

29 November 2024

Bryan Monck
WorkSafe

Via email: legislation@worksafe.vic.gov.au

Dear Bryan

HIGH RISK CRYSTALLINE SILICA REGULATIONS

Thank you for the opportunity to comment on the High Risk Crystalline Silica Regulations slide pack (Silica Stakeholder Reference Group meeting 18 November 2024). It was unfortunate that WorkSafe would not allow sharing of the slide pack outside of the Silica Working Group.

Submission

The CMPA **does not** support a new Code of Compliance or the amendments to the Regulations without further detail, public consultation and a regulatory impact statement.

Conclusion

The level of prescription that is being proposed to apply to Respirable Crystalline Silica (RCS) in the extractive industry is unwarranted.

Discussion

The Safe Work Australia statistical data for claims for silicosis demonstrate that the accepted cases for silicosis for the extractive industry have generally been decreasing from 2000, nationally (excluding where bagging of milled sand is undertaken in an enclosed space).

It is understood that union officials may have their own agenda that appears to be beyond what is practicable or necessary for protection of the health of employees in the extractive industry. WorkSafe appear to be taking their lead from them, stating (at the recent Silica Working Group meeting) that RCS may now be measured to below the proposed Safe Work Australia 0.025mg/m³ Workplace Exposure Limit (WEL) the former limiting factor in reducing the WEL. This proposed halving again of the WEL may well lead to the closure of the extractive industry and thereby the construction industry (240,000 employees just in Victoria).

From a practical point of view and due to the alarming, engineered stone benchtops saga public perception may lead to other unforeseen events such as surfacing of all unsealed roads in Victoria.

Specific comments

Page number	WorkSafe proposal	CMPA Comments
p.9 2 nd dot point	<i>"include a duty for the employer to ensure that the CSS information is readily accessible to any employee who may be exposed to the substance."</i>	Already occurs No to recommendation
p.10	<i>"add trimming, sanding and drilling"</i>	The current definition already captures trimming, sanding and drilling: superfluous and prescriptive No to recommendation
p.11 1 st dot point	<i>"Do not extend the prohibition on uncontrolled processing to all Crystalline Silica Processes."</i>	Understand the intention behind the dot point but the existing regulations that require the control of risk for crystalline silica are already adequate.
p. 11 2 nd dot point	<i>"Further detail on appropriate control measure selection for CSP to be provided through a compliance code."</i>	Guidance is more appropriate as: <ul style="list-style-type: none"> • WorkSafe would not be able to detail all the controls • it also does not allow for innovation. No to recommendation

Page number	WorkSafe proposal	CMPA Comments
p.12 1 st dot point	<i>"Further detail on the identification and application of High Risk Crystalline Silica Work (HRCSW) to be provided through a compliance code."</i>	The current definition is fit for purpose. A risk assessment is already required to be conducted. No to recommendation
p.13 1 st indented dot point	<i>"Prescribe additional matters that must be addressed within training"</i>	Needs to be flexible to allow for differences in quarry sites. No to recommendation
p.13 4th indented dot point	<i>"Require refresher training be provided:</i> <ul style="list-style-type: none"> • <i>whenever the work changes; or</i> • <i>if there is an indication that risk control measures are not controlling the risks adequately, including after any incident that occurs during HRCSW."</i> 	Not practicable: e.g. changes to bench, changes to face, changes to mobile plant and too detailed Could be delivered as a tool box talk. Insert "after any dust related incident" No to recommendation
p.14 Training new criteria		The new criteria are already delivered by CMPA's online training module for employees. No to recommendation
P,15 1 st dot point	<i>"Further detail on air monitoring, tailored to industries and common scenarios/tasks to be provided through compliance code."</i>	Not enough detail. The current threshold remains fit for purpose. It is noted that the Union representatives are advocating for continuous air monitoring. No to recommendation
p.16 2 nd dot point	<i>"Further detail on health monitoring, tailored to industries and common scenarios/tasks to be provided through compliance code."</i>	Not enough detail This should be given in the form of guidance. No to recommendation
p.17 1 st dot point	<i>"Update regulation 319Q to include information be provided to job applications on the requirements to conduct health monitoring in accordance with regulation 169."</i>	Should be discussed at interview stage. No to recommendation

I would be pleased to discuss these matters with you. Please contact me on 0434 692 618 or via email at elizabeth.gibson@cmpavic.asn.au in respect of any matter.

Yours sincerely



Dr Elizabeth Gibson
General Manager

About CMPA

CMPA is the premier representative body for the Victorian extractive resources industry. It represents a broad spectrum of those involved in construction material processing including construction and demolition waste recycling businesses and has a membership base consisting of over 220 quarries across the industry. Together, these members employ approximately 2000 Victorians which underpins the construction industry of almost 240,000 employees (<https://liveinmelbourne.vic.gov.au/connect/victorian-industries/transport-defence-and-construction>).

CMPA members are typically small to medium sized family, and private businesses, local government, utility providers and national companies. Many are regionally based employers and service local construction, infrastructure, and road maintenance needs. The extractives sector is a key pillar within the construction industry underpinning the growth and economic development of Victoria through supply of the construction materials.

In 2022/23, the sector supplied approximately 72 million tonnes of construction materials and 7 million tonnes of recycled construction and demolition waste (25% of total freight movement in Victoria) to the market, at a value of approximately \$1.4 billion directly supporting Victoria's \$80 billion Big Build (<https://bigbuild.vic.gov.au/about>) and the estimated 1.6 million new homes required by 2050 (<https://earthresources.vic.gov.au/geology-exploration/industry-investment/joint-ministerial-statement-on-extractive-resources>). Small to medium quarries account for approximately half of this production and is submitted to be a vital industry supporting the ongoing economic prosperity of Victorians. An additional 6.5 million tonnes of recycled construction and demolition waste was also produced.

The CMPA supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria and Australia.