coal Mine Workers' Health Scheme* established under the *Coal Mining Safety and Health Regulation 2001 (Qld)*.

## **2. Purpose**

The purpose of this memorandum of understanding is to establish an arrangement between the Agencies for the provision of workplace incident and injury data relating to suspected or diagnosed instances of CMDLDs in Queensland.

Certain data collected by the Regulator in relation to instances, or suspected instances, of CMDLD are to be provided to the Department pursuant to the Authorisation.

The Department's Data is to be provided to the Regulator in accordance with this memorandum of understanding.

## **3. Commencement**

This memorandum of understanding commences on the date it is signed by both parties and, if different, whichever is the latest.

## **4. Scope**

### **4.1. Legislative Scope**

The relevant legislation that applies to this memorandum of understanding is:

- (a) *Workers' Compensation and Rehabilitation Act 2003 (Qld) ("Workers' Compensation Act")*;
- (b) *Coal Mining Safety and Health Act 1999 (Qld) ("Coal Mining Safety Act")* and
- (c) *Information Privacy Act 2009 (Qld) ("Privacy Act")*.

### **4.2. Scope of the information to be shared**

The data that is the subject of this memorandum of understanding will be limited to the data:

- (a) for the Regulator, contained in the Database for which the Office of Industrial Relations is the custodian, and to which the Authorisation applies; and
- (b) for the Department, the Department's Data.

## **5. How will this purpose be achieved?**

In accordance with the Authorisation, the Regulator, through the Office of Industrial Relations, will forward relevant data in relation to CMDLDs, which is held within the Database, to the Department. This is to occur:

- a) at least on a monthly basis, but as soon as practicable when a new claim is made and reported to the Regulator; and
- b) within seven days of a request, on a case-by-case basis, in relation to specific queries.

The Department will forward the Department's Data relevant to specific instances of CMDLD to the Regulator, through the Office of Industrial Relations, subject to paragraph 9. This is to occur:

- a) as soon as practicable after a new case of CMDLD is confirmed by the Department; and
- b) within seven days of a request, on a case-by-case basis, in relation to specific queries.

**6. What will be the benefits of achieving this purpose?**

The Department is responsible for administering the safety and health framework for coal mine workers under the *Coal Mining Safety Act*, which includes the Scheme.

By receiving data from the Regulator, the Department, in its responsibility to monitor the effectiveness and administration of the Scheme, will obtain a better understanding of the prevalence of CMDLD cases and deliver more accurate reporting. This will assist to inform any changes necessary to protect the health of workers including any necessary changes to the design and operation of the Scheme intended to deliver early detection of CMDLDs.

The Regulator is responsible for the regulation of the workers' compensation scheme under the Workers' Compensation Act, including the maintenance of a database for workers' compensation scheme-wide reporting. The objects of the workers' compensation scheme include encouraging improved health and safety performance by employers, providing for employers and injured workers to participate in effective return to work programs, and maintaining a balance between workers' compensation benefits and reasonable cost levels for employers.

By receiving data from the Department, the Regulator will be supported in maintaining the integrity of its data held in the Database. This will contribute to consistency of reporting and ensure that the Regulator is aware any changing trends in the type of injuries being sustained within the coal mining industry. This information will ensure that the scheme is making proper provisioning for future injury claims and establishing suitable injury management, rehabilitation and return to work interventions that support injured workers to return to work. This will contribute to the effective implementation of the workers' compensation scheme objectives.

**7. Which agencies are responsible for achieving this purpose?**

The purpose will be achieved by:

- (a) Workers' Compensation Regulator, acting through Queensland Treasury (Office of Industrial Relations); and
- (b) The Department of Natural Resources and Mines.



## **PART 2      PRIVACY**

### **8.      Application of Information Privacy Act**

This memorandum of understanding is subject to the *Privacy Act*. Disclosures made under the Authorisation are disclosures of Personal Information and are made under Information Privacy Principle 11(1)(d), as authorised by the *Workers' Compensation Act*.

The Agencies agree that any Personal Information which is disclosed or shared between the Agencies pursuant to this memorandum of understanding will be handled, used and disclosed in accordance with *Privacy Act*. Specifically, the Agencies will treat any Personal Information shared between the Agencies in a manner consistent with the Information Privacy Principles, set out in Schedule 3 of the *Privacy Act*.

### **9.      Authorised disclosure**

Under section 573(7)(c) of the *Workers' Compensation Act*, the Workers' Compensation Regulator may authorise the disclosure of information within the Regulator's knowledge, generally or in a particular case.

Pursuant to the Authorisation, the Workers' Compensation Regulator will authorise the disclosure of certain workers' compensation information and data relevant to CMDLDs to the Department of Natural Resources and Mines.

To avoid doubt, the Department will disclose the Department's Data relevant to specific instances of CMDLD, provided that the disclosure is made with the consent of the relevant individual worker or is otherwise authorised by law.

The Agencies will take reasonable steps to ensure they comply with all legal, policy and administrative requirements which apply to the disclosure and protection of Personal Information disclosed under the Authorisation and this memorandum of understanding.

### **10.     Disclosure**

When exchanging data which contains Personal Information, the Agencies acknowledge the confidentiality requirements of the Acts under which each of the agencies operate.

The Department and the Workers' Compensation Regulator, in providing Personal Information under this memorandum of understanding and the Authorisation, has the right to specify the level of confidentiality attached to the

Personal Information being provided in order to protect that Personal Information from unauthorised use or disclosure.

The Agency receiving the Personal Information will take all reasonable steps to ensure the Personal Information is used or disclosed only for the purposes for which it was obtained.

Each Agency agrees not to disclose any Personal Information obtained under the Authorisation and this memorandum of understanding to any third party unless required by law.

**11. No Publication**

No Personal Information provided or exchanged pursuant to the Authorisation or this memorandum of understanding is to be published in any form by the recipient Agency.

Each Agency may only publish information provided by the other Agency in the form of de-identified and amalgamated statistics.

## **PART 3 GOVERNANCE**

### **12. Liaison Officers**

Each Agency will appoint a liaison officer whose role it will be to establish governance arrangements by which the purpose of this memorandum of understanding will be met, audited, reviewed and reported upon to the signatories to this memorandum of understanding.

The liaison officer positions appointed for the purposes of this memorandum of understanding are:

- (a) Director, Workers' Compensation Policy, Office of Industrial Relations, Queensland Treasury; and
- (b) Director, Coal Mine Workers' Health Scheme, Department of Natural Resources and Mines.

### **13. Performance Measurement**

This memorandum of understanding will have achieved its purpose if the data collected by each Agency can be validated against, and supplemented by, the data provided or shared pursuant to the Authorisation or this memorandum of understanding.

### **14. Dispute Resolution**

The liaison officers for each Agency will resolve any uncertainties or disagreements in relation to this memorandum of understanding.

In the event that the liaison officers are unable to resolve a dispute it will be referred to the signatories to this memorandum of understanding for resolution.

### **15. Availability of Memorandum of Understanding**

This memorandum of understanding will be made available to relevant staff of each Agency via the respective intranet sites. It will be available to other government agencies and stakeholders, including WorkCover Queensland and affected self-insurers, on request. The memorandum of understanding will not be made freely available to the public except to the extent required by law.

### **16. Maintenance and Review of Memorandum of Understanding**

The purpose of this memorandum of understanding is not intended to have a specific end date reflecting the fact that the accurate reporting of mine safety and health statistical data is an on-going commitment.

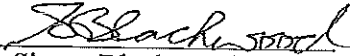
However, this memorandum of understanding is to be reviewed on a 5 yearly basis, and where appropriate, varied, altered, terminated or updated in writing by a further memorandum between the Agencies.

**17. Other Conditions**

- (a) This memorandum of understanding is not intended to create or be deemed to create or constitute a legally binding relationship between the Agencies.
- (b) The Agencies agree to act in good faith and cooperate with each other in the performance of this memorandum of understanding.
- (c) Each Agency will at all times comply with all applicable legislative requirements imposed on it.
- (d) This memorandum of understanding will be governed by and construed in accordance with the law of Queensland.
- (e) The Agencies agree to provide each other the fullest mutual assistance in order to achieve the objectives of this memorandum of understanding.
- (f) The Agencies agree that notices issued by electronic means, such as email and facsimile, are permitted for the purposes of this memorandum of understanding.
- (g) No fees or costs are payable to either Agency in regards to this memorandum of understanding.


18. Signatories

Signed for and on behalf of the Queensland Treasury

  
Simon Blackwood  
Deputy Director-General  
Office of Industrial  
Relations

Date: 7/10/16

Signed for and on behalf of the Department of Natural Resources and Mines

  
Rachael Cronin  
Deputy Director-General  
Department of Natural  
Resources and Mines

Date: 12/10/16

## ANNEXURE 1

### Authorisation pursuant to section 573(7) of the *Workers' Compensation and Rehabilitation Act 2003 (Qld)*

#### PART 1 INTRODUCTION

##### 1. Definitions

In this document:

**"Act"** means the *Workers' Compensation and Rehabilitation Act 2003 (Qld)*.

**"Authorisation"** means this document.

**"CMDLD"** means Coal Mine Dust Lung Diseases resulting from workplace exposure to various types of dust in the coal mining industry, including but not limited to coal workers' pneumoconiosis, silicosis and chronic obstructive pulmonary disease.

**"Database"** means the database established according to s 327(1)(j) of the Act, known as the Queensland Scheme Analysis Database.

**"Department"** means the department which at the relevant time holds responsibility for the administration of the *Coal Mining Safety and Health Act 1999 (Qld)*, as varied or replaced from time to time, which at the date of this authorisation is the Department of Natural Resources and Mines.

**"Personal Information"** has the meaning provided by the *Information Privacy Act 2009 (Qld)*.

**"Regulator"** has the meaning provided by s 326 of the Act.

**"Scheme"** means the Coal Mine Workers' Health Scheme established under the *Coal Mining Safety and Health Regulation 2001 (Qld)*.

**"Worker"** has the meaning provided by the Act.

##### 2. Background

- 2.1. The office of the Regulator is established under s 326 of the Act. The Regulator is responsible for the regulatory functions of the Queensland workers' compensation scheme, including maintaining the Database.
- 2.2. The Database contains information about workers' compensation claims, including cases of diagnosed and suspected CMDLDs.

- 2.3. The Department is responsible for the regulatory functions under the *Coal Mining Safety and Health Act 1999 (Qld)*, including health surveillance of Queensland coal mine workers and administering the Scheme.
- 2.4. During the 12 months preceding the date of this Authorisation, diagnoses of coal workers' pneumoconiosis have emerged among a number of coal workers in Queensland mines.
- 2.5. The Department obtains information about diagnoses of CMDLDs (including coal workers' pneumoconiosis) through the reports of medical practitioners to the Department's Health Surveillance Unit. The total number of affected workers is updated and released by the Department on its public website as well as informing reporting by the Commissioner for Mine Safety and Health.
- 2.6. In the interests of data integrity, accurate reporting, support of health surveillance functions, and informing operational or policy changes that may be required to the safety and health framework it administers, the Department has requested that the Regulator disclose Personal Information relating to workers who have made workers' compensation claims in relation to diagnosed CMDLDs, including information about their work history.

## PART 2 AUTHORISATION

### 3. Power to disclose

Under s 573(7)(c) of the Act, the Regulator is empowered to authorise the disclosure of information within the Regulator's knowledge, generally or in a particular case.

### 4. Application of Information Privacy Act

The information held by the Regulator, regarding workers' compensation claims for CMDLDs, including information contained in the Database, is "Personal Information" and the *Information Privacy Act 2009 (Qld)* applies to the Personal Information.

### 5. Authorisation to disclose

5.1. By this document, the Regulator authorises the disclosure, to the Department, of the following Personal Information relating to coal mine workers who have made workers' compensation claims in respect of diagnosed or suspected CMDLDs:

5.1.1. name and date of birth or age;

5.1.2. actual diagnoses (but not tests undertaken or proposed or the results of those tests other than to the extent that the tests result in a relevant diagnosis of a CMDLD); and

5.1.3. relevant work history of the affected worker, which may include the identity of the employer/s, the mine/s at which the worker worked, the duration of work at each relevant mine and the position and duties performed by the worker.

5.2. This Authorisation is made for the purposes of:

5.2.1. informing operational or policy changes to the health and safety framework for coal workers administered by the Department, such as the Coal Mine Workers' Health Scheme;

5.2.2. improving the integrity of data held by the Department in relation to the monitoring and reporting of CMDLDs in Queensland; and

5.2.3. assisting the Department in the delivery of its health surveillance functions, including research and analysis, in the interests of coal workers in Queensland.

5.3. Personal Information released pursuant to this Authorisation may only be used by the Department:



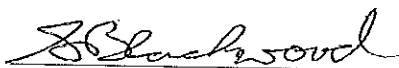
- 5.3.1. for the sole purpose of performing the functions described in paragraph 5.2;
  - 5.3.2. in accordance with the *Information Privacy Act 2009 (Qld)* and all other applicable laws; and
  - 5.3.3. in accordance with the Memorandum of Understanding between the Queensland Treasury and the Department of Natural Resources and Mines dated 7 October 2016.
- 5.4. Personal Information released pursuant to this Authorisation may only be disclosed by the Department:
- 5.4.1. in a form which is sufficiently de-identified to prevent the potential identification of any individual coal worker, which requires at least the removal of name, date of birth or age and employment history;
  - 5.4.2. in accordance with the *Information Privacy Act 2009 (Qld)* and all other applicable laws; and
  - 5.4.3. in accordance with the Memorandum of Understanding between the Queensland Treasury and the Department of Natural Resources and Mines dated 7 October 2016.

**6. Commencement and term of Authorisation**

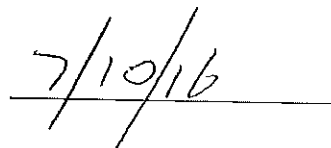
- 6.1. This Authorisation commences on the date it is signed by the Regulator and continues until revoked in writing.
- 6.2. The Regulator may, in their sole discretion, revoke this Authorisation at any time and for any reason (or for no reason), upon the provision of four weeks' written notice to the Department.

**7. Execution**

Executed by the Regulator:

  
Simon Blackwood

Date:



# Coal workers' pneumoconiosis your employment and compensation rights

## Can my employment be terminated because I have coal workers' pneumoconiosis?

No. If your coal workers' pneumoconiosis is because of your employment in Queensland, your employment cannot be terminated within 12 months of when you are diagnosed, just because you can't work in your old job.

If you are dismissed, you can apply for reinstatement by obtaining a doctor's certificate that says you are fit for employment, noting that you cannot work in a role that continues to expose you to high concentrations of coal dust.

If your employer doesn't agree, you can apply to the Queensland Industrial Relations Commission for a reinstatement order. Talk to your union if this happens to you.

Your rights can't be taken away just because your employer changes your employment contract, your award, or your enterprise agreement.

## Am I entitled to workers' compensation?

### Important information

You must submit a claim within six months of being diagnosed with coal workers' pneumoconiosis. However, the insurer can make exceptions if you can show that the failure to lodge in time was due to a genuine mistake, your absence from Queensland or Australia, or another reasonable excuse. An example of a reasonable excuse may include that your doctor never informed you of a possible link between the disease and your work.

If you've developed a disease (including coal workers' pneumoconiosis), because of your work, you can claim workers' compensation from WorkCover Queensland. You can lodge your claim in a number of ways:

- by phoning **1300 362 128**
- by completing and submitting the online claim form at [worksafe.qld.gov.au](http://worksafe.qld.gov.au)
- by lodging through your doctor (if you're unsure if this has happened, you can either call WorkCover or your GP to check).

If you work or worked for BHP Billiton Limited, Glencore Queensland Limited or South32 Cannington Pty Ltd, these three companies self-insure for workers' compensation, so you will need to contact their workers' compensation departments:

- BHP Billiton Limited: **1800 247 927**
- Glencore Queensland Limited: **(07) 3115 5491** or Copper and Zinc Operations: **(07) 4744 2092**
- South32 Cannington Pty Ltd: **(07) 3859 5580**

WorkCover or the self-insurer has 20 business days to make a decision on a claim. Once the appropriate information is gathered to determine the claim, they will inform you of the decision. If a decision can't be made in 20 days, the insurer will be in touch to negotiate an extension.

If your claim for coal workers' pneumoconiosis is accepted, you will be entitled to:

- weekly compensation (for lost wages)
- medical, surgical and hospital expenses and medicines
- rehabilitation treatment and equipment or services
- travelling expenses
- if the condition is terminal, funeral expenses and entitlements for your family members.

If the insurer is unable to accept the claim, a representative from the insurer will call you and explain the decision. You have the right to have the insurer's decision independently reviewed by the Office of Industrial Relations. Contact your union for further assistance with this process, or the Queensland Council of Unions Workers' Compensation Information Service on **1800 102 166**.

## What action can I take against my employer?

In Queensland, the *Workers' Compensation and Rehabilitation Act 2003* provides injured workers with the right to sue their employer (or former employer) for common law damages if they can prove that the employer (or someone else) was negligent, and that negligence contributed to you contracting coal workers' pneumoconiosis.

If you are able to prove negligence, a lump sum payment of damages can be awarded to you that takes into account your loss of future earnings, pain and suffering.

You will need to talk to a solicitor if you wish to seek damages. Contact your union (or former union), or a solicitor for further assistance in making a claim.

**Contact us:**  
**For more information call: 1300 362 128**  
**or visit [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au)**

# Coal workers' pneumoconiosis

## How your workers' compensation claim is processed by WorkCover

WorkCover Queensland has a dedicated team assessing and managing coal workers' pneumoconiosis (CWP) claims. This specialised team will help step you through the claims process and ensure that your claim is processed in a timely manner.

Queensland's workers' compensation scheme provides no fault statutory compensation for workplace injuries so if you think you may have CWP you should visit your doctor to organise a screening. If your doctor thinks your illness is caused by work, they will give you a workers' compensation medical certificate and they may lodge a claim with WorkCover Queensland on your behalf. Alternatively, you may lodge your own claim with WorkCover using the details from your medical certificate. Call WorkCover on 1300 362 128 or visit [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au).

A representative from WorkCover's dedicated team will contact you within 48 hours of receiving your claim to discuss the information and to help determine whether there is a link between your diagnosis of CWP and your employment. This information may include:

- Evidence supporting your employment history
- The level of dust exposure through your employment, such as details of work tasks and duration/shift hours, e.g. longwall or development production, underground maintenance or construction, delivering supplies etc.
- A list of doctors you have consulted in relation to your injury
- A signed authority to allow WorkCover Queensland to obtain your relevant medical information
- Your smoking history (if any)
- Confirmation that the radiological scans have been reviewed by an approved radiologist to confirm the diagnosis of CWP

Once all relevant information is received, WorkCover may require you to see an independent medical practitioner for confirmation of your diagnosis and/or confirm the link between your employment and your diagnosis.

WorkCover has 20 business days to make a decision on your claim. If a decision cannot be made within this timeframe, you may choose to allow an extension of time or ask WorkCover to make a decision based on the information currently available.

If your claim is not accepted, WorkCover will provide reasons for this decision and explain your rights of appeal.

If your claim is accepted, WorkCover will explain to you the payments you are entitled to in relation to your level of incapacity. WorkCover will also confirm these benefits in writing and outline how to reassess your entitlement should your incapacity increase.

If you have a permanent impairment due to the injury you will be offered statutory lump sum compensation quickly, often within two weeks. This can avoid the need for a lengthy process of undertaking common law damages claim.

Permanent impairment lump sum compensation entitlements are up to \$314,920. If the degree of permanent impairment is 30% or more you may also be entitled to additional lump sum compensation of up to an additional \$314,920. You may also be entitled to a caring allowance if you are dependent on day to day care from a person who provides the care on a voluntary basis.

You may also have the right to sue your employer (or former employer) for common law damages if you can prove that your employer (or someone else) was negligent, and that negligence contributed to you contracting coal workers' pneumoconiosis. You can contact your union (or former union), or a solicitor for further assistance in making a claim.

### Self-Insurer claims

If you work or worked for BHP Billiton Limited, Glencore Queensland Limited or South32 Cannington Pty Ltd, these three companies self-insure for workers' compensation, so you will need to contact their workers' compensation departments:

- BHP Billiton Limited: **1800 247 927**
- Glencore Queensland Limited: **(07) 3115 5491** or Copper and Zinc Operations: **(07) 4744 2092**
- South32 Cannington Pty Ltd: **(07) 3859 5580**

A claim lodged with a self-insurer for CWP will be managed in a similar way and will require the same information to be provided to the insurer.

### Contact us:

**For more information call 1300 362 128**

**Or visit [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au)**