

COMMUNIQUÉ

Meeting of Work Health and Safety and Workers' Compensation Ministers

10 May 2024

1. Commonwealth, State and Territory Work Health and Safety (WHS) and Workers' Compensation Ministers met today to consider a range of WHS and workers' compensation-related matters.
2. The meeting was chaired by the Hon Tony Burke MP, Commonwealth Minister for Employment and Workplace Relations.

Asbestos National Strategic Plan

3. More than 4,000 Australians die each year from asbestos-related diseases, more than the annual road toll. There is more than 6 million tonnes of asbestos material remaining in the built environment, including a presence in one in three homes across Australia. Research commissioned by the Asbestos and Silica Safety and Eradication Agency (ASSEA) indicates that increased asbestos removal from buildings, through full implementation of the Plan, could prevent up to 28,000 deaths by 2100, and that every dollar spent on increasing the rate of asbestos removal would return a positive net benefit to the Australian economy. In our region and globally, asbestos continues to be used in over 120 countries, with worldwide consumption remaining at 1.3 million tonnes in 2022.
4. Ministers welcomed the new Phase 3 *Asbestos National Strategic Plan 2024-2030* developed by ASSEA. The Plan provides jurisdictions with a long-term, phased approach to both eliminating asbestos-related diseases in Australia, and supporting workers and others who have developed such diseases.
5. The Phase 3 plan builds on progress made under the previous Phase 1 and Phase 2 plans and focuses on safe and sustainable ways to remove asbestos containing materials from the built environment. The Plan includes a range of specific actions that jurisdictions may choose to implement to help achieve the Plan's overarching aims.
6. Ministers have committed to working toward endorsement of the Plan by 19 June 2024, or as close as possible to this date, and requested Safe Work Australia to work with ASSEA to consider relevant actions set out in the Plan as part of its forward work plan, once the Plan is endorsed. Ministers agreed to meet annually to discuss yearly progress against the Plan, and will consider the inaugural Silica National Strategic Plan, being developed by ASSEA, at their next meeting.

Engineered stone

7. Ministers endorsed the proposed amendments to the model WHS Regulations to give effect to the prohibition on the use of engineered stone, which will protect workers from silicosis, a deadly lung disease caused by exposure to respirable crystalline silica.

8. These amendments reflect the earlier decisions of Ministers on 13 December 2023 and 22 March 2024. This paves the way for jurisdictions to now adopt the amendments within their respective WHS laws to give effect to the prohibition from 1 July 2024.
9. Some jurisdictions will provide a transition period to allow certain work with engineered stone to continue until 31 December 2024. Once available, information on jurisdictional transition arrangements will be published on Safe Work Australia's website at www.safeworkaustralia.gov.au/esban.
10. The amendments to the model WHS regulations include two new national frameworks relating to the implementation of the engineered stone prohibition:
 - A notification framework for working with legacy engineered stone products to ensure that the removal, disposal, repair or minor modifications to legacy products is managed safely; and
 - A more stringent exemption framework to provide a process to exempt engineered stone products from the prohibition in the exceptional circumstances where there is compelling evidence that a product can be worked with safely.
11. Ministers noted Safe Work Australia's advice on sintered stone and that any emerging evidence of health risks associated with processing sintered stone and other alternative products will be considered as part of a review of the operation of the prohibition, to be completed by 31 July 2025.
12. Safe Work Australia will publish guidance and undertake communications activities to assist businesses and workers understand and comply with the obligations under the engineered stone prohibition regulations.

Regulation of other crystalline silica substances

13. Ministers also agreed to amendments to the model WHS Regulations to give effect to a stronger regulatory framework for all crystalline silica processes to protect workers from exposure to respirable crystalline silica across all industries. These regulations are intended to come into effect from 1 September 2024, and will apply to work on sintered stone and porcelain products, in addition to a range of other processes in industries such as tunnelling and quarrying.
14. The regulations include a prohibition on uncontrolled processing of crystalline silica substances within the workplace and requirements for persons conducting a business or undertaking carrying out high risk crystalline silica processes to develop a Silica Risk Control Plan; provide additional training for workers; undertake air and health monitoring for workers; and report exceedances of the workplace exposure standard for respirable crystalline silica to the relevant WHS regulator.
15. Ministers agreed to revoke the existing model Code of Practice: *Managing the Risks of Respirable Crystalline Silica from Engineered Stone in the workplace* on 30 June 2024 and to take the required steps to revoke this code as implemented in their jurisdictions. Duty holders should refer to the WHS regulator in their

jurisdiction for the status of adopted codes from 1 July 2024. Ministers noted the intention to develop a new model Code of Practice which will reflect the prohibition and new WHS requirements. In the interim, Safe Work Australia will publish guidance to assist businesses and workers understand and comply with the new regulations.

16. Once finalised by the Australasian Parliamentary Counsel's Committee, the amendment instruments will be published on the Safe Work Australia website. Safe Work Australia has published information on the engineered stone ban at www.safeworkaustralia.gov.au/esban.

First responder mental health

17. Ministers agreed to reinstate the interjurisdictional First Responder Mental Health Working Group (Working Group) to consider and progress measures to improve the mental health and psychological safety of first responders nationally, beginning with the recommendations of the Senate Education and Employment References Committee Report: *The People Behind 000, Mental health of our first responders* (Triple Zero Committee Report).
18. The Working Group will facilitate continued interjurisdictional engagement on first responder mental health and support progress towards national implementation of recommendations, including in relation to early intervention, rehabilitation and mental health support services. To encourage a tripartite approach, the Working Group will include employee representation and engage with first responder stakeholders as part of its work. It will also consider new evidence or developments since the Triple Zero Committee Report was completed in 2019. The Working Group will report to Ministers on recommended national or jurisdictional reform measures, including proposals to be considered through Safe Work Australia.
19. Ministers also noted significant progress on the *National Approach for Presumptive Liability for First Responders with Post-traumatic stress disorder* (National Approach), which was developed by the Working Group and unanimously endorsed by Ministers in 2022. The National Approach is available on the Commonwealth Department of Employment and Workplace Relations' website at www.dewr.gov.au/workers-compensation/resources/national-approach.