

SUBMISSION

Consultation Regulation Impact Statement:

Managing the risks of respirable crystalline silica at work

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 <u>Consultation Regulation Impact Statement on managing the
 risks of respirable crystalline silica at work.</u>
- 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 on 15 August 2022.

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.

Help

If you are experiencing difficulties making your submission online, please contact us at <u>occhygiene@swa.gov.au</u>.

Respondents may choose how their submission is published on the Safe Work Australia website by choosing from the following options:

- submission published
- submission published anonymously
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Please note the following are unlikely to be published:

- submissions containing defamatory material, and
- submissions containing views or information identifying parties involved in hearings or inquests which are currently in progress.

Your details

(Please leave blank if you wish to remain anonymous)

1. Name or organisation

WorkSafe WA – Department of Mines, Industry Regulation and Safety

2. Email used to log into Engage

Questionnaire

(Consultation RIS questions)

Statement of the problem (Chapter 2)

2.1 Do you agree with the identified problem? Has the entirety of the problem been identified? Please provide evidence to support your position.

Click or tap here to enter text.

2.2 Do you have further information, analysis or data that will help measure the impact of the problem identified?

Click or tap here to enter text.

Why is Government action needed? (Chapter 3)

3.1 Do you agree with the case for government intervention? Please provide evidence to support your position.

Click or tap here to enter text.

3.2 Do you agree with the objectives of government intervention? Please provide evidence to support your position.

Click or tap here to enter text.

What policy options are being considered? (Chapter 4)

4.1 Do these options address the problem? Please provide evidence to support your position.

Click or tap here to enter text.

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4.2 Are there any other non-regulatory or regulatory options you think should be considered to address the problem?

Click or tap here to enter text.

What is the likely impact of each option? (Chapter 6)

6.1 Is the cost modelling methodology appropriate to estimate the costs to industry and governments (Appendix D)? Please provide evidence to support your position.

Click or tap here to enter text.

6.2 Are the estimates of the number of businesses covered by each of the regulatory and nonregulatory options accurate? Please provide evidence to support your position.

Click or tap here to enter text.

6.3 Are there other factors that should be considered in the assessment of the effectiveness of each option (Section 6.5)? Please provide evidence to support your position.

Licensing (Option 4) is an option with a significant lead time required in order to pass legislation, establish resources for running the licensing scheme, provide information to industry, and phase in the requirements. During this lead time the health benefits are not realised. As such this option is unlikely to have an immediate impact on health and safety outcomes.

This option also requires the regulator to have a suitable funding model to ensure adequate resources to run the scheme including the associated compliance checks. If industry funding or increased revenue of another type is unavailable, the resources will likely come from another area of health and safety compliance work, constraining the regulator's capacity to assign resources based on risks and emerging issues.

Experience with other licensing schemes has identified that there is a benefit in terms of opening lines of communication between the regulator and the license holder, however non-compliance with licensing schemes does occur even when compliance resources are allocated to manage this.

Option 5a - Recognising the prevalence of small to medium workplaces working with engineered stone, it should be noted that the cost of air monitoring is significant for these workplaces. There is a risk of a high rate of non-compliance with air monitoring requirements. Inspectors in WA have focussed mainly on the effectiveness of the controls in use at these workplaces, supported by a small amount of monitoring data. While it is useful for regulators to have access to data such as air monitoring data, the primary purpose of air monitoring under the WHS regulations is to check that controls are adequate, where there is uncertainty, rather than to assist regulators monitor trends. Should this option be selected, it is recommended that only exceedance data be reported to the regulator.

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As background on this item, it should be noted that WorkSafe WA – DMIRS requires the mining sector, including quarries, to report air monitoring data to the regulator and has done for many years. This model has been found appropriate for this industry, noting its different risk profile and maturity compared with engineered stone workshops.

6.4 Are the cost and other estimates (including worker wage assumptions) listed in Appendix D accurate and appropriate? If not, please provide additional data to support a more accurate estimate of costs.

Click or tap here to enter text.

6.5 Do you have further information regarding the costs to the public health system for silicosis and silica related diseases?

Click or tap here to enter text.

Discussion of options (Chapter 7)

7.1 Which option or combination of the options presented is most likely to address the identified problem? Please provide evidence to support your position.

Click or tap here to enter text.

7.2 Are there any significant barriers to implementation of the options presented? What are those barriers? Is there a cost associated with them? How could they be overcome?

Click or tap here to enter text.

Other comment

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

Click or tap here to enter text.