



Master Builder's response
to the NSW Government's
*2019 Review of the
Dust Diseases Scheme*

August 2019



**Master
Builders
Association**
New South Wales

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The Director
Standing Committee on State Development
Parliament House
Macquarie Street
SYDNEY NSW 2000

1.0 INTRODUCTION

The Master Builders Association of New South Wales (Master Builders) is the oldest employer association in Australia, having been founded in 1873.

Master Builders is a registered organisation of employers under the Industrial Relations Act 1996 (NSW) and the Fair work Act 2009 (Cth).

Master Builders is the only industrial body representing all of the key building and construction sectors:

- Residential;
- Commercial; and
- Engineering and civil construction.

Master Builders represents approximately 8,000 members across New South Wales.

Master Builders also participates on and represents the view of a number of industry committees, namely:

- Housing Industry Consultative Committee;
- Construction Safety Forum (formerly the Brian Miller Foundation);
- Construction Safety Alliance.

2.0 SUBMISSION

Master Builders' submission is in response to the New South Wales Legislative Council's Standing Committee on Law and Justice Inquiry into the 2019 Review of the Dust Diseases Scheme.

Master Builders' carefully considered recommendations are focussed on the response to silicosis in the manufactured stone industry in New South Wales.

As a result of the foregoing, Master Builders' recommendations are set out as follows:

RECOMMENDATION #1

Master Builders recommends that the Standing Committee on State Development reduce red tape by applying existing asbestos safety controls to the generation, management and disposal of silica dust.

RECOMMENDATION #2

Master Builders recommends that the workplace exposure standard for respirable crystalline silica be maintained at a Time-Weighted Average (TWA) of 0.02mg per cubic metre. Master Builders recommends against moving forward as advocated by Safe Work Australia (SWA) to the TWA of 0.1mg per cubic metre at this stage given the technology is not yet available to accurately measure crystalline silica at the workplace to that level by hygienists.

RECOMMENDATION #3

Master Builders recommends that SWA delay its review of the existing silica dust Workplace Exposure Standard (WES) for a period of not less than 12 months. This is in order that SWA can have proper regard to the outcome of the rest results in determining and revision of the WES. Any proposed change to the WES should also be subject to a Regulatory Impact Statement prior to the adoption of a change. Also a pragmatic exposure standard that is reasonably practical to achieve which relies on technology that can accurately measure silica levels is paramount.

RECOMMENDATION #4

Master Builders recommends that contractors involved in the generation, management and safe disposal of respirable crystalline silica, require their Safety Management Systems (SMS's) to have been accredited as complying with the NSW Government Work Health and Safety Management Systems and Auditing Guidelines 5th Edition (WHSMS Guidelines).

RECOMMENDATION #5

Master Builders recommends that in addition and related to Recommendation #4 contained herein, that such contractors involved in the generation, management and safe disposal of respirable crystalline silica, require their SMS to be accredited as complying with the NSW Government Environmental Management Systems Guidelines 3rd Edition, August 2013 (Updated 30 May 2014) (EHMS Guidelines).

Such contractors SMS should also be signed off by an independent WHS Auditor certified as a Principal, Lead or Business Improvement OHS Auditor by JAS-ANZ personnel certifier, such as RABQSA, certifying that the contractor when tendering for this work has a complying SMS. It is also imperative that such contractors' SMS be accompanied by a completed copy of the checklist shown at Appendix A of the WHSMS Guidelines.

RECOMMENDATION #6

Master Builders recommends that the safe transportation and disposal of silica related products be treated the same as asbestos, in as much as refuse waste stations provide receipts reflecting the quantity, time, date, location and safe disposal of such products. In addition, traceability could be provided through GPS tracking or QR code scanning and recording.

RECOMMENDATION #7

Master Builders recommends that proactive measures, such as the hierarchy of controls remain in place. This is whereby a single control or a combination of these may be applied to reduce a worker's exposure to airborne contaminants such as silica from the cutting, grinding or manufacture of silica crystalline containing products.

Controls such as use of Personal Protective Equipment (PPE) is one such example of an effective control. Another example of a control measure is wet-cutting where this can be carried out having regard to all the circumstances including environmental considerations.

RECOMMENDATION #8

Master Builders recommends that State and Federal Governments fund a strategic and comprehensive analysis of silicosis in the workplace. A co-ordinated and rigorous testing program could be undertaken to better understand the extent of the problem. Such an analysis could help determine the types of exposure levels that exist in different work environments.

3.0 CONCLUSION

Master Builders trusts that its responses to the 2019 Review of the Dust Diseases Scheme are of assistance to the Standing Committee on State Development.

Master Builders also advises that it has no objection to this submission being published on the Committee's website.

However, should you have any further enquiries or wish to discuss our recommendations in more detail, please do not hesitate to contact the undersigned on 02 8586 3555 or email dsolomon@mbansw.asn.au



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