

**Submission
No 15**

INQUIRY INTO 2019 REVIEW OF THE DUST DISEASES SCHEME

Organisation: CDK Stone Pty Ltd

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6th December 2019

The Hon Wes Fang MLC
Committee Chair
Legislative Council Standing Committee on Law and Justice
Parliament House
Macquarie Street
SYDNEY NSW 2000
By email: law@parliament.nsw.gov.au

Dear Mr Fang,

2019 Review of the Dust Diseases scheme

CDK Stone Pty Ltd has been operating in the Australian Stone Industry since 1982. For most of that time, our primary activities have been the supply and service of machinery, tooling, consumables and equipment for processing stone elements, as well as importing and distributing Natural Stone slabs and tiles. We added a range of porcelain slabs to our offering in 2013. While we are not a supplier of Engineered Stone, the machinery, tools and equipment purchased from us are used by those purchasers to process Engineered Stone.

In April of this year, we were invited to join the Australian Engineered Stone Advisory Group (AESAG) as an associate member to join the collective effort against silicosis in our industry, which invitation was accepted.

Not being a supplier of Engineered Stone, our role is supplementary to that of the founding members and we were excited to participate in such a powerful, and positive industry initiative.

Great things can be achieved when an industry aligns and combines to drive positive and productive change, and that's what we see AESAG is doing.

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Our role is to help the group understand what products are available to support their initiatives, share relevant insights from our knowledge of local and overseas operations, search for products to fill gaps in the market and play our role in driving awareness and change among our customers.

We gain some very useful insights and knowledge through the group and its close alliance with SafeWork, industry experts and government bodies. These insights inform our product development and search activities as well as the way we interact with customers to support and encourage their safety improvement efforts.

At the core of its initiatives is a newly launched Fabricator Accreditation programme that aims to identify and ensure safety standards are met by persons tasked to work with Engineered Stone.

We believe this is a very positive development for our industry and that lives will be saved because of this. We are fully supportive of this programme and the submission made by AESAG to the Committee on 22 October 2019 (Submission No 13).

Whilst we are not qualified to provide expert insights into the topics that are the subject of this review, we hope to share some observations that assist the Committee.

When Engineered Stone entered our market, the majority of kitchen benchtops were produced from High-Pressure Laminates (HPL) (e.g. Laminex®) or Solid Surface (SS) (e.g. Corian®). We estimate at least 65% of all benchtops were HPL or SS, about 25% Natural Stone and the balance a mixture of timber, ceramic, stainless steel and other materials. This situation changed quite rapidly once Engineered Stone wholesalers targeted mass builders and within a few years we estimated that 80% of all kitchen benchtops were produced from Engineered Stone, 15% from Natural Stone, with HPL and SS being the most heavily reduced materials.

With the market for HPL and SS decimated, and the demand for processing of Engineered Stone increasing so rapidly, many companies that fabricated kitchen benchtops in HPL or SS established new factories to process Engineered Stone benchtops. This dramatic shift in the market drove several significant outcomes:

- Since Engineered Stone predominantly replaced HPL and SS, the number of workers processing silica-containing products increased dramatically, possibly four-fold
- Processing Engineered Stone is much simpler than processing Natural Stone, hence workers without any knowledge of stonemasonry (and who may not have fully understood necessary safety precautions) could be employed to process the Engineered Stone
- TAFE colleges focused on traditional Monumental and Installation stonemasonry, which were of little use to stone workers producing kitchen benchtops, so few companies enrolled staff in TAFE courses

- Potentially, business owners entering the industry from an HPL or SS background would have had little to no awareness of potential health risks of silica (they didn't know what they didn't know)
- Anecdotal evidence suggests that business owners who did attempt to enforce wet manual processing and use of RPE met strong resistance from employees and feared losing them to competitors who did not enforce such measures

The dramatic increase in the number of workers involved in processing silica-containing products, the lack of awareness and education in terms of the product itself, the dangers and required safety measures and a lack of formal governance/enforcement of safety measures must surely have contributed significantly to the current increase of silicosis associated illness.

The silicosis issues of the 1920s were almost completely eradicated through awareness, education and enforcement of safety measures.

Further, we understand that insurance companies were influential in resolving the issues after the 1920s by withholding supply of insurance products from those whom they determined did not meet acceptable standards of safety and which they determined as non-compliant companies.

We believe a similar approach has the potential to yield the same results today.

The core members of AESAG are working to exert the same influence today by seeking ACCC approval to withhold supply of product from non-compliant companies. They are also providing awareness, education and compliance accreditation through an expert third party (Greencap).

We have noted that all reports we have read to date quote workers who claim they either never wore RPE or wore only basic paper masks.

We would be interested to know if there are any cases of workers where the evidence identifies they had always operated, using appropriate and correctly-fitted, RPE and yet still have been diagnosed with silicosis attributable to Engineered Stone and not other activities. If there are, we would be interested to know the relative numbers of cases in each category.

We note from the transcripts and submissions made to the Committee that a major concern is the speed at which the industry can become compliant. Our goal is to support awareness and educational campaigns, be a facilitator of behavioural change through our engagement with businesses and workers that we have contact with and source products that help our customers attain compliance in the shortest possible time.

Some examples of how we already do this are:

- Given the regular contact we have with most of Australia's stone fabricators, we teamed with SafeWork NSW to turn their "Which Mask" campaign into 20,000 stickers to be placed on parcels delivered to fabricators to help get the message to the front-line workers whom it will benefit the most.
- Believing that our marketing, sales, accounts and service email data-base is broader than that of SafeWork NSW, we have used it to alert companies to different websites, seminars and services that are offered by relevant experts as well as forwarding communications from the various national and state authorities about regulations and safe working guides.
- Our whole team reinforces the need for behavioural change during customer interactions, urging them to seek expert guidance and to implement the measures that they recommend.
- We have expanded our range of products that support our customer's efforts to comply with the new fabrication regulations. These include a larger range of wet-cutting and grinding tools, H-Class vacuum extractors and a broader range of RPE from market-leading manufacturers. We also offer templating, software, production and transportation solutions that largely eliminate the need for on-site processing (working by installers).

We continue to help customers and AESAG members understand what products are available to support their initiatives, share relevant insights from our knowledge of local and overseas operations, search for products to fill gaps in the market and play our role in driving awareness and change among our customers.

The message we want to convey is that we can help fabricators redesign their processes to overcome their perceived hurdles to eliminating dry processing.

We don't want customers to have to choose between the safest way and the most efficient way; we want the safest way to BE the most efficient way.

We hope our comments have been of use to the Committee and welcome any questions that it may have.

Yours sincerely,