



Level 1, 491 Kent
Street
Sydney NSW

24 November 2016

Dr Jacqueline Dewar
Research Director
Coal Workers' Pneumoconiosis Select Committee
Parliament House
George Street
BRISBANE QLD 4000

By Email: cwpsc@parliament.qld.gov.au

Dear Dr Dewar,

**Re: Association of Professionals, Engineers, Scientists and Managers Australia
Submission to the Coal Workers' Pneumoconiosis (CWP) Select Committee**

Thank you for the opportunity to provide a submission to the Select Committee inquiry into Coal Workers' Pneumoconiosis ('CWP') ('the Inquiry'). Below is the submission of the Association of Professionals, Engineers, Scientists and Managers Australia – Collieries Staff Division ('CSOA').

Introduction

The CSOA represents supervisory, professional, administrative, clerical and technical employees commonly known as 'Staff,' located in rural and regional areas across Australia in the coalfields of the Illawarra, Western District, the Hunter and Newcastle in New South Wales, Tasmania, the Bowen Basin, Surat Basin and Ipswich in Queensland, and in Western Australia. Our members include first and second line supervisory staff known as Deputies, and Undermanagers/Senior Shift Supervisors who supervise the safe mining of coal, as well as Ventilation Officers.

The CSOA recognises that CWP is a totally preventable disease, particularly in 2016. Further, the risk factors associated with CWP can be minimised by measures such as adequate personal protective equipment ('PPE'), the availability of machinery that can provide real time monitoring of dust at mine sites, as well as testing that can detect CWP during the very early stages of its development.

Accordingly, the CSOA is concerned with the re-emergence of CWP in the past year, with reports that some 15 new diagnoses of CWP have occurred in Queensland since May 2015.¹ In particular, the CSOA is concerned that CWP has extended its reach beyond production employees to supervisory staff, with the first Deputy being diagnosed with CWP in the latter half of 2016.

¹ Australian Broadcasting Corporation, *Black lung: 54yo man confirmed as the 15th case in QLD since 2015*, (6 September 2016) ABC News Online <<http://www.abc.net.au/news/2016-09-06/black-lung-54yo-man-confirmed-as-15th-case-qld-since-2015/7820852>>.

The recent re-emergence of CWP is unacceptable, and it is clear that reform at all levels, including reform from the Queensland Government, is required. To this end, the CSOA welcomes the establishment of the Inquiry and is hopeful that the findings will produce positive reform that will reduce, or eradicate instances of CWP in Queensland into the future.

The CSOA has reviewed the terms of reference for the Inquiry and has consulted widely with its membership, both inside, and outside of Queensland on the issue of CWP in the Black Coal Mining Industry.

In consultation with our membership, and within the terms of reference, the CSOA has identified several areas of note that may assist the Inquiry, namely:

1. the current legislative and enforcement regime in Queensland;
2. follow-up of dust count tests;
3. the need for complaint and reporting protections;
4. company and management pressure on Deputies and Undermanagers/Senior Shift Supervisors;
5. contract pressures on those holding statutory roles;
6. protection for workers suffering from CWP; and
7. comments on the study into CWP undertaken by Monash University ('the Monash Report'), the findings on the Senate Select Committee on Health (Fifth Interim Report) ('the Senate Inquiry'), and the Construction, Forestry, Mining, and Energy Union ('CFMEU') Submission to this Inquiry.

The current legislative and enforcement regime in Queensland

For the purposes of this Inquiry the CSOA has completed a review of the *Coal Mining Safety and Health Act 1999* (QLD) ('the Queensland Act') and the *Coal Mining Safety and Health Regulation 2001* (QLD) ('the Queensland Regulation').

In particular, the CSOA notes that the Queensland Regulation provides that:

- (1) *A coal mine's safety and health management system must provide ways of ensuring—*
 - (a) *each coal mine worker's exposure to respirable dust at the mine is kept to an acceptable level; and*
 - (b) *the worker does not breathe an atmosphere at the mine containing respirable dust exceeding an average concentration, calculated under AS 2985, equivalent to the following for an 8-hour period—*
 - (i) *for coal dust—3mg/m³ air;*
 - (ii) *for free silica—0.1mg/m³ air.*

* Editor's note—

* AS 2985 'Workplace atmospheres—Method for sampling and gravimetric determination of respirable dust'

- (2) *If a person works a shift of more than 8 hours at the mine, the system must provide ways of ensuring the person's dosage of respirable dust is not more than the equivalent dosage for a person working an 8-hour shift.*
- (3) *The system must provide that, if the average concentration of respirable dust in the atmosphere can not be reduced to the levels stated in subsection (1)—*
- (a) *the controls for minimising dust must be reviewed; and*
- (b) *if the average concentration still can not be reduced to the levels stated in subsection (1), personal protective equipment must be supplied for use by persons in the work environment.*
- (4) *The system must provide ways of suppressing excessive airborne dust so a person's safety is not threatened, including, for example, by reduced visibility.*
- (5) *The system must provide for—*
- (a) *monitoring and recording concentrations of respirable dust and free silica in the atmosphere of the work environment; and*
- (b) *keeping the record in a location that is easily accessible by each coal mine worker at the mine.²*

The CSOA notes that compliance with the Queensland Regulations is managed by Mines Inspectors who are employed by the Department of Natural Resources and Mines ('DNRM') and report to the Minister for Natural Resources and Mines on safety issues such as levels of respirable dust on mine sites.

The re-emergence of CWP in mine sites in Queensland is an indication that the current legislative and enforcement regime in Queensland in respect of the exposure to respirable dust is inadequate in providing protection to mine workers.

During the review of the Queensland Act and the Queensland Regulation, the CSOA identified a number of areas of concern when it comes to the regulation and enforcement of respirable dust at mine sites in Queensland. Namely:

1. self monitoring of dust levels by mines;
2. DNRM's failure to enforce directives in relation to dust; and
3. increase in work performed in returns.

Self monitoring of dust levels

Presently, the requirement to monitor dust levels in mines in Queensland is the responsibility of the mine itself. Further, there is no obligation on the mine to report unacceptable levels of dust to DNRM inspectors, but rather the only obligation on the mine is to monitor and record dust levels, investigate any exceedances and to implement controls to mitigate those exceedances.

² Coal Mining Safety and Health Regulation 2001 (QLD) r89.

Such an approach is unacceptable and insufficient for ensuring the safety of mine workers in Queensland. To this end, the CSOA is of the view that an independent regulatory system, similar to the system that exists in New South Wales should be implemented in Queensland.

This would require the establishment of a coal services organisation, independent from mining companies, who would be charged with the constant data collection, and enforcement of compliance at mine sites.

In addition to this, in order to bring about proper compliance and monitoring by the coal services organisation, a change in the Queensland Regulation would also be required to specify a mine site's monitoring and reporting requirements and frequencies.

Further, in the event of a failed dust test, the affected mine workers should be informed of the outcome of the test, a review of the incident undertaken, and a report compiled and sent to the DNRM, the affected mine workers, and the coal services organisation.

DNRM's failure to enforce directives in relation to dust

The CSOA notes the observations of the Senate Select Committee on Health that between 2012 and 2015, the DNRM had issued 23 directives in relation to coal dust monitoring and mitigation.³ Concerningly, of those directives only nine were complied with by their due date and some took up to 12 months before compliance was reached.⁴

The CSOA agrees with the Committee's concerns that mines have not responded to directives in a timely manner and notes that it appears that there have not been any prosecutions for failing to comply with DNRM directive between 2012 and 2015.⁵

To this end, the CSOA echoes the view of the Committee that interim measures such as formal warning, followed by the naming in a public register would be an appropriate method of ensuring compliance.⁶ In the longer term, changes to the Queensland Regulations allowing the DNRM greater prosecutorial powers such as the ability to impose fines, or seek a court order shutting down a mine for failing to comply with a directive should be implemented by the Queensland Government.

Increase in work performed in returns

Finally, the CSOA is concerned with the recent increase in work being performed in 'returns,' traditionally the area of a mine with the greatest levels of dust. Due to the high levels of dust experienced in these areas of a mine site, the CSOA is of the view that while work is being performed in returns, a greater level of regulation must be enforced.

The CSOA believes that specific regulation regarding work in returns such as mandated breathing apparatus, constant monitoring and reporting, as well as mandated auditing of dust mitigation systems by an independent third party are essential to mines which permit

³ Select Committee on Health, Senate, *Fifth interim report: Black Lung "It has buggered my life"* (April 2016) 3.15-3.17.

⁴ *Ibid*, 3.19.

⁵ *Ibid*, 3.21.

⁶ *Ibid*.

mine workers to operate in returns.

Follow-up of statutory reports and dust count tests

Currently, Deputies at mine sites are required to monitor and report incidents where levels of dust exceed acceptable limits. Records of these incidents are contained within documents known as statutory reports or 'stat' reports.

Although devices exist that can provide instantaneous dust monitoring, reports from CSOA members suggest that these devices are seldom installed in mines throughout Queensland. Rather, Deputies and supervisory staff are expected to report suspected dust exceedances by sight and experience alone.

Furthermore, although there is a random testing regime in place where mine operators are required to place dust monitoring devices on mine workers for a specified period of time, mine operators are given total discretion over where the testing is conducted and will often select mine workers who work in areas of the mine that traditionally have lower levels of dust.

From discussion with members, the CSOA is aware that when dust levels exceed acceptable limits and are reported by Deputies, no further action is taken by mine operators to further report the incident to Industry Health and Safety Representatives ('IHSR'), or to the mine safety authority.

This is of particular concern as reports from members indicate that on almost every shift, there are instances where a Deputy observes a reportable level of dust. When this occurs, a Deputy will take corrective action such as having the dusty area watered down and salted, the Deputy will then complete a statutory report as part of their daily reporting. Concerningly however, no further corrective action (such as the development and implementation of a long term plan or system) is undertaken by the mine operator or the mine safety authority on these reports.

Of even greater concern are reports from CSOA members who have advised that when an employee is involved in an exceedance incident, the operator will typically focus their attention on how the conduct of the mine employee may have caused the dust issue, rather than looking to environmental factors, or using the incident as an opportunity to improve safety standards.

The CSOA is concerned that the inaction by mine operators and the safety authority to provide a proper follow up of statutory reports or failed testing is a lost opportunity to improve mine safety. A lack of follow up exposes mine workers to an additional risk of not knowing when they may have been exposed to dangerous levels of coal dust. Additionally, a lack of follow up prevents the mine operator from tracking, monitoring and improving on areas within a mine where high levels of dust exists and prevents the mine safety authority from being able to review the same data and take steps to ensure that mines are compliant with their legal obligations in respect of dust levels on site.

The need for complaint and reporting protections

In addition to the above, at present there is no provision for the anonymous reporting of safety issues on Queensland mine sites. Although this has wider impacts to improving

safety standards generally, it has a particular benefit in respect of dust.

At present, if a supervisor at a mine site becomes aware of a dust issue, but the manager does not support the corrective action being taken (such as the cessation of work in a particular area of the mine), the supervisor does not have any ability to remedy the situation, or to make a complaint to a third party. Although there is some recourse to the local check inspector, they too are an employee of the mine and often face the same conflict as the supervisor does.

Members have reported that these conflicts are all too real for many supervisors who work in mines in Queensland and on some occasions disagreements about dust levels have been so heated that the supervisor and the manager have almost come to blows.

The CSOA is firmly of the view that the introduction of an anonymous reporting hotline would provide many supervisors with the protection that they needed to report dust and other safety issues without fear of retribution or reprisal. In addition a confidential reporting hotline could increase the level of reporting safety concerns leading to better monitoring, investigation, and enforcement by the mine safety authority.

Company and management pressure on Deputies and Undermanagers

The CSOA is concerned about the competing pressures placed on Deputies and Undermanagers/Senior Shift Supervisors by mine operators who expect they continue production while also ensuring that there is a safe work environment for those working in the mine itself.

Often Deputies and Undermanagers/Senior Shift Supervisors are finding that when they stop their shifts due to dust considerations, they are met with strong opposition and criticism from senior levels of management. An example of this is where, in spite of the significant dust risk to those working, production managers will direct Undermanagers/Senior Shift Supervisors to continue to instruct a work team to work in the immediate longwall return.

To this end, the CSOA believes that instantaneous dust monitors, similar to gas detectors should be installed and available to Undermanagers/Senior Shift Supervisors and Deputies to provide easily accessible and verifiable data that would justify an Undermanager or Deputy's position to their Production Manager, and ensure proper corrective action is taken. Instantaneous dust monitors would also have the additional benefit of providing real time protection for all workers engaged in mining operations, irrespective of whether a disagreement over dust levels existed.

Contract pressures on statutory positions

The CSOA further notes that in addition to the pressures placed on Staff, those in statutory roles such as Open Cut Examiners, and Deputies face the competing concern of having to both comply with their statutory obligations, and meet the demands of their employer.

From discussions we've had with Staff who work in statutory positions, the CSOA has observed a number of circumstances where Staff have been disciplined, or even terminated as a consequence of raising safety issues in the workplace, including issues relating to unsafe dust levels.

Although these sanctions or terminations are often framed as failings in performance through a performance improvement process, they regularly follow a pattern where a worker has complained about a safety issue, or voiced concerns in the workplace and is then managed out of the mine operation.

Although difficult to provide protection for these circumstances, the CSOA believes that whistleblower protections should be afforded to Staff who make complaints or stop production following a safety or dust related incident.

In addition to the above, the CSOA is concerned about contractors who work in returns on a mine site. Typically a return is the area of the mine with the greatest amount of dust. CSOA members have noted that contractors working in return environments are often under a great deal of pressure, more so than mine employees to get the job done quickly and efficiently.

Contractors who work in returns are often poorly educated in safety and although they may be provided with PPE, are often not trained in the proper fitting and use of such equipment. Accordingly, the CSOA believes that obligations should be placed on the mine operator to ensure that contractors who work in returns are provided with adequate PPE, and appropriate training on PPE that is specifically tailored to work in returns.

Impact of non permanent employees occupying Statutory Roles

Members have raised with CSOA that Staff who fill statutory positions on a contract basis (rather than as an employee) are more vulnerable to coercive action by the mine operator.

More specifically, Staff working as contractors find it more difficult to challenge decisions of the mine operator because experience in the industry is that contractors will be terminated or removed from site if they raise concerns about dust.

To this end, the CSOA is of the view that any protection for employees working in statutory roles, such as whistleblower protections, should be extended to contract Staff occupying statutory positions. Further consideration should also be given to mandating that all staff fulfilling statutory roles such as Deputies and Undermanagers/Senior Site Supervisors should be a permanent employee of the mine, not independent contractors.

Protections for workers suffering CWP

The CSOA notes section 232B of the *Workers' Compensation and Rehabilitation Act 2003* (QLD) ("the WC Act") which provides persons who have tested positive to CWP with only 12 months protection from termination from the date of their diagnosis.

Such a protection is insufficient to protect workers who have been diagnosed with CWP. The CSOA is concerned that workers who have been diagnosed with CWP are allocated to other duties and (due to the irreversibility of CWP) will never return to their previous occupation.

Once a worker has been on paid leave for 12 months and the statutory prohibition on termination has expired, the CSOA is concerned that the mine worker will be terminated for being incapable of performing the inherent requirements of their pre-injury position.

Dependent on their circumstances they may then be without any income until their workers' compensation matter is settled or decided by a court.

Such an outcome is inappropriate and unsatisfactory. As the early detection of CWP is reliant on regularly testing mine workers, the protection limitation noted above has the unintended consequence of deterring mine workers from early testing, because 'the clock starts ticking' on their careers from the date that they receive a CWP diagnosis.

As such, the CSOA is of the view that as an absolute minimum, the prohibition on terminating a worker with CWP should be extended until such time as their workers' compensation matter is formally settled, or decided by a court.

Ideally however, the CSOA would prefer that an industry wide fund for mine workers suffering from CWP to be established. The fund would mimic the system that exists in New South Wales, known as the Dust Diseases Board or the United States Department of Labor – Division of Coal Mine Workers' Compensation and would be administered under the WC Act.

Such a scheme could be funded by contributions made by coal mining companies and would include compensation benefits, payment for medical expenses, and benefits to the coal miner's family if they were to pass away. Both the NSW and the US schemes have had considerable success and provide sufficient support and assistance for mine workers suffering from CWP in this regard.

Comments on the Monash Report, the Senate Inquiry, and the CFMEU Submission

The CSOA has had the opportunity to review both the Monash Report,⁷ the Senate Inquiry,⁸ and the CFMEU Submission to this Inquiry.⁹

Broadly speaking, the CSOA is supportive of the findings and recommendations contained within these reports and submission and believes that both provide a sound basis for reform.

Monash University Report

In particular within the Monash University report, the CSOA welcomes the following recommendations and believes that this Inquiry should adopt them in its own report:

Recommendation 2 – Clinical guidelines for follow-up investigation and referral to an appropriately trained respiratory or other relevant specialist of suspected Coal Mine Dust Lung Disease ('CMDLD') cases identified among current and former coal miner workers should be developed and incorporated into the scheme.

⁷ Select Committee on Health, above n.3.

⁸ Monash Centre for Occupational and Environmental Health, School of Public Health & Preventative Medicine, Faculty of Medicine, Nursing and Health Sciences, Monash University and School of Public Health, University of Illinois at Chicago, *Review of Respiratory Component of the Coal Mine Workers' Health Scheme for the Queensland Department of Natural Resources and Mines – Final Report* (12 July 2016).

⁹ Construction, Forestry, Mining, and Energy Union, *The Return of Black Lung Disease in Queensland – CFMEU submission – Inquiry into the re-emergence of Coal Workers' Pneumoconiosis amongst coal mine workers in Queensland* (November 2016).

Recommendation 3 – DNRM should require the reporting of detected cases of CWP and other CMDLDs in current and former coal miners identified by the scheme.

Recommendation 7 – There should be a much smaller pool of approved doctors undertaking the respiratory component of health assessments under the scheme, taking into account geographical considerations and other workforce needs.

Recommendation 8 – Doctors should undergo a formal training program, including visits to mine sites, prior to being approved by the DNRM, to ensure they reach a suitable standard of competence and have the necessary experience to undertake respiratory health assessments under the scheme.

Recommendation 9 – The approval of doctors to undertake the respiratory health assessments for the early detection of CMDLD under the scheme should become the sole responsibility of the DNRM.

Recommendation 14 – All coal mine workers, including contractors, subcontractors and labour hire employees, who meet the revised criteria for being “at risk from dust exposure” should be registered in the DNRM database on entry into the industry for the purposes of ongoing medical surveillance.

Recommendation 15 – DNRM should conduct ongoing individual and group surveillance of health data collected under the scheme, to detect early CMDLD and analyse trends to disseminate to employers, unions and coal mine workers.

Recommendation 16 – Coal mine workers should have exit respiratory health assessments regardless of whether they leave the industry due to ill-health, retirement or other reasons.

The Senate Select Committee Report

In particular within the Senate select committee report on health, the CSOA welcomes the following recommendations and believes that this Inquiry should adopt them in its own report:

Recommendation 1 – 4.15 The committee also recommends that in the short-term, coal mining companies adopt the lowest Australian level (2.5 mg/m³) for coal dust exposure until a national standard has been agreed upon and implemented with a more rigorous, independent testing regime instigated as soon as practical in Queensland.

Recommendation 1 – 4.16 The committee recommends that until the national standard has been developed and adopted, state governments advise mining companies that coal workers should be withdrawn from areas subject to unsafe dust levels without penalty. In addition, the Queensland government and the Department of Natural Resources and Mines should instigate a process of formal warnings followed by naming in a public register for non-compliant companies, along with additional sanctions for non-compliance.

Recommendation 1 – 4.17 The committee recommends that mining companies operating in Queensland, in consultation with the Queensland Government, technical experts and industry stakeholders, urgently employ more effective coal dust mitigation measures to immediately reduce coal mine workers' current exposure to coal dust. Coal dust monitoring

in Queensland

Recommendation 2 – 4.31 In light of emerging problems identified in the mining industry the committee is concerned that safety standards in all jurisdictions may not be providing a safe working environment for mine workers. The committee therefore recommends that the state governments identify best practice dust monitoring devices or similar best practice technology to be used in all Australian coal mines. The Queensland government should review the protections provided under the Coal Services New South Wales model and identify which aspects should be applied to any new legislative regime in Queensland.

Recommendation 2 – 4.32 The committee also recommends that the state governments require that dust monitoring be undertaken in a consistent and methodical way, which monitors dust levels in all relevant parts of the mine during both maintenance and production times.

Recommendation 2 – 4.33 The committee also recommends that state governments increase public transparency and accountability around dust monitoring. Dust monitoring data should be made publically available as a means of increasing accountability and restoring coal mine workers' confidence in the regulatory system.

Recommendation 4 – 4.40 The committee recommends that, in addition to the National Coal Dust Monitoring Group, the Queensland Government, in consultation with mining companies, technical experts, unions, and industry stakeholders, form a standing dust committee or similar forum, in the near to medium term, to achieve best practice dust control in Queensland coal mines and to address the concerns raised about the current mitigation and monitoring issues.

Recommendation 5 – 4.54 The committee recommends that the mining industry, through its representative bodies, must create an industry-wide fund to provide compensation for coal mine workers who contract CWP. The fund's aims should include identification of, and communications with former mine workers who may require CWP screening and compensation for travel, medical, and other costs associated with undergoing CWP screening and diagnosis. Workers' access to compensation from this fund should not be time-limited in any way.

Recommendation 5 – 4.55 The committee also recommends that state governments provide a means for former and current miners to seek assistance which is independent of their employers and Nominated Medical Advisors such as a hotline or helpdesk, to be funded by the industry and independently administered by an organisation such as the Lung Foundation Australia.

Recommendation 6 – 4.68 The committee recommends that the Queensland Government gives the highest priority to its review of coal dust regulations as part of its five point action plan. To achieve this the committee recommends that the Queensland Government take note of the concerns expressed by the committee in relation to the mine Directives, particularly the enforcement of these Directives and the need for the information contained within the Directives and rates of compliance to be able to be audited and reported on. Directives issued by government departments should use standardised language and have a rigorous process for auditing, compliance, and data collection.

Recommendation 7 – 4.72 The committee recommends that the Queensland

Government direct relevant officials to undertake independent, high level, training on avoiding regulatory capture.

Recommendation 7 – 4.73 The committee recommends that in developing this training the Queensland Government have regard to the Better Practice Guides developed by the Australian National Audit Office in relation to regulatory capture.

Recommendation 8 – 4.78 The committee recommends that in the short term the Queensland Government mitigate the risk of regulatory capture of the Nominated Medical Advisors by making the role an independent statutory position, selected through a rigorous process conducted by Queensland Health in consultation with the Department of Natural Resources and Mines and specialists groups such as the Thoracic Society and the Lung Foundation.

CFMEU Submission

The CSOA notes the submission made to this Inquiry by the CFMEU and the recommendations made therein.¹⁰ The CSOA supports these recommendations in their entirety, and notes that where the CSOA submission does not address an issue contained within the CFMEU's submissions, the CSOA adopts the CFMEU's position.

Conclusion

In concluding, the CSOA recommends the following:

1. **Recommendation 1** – The current legislative and enforcement regime in Queensland requires immediate reform to better address dust levels in mines in Queensland.
2. **Recommendation 2** – The Queensland Government should establish an independent regulatory body, similar to the one that exists in New South Wales to monitor and enforce compliance with dust levels in Queensland mines.
3. **Recommendation 3** – The Queensland Regulation should be amended to specify each mine site's dust monitoring and reporting requirements and frequencies.
4. **Recommendation 4** – In the event of a failed dust test, the affected mine workers should be informed, a review of the incident undertaken, and a report compiled and send to the DNRM, the affected mine workers and the independent coal services body.
5. **Recommendation 5** – The Queensland Government should implement immediate interim measures such as the issuance of formal warnings, and listing on a public register of mines who have failed to comply with dust management and reporting obligations to ensure mine compliance in the short term.
6. **Recommendation 6** – The Queensland Regulations should be amended to allow the DNRM greater prosecutorial powers such as the ability to impose fines, or

¹⁰ Ibid, 2.1-2.13.

- seek a court order shutting down a mine for failing to comply with a directive.
7. **Recommendation 7** – The Queensland Regulations should provide more stringent standards for employees and contractors working within returns. The additional regulation should mandate the PPE that an employee is required to wear, constant dust monitoring and reporting, and mandated auditing of dust mitigation systems by a third party.
 8. **Recommendation 8** – All instances of excessive dust levels noted in statutory reports should be reported to IHSR's, collated and reported to the DNRM on a quarterly basis.
 9. **Recommendation 9** – Where repeated instances of excessive dust events are noted in statutory reports, a mine's management should implement a dust management system specific to that area of the mine.
 10. **Recommendation 10** – That a confidential hotline for the reporting of dust be established and made available to mine workers and contractors.
 11. **Recommendation 11** – That the installation of instantaneous dust monitors, similar to gas detectors be installed in all mines in Queensland. The location and specification of these monitors should be mandated by the Queensland Regulation.
 12. **Recommendation 12** – That contractors engaged in returns be provided PPE by the mine operator.
 13. **Recommendation 13** – That contractors engaged in returns be trained in the proper fitting and use of PPE.
 14. **Recommendation 14** – As an absolute minimum, that the prohibition on a mine worker being terminated following a diagnosis of CWP be extended until their workers' compensation matter is formally settled, or decided by a court.
 15. **Recommendation 15** – That an industry wide fund for mine workers suffering CWP be established. The fund would provide for compensation benefits, payment for medical expenses, and benefits for the mine worker's family if they were to pass away.
 16. **Recommendation 16** – That the industry wide fund for mine workers suffering CWP be funded by contributions made by mining companies.
 17. **Recommendation 17** – That recommendations 2, 3, 7, 8, 9, 14, 15, and 16 of the Monash report be adopted by the Inquiry.
 18. **Recommendation 18** – That recommendations 4.15, 4.16, 4.17, 4.31, 4.32, 4.33, 4.40, 4.54, 4.55, 4.68, 4.72, 4.73, and 4.78 of the Senate Inquiry be adopted by this Inquiry.
 19. **Recommendation 19** – That the Inquiry adopt the entirety of the CFMEU's Submission.

The CSOA thanks the Committee for taking the time to read and consider our submission to this Inquiry. If, however there are any further questions the Committee may have in relation to the above recommendations, please contact Mr Adam Guy, Legal Officer

Regards,

Catherine Bolger
Director