



STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT COMMITTEE

Members present:

Mr CG Whiting MP (Chair) (via videoconference)
Mr PT Weir MP (via videoconference)
Mr DJ Batt MP (via videoconference)
Mr JE Madden MP (via videoconference)
Mr BA Mickelberg MP (via videoconference)
Ms JC Pugh MP (via videoconference)

Staff present:

Dr J Dewar (Committee Secretary)
Ms R Duncan (Assistant Committee Secretary)

PUBLIC BRIEFING—CONSIDERATION OF AUDITOR-GENERAL'S REPORT NO. 9 OF 2019-20, *ADDRESSING MINE DUST LUNG DISEASE*

TRANSCRIPT OF PROCEEDINGS

MONDAY, 27 APRIL 2020

Brisbane

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The committee met at 11.30 am.

CHAIR: We will now move to the public briefing for the committee's consideration of Auditor-General's report No.9 of 2019-20, *Addressing mine dust lung disease*. I welcome representatives from the Audit Office.

ALEXANDER, Ms Louise, Senior Manager, Queensland Audit Office (via videoconference)

BROWN, Mr Darren, Director, Queensland Audit Office (via videoconference)

FLEMMING, Mr Patrick, Assistant Auditor-General, Queensland Audit Office (via videoconference)

WORRALL, Mr Brendan, Auditor-General, Queensland Audit Office (via videoconference)

CHAIR: Mr Worrall, I invite you to make an opening statement, after which the committee will have some questions for you.

Mr Worrall: Thanks for the opportunity to brief the committee on the findings of *Addressing mine dust lung disease*. The objective of this audit was to assess how effectively public sector entities have implemented recommendations from the Monash review and reports 2 and 4 from the Coal Workers' Pneumoconiosis Select Committee. These reports were aimed at reducing the risk and occurrence of mine dust lung disease. We also assessed how effectively the responsible public sector entities were monitoring and reporting on progress.

The audit was a referral from this committee. I decided to undertake the audit after considering its merits. The Monash Centre for Occupational and Environmental Health at Monash University contributed to this audit as subject matter experts, as they undertook the original Monash review. Monash University complied with relevant independence policies and procedures including those required by us, the Queensland Public Service and the Accounting Professional and Ethical Standards Board. We actively managed any conflicts of interest, both perceived and actual, during the audit with the engagement of Monash University.

We included the Department of Natural Resources, Mines and Energy; Queensland Health; the Department of State Development, Manufacturing, Infrastructure and Planning; the Department of Environment and Science; and the Public Service Commission in the audit scope. We consulted with a range of stakeholders across the coalmining industry, unions, peak bodies and the community.

The audit addresses recommendation 18 from the Monash review to conduct an independent three-year review of the Queensland government Coal Mine Workers Health Scheme. We assessed whether each recommendation has been fully implemented, partially implemented or not implemented with the recommendation accepted, not accepted or no longer applicable. We assessed whether entities have taken action in line with government stated time frames or otherwise reasonable time frames based on the nature of the action required such as changing laws.

Our assessment was based on the actions and the time taken by the individual entities that were assigned responsibility by the government to implement the improvements. If recommendations had not been implemented we examined whether decision-making processes were appropriate and whether the issues in the review had been addressed through alternative actions.

In the last three years the government has committed over \$35 million to implementing the recommendations of the three reports from the reviews. Through effectively implementing or progressing most of the recommendations, the government has improved how it protects the health and safety of coalmine workers and is contributing to reducing the risk of the disease. I concluded that most of the actions have been taken in a timely manner. Forty per cent have been fully

implemented and 28 per cent are in progress or partially implemented. The government initially supported or supported in principle all recommendations but nearly one-third, or 31 per cent to be exact, of the recommendations have not been accepted and therefore not implemented.

There is still work to be done. At the time this included establishing an independent regulator and funding model and developing criteria to assist those responsible for ensuring workers can return to work. The Department of Natural Resources, Mines and Energy is also currently developing new information systems to detect early signs of work related health issues that can be used for mine inspections, audits and implementing better health and safety controls.

As the entity responsible for implementing most of the recommendations, DNRME has dedicated significant resources to progress the work. However, after three years some of the recommendations still have not been implemented. For example, some changes to dust monitoring practices and health assessments have not been finalised.

The Office of Industrial Relations successfully introduced codes of practice for stevedoring and coal-fired power stations. It has commissioned expert medical advice on returning workers to a mine site with a diagnosis of coal workers' pneumoconiosis, or coalmine dust lung disease. This advice will form the basis of guidance to assist treatments. The entities responsible for implementing a smaller number of recommendations—Queensland Health; the Department of State Development, Manufacturing, Infrastructure and Planning; the Department of Environment and Science; and the Public Service Commission—have effectively implemented the recommendations from the select committee.

The three reports saw government creating a more integrated approach to addressing coalmine workers' health and safety, but the lack of shared, agreed definitions across the entities responsible for recommendations has resulted in a variety of terms being used such as 'fully actioned', 'implemented' or 'delivered'. This means there is no clear, accurate reporting on the status of the recommendations. There is also no collective view or monitoring across responsible entities of how much government has spent on implementing the reforms, despite committing \$35 million.

With the large number of recommendations from the three reports, I did not provide further recommendations. However, there is an expectation that the departments continue to implement the outstanding recommendations. Given the number that still need to be fully implemented and emerging related health issues such as silicosis, responsible entities should provide complete and comprehensive reports to one agency to monitor the remaining work and keep a record of decisions not to implement recommendations. We are happy to answer questions on this report.

CHAIR: It is a pretty big call by the department to say that they are not going to implement some recommendations. Equally, it is a big call by QAO to call it out. I notice then in appendix D the department giving their opinion again. This is a fairly unusual response and a fairly unusual process with regard to reports. I cannot recall any other reports having to go through this kind of process of back and forth.

Mr Worrall: The first thing I would mention is just the sheer number of recommendations from those three reviews. There are many, many recommendations that need to be implemented. That is the first thing that needs to be understood. I think the second thing, which we mentioned in the report and call out, is that entities along the way have undertaken their own reviews on how they are progressing around implementation of recommendations that they may be charged with. That is where an issue has arisen, because there has been no common agreed definition across all the players about when something is fully implemented, partially implemented or not implemented. Each entity has used different definitions at different times, and I think that has added to the confusion.

We also call out in the report that there was at least one consultant who was engaged to review the status of recommendations where in essence they had almost redefined what the recommendations were. They were actually saying that if the intent was to implement the recommendation then it had been fully implemented, and that is not our view. Our view is that until it is implemented it is not fully implemented. We do factor in that, with the passage of time, an original recommendation may not be the most relevant today and maybe there is another implementation that is more relevant. We have definitely been mindful of that in calling these things out. In some ways there has not been a coordinated management of the progress across all entities and the single point of truth.

CHAIR: Having said that, there has been a bit of time since the reports have come down. In the last couple of months or so, have you noticed any progress in coming towards a common ground or implementing some of those recommendations?

Ms Alexander: Since we tabled the report in December last year we have not received any feedback from the department, but we note that there has been progress. That has included legislation that has been considered and the independent statutory authority. We have not received any official updates from any of the departments.

Mr WEIR: My question is around the acceptable levels in dust monitoring. There seems to be a diverse range of opinions. The select committee made a recommendation, Safe Work Australia has another one, and in your report you say that Safe Work Australia's final report is expected to be released in March 2020. Has that been released? What is the standard for dust monitoring in the industry?

Ms Alexander: Safe Work Australia was supposed to hand down the recommended exposure respirable levels in March 2020. That has been delayed. They are still out for public consultation until May 2020. I understand that they are not delivering the recommended occupational levels until December this year. We did note in the report that the Queensland government did act and did actually reduce the respirable dust levels, and they have been implemented since 2017. We also note that the government will look and consider that once Safe Work Australia hands down the new levels.

Mr WEIR: They could be adjusted again?

Mr Worrall: Potentially, yes.

Mr WEIR: You make a comment on real-time dust monitoring, but that is not taken up. Are there problems with the actual real-time monitoring? What is the problem there? I think the Coal Mining Safety and Health Advisory Committee are also involved in that.

Ms Alexander: We looked at whether the recommendation was about implementing real-time dust monitoring and we found that it had been considered by the department and the recommendation had been provided to the advisory committee. In the report we also noted appendix D has the detail that real-time dust monitors are used in open-cut mines. We also looked at how they are being used in underground mines. We understand that it is being considered further.

Mr MADDEN: We were fortunate to visit Broadmeadow Mine at Moranbah. I notice that that company had very definite ideas as to how they dealt with the issue of dust. I wonder if the Audit Office noticed in their review a variation between companies in applying their own interpretation of best practice as opposed to the government's view of best practice?

Mr Worrall: We definitely did visit some mine sites as part of the review.

Ms Alexander: We did visit mine sites. We had the privilege of going to an underground coalmine, underground metalliferous mines and open-cut mines. Part of the audit was not to look at what industry was undertaking. We observed, but we probably would not be able to compare the different techniques. Obviously, in an industry with lots of hazards and different sized mining companies there are different approaches.

Mr BATT: In relation to the DNRME's database, which you mentioned is collecting coal and silica data—or is supposed to—at page 4 of your report you mention that the QAO was informed that the database is used to inform quality control at work group, mine and operator levels; however, the QAO reported they did not see any evidence of the database being used in that way during the audit. Can you tell us what you see any evidence of in that database? What are they using it for?

Ms Alexander: The database is used by the Mines Inspectorate to enter in all of the results of the different inspections they undertake. We note that inspections and audits do not just focus on dust sampling; they focus on a range of issues when inspectors go out to the different mines. What we saw in the databases is that there have been dust audits that have been undertaken, and the issue that we also saw, as well as one of the considerations, was that the information is not easily accessible. To actually go into it you have to open up individual mine inspections or audits and know what you are looking for.

Mr BATT: Is it the case that the information you go in to find should be sitting on this database—if it is used correctly—so that it is easier to access? Also, is this database supposed to be front facing on their website?

Ms Alexander: As you can appreciate, a lot of information is gathered by the inspectors. Not all of it is front facing. As we said in the report, there is a lot of information—it is included as an example in one of the appendices—provided to industry, peak bodies, unions and the public to see the type of information. It is de-identified information. The whole database would not be made available due to the information that is in there, but having a database that is completely online that is able to access information easily would assist. That is what the report found.

Ms PUGH: I cannot remember the exact page, I am sorry, but you note in the report that the department of natural resources focuses on mine safety versus miners' health. Can you explain the difference in these two approaches? You have obviously noted that it is a very hazardous industry for a number of reasons. I think I understand what you are driving at with that observation, but I just want to be sure.

Ms Alexander: I think that comment was actually from an observation from the CWP Select Committee's original report. Since then there has been a lot of significant work undertaken by the department. Safety was previously what the department used to focus on, and it has done a lot of work in terms of looking at health; that is, changing the risk assessments to looking at health, not just ready for work, going to work. So that particular comment was from previously.

Mr MICKELBERG: I would like to explore the comment with respect to some of the decisions to not proceed only being made at a departmental senior executive level and not by the cabinet, as would have been expected. I am keen to understand your views as to what the implications are of those significant decisions being made by departmental bureaucrats as opposed to the cabinet or the minister, as the case may be.

Mr Worrall: Given that the government's response was quite high profile and that it committed a lot of money to addressing the recommendations—there was the Monash review and the two select committee reviews—there was definitely a high response. What we would have expected is that there was greater coordination and management of government's own progress and reporting back to cabinet on those. Given that there was a high level of public interest in that matter anyway, it would not have been unreasonable to expect that there was some greater oversight of recommendations that were no longer going to be implemented, or even if that exact recommendation was going to be implemented but there was a better course of action. By and large, some of that was actually left to the entities to make those decisions.

Mr MICKELBERG: During the course of the audit did you identify if the minister had been briefed in relation to the departmental executive's decisions in these areas and had chosen not to take it further, or was it the fact that there was a disconnect between the decisions being made by those departmental executives and the minister and/or his or her office?

Mr Worrall: In terms of what we would have seen, I think there would have been a series of briefings going to relevant ministers during this process. Did we actually see whether there was a disconnect or where the disconnect was? Probably not. I think what we saw is decisions being made at the departmental level about implementation or non-implementation of these things. As I said earlier, given the high public interest in this matter, what was probably missing was a greater coordination of the respective responses across those agencies and greater oversight of which recommendations were being progressed and which ones were not being progressed.

Mr MICKELBERG: Do you have a view as to where that coordination should have come from?

CHAIR: I think you are straying again, member for Buderim, but I understand the gist of your question. I know the Auditor-General knows not to stray into opinion on government policy.

Mr Worrall: As I said, I think there should have been coordination across entities and somebody should have taken responsibility for that so there was a single point of truth across the whole process, give there were a number of agencies involved.

Mr MICKELBERG: This is not intended to make a political point, but should that somebody, for example, have been the Commissioner for Mine Safety and Health or did it need to come from a higher level, a ministerial level? Do you have a view with respect to the structure that was put in place in order to oversight this? It seems from reading the report that it was either deliberately or inadvertently designed such that there is no ability for consistency. There are differing definitions, differing views and multiple reports. It is difficult to get any sort of consistency when you are all coming at it from different angles and no-one is tying all of the pieces together. My question is: who should that someone be? Evidently it has not been rectified yet. Is it the commissioner? Who should it be?

Mr Worrall: You are quite right, and that is what I said previously: there was no single point of truth. Agencies went off and did their own reviews. Different definitions were applied. Even some of those definitions within the agencies changed along the way. Given that it was a matter of high public interest, I would have expected there was some coordination of the government's response, and that would have enabled coordinating all of the players. It would need to be somebody who has the authority and position to do that.

Ms PUGH: I note the recommendations relating to coaldust. In relation to silica and preventing the development of silicosis—which we now know to be incredibly dangerous in a number of industries—can you touch on where we are up to with the silicosis aspect of the recommendations and any holdups that we might have experienced and why?

Mr Worrall: Our review only focused on the mining industry. We did not look at any industries beyond mining, so we did not touch on the issue of silicosis in other industries. I think what we may have said in the report is that the learnings from this process could be applied to other industries. That is something that we should not lose sight of in terms of a response if there are issues outside of this industry. As have you acknowledged, there are.

Ms Alexander: The department has been reporting—and that is publicly available on its website—in terms of the different levels of coal dust and silica dust. It has been undertaking the implementation of the recommendations as stated. Appendix D confirms what has been outlined and what the department has undertaken. It has been addressed and, as Brendan said, it was just in the coalmining industry.

Mr WEIR: Just before I ask my question, I would like to thank the Audit Office for this report and the coal seam gas report. They are two very good, thorough reports. You mentioned here the need for a specialist physician, and that was also raised in the select committee's report. You state here that the committee is not anticipated to be in place until 2020. Is it in place, or is there a date yet for that to be in place?

Ms Alexander: We do not have a date for that. We also do not have a date for the occupational physician, but we believe that it is being undertaken at the moment. It is probably something best to be taken up with the Department of Natural Resources, Mines and Energy.

Mr BATT: In relation to reporting on expenditure, at the end of the report you mentioned the \$21 million in 2017 and you found that \$8 million of that was still unspent at the end of June last year, but there was another \$11.6 million added to that for other recommendations. In the review, did the department advise they would report on how all of this has been spent when you found there was no reporting on it? Secondly, is it normal practice that you do not have a breakdown of the amount of money that has been spent or not spent as to where it is being spent throughout this process?

Mr Worrall: Having an holistic monitoring of recommendations and a single point of truth would have been useful. In terms of implementing recommendations, tracking expenditure across a number of entities would have also added to public confidence, given that it was a matter of high public interest.

CHAIR: The time allocated for this session has expired. We do not have any questions on notice. That therefore concludes our briefing. On behalf of the committee, I would like to thank the Auditor-General and officers from the Queensland Audit Office for your attendance today. Thank you to our Hansard reporters and thank you to our secretariat staff, who are all in the room. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare this public briefing closed.

The committee adjourned at 12.00 pm.