

21 April 2023

The Parliamentary Officer  
Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation

*Via email:* [OccHealthCommittee@parliament.sa.gov.au](mailto:OccHealthCommittee@parliament.sa.gov.au)

Dear Sir/Madam

The South Australian Chamber of Mines and Energy (SACOME) is the leading South Australian industry association representing the resources and energy sector, the powerhouse of the State's economy.

We write in response to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation's (the Committee) call for submissions in respect of the Work Health and Safety (Crystalline Silica Dust) Amendment Bill 2022, introduced into the Legislative Council by the Hon Tammy Franks MLC on 15 June 2022. We welcome the opportunity to provide comment.

### **Background**

As part of its role representing the sector, SACOME is a member of the Mining and Quarrying Occupational Health and Safety Committee ('MAQOHSC'), which is a Ministerial Committee recognised in Part 2 of the *Work Health and Safety Act 2012*.

The principal function of MAQOHSC is to oversee the expenditure of the Mining and Quarrying Industries Fund to minimise injury and disease and promote safe work in the mining and quarrying industries. The Fund's antecedent was the Workmen's Compensation (Silicosis) Scheme. SACOME notes there is no representation from companies or associations working with manufactured or engineered stone.

MAQOHSC also has ancillary functions, which are aligned to their Strategic Plan 2021-2024 and defined policy programme. Accordingly, MAQOHSC has made submissions in respect of Ms Franks' Bill, which focus on the need for reform and proportionate regulatory mechanisms in both health and work health and safety to address the risk

posed by manufactured or engineered stone. SACOME supports MAQOHSC and adds the following context on behalf of our members.

### **The Bill**

The Bill contains two clauses, with the substantive change contained in clause 2. Specifically, in proposed new s 34B –

*A person conducting a business or undertaking must not carry out, or direct or allow a worker to carry out, work that exposes a person to crystalline silica dust.*

Proposed s 34A defines crystalline silica as 'mean[ing] crystalline polymorphs of silica, including...quartz'.

SACOME understands from Ms Franks' second reading speech that the catalyst for the proposed ban is the silicosis risk posed by manufactured or engineered stone, and, indeed, she makes no reference to mining. If enacted in its present form, it would effectively result in the cessation of mining activity in South Australia. This view is shared by MAQOHSC and confirmed by SafeWork SA, which provided oral evidence to the Committee on 23 March.

The following industries have also been identified by member companies as ones where operations would cease as a consequence of this Bill or would be so significantly impacted as to threaten their viability:

- Melting and metals refining
- Foundry and refractory work
- Iron ore and steel production
- Construction and demolition
- Manufacturing

### **Crystalline silica**

Approximately half the composition of earth's crust is silicon dioxide. Crystalline silica is a form of silicon dioxide (or free silica) and is a naturally occurring mineral found in most rocks, sand and clay. There are five different forms of free silica, but the one

predominantly found in workplaces is quartz.

The airborne release of crystalline silica to immediate surrounding workings as respirable crystalline silica ('RCS') is unavoidable for quarrying, tunnelling, or mining activity in geological settings that contain the mineral. Airborne release generally occurs from blasting, cutting, drilling, material loading, transport and tipping, crushing, and conveying; as well as material transfer.

While it does not appear the mover contemplated mining in the drafting of the Bill, for the avoidance of all doubt, SACOME has annexed a list of the mining industry's proven risk control measures at [Attachment A](#).

The industry has well-established and robust occupational health and safety guidelines, standards, regulations, legislation as well as oversight on these matters. These underpin work site specific standards, occupation health and safety systems, operating procedures, and risk management plans.

As MAQOHSC has identified in their submission, the risk of silicosis within mining and related industries is estimated to be 'low'.

### **National reform work**

In respect of reform work that is currently being undertaken, SACOME notes that Work Health and Safety Ministers met on 28 February and issued a [communiqué](#).<sup>1</sup> It confirmed that:

- Ministers support the Commonwealth Government urgently exploring a ban on the importation of engineered stone, including consultation with stakeholders on the effects of a ban;
- Ministers agree to implement a national campaign, in partnership with employers and unions, to raise awareness about the dangers of silica dust

---

<sup>1</sup> Department of Employment and Workplace Relations, *Work Health and Safety Ministers' Meeting – 28 February 2023 Communiqué* (2023). <https://www.dewr.gov.au/work-health-and-safety/resources/work-health-and-safety-ministers-meeting-28-february-2023#:~:text=A%20Communiqué%20from%20the%20Work,WHS%20issues%20of%20national%20importance>.

exposure and educate businesses and workers about how to control the risks of exposure in the workplace;

- Ministers agree that new regulations will be developed by the end of 2023 to manage high-risk crystalline silica processes across all industries, including requirements for additional training, air monitoring, and reporting excess exposure to health and safety regulators;
- Ministers agree that further analysis and consultation will be undertaken on a potential ban on the use of engineered stone, as well as a potential national licensing regime. This work will be completed by the end of 2023; and
- Ministers also agreed that if engineered stone is not banned, a national licensing scheme should be considered.

In a media release issued the same day by the responsible South Australian Minister, the Hon Kyam Maher MLC, he confirmed the Government's preference for a national approach but stated the State will act unilaterally if progress on the above stalls. Following the Ministers' decisions, Safe Work Australia issued a new consultation paper to further progress this reform work. SACOME submits that nationally consistent frameworks are the correct approach to address the risk posed by manufactured or engineered stone.

SACOME further notes that the Lung Foundation, on behalf of the Commonwealth Department for Health and Aged Care, recently completed consultation for a new National Silicosis Strategy. It is anticipated the outcomes of this will be released later this year.

### **Recommendations**

SACOME recommends the Committee notes the national reform work being undertaken and defers reporting on the Bill until the outcomes of this are known.

If the Committee is instead minded to propose a state-based response to address the risk posed by manufactured or engineered stone in advance of the national reform work, SACOME recommends any such Bill be a Government Bill with input from SafeWork SA and other relevant regulatory agencies.

SACOME thanks the Committee for the opportunity to provide this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rebecca Knol', with a long horizontal flourish extending to the right.

**Rebecca Knol**

Chief Executive Officer

South Australian Chamber of Mines & Energy

# ATTACHMENT A

## Control Measures

The following controls are commonly applied across the mining industry.

### Substitution:

- As far is reasonably practicable automated working processes to remove the worker from hazardous area (i.e. remote controlled bogging).

### Engineering Controls:

- Containment:
  - As far is reasonably practicable enclose dust generating processes to minimise liberation. This approach is more common in surface processing plant and ore workshop areas.
- Suppression:
  - Use of wet drilling and cutting practises to minimise dust exposure.
  - At the source of dust release, application of water sprays and misting spays to minimise dust liberation and avoiding dust becoming airborne (depending on application these may include specialised surfactant to aid suppression).
- Ventilation:
  - Providing adequate primary ventilation to underground working areas to ensure dust is directed to exhaust away from work areas. Maintaining minimum air velocities for dust transport, directing dust laden air to return airways underground and avoiding high air speeds that would re-suspend dust.
  - Local Extraction Ventilation (LEV) in fixed infrastructure areas and or processing facilities to remove dust at the source.

### Administrative control

- Mandatory respiratory protection for specific activities and exposure groups underground with an increased likelihood of dust exposure.
- A clean shaven policy aimed at ensuring effectiveness of tight-fitting face-piece type respirators.
- Conducting routine respirable dust and silica monitoring as part of annual Occupational Hygiene monitoring program.

## **ATTACHMENT A**

- Performing ad-hoc area/static monitoring to inform risk control measures.
- Health monitoring for silica conducted by medical departments.
- Warning signage identifying high risk dust areas and providing reminders of mandatory respirator use.
- Regularly reviewing control measures for RCS.

### PPE

- Providing workers with respiratory protection PPE.