

TASMANIA

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**WORK HEALTH AND SAFETY (CRYSTALLINE  
SILICA SUBSTANCES) AMENDMENT  
REGULATIONS 2024**

**STATUTORY RULES 2024, No. 36**

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SILICA SUBSTANCES) AMENDMENT  
REGULATIONS 2024**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Work Health and Safety Act 2012*.

Dated 26 August 2024.

B. BAKER  
Governor

By Her Excellency's Command,

M. OGILVIE  
Minister for Small Business and Consumer Affairs

**1. Short title**

These regulations may be cited as the *Work Health and Safety (Crystalline Silica Substances) Amendment Regulations 2024*.

**2. Commencement**

These regulations take effect on  
1 September 2024.

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### 3. Principal Regulations

In these regulations, the *Work Health and Safety Regulations 2022*\* are referred to as the Principal Regulations.

### 4. Regulation 5 amended (Interpretation)

Regulation 5(1) of the Principal Regulations is amended as follows:

- (a) by omitting the definition of *controlled* and substituting the following definition:

***controlled***, in relation to processing of a CSS – see regulation 529B;

- (b) by inserting the following definitions after the definition of *crane*:

***crystalline silica*** – see regulation 529A;

***crystalline silica substance (CSS)*** – see regulation 529A;

- (c) by inserting the following definition after the definition of *heritage boiler*:

***high risk***, in relation to the processing of a CSS, means the processing of a CSS that is reasonably likely to result in a risk to the health of a person at the workplace;

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\*S.R. 2022, No. 109

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- (d) by omitting the definition of *processing* and substituting the following definition:

*processing*, in relation to a CSS – see regulation 529A;

- (e) by inserting the following definition after the definition of *signal word*:

*silica risk control plan* means, in relation to the processing of a CSS that is high risk, a silica risk control plan prepared under regulation 529CB;

**5. Chapter 8A: Heading amended**

Chapter 8A of the Principal Regulations is amended by omitting “**ENGINEERED STONE, PORCELAIN PRODUCTS AND SINTERED STONE**” from the heading to that Chapter and substituting “**CRYSTALLINE SILICA**”.

**6. Chapter 8A, Part 8A.1 substituted**

Part 8A.1 of Chapter 8A of the Principal Regulations is rescinded and the following Part is substituted:

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**PART 8A.1 – PRELIMINARY**

**529A. Meaning of *processing* in relation to CSS and related terms**

(1) In these regulations –

***processing***, in relation to a CSS,  
means –

- (a) the use of power tools or mechanical plant to carry out an activity involving the crushing, cutting, grinding, trimming, sanding, abrasive polishing or drilling of a CSS; or
- (b) the use of roadheaders to excavate material that is a CSS; or
- (c) the quarrying of a material that is a CSS; or
- (d) mechanical screening involving a material that is a CSS; or
- (e) tunnelling through a material that is a CSS; or
- (f) a process that exposes, or is reasonably likely to expose, a person to respirable crystalline silica during the manufacture or handling of a CSS.

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(2) In these regulations –

***crystalline silica substance (CSS)***  
means material that contains at least 1% crystalline silica, determined as a weight/weight (w/w) concentration.

**Note**

Engineered stone is a type of CSS.

(3) In these regulations –

***crystalline silica*** –

- (a) means crystalline polymorphs of silica; and
- (b) includes the following substances:
  - (i) cristobalite;
  - (ii) quartz;
  - (iii) tridymite;
  - (iv) tripoli.

(4) In these regulations –

***engineered stone*** –

- (a) means a CSS that –

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- (i) is an artificial product;  
and
  - (ii) is created by combining  
natural stone materials  
with other chemical  
constituents such as  
water, resins or pigments;  
and
  - (iii) becomes hardened; but
- (b) does not include the following:
  - (i) concrete and cement  
products;
  - (ii) bricks, pavers and other  
similar blocks;
  - (iii) ceramic wall and floor  
tiles;
  - (iv) grout, mortar and render;
  - (v) plasterboard;
  - (vi) porcelain products;
  - (vii) sintered stone;
  - (viii) roof tiles.

**529B. When processing of CSS is controlled**

- (1) In these regulations, the processing of a  
CSS is *controlled* if –



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- (a) control measures to eliminate or minimise risks arising from the processing of the stone or product are implemented so far as is reasonably practicable; and
- (b) at least one of the following measures is implemented during the processing:
  - (i) the isolation of a person from dust exposure;
  - (ii) a fully enclosed operator cabin fitted with a high-efficiency air filtration system;
  - (iii) an effective wet dust suppression method;
  - (iv) an effective on-tool extraction system;
  - (v) an effective local exhaust ventilation system; and
- (c) a person still at risk of being exposed to respirable crystalline silica after one or more of the control measures in paragraph (b) are implemented –
  - (i) is provided with respiratory protective equipment; and

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- (ii) wears the respiratory protective equipment while the work is carried out.

**Note**

See also regulation 351.

- (2) Despite subregulation (1), if the control measures in subregulation (1)(b) are not reasonably practicable, the processing of a CSS is controlled if a person who is at risk of being exposed to respirable crystalline silica during the processing –

- (a) is provided with respiratory protective equipment; and
- (b) wears the respiratory protective equipment while the work is carried out.

- (3) In this regulation –

***respiratory protective equipment***  
means personal protective equipment that –

- (a) is designed to prevent a person who is wearing the equipment from inhaling airborne contaminants; and
- (b) complies with –

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- (i) AS/NZS 1716:2012  
(Respiratory protective  
devices); and
  - (ii) AS/NZS 1715:2009  
(Selection, use and  
maintenance of  
respiratory protective  
equipment).

**Note**

Regulations 44, 45 and 46 apply to the provision and use of personal protective equipment, including the respiratory protective equipment provided under subregulation (1)(c) and (2).

**529C. Duty for processing of CSS to be controlled**

A person conducting a business or undertaking must not carry out, or direct or allow a worker to carry out, processing of a CSS unless the processing is controlled.

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$6 000; or
- (b) a body corporate, a fine not exceeding \$30 000.

**Note**

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Regulations 529D and 529F apply to the processing of engineered stone.

**529CA. Identifying processing of CSS that is high risk**

- (1) A person conducting a business or undertaking at a workplace must assess the processing of a CSS carried out by the business or undertaking at the workplace to determine if the processing is high risk.

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$6 000; or
  - (b) a body corporate, a fine not exceeding \$30 000.
- (2) In assessing whether the processing of a CSS is high risk, the person must have regard to the following:
  - (a) the specific processing that will be undertaken;
  - (b) the form or forms of crystalline silica present in the CSS;
  - (c) the proportion of crystalline silica contained in the CSS, determined as a weight/weight (w/w) concentration;

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- (d) the hazards associated with the work, including the likely frequency and duration of a person's exposure to respirable crystalline silica;
  - (e) whether the airborne concentration of respirable crystalline silica that is present at the workplace is reasonably likely to exceed half the workplace exposure standard;
  - (f) any relevant air and health monitoring results previously undertaken at the workplace;
  - (g) any previous incidents, illnesses and diseases associated with exposure to respirable crystalline silica at the workplace.
- (3) In assessing whether the processing of a CSS is high risk, the person must not –
- (a) rely on the control measures implemented under subregulation 529B(1)(b); and
  - (b) have regard to the use of personal protective equipment and administrative controls used to control the risks associated with respirable crystalline silica.

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- (4) The person must ensure that a risk assessment conducted under subregulation (1) is recorded in writing.

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$1 250; or
  - (b) a body corporate, a fine not exceeding \$6 000.
- (5) If a person conducting a business or undertaking is unable to determine whether the processing of a CSS carried out at the workplace is high risk, the processing is taken to be high risk until the person determines that the processing is not high risk.

**529CB. Silica risk control plan required for processing of CSS that is high risk**

- (1) A person conducting a business or undertaking who is carrying out the processing of a CSS that is high risk must, before the processing commences, ensure that a silica risk control plan for the processing –
- (a) is prepared; or
  - (b) has already been prepared by another person.

Penalty: In the case of –

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- (a) an individual, a fine not exceeding \$6 000; or
  - (b) a body corporate, a fine not exceeding \$30 000.
- (2) A silica risk control plan must –
  - (a) identify all the processing carried out at the workplace that is high risk; and
  - (b) for all processing that is high risk and carried out at the workplace, document the following information:
    - (i) the specific processing that will be undertaken;
    - (ii) the form or forms of crystalline silica present in the CSS;
    - (iii) the proportion of crystalline silica contained in the CSS, determined as a weight/weight (w/w) concentration;
    - (iv) the hazards associated with the work, including the likely frequency and duration of a worker's

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- exposure to respirable crystalline silica;
- (v) whether the airborne concentration of respirable crystalline silica that is present at the workplace is reasonably likely to exceed half the workplace exposure standard;
- (vi) the reasons why the processing has been assessed as being high risk; and
- (c) document what control measures will be used to control the risks associated with the processing that is high risk and how those measures will be implemented, monitored and reviewed; and
- (d) document results of any relevant air and health monitoring previously undertaken at the workplace; and
- (e) contain information regarding previous incidents, illnesses and diseases associated with exposure to respirable crystalline silica at the workplace; and



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- (f) be set out and expressed in a way that is readily accessible and understandable to persons who use it.
- (3) A silica risk control plan is not required to be prepared before the processing of a CSS that is high risk if –
  - (a) the processing that is high risk is also high risk construction work; and
  - (b) a safe work method statement is prepared, or has already been prepared by another person, before the processing commences; and
  - (c) the safe work method statement satisfies the requirements of subregulation (2).

**529CC. Compliance with silica risk control plan**

- (1) A person conducting a business or undertaking carrying out the processing of a CSS that is high risk must put in place arrangements for ensuring that the processing is carried out in accordance with the silica risk control plan, including by ensuring that the silica risk control plan is –
  - (a) available to all workers; and

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- (b) provided to all workers before they commence the processing.

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$6 000; or
  - (b) a body corporate, a fine not exceeding \$30 000.
- (2) If the processing of a CSS that is high risk is not carried out in accordance with the silica risk control plan that applies to the processing, the person referred to in subregulation (1) must ensure that the processing –
  - (a) is stopped immediately or as soon as it is safe to do so; and
  - (b) resumed only in accordance with the silica risk control plan.

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$6 000; or
  - (b) a body corporate, a fine not exceeding \$30 000.
- (3) A person conducting a business or undertaking must ensure that a silica risk control plan is reviewed and, as necessary, revised if relevant control measures are revised under regulation 38.

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Penalty: In the case of –

- (a) an individual, a fine not exceeding \$3 600; or
- (b) a body corporate, a fine not exceeding \$18 000.

**529CD. Duty to train workers about risks of crystalline silica**

- (1) A person conducting a business or undertaking must ensure that a worker receives crystalline silica training if the person reasonably believes that the worker may –
  - (a) be involved in the processing of a CSS that is high risk; or
  - (b) be at risk of exposure to respirable crystalline silica because of the processing of a CSS that is high risk.

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$6 000; or
  - (b) a body corporate, a fine not exceeding \$30 000.
- (2) The person must ensure that a record is kept of the crystalline silica training undertaken by the worker –

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- (a) while the worker is carrying out the processing of a CSS that is high risk; and
- (b) for 5 years after the day on which the worker ceases working for the person.

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$1 250; or
  - (b) a body corporate, a fine not exceeding \$6 000.
- (3) The person must keep the record available for inspection under the Act.

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$1 250; or
  - (b) a body corporate, a fine not exceeding \$6 000.
- (4) In this regulation –

***crystalline silica training*** means training that is accredited, or training approved by the regulator, in relation to the following:

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- (a) the health risks associated with exposure to respirable crystalline silica;
- (b) the need for, and proper use of, any risk control measures required by these regulations.

**Note**

Division 1 of Part 3.2 also applies to a person conducting a business or undertaking involving the processing of a CSS.

**529CE. Monitoring in relation to processing of CSS that is high risk**

A person conducting a business or undertaking who is carrying out, or directing or allowing a worker to carry out, the processing of a CSS that is high risk must –

- (a) undertake air monitoring for respirable crystalline silica in accordance with regulation 50; and
- (b) provide air monitoring results to the regulator, in a form approved by the regulator, if the airborne concentration of respirable crystalline silica has exceeded the workplace exposure standard, as soon as reasonably practicable and no more than 14 days from

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the date on which the air monitoring result was reported to the person conducting a business or undertaking; and

- (c) provide health monitoring, for all workers carrying out the processing of a CSS that is high risk, in accordance with Division 6 of Part 7.1 of these regulations

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$6 000; or
- (b) a body corporate, a fine not exceeding \$30 000.

**7. Chapter 8A, Parts 8A.4 and 8A.5 rescinded**

Parts 8A.4 and 8A.5 of Chapter 8A of the Principal Regulations are rescinded.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 August 2024.

These regulations are administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations amend the *Work Health and Safety Regulations 2022* to impose obligations on a person conducting a business or undertaking who carries out high-risk crystalline silica processes, including to –

- (a) provide instruction, information and training to workers; and
- (b) develop a silica risk control plan; and
- (c) monitor air quality at workplaces and the health of workers.