



Customer
Service

Media Response

SafeWork NSW response below, attributable to a SafeWork NSW spokesperson.

SafeWork NSW has been focusing on the dangers posed by respirable crystalline silica (RCS) since 2017 through its [2017–2022 Hazardous Chemicals Exposures Baseline and Reduction Strategy](#) and the [NSW Dust Strategy \(2020-2022\)](#). The four key components of these strategies are education, compliance, research and regulatory/policy review.

Silica continues to be a priority for SafeWork NSW in 2023 under the [SafeWork NSW Regulatory Priority: Exposure to harmful substances - Reduce the incidence of worker exposure to dangerous substances in the workplace, particularly silica and dangerous chemicals](#). Strategic planning is now underway for the ongoing targeting of silica dust which continues to be a high priority for SafeWork NSW.

SafeWork NSW has implemented recommendations from the Reviews of the Dust Diseases Scheme (2017, 2019, 2021) including:

Compliance actions and improvements

SafeWork NSW Inspectors have completed more than 2,100 silica-focused visits to workplaces across engineered stone, construction, tunnelling, and other industries.

These visits resulted in more than 1,300 notices issued (improvement, prohibition and penalty notices). Around 900 of those notices were silica-related (others were issued for hazards such as falls and electrical risks – see the [NSW Silica Dashboard](#) for more information).

Engineered Stone Industry Compliance Visit Program

All known engineered stone fabrication businesses in NSW, around 250 total, were visited in each of two rounds of visit programs (Round 1: 2018/19 - 2019/20 and Round 2: 2020/2021 - 2021/2022).

Between Rounds 1 and 2 significant improvements were observed in the safety controls used in these sites. This is reflected in the number of notices issued reducing by half:

- Round 1:
 - 656 improvement notices (531 silica-related); and
 - 43 prohibition notices (26 silica-related).
- Round 2:
 - 279 improvement notices issued (of which 208 silica-related); and
 - 7 prohibition notices (6 silica-related) and 3 on-the-spot fines (fines introduced July 2020, noting prohibition notices are issued in conjunction with on-the-spot fines for dry cutting to ensure the practice ceases).

Investigations

Since October 2019, SafeWork NSW has reviewed 166 matters where workers were diagnosed with silicosis.

Sixteen matters were progressed to further investigation with a view to prosecution. Four matters were filed in court for prosecution. Three of these matters are still in court and one matter has resulted in a \$25,000 fine to the business.

In all matters where a positive silicosis diagnosis has been notified to SafeWork NSW compliance activity will occur on site at the time of intervention where there is evidence of a breach of the WHS legislation. The compliance activity may include improvement notices, prohibition notices or on-the-spot fines. There is also information and education provided to the businesses to assist them in complying with requirements. This applies to those matters that proceed to further detailed investigation, and those that do not.

Where matters are reviewed and do not progress to full investigation, this can be due to several factors including self-employment, Person Conducting a Business or Undertaking (PCBU) is under liquidation, if a worker is subsequently cleared of disease, if exposure has occurred across multiple workplaces making it difficult to attribute responsibility, or if exposure occurred prior to the commencement of the current Work Health Safety (WHS) legislation in 2011 resulting in an inability to proceed with court action under the current legislation.

Air (exposure) monitoring

In June 2022, SafeWork NSW began a personal air (exposure) monitoring program at 30 randomly selected engineered stone sites to determine worker exposure to silica dust and better understand the effectiveness of control measure implemented by the businesses after the compliance program visits. This work is ongoing.

An independent evaluation of the Hazardous Chemicals Baseline Reduction Strategy indicates that it has been successful in increasing awareness, attitudes, and safety behaviours around silica dust:

Surveys with workplaces (engineered stone and construction) visited in the past five years showed:

- near universal awareness of silica dust harm
- 94% noting positive change in their workplaces around silica dust control in the past two years (up from 90% of businesses noting a positive change in 2019)
- the use of mitigation measures on every occasion has improved for five metrics: personal protective equipment (PPE) increased (75% to 86%), training of contractors (65% to 76%), fit testing of close-fitting respirators (59% to 66%), ventilation controls for dust (56% to 67%) and health monitoring by a registered health professional (42% to 49%).

Other insights that indicate improved compliance include:

- Inspector observed that engineering controls were in place (e.g., computer numerical control (CNC) machines, wet cutting, on-tool dust capture, wearing of respiratory protective equipment (RPE), fit-testing and training, displaying Safety Data Sheets (SDS)) reflecting increased compliance and resulting in fewer notices issued (as detailed above)
- uptake of health monitoring with 200 health monitoring notices issued directing employers to arrange health monitoring and 1459 engineered stone workers screened from 2019-2022 [see: [icare response to 2021 Review Dust Disease Scheme – Tab A](#)], (noting the industry estimate is expected to be around 1454 workers and not more than 2040 workers [see: [Silicosis Case Finding Study](#)])
- uptake of more than 200 rebates for dust-controlling safety equipment, representing a total industry investment of more than \$250,000 in safety equipment (including an industry-targeted \$1000 rebate for engineered stone industry).

Development of the Respirable Crystalline Silica Sensor to help industry address risk in real time

The Centre for WHS engaged Trolex Nome Australia to develop a respirable crystalline silica sensor, which can provide real time feedback to workers at risk of exposure. This technology has been independently tested and is able to measure the workplace exposure standard of 0.05mg/m³. This device became commercially available in June 2022, with rebates for businesses available to support their purchase.

Industry Taskforce

SafeWork NSW convened an engineered stone industry taskforce including representatives from industry, unions, health, education and other government agencies. SafeWork NSW pursued recommendations across trade, education, Work Health Safety (WHS) and NSW Health, resulting in new trade training courses, regulatory reforms, mass awareness and education campaigns (2018, 2019, 2021), changes to WHS legislation and introduction of the NSW Dust Disease Register.

Targeted education and awareness

Mass awareness advertising campaigns, industry events and educational tools drive awareness, knowledge and change attitudes around silica dust in NSW workplaces (see: [SafeWork NSW silica webpage](#)):

- 2018 – ‘Which mask will you wear?’ – advertising across radio, digital, media (mainstream and key language groups). Video Safety Alerts, fact sheets

- 2019 – ‘*Dr Karl*’- advertising across digital, radio and online, a Silica Symposium and regional roadshow event (attended by 1000 businesses)
- 2021 – ‘*Clean Air. Clear Lungs*’ – NSW implementation of national awareness campaign, fact sheets translated into key languages
- 2022 – a range of task-targeted video safety alerts showing best practice (translated into key languages), webinar on new Engineered Stone Code of Practice.

Legislative changes and regulatory reforms

In 2020, NSW introduced a range of legislative reforms including:

1 July 2020

- Banning the practice of dry cutting engineered stone containing crystalline silica. Maximum penalty of \$30,000 for a body corporate and \$6,000 for an individual, with on-the-spot fines for uncontrolled dry processing of engineered stone.
- Halving of Workplace Exposure Standard (WES) from 0.1mg/m³ to 0.05 mg/m³ (well ahead of national deadline to implement).

27 October 2020

- Silicosis became a notifiable disease requiring clinicians to report each case of silicosis diagnosed in NSW. Those notifications are shared with SafeWork NSW to manage a NSW Dust Disease Register. An annual report is tabled in Parliament and published on the NSW Government website (NSW [Silica Dashboard](#)) alongside key information on compliance activities.

In February 2022

- NSW introduced the *NSW Code of Practice – Managing the risks of respirable crystalline silica from engineered stone in the workplace*, based on the National Model Code which was finalised in late 2021. The Code provides practical information on how to manage health and safety risks associated with respirable crystalline silica from engineered stone in the workplace.

Work at the national level

SafeWork NSW is an active player in the significant amount of work being done at the national level to address silica, including the work of the National Dust Disease Taskforce with NSW contributed to the Australian whole of government response to the Taskforce’s recommendations in March 2022.

In July 2022, Safe Work Australia led national consultation seeking feedback on how to best manage silica dust in the workplace, through the public consultation Regulation Impact Statement seeking feedback on regulatory and non-regulatory options. SafeWork NSW awaits

the next stage in this process and continues to provide considered feedback and insights. SafeWork NSW is participating in the implementation of a National Occupational Respiratory Disease Registry, a key recommendation from the National Dust Disease Taskforce.

Driving down silica exposure requires a sustained, cooperative approach from industry, regulators, unions, health, education, businesses and workers. It needs to be tackled locally and nationally from all angles including compliance, regulatory reform, research, education, and awareness. We have seen significant progress and continue our focus in this area.

Response to questions from 60 Minutes below, attributable to a SafeWork NSW spokesperson.

<u>No</u>	<u>Question</u>	<u>Response</u>
2021 Dust Disease Review		
1	<p>What is SafeWork's response to the findings of the 2021 Review of the Dust Diseases Scheme that "the actions of the Government seemed to accord more with business as usual activities rather than demonstrating any real change...there is clearly more work to be done, ...and we hope it happens soon so that other lives are not taken prematurely and the social, economic and human costs associated with silicosis are avoided?"</p>	<p>NSW is at the forefront of efforts to address the re-emergence of silicosis, through its legislative reform, education, research, and compliance programs and is a key advocate for activity happening at the national level in response to this global issue.</p> <p>SafeWork NSW targets silica in a multi-pronged approach across:</p> <ul style="list-style-type: none"> ● Compliance - targeted inspector visits and notices. ● Regulatory reforms - introduction of legislation and advocating for changes and contributing to the national model WHS framework - laws, codes and guidance. ● Research - novel approaches to support workplaces to target exposure, including the first real-time silica dust detector. ● Education and awareness - to ensure workplaces are aware of silica risks and have the tools and knowledge to protect workers from exposure. ● Monitoring - SafeWork NSW manages the NSW Dust Disease Register and is legislatively obliged to report annually on occupational dust disease cases in NSW. This database is used by SafeWork NSW to target investigations where exposure has led to dust diseases like silicosis. <p>Details on SafeWork NSW's efforts to drive down silica dust exposure in NSW are detailed in the opening statement.</p>

2	<p><i>The 2021 Review of the Dust Diseases Scheme</i> stated the committee has concerns about the limited amount of compliance inspections undertaken ‘on-site’ where manufactured stone is being installed. What is Safework’s plan to deal with evidence given to the inquiry and through notifications in their own system of dry cutting taking place at installation settings?</p>	<p>As part of the silica visit program, SafeWork NSW Inspectors are visiting all subsectors of the construction industry, including benchtop fix outs, to ensure compliance for onsite installation of engineered stone.</p> <p>During these visits, Inspectors have observed that installations in high rise apartments are done by teams of two or three workers and when busy, there may be two or three such teams operating simultaneously. These installers are predominantly either direct employees of fabricating workshops or long-term contractors, meaning the work is controlled by the workshops and when a notice or compliance action is issued, it is for end-to-end practices.</p> <p>To date, Inspectors have not seen evidence of dry cutting and have observed installers using wet methods or take the engineered stone benchtop back to the fabrication workshops for major adjustments.</p> <p>In addition, 1,016 proactive (unannounced) visits have been conducted for Silica in Construction from 2018 to 30 June 2022.</p> <p>For 2022 – the construction proactive visits completed exceeded the target (453 visits, target 252).</p> <p>Another construction compliance program is scheduled for August 2023 for 3 months targeting all subsectors of the industry from demolition, residential house construction, mid—high rise and infrastructure sites with a focus on high-risk activities and trades associated with: Concrete cutting and grinding, Brick cutting, “lightweight aerated concrete” cutting, Excavating/sandstone construction activities, Kitchen benchtop fix outs.</p> <p>There is also:</p> <ul style="list-style-type: none"> ● Video Safety Alerts on the safe cutting of bricks and concrete that contain silica using on-tool dust capture and water, including translated versions in Chinese Mandarin and Arabic, and ● Silica related Video Safety Alerts on drilling in construction as well as demolition and excavation. <p>See NSW Government Silica Dashboard for full summary.</p>
3	<p>SafeWork testified at the 2021 Dust Disease inquiry that in relation to silicosis ‘We are starting to see the case numbers coming down’. Given that multiple experts at the inquiry asserted that silicosis is seriously underreported in NSW and the final inquiry</p>	<p>The statement referred to the silicosis screening data current at the time the question was asked. That data showed a reduction in case numbers reported to the NSW Dust Disease Register that year compared to the cases reported by icare the preceding year (prior to the NSW Dust Disease Register) (see: NSW Silica Dashboard):</p> <ul style="list-style-type: none"> ● 2020/21: 57 cases and 7 deaths (NSW Dust Disease Register – first year of mandatory notifications from medical practitioners)

	<p>recommendation 9 was that screening should be reviewed due to underreporting of silica numbers “ what is the basis of this statement?</p>	<ul style="list-style-type: none"> ● 2019/20: 107 cases (icare data prior to the NSW Dust Disease Register starting. Increased cases coincided with increased health monitoring notices through the Round 1 Engineered Stone visit program) ● 2018/19: 40 cases (icare data. Case numbers started increasing due to increased awareness and issuing of Health Monitoring notices in Round 1 Engineered Stone visit program) ● 2017/18: 9 cases (icare data. Case data was fairly static at around 9 cases per year up to this point). <p>SafeWork NSW continues to promote and enforce the requirement for regular health monitoring and has issued more than 200 notices directing businesses to arrange health monitoring.</p>
<p>Dry cutting</p>		
<p>4</p>	<p>Our 60 Minutes, Age/SMH investigation has evidence as of this year that dry cutting is still going on in NSW. Any comment?</p>	<p>Employers have a legal responsibility to manage the risk of silica dust exposure and ensure the health and safety of workers and anyone else in the workplace. They must seek to eliminate risks to health and safety so far as reasonably practicable. While SafeWork NSW cannot be on every worksite, every day, we are strategic about targeting our Inspector resources.</p> <p>SafeWork NSW urges anyone with concerns to contact 13 10 50 or use our SpeakUp App to report any workplace health and safety concerns, which can be reported anonymously.</p> <p>Inspectors triage these matters as they come in and those involving dry cutting of engineered stone are allocated for an Inspector response.</p> <p>It should be noted that changes to NSW WHS legislation on 1 July 2020 effectively banned dry cutting of engineered stone. The changes required businesses that were cutting/grinding/polishing engineered stone to use water fed cutting tools or on-tool dust capture equipment and workers also had to use respiratory protection equipment when undertaking these tasks.</p> <p>If 60 Minutes, Age/SMH has evidence of suspected breaches this should be provided to SafeWork NSW as soon as possible.</p>
<p>5</p>	<p>Have there been any directions for inspectors not to issue penalty notices or fines for dry cutting?</p>	<p>No.</p>
<p>6</p>	<p>Between 2020 and 2022 there were 53 RFS that reported dry cutting at installation settings and factories. How many of</p>	<p>Data regarding same day inspections needs to be extracted manually and cannot be provided in the timeframe. However every RFS is triaged for an Inspector response. Same day responses from Inspectors are generally for fatal or serious workplace incidents.</p>

	them received an inspection the same day of the notification?	
7	How many of these 53 were given fines? In one case a photo was sent to SafeWork showing an installer dry cutting at an apartment in Bondi. Did this incident receive a fine?	<p>Some of these are still subject to investigation, noting we have three prosecutions on foot.</p> <p>In relation to the photo matter, there was an allegation of dry cutting of engineered stone, however, when the inspector attended the site, they observed terrazzo tile being cut as opposed to engineered stone. Whilst an on-the-spot fine was not issued (as the on-the-spot fine is only applicable to dry cutting of engineered stone), the attending inspector did issue a compliance notice for the correct type of respiratory protection equipment to be provided to the workers.</p>
8/9	How many prohibition notices have been issued for dry cutting? How many fines?	<p>All known engineered stone fabrication businesses in NSW, around 250 total, were visited by SafeWork NSW Inspectors in each of two rounds of visit programs (Round 1: 2018/19 - 2019/20 and Round 2: 2020/2021 - 2021/2022).</p> <p>Uncontrolled dry practices (dry processing stone without adequate dust control) were observed in 23 workplaces in Round 1 (resulting in 531 silica-related improvement notices and 43 prohibition notices).</p> <p>In Round 2, 6 silica related prohibition notices have been issued for uncontrolled dry practices and 3 on-the-spot fines (penalty notices) have been issued (fines introduced 1 July 2020) as well as 208 improvement notices.</p>
10	We have evidence that as of last week there was still dry cutting going on in this state. Any comment?	Refer to response to Question 4.
Tunnelling		
11	Given the <i>2021 Review of the Dust Diseases Scheme</i> noted 'evidence about issues emerging in other industries such as tunnelling and construction' and supported 'stepping up efforts to ..ensure air quality is monitored regularly, and action taken to address issues where exposure exceeds	<p>Noting that the 2021 Review had a focus on the engineered stone industry, SafeWork NSW has had a focus on construction, tunnelling, and other industries since the commencement of its strategy in 2017, with 1,122 silica-focused visits taking place, alongside tailored education and awareness activities including video safety alerts, advertising campaigns, toolbox talks, posters and industry events.</p> <p>On 1 July 2020, NSW lowered the Workplace Exposure Standard for Respirable Crystalline Silica from .1 to .05 mg/m3 over an eight-hour working day, for a five-day working week - i.e., it was halved. This means that the law requires less exposure to silica dust in the workplace.</p> <p>SafeWork NSW is also currently reviewing the NSW Tunnels Under Construction Code of Practice (2006) that includes information on ventilation, air monitoring etc, with a tripartite working group formed (Government,</p>

	recommended limits” will SafeWork strengthen both compliance action and regulations around air monitoring.	unions, industry). It is anticipated that this review will be completed by the end of 2023 including public consultation, Ministerial approval and gazettal.
12	In response to supplementary questions for budget estimates from September 2022 about onsite visits by inspectors focused on silica and dust at tunnelling sites, SafeWork reported nil in 2022, 5 in 2021 and 12 tunnels in 2020. Please give details of what tunnels were visited. How many of these visits were in response to requests for service or notifications?	<p>At the October 2022 Supplementary Budget Estimates Hearing, there was a correction made to the figure of ‘Nil’ for 2022 visits provided at the previous hearing. The figure was updated to ‘67’ having been completed in 2022, 18 of which were Requests for Service (RFS), and 49 were other visits (proactive/unannounced and other). Below is a summary for the past three years:</p> <p>SUMMARY:</p> <ul style="list-style-type: none"> ● For 2022, there were 67 tunnelling visits - 18 were RFS, 49 were other inspections ● For 2021, there were 42 tunnelling visits – 6 were RFS, 36 were other inspections ● For 2020, there were 32 tunnelling visits – 4 were RFS, 28 were other inspections.
13	Has SafeWork done its own air monitoring of tunnels where there have been reports of excessive dust?	<p>Air monitoring reports for major infrastructure tunnelling sites are readily available on most sites and displayed on site notice boards. In addition, air monitoring reports can be requested by the regulator at any time. Where a request is made by SafeWork NSW for air monitoring reports, this request may be verbal or may be via a notice issued under either s 171 or s155 of the WHS Act.</p> <p>In 2020, 2021 and 2022 to date there were 5 notices issued by SafeWork NSW for tunnelling sites where air monitoring reports were not already made available.</p> <p>It is practice to check these reports in all visits.</p> <p>In addition, SafeWork NSW has undertaken its own monitoring on road tunnel projects in 2020. 4 x visits including Inspectors undertaking air monitoring were undertaken. 3 were proactive compliance inspections including 1 visit with Federal WHS Regulator Comcare on Federally Regulated project. 1 was in response to an RFS regarding excessive dust. In response to these inspections, 4 x Improvement Notices were issued and 2 x S155 Notice was issued.</p>

14	<p>What program of inspection outside RFS does SafeWork have for tunnels focussing on silica or dust exposure? Are there any targets for the past two years? What about 2023?</p>	<p>See Q12. Proactive (unannounced) and reactive RFS visits, and incident response is conducted for tunnelling with a lead Construction Infrastructure Inspector also assigned to the portfolio to support and monitor safety outcomes, supported by the Manager, Director and other Inspectors as required.</p> <p>All inspections conducted on tunnelling activities focus on high-risk activities including those relating to silica exposure such as air quality, ventilation, RPE compliance, and general safety of the workers.</p> <p>This has been maintained since 2019, with the same portfolio management in place for other infrastructure projects e.g., hospitals, schools, airports, roads, rail.</p> <p>For example, in 2022 SafeWork NSW has had a sustained presence on all major government infrastructure projects (including tunnelling), with 322 proactive interactions (announced and unannounced). This activity is much greater than its reactive presence through responding to requests for service and incidents (64 and 63 respectively).</p> <p>In mid-2022, SafeWork NSW initiated greater Executive visibility of safety issues on government projects by providing regular presentations to the Construction Leadership Group led by Infrastructure NSW.</p> <p>This will be maintained in 2023.</p> <p>Activities by project:</p> <table border="1" data-bbox="631 807 1675 1374"> <thead> <tr> <th></th> <th>2021*</th> <th>Q1, Q2 & Q3 2022</th> </tr> </thead> <tbody> <tr> <td>Proactive Compliance</td> <td>451</td> <td>322</td> </tr> <tr> <td>Internal & External Advice (including presentations & meetings)</td> <td>307</td> <td>247</td> </tr> <tr> <td>Requests for Service</td> <td>73</td> <td>64</td> </tr> <tr> <td>Incidents notified to SafeWork NSW</td> <td>67</td> <td>63</td> </tr> <tr> <td>Incidents attended by inspectors</td> <td>52</td> <td>58</td> </tr> <tr> <td>Notices (improvement)</td> <td>57</td> <td>63</td> </tr> <tr> <td>Notices (prohibition)</td> <td>12</td> <td>13</td> </tr> <tr> <td>Notices (penalty)</td> <td></td> <td>1</td> </tr> </tbody> </table>		2021*	Q1, Q2 & Q3 2022	Proactive Compliance	451	322	Internal & External Advice (including presentations & meetings)	307	247	Requests for Service	73	64	Incidents notified to SafeWork NSW	67	63	Incidents attended by inspectors	52	58	Notices (improvement)	57	63	Notices (prohibition)	12	13	Notices (penalty)		1
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		<p>NOTE: 2022 data is preliminary subject to finalisation of all outstanding matters. Data is current as at 10 October 2022.</p> <p>Building and Construction Safety Symposium</p> <ul style="list-style-type: none"> On 10 May 2022, the Construction Services Group hosted the inaugural Building and Construction Safety Symposium, providing stakeholders an opportunity to participate in forums and workshops across three streams including Infrastructure. Following the success of the inaugural symposium and in response to feedback, SafeWork NSW will be initiating specific Infrastructure Safety Forums that will include the sharing of work health and safety intel, guest speakers, best practice case studies, etc. The first of these Forums will occur in 2023.
15	Does SafeWork have any concerns about the safety of workers in tunnelling in NSW?	<p>Since 2019, SafeWork NSW has had a sustained presence on all major government infrastructure projects including tunnelling and will continue this presence in 2023 to support and monitor safety outcomes and provide greater executive visibility of safety issues on government projects.</p> <p>Inspector notices are issued where non-compliance is detected, with investigations initiated in response for incidents, as per all workplaces/industries. The activity to date has shown that notices have been complied within the required timeframes, noting not all visits have required SafeWork NSW's intervention, for example the number of notices issued to the number of times visited (Q14).</p>
Inspector Workforce		
16	How many inspectors left SafeWork in the last 2 years?	<p>As at 19 January 2023, there are 333 SafeWork NSW Inspectors.</p> <p>Our SafeWork NSW Inspectors have strong retention rates with many inspectors staying with the agency for many years despite the potential for higher pay and benefits in the private sector and other departments. For example, 24% of our SafeWork NSW Inspectors have been with the public service for 20 or more years, and 166 were with the Department during the transition in 2015 from the WorkCover Authority of NSW to SafeWork NSW.</p> <p>Over the last few years, the attrition rate of SafeWork NSW Inspectors has been:</p>

		Year	Yearly Average Number of SafeWork NSW Inspectors	Attrition rate of SafeWork NSW Inspectors	Comparator to the Department of Customer Service attrition rate	Number of SafeWork NSW Inspectors who have left the Department
		2020	303.5	5.3%	13.2%	16
		2021	313.5	8.6%	17.9%	27
		2022	331	10.6%	17.3%	35
<p><i>*Note – this includes voluntary and involuntary departures of SafeWork NSW Inspectors and reports SafeWork NSW Inspectors who have left the Department but does not include SafeWork NSW Inspectors who have moved into another role within SafeWork NSW such as senior management.</i></p> <p>Recently, we have seen an increase in SafeWork Inspector turn over, but this was expected as we have an aging inspectorate. As at 19 January 2023, 30% of our SafeWork Inspectors were 56 years or older, and 28 of those Inspectors were aged 65 or above. We are expecting large numbers of retirements or transitions to retirement in next coming years and have been planning for this with increased recruitment activity in our inspectorate.</p> <p>In addition to this, SafeWork NSW, like many other organisations has seen a general increase in resignations since the COVID-19 pandemic.</p>						
Suppliers						
17	Has SafeWork fined any manufacturers such as Caesarstone?	To date, SafeWork NSW has not issued any fines to Caesarstone.				
18	Is SafeWork satisfied that manufacturers such as Caesarstone and Consentino provided clear enough warning labels since being introduced to Australia? Is it satisfied these manufacturers made it clear enough from the beginning? Ie the early stickers had small light	<p>Suppliers of engineered stone have progressively improved the information provided for their products through safety data sheets and product labelling.</p> <p>The Globally Harmonized System of Classification and Labelling of Chemicals (GHS) became compulsory in NSW under the WHS laws, from 1 January 2017 and engineered stone suppliers have adopted these in their labels.</p> <p>The GHS labelling requirements apply to hazardous chemicals including silica. GHS labelling ensures that users are provided with practical, reliable and easy to understand information on chemical hazards, and can</p>				

	font, no pictured warning symbols and compared themselves to natural stone. Was that appropriate enough warning?	take the appropriate preventive and protective measures for their health and safety. As part of these adoptions, pictured warning symbols are used. The GHS was created by the United Nations to create a single worldwide methodology for chemical classification, labelling and safety data sheets.
19	Can SafeWork comment on the Consentino finding in a Spanish court last week where it was found guilty of negligence. Reuters reported that the company's owner accepted a six-month suspended prison sentence after admitting to covering up the dangers of the engineered stone product Silestone.	SafeWork NSW is aware of the decision and is reviewing it however does not propose to comment on the international case.
20	Is SafeWork looking into Caesarstone to see if there was any failure to appropriately issue warnings?	Caesarstone's compliance with the labelling requirements has been confirmed throughout the course of the silica program, and will continue to be verified during future silica related interactions with Caesarstone.
Stoneworx / Exquisite Marble and Granite		
21	Exquisite Marble and Granite has been on SafeWork's radar since at least 2018 in relation to unsafe work practises related to silica dust. Given repeat offences of dangerous work does it believe its response was adequate? A number of workers from this factory have been diagnosed with silicosis. One worker has weeks to live, and even after the diagnosis	Since 2018, there have been multiple visits by SafeWork NSW to Exquisite Marble and Granite, where inspectors issued compliance notices, including requiring implementation of wet fabrication processes to reduce exposure to silica dust in 2018. Exquisite Marble and Granite complied with notices issued. During a visit in 2020, the inspector observed evidence of dry processing and subsequently issued the first Penalty Notice for dry processing. During a follow up visit to confirm compliance the workshop was observed to be in clean condition. During the most recent visits to Exquisite Marble and Granite in 2022, compliance was observed in relation to silica related matters.

	SafeWork was finding unsafe practices. Does it believe its response to multiple incidents over the years was adequate?	
22	Exquisite was inspected in 2018, 2020 and 2022. Why wasn't it inspected in 2021 given it was a repeat offender?	The COVID-19 pandemic interrupted the planned program of visits during 2021. On the most recent visit to Exquisite in 2022, they demonstrated compliance in relation to the processing of engineered stone, and at the time there was no evidence of dry processing having taken place. They will be kept under review.
23	Did an inspector take Exquisite to the IDMP with a recommendation for a further investigation? If so, did the IDMP accept the recommendation? If not, why not?	This is a matter currently under review and no further comment can be made at this stage.
24	Has SafeWork ever given Exquisite the date in advance of an inspection it is going to do?	When verifying compliance with specific notices to Exquisite Marble & Granite, the inspector had contacted the business to arrange a suitable time to ensure that the business owner was on site to provide necessary information to verify compliance with the notices. The initial program visits were usually unannounced.
25	Where are you at with Exquisite?	This is a matter currently under review and no further comment can be made at this stage.
26	Stoneworx - in March 2019 you inspected the factory and issued five improvement notices. Was this the first inspection of this factory in relation to artificial stone?	There are currently legal proceedings underway in relation to Stoneworx, as such SafeWork NSW is unable to make any further comment.
27	Your inspector recommended workers be screened. It took Stoneworx another five months to book its workers in for lung screening. Were there any	There are currently legal proceedings underway in relation to Stoneworx, as such SafeWork NSW is unable to make any further comment.

	repercussions to this company for such a delay given the ongoing risk to workers?	
28	Why wasn't Stoneworx fined on the spot for not screening workers?	There is no provision in the NSW WHS legislation for an 'on the spot' fine for not screening workers.
29	How many workers were diagnosed with silicosis at this business (Stoneworx) in 2019-2020?	There are currently legal proceedings underway in relation to Stoneworx, as such SafeWork NSW is unable to make any further comment.
30	Did SafeWork inspect the business (Stoneworx) in 2020? If not, why not?	There are currently legal proceedings underway in relation to Stoneworx, as such SafeWork NSW is unable to make any further comment.
31	In March 2021, almost a year and a half after Stoneworx workers were diagnosed, an inspector turned up and took photos of the factory, which suggested little had changed. The inspector noted unventilated walls and roof, except for three wall fans, and dust contaminated residue on the floor. What did Safework do at this point to ensure worker safety?	There are currently legal proceedings underway in relation to Stoneworx, as such SafeWork NSW is unable to make any further comment.
32	Does SafeWork feel it did enough to ensure the safety of workers at Stoneworx?	There are currently legal proceedings underway in relation to Stoneworx, as such SafeWork NSW is unable to make any further comment.

33	When did SW take legal action against Stoneworx? What is it alleging?	On 6 October 2021, SafeWork NSW commenced proceedings against Stoneworx under section 32 of the WHS Act alleging a breach of its duty of care to workers under section 19(1) of the Act. SafeWork NSW also commenced proceedings against a director of Stoneworx under section 32 of the Act, alleging a failure to comply with their duty to exercise due diligence under section 27(1) of the Act. As these proceedings are currently before the court, no further comment can be made.
34	Did any air monitoring occur by SafeWork or did it require either of these businesses (Stoneworx/Exquisite Marble and Granite) to do air monitoring to ensure workers weren't working above the exposure limit given evidence of excessive dust?	There are currently legal proceedings underway in relation to Stoneworx, as such SafeWork NSW is unable to make any further comment. Air monitoring is the responsibility of the person conducting the business or undertaking.
35	The NSW govt did not support a registration system in NSW because SafeWork reported it knew where all the sites were. Does SafeWork still believe this is the case?	The potential for a licensing scheme is part of a national Regulatory Impact Assessment currently underway and lead by Safe Work Australia. SafeWork NSW awaits the outcome of this process as it will provide all stakeholders with better information on the costs and benefits of a range of measures, including licensing.
Inspections/RFS		
36	Has SafeWork ever closed a factory or business for dangerous practices? If not, why not?	SafeWork NSW has not closed a factory in relation to unsafe practices for silica. However, it has issued prohibition notices to cease unsafe practices. In these instances, the unsafe work ceases until the business has a WHS compliant approach to continue the work.
37	How many RFS has SW received with reports of unsafe levels of silica? What was SafeWork's response to these reports? When did the inspections occur, i.e. on the	Additional time is required to analyse the response data, and a full response can be provided to this question at a later date.

	<p>same day or how many days after?</p> <p>Were any improvement notices or penalty notices issued?</p>	
38	<p>Is there a pre-warning for the visits?</p>	<p>For the silica program, most initial compliance visits are conducted unannounced. However, there are circumstances where visits are pre-planned with the business. This may be in circumstances where we have been unable to access the worksite or workers involved during unannounced visits, or for follow up visits where SafeWork NSW is seeking evidence of compliance to notices issued, which may include specific site personnel to be present at the time of the visit.</p>
39	<p>Any other comments?</p>	<p>We refer to SaeWork NSW statement at the start of this document, and draw your attention to the recent decision below:</p> <p>A Padstow stone masonry business has recently been fined \$25,000 for failing to provide training on the correct fitting and use of respiratory protective equipment in the first successful prosecution of this kind by SafeWork NSW.</p> <p>Number One Stone Marble and Granite Pty Ltd (Number One Stone) was convicted in the Downing Centre Local Court after an employee was found to be at risk of inhaling toxic silica dust while working with engineered stone.</p> <p>Number One Stone which cuts, polishes and installs benchtops from artificial stone slabs, pleaded guilty to failing to comply with its obligation under section 19(1) of the Work Health and Safety Act 2011.</p> <p>The court heard SafeWork NSW inspectors first visited the business in 2019 as part of a State-wide silica compliance operation and issued a notice to provide fit testing for protective breathing equipment, like respirators and train staff on the correct use of respirators.</p> <p>The business was given a further notice in 2020 to provide fit testing for protective breathing equipment to an employee who was seen by an inspector working with engineered stone.</p> <p>This result sets a precedent for future cases and demonstrates SafeWork NSW's dedication to enforce the Work Health and Safety Act 2011 and hold those who don't follow the rules to account.</p> <p>Number One Stone has the right to appeal the sentence.</p>

