SUBMISSION

Consultation Regulation Impact Statement:

Workplace exposure standards framework under the model Work Health and Safety laws

Instructions

To complete this online submission:

- Download and save this submission document to your computer.
- Use the saved version to enter your responses under each question below. These questions are from the consultation regulation impact statement on the workplace exposure standards framework under the model Work Health and Safety laws.
- Once you have completed your submission, save it and upload it using the upload your submission link on the Engage submission form.

Submissions will be accepted until **11.59 pm AEDT, 13 September 2018**.

Additional documentation

Up to three additional documents can also be uploaded when you submit your response. Relevant documents to upload could include cover letters or reports with data and evidence supporting your views.

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Questionnaire

(Consultation RIS questions)

1. Do the estimated rates of compliance with the workplace exposure standards align with your experience? Please explain. **(Section 2 Pages 24-25)**

No. The mining industry in Queensland has its own legislation and very few resources to POLICE standards. Many mining companies have terrific standards written as does the mining regulator that they say they meet however these standards are for want of a better word a façade adopting ADG (Australian Dangerous Goods) and NICNAS (National Industrial Chemicals Notification and Assessment Scheme) Codes that reference things back to 1995 etc with little reference to actual new delivery methods and technology that are perhaps specific to mineral processing rather than other industries with more familiar uses of chemicals. (As mentioned point 120 P25)

2. Are there any particular issues that make it difficult for you to comply with the workplace exposure standards? Please provide examples. **(Section 2 Pages 24-25)**

Lack of resources and reliance on supplier MSDS or Mining regulator. Xanthates MSDS from many suppliers was found to have differing PPE for workers. Many actually were found to be incorrect for use on a mine site and offered NO protection of workers actually using the chemical in a liquid form in extremes of heat 50 C daytime temperatures. The regulator after a complaint in 2013 issued a Qld Statewide Safety Bulletin and again in 2018 another updated safety bulletin. Few MSDS's if any actually related back to process and long term exposure as well. Poison information was minimal and basically if you drank the chemical immediate exposure response and hospital treatment. No monitoring of workers is done in relation to chemicals and there are NO medical experts to refer to for long term exposure. An AHPRA (Australian Health Practioner Regulation Agency) list of 35 doctors questioned new little if anything about long term Mine Chemicals and / or exposure.

3. Are there any other costs to your organisation relating to the workplace exposure standards framework not discussed here? **(Section 2 Pages 26-30)**

Yes. Carrying out Investigations into chemicals and exposure in Queensland of whom is in control of what and their legislation and what they can actually do under their legislation. Their seems to be a reliance on others in Australia including suppliers SWA, NICNAS, etc or from suppliers from other countries perhaps due to imports. Its difficult and very time consuming to investigate to find actually issued standards only to find that when researching at a later date that perhaps someones once time reference now appears as an error 404 file not found as perhaps the agency has reorganised its data etc.

4. If there is not an Australian workplace exposure standard available for a particular chemical, how do you manage the risk of exposure? Please describe. **(Section 2 Pages 29-30)**

Its NOT the responsibility of workers. It's the responsibility of the Duty Holder / the regulator in the state to work together and their workplace standards and practices and Safe Work Methods and statements. There appears to be a lack of medical knowledge in the whole field of Chemical Exposure long term from the point of Duty Holders and the regulator and its even worse for Workers seeking treatment or advice to specific ailments for chemicals that have recognised standards so ??? help anyone looking to manage a new type of risk exposure. Workers trying to establish relationship with exposure for existing chemicals is almost impossible so the Duty Holder costs presumably would not vary until some problem was established

5. Are there any other options that could be considered to achieve the government's objectives? Please provide details. **(Section 3 & 4 Pages 31-38)**

This may sound strange and in the world today there is a reliance on shared knowledge which has bought about incredible advances in such a short space of time along with appropriate safeguards obviously but a more centralised approach and a single standard across all states rather than a gung ho state by state approach I feel would benefit exposure standards. There would appear to be a lot of many invested in compliance and burden of disease etc according to this survey and its background notes. If those resources could be unified and perhaps centralised in conjunction with say a University being involved in research , administration and maintenance of records and updates across all industries I believe that there would be a monetary benefit as well as an educational / learning stream for specialists as well. Option 2 I feel is the way to go. Any other option would lead to increased costs in diseases further down the track I believe

6. Are there any practical issues to consider in relation to any of the proposed options? Please provide examples. **(Section 4 Pages 32-38)**

Option 2 is the way to go but needs tweeking. All the examples have their pros and cons. Traditionally whether it be chemicals , finance, information, etc its been shown that self regulation fails dismally and its lives that we are dealing with here in reality and that even current regulated standards have to be effectively POLICED so as not to kill, mame or adversely effect workers or society

7. Would making the workplace exposure standards advisory (rather than mandatory) lead to changes in the level of compliance in your industry? Please explain. **(Section 4 Page 37-38)**

Yes sadly self regulation has failed in the past

8. Beyond these options, what else could be done to help your business understand and comply with the workplace exposure standards? **(Section 4 Pages 32-38)**

Simplify the information. List how the chemicals are actually used as well perhaps as others may have already overcome specific issues and can share some gifted guidance. Cross reference health specialists as well with specific knowledge on the chemical. List the variety of delivery methods and the states that the chemicals are ie vapour, liquid, solid etc as the PPE may vary from state to state.

9. What impact, if any, would the proposed name change from ‘workplace exposure standard’ to ‘workplace exposure limit’ have on your organisation? **(Section 4 Page 38)**

NONE. If its not adhered to its all the same for the victim of the exposure. Famous person once said whats in a name????

10. Please provide details of the types of costs that are incurred by your organisation when a WES value is updated. For example, do you update any policies or procedures to reflect changes in the WES value? **(Section 5 Page 39-40)**

No cost to this worker based organisation as the Duty Holder has to employ a safety specialist rather than generalist to update an insert records appropriately so the costs would be quite high to them not us. The regulator for mining however may be a different story as there are very limited resources apparently.

11. Survey respondents indicated that, on average, a quarter of their control costs are directly attributable to the current workplace exposure standards framework. Is this consistent with your experience? Please provide details. **(Section 5 Pages 39-40)**

Hahaha I think that’s a pie in the sky figure Baseline costs would appear to be a great wish list but Duty Holders unless forced to adhere to specific monitoring will try to avoid these costs as it may make them more accountable. People on the ground would be 90% of their costs in workplace observations, administrating safety on a daily basis with very little in hind sight of actual framework costs, The workers compensation costs quoted (Point 184 P39) seem extremely low and may reflect the difficulty in actually establishing cause

12. Are there any other significant regulatory costs that you incur because of the workplace exposure standards that have not been included in the consultation RIS? **(Section 5 Pages 39-40)**

No

13. Do you think awareness of the workplace exposure standards will improve if they are updated more frequently? Please explain. **(Section 5 Pages 40-46)**

They should be but doubtful. Reality check. The problem is in Qld Mining that the workers especially in Metalliferous Mining have few resources and very little is actually shared as seen with Xanthates and the warning safety bulletins would NOT even be discussed at a workers level but generally are kept at a higher management level of safety. Safe Work Australia has to review and then it goes to the regulator and there are long time delays in new information getting through.

14. What impact would more frequent updating of the workplace exposure standards have on your organisation? In your response, please consider the possible addition of the chemicals listed in Appendix C. **(Section 5 Pages 40-46)**

More frequent updating is needed as the hidden burden of potential injury far outways any costs as the damage by delay is unacceptible

15. To understand and implement option 2, what would this cost your business or organisation? **(Section 5 Pages 40-46)**

Costs would NOT impact our business

16. What benefits would option 2 provide for your business or organisation, and community? **(Section 5 Pages 40-46)**

Proper more real time information as opposed to the past

17. To understand and implement option 3, what would this cost your business or organisation? **(Section 5 Pages 46-52)**

Costs would NOT impact this organisation. Option 3 however Advisory status is unacceptable.

18. What benefits would option 3 provide for your business or organisation, and community? **(Section 5 Pages 46-52)**

Option 3 is unacceptable from a workers point of view. The community would suffer further. There is no benefit in self regulation unfortunately organisations cannot be trusted.

19. If workplace exposure standards were advisory (rather than mandatory), would your business continue to seek information or guidance from a WHS regulator? **(Section 5 Pages 46-52)**

Yes

20. For each option are there any other costs, benefits, and/or unintended impacts which have not been considered in this consultation RIS? Please provide details.

No

21. Do you have anything further you would like to add as part of this process?

Yes its hard enough to have accountability for exposure standards now. There must be a worker mechanism as well in any feedback loop that may bypass the Duty Holder too. Obviously disgruntled workers etc are always going to be an issue that should be vetted but more feedback from the face of the users is required. Without this there is still the possibility that exposure and appropriate feedback goes unreported despite mechanisms in place or NOT. There really needs to be reference to exposure specialists especially in Queensland. The other states I cannot comment. There needs to be a central registry for data documents and references as error 404 File NOT found etc is going to be more prevalent with more updates. Reference attached XANTHATES even as late as 2018 has NO reference as far as I can ascertain to misting of the chemicals through the floatation process where MIBC (Methyl Isobutyl Carbinol) is added as a frother agent and air in volume rather than high pressure is dispersed through the mineral baths to capture the specific metal being sought in that process. There are NO LONG TERM EXPOSURE measurements or comments even to the process or more importantly as to monitoring vapours etc. Im unsure even if anything is mentioned from Safe Work Australia as the process is removed from your legislation and only on Mine sites???

https://www.dnrme.qld.gov.au/business/mining/safety-and-health/alerts-and-bulletins/mines-safety/xanthates-in-mining 2013 document QLD

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