



# Victoria Government Gazette

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## Subordinate Legislation Act 1994

### PROPOSED OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (CRYSTALLINE SILICA) REGULATIONS 2021

#### Notice of preparation of Regulatory Impact Statement

Notice is given that, in accordance with section 11 of the **Subordinate Legislation Act 1994**, a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Occupational Health and Safety Amendment (Crystalline Silica) Regulations 2021 (proposed Regulations).

Copies of the proposed Regulations and RIS will be available for public review and comment from **Friday 22 January 2021**. The closing date for submissions is close of business, **Thursday 18 February 2021**.

The proposed Regulations will replace the Occupational Health and Safety Amendment (Crystalline Silica) Regulations 2019 (Silica Regulations 2019).

The proposed Regulations aim to extend the protection introduced in the Silica Regulations 2019 by strengthening regulatory control over the use of engineered stone in a workplace, and implementing new control measures on a wide range of materials containing crystalline silica, beyond engineered stone.

The proposed regulations largely remake the Silica Regulations 2019, and add to Part 4.1 Hazardous Substances of the Occupational Health and Safety Regulations 2017. The proposed Regulations will implement effective controls tailored to address the risks of crystalline silica dust exposure. Specifically, the proposed Regulations:

- retain the existing prohibition on dry cutting engineered stone under new Part 4.5, introduced by the Silica Regulations 2019;
- introduce a licensing regime for employers and self-employed persons who cut, grind, abrasively polish or undertake any other activity that generates dust containing crystalline silica while working with engineered stone;
- complement the licensing scheme by introducing a restriction on the supply of engineered stone to licence holders;
- impose new duties on manufacturers and importing suppliers of products containing crystalline silica to provide up-to-date and accurate written information about the proportion of silica contained in the product before it is supplied to a workplace; and
- introduce a range of duties on employers and self-employed persons engaged in 'high risk silica work' including duties to:
  - prepare a silica hazard control statement;
  - provide information about the potential risks of silica exposure as it relates to that specific workplace to job applicants and employees;
  - undertake atmospheric monitoring; and
  - implement transitional measures to allow workplaces to adjust their practices in line with the new requirements.

The costs and benefits of the proposed Regulations are considered in the RIS, which has been prepared by Deloitte Access Economics.

The RIS discusses possible alternatives to the proposed Regulations and concludes that the proposed Regulations, which include the licensing scheme plus the full package of reforms, are the best means of achieving the objective of eliminating (so far as reasonably practicable) the risk of adverse health effects from work involving materials containing crystalline silica.

**SPECIAL**

The proposed Regulations will cover the stonemason, construction, mining and manufacturing sectors. Worksafe Victoria (WorkSafe) has identified 24 sub-industries within these four sectors that are most likely to be exposed to crystalline silica dust and therefore be affected by this package of reforms. This includes bricklayers, carpenters and joiners, cement manufacturing, concreters, plasterers, and tilers, along with stonemasons.

The RIS also notes that there is significant uncertainty around potential avoided illnesses and deaths, particularly in non-stonemason industries such as construction; however, the licensing scheme plus the full package of reforms was chosen because:

- there is merit in taking a precautionary approach to the issue, given that there has been a recent spike in illnesses and that the extent of latent illness associated with past exposure is not fully known. In the absence of this knowledge, and noting that the consequences of silicosis and related diseases are extremely serious and irreversible, it is wise to err on the side of caution;
- the quantification of the benefits of avoided silicosis illness has been estimated conservatively in the RIS. This includes the fact that some illnesses and deaths may be occurring but are not attributed to silicosis; and
- there are a range of qualitative benefits of reducing exposure to silicosis, which are not captured in the breakeven analysis, such as employment impacts and psychological impacts.

Public comment is invited on the proposed Regulations and RIS.

Please note, all submissions will be treated as public documents and will appear online unless clearly identified as being confidential.

Comments should be received by WorkSafe by no later than the close of business on **Thursday 18 February 2021**. Submissions may be lodged electronically using an online form, by email or via post.

Electronic copies of the proposed Regulations and RIS can be obtained from the Victorian Government's engage website: [engage.vic.gov.au/worksafe](https://engage.vic.gov.au/worksafe), from the WorkSafe Advisory Service on 1800 136 089 (toll-free) or via email: [legislation@worksafe.vic.gov.au](mailto:legislation@worksafe.vic.gov.au).

INGRID STITT MP  
Minister for Workplace Safety

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