

Correspondence to:

Philip Reed
Head of Government and Stakeholder Relations

Email: [REDACTED]

February 6, 2020.

Ms Danielle Staltari
Director
Adjudication
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT, 2601

Dear Director,

RE: Australian Engineered Stone Advisory Group ("AESAG") application to adopt industry accreditation (your ref: AA1000461)

Slater and Gordon Lawyers appreciates the opportunity to make a comment for the Australian Competition and Consumer Commission's (ACCC) consideration of the above application.

Slater and Gordon Limited is a publicly listed company employing 800 people in 40 locations across the country. We provide specialist legal and complementary services in a broad range of areas including: personal injury, superannuation and insurance, class actions, commercial litigation and employment law.

As one of Australia's leading personal injury law firms, Slater and Gordon assists many Australians to exercise their rights and obtain their correct legal entitlements following a life-changing event such as sustaining a workplace injury. Since our establishment in 1935 we have won many landmark cases including a number that death with the impact and consequences of dust diseases.

While recent events have created a renewed focus on silica the reality is that the danger of exposure to silica dust has been known for a long time. Silica dust is so fine it can enter the deepest parts of the lungs. The dust can build up in the lungs overtime and cause scarring leading to a number of diseases.

Traditionally, exposure to silica occurred in workplaces and industries such as mining, construction and demolition. Now, we are seeing a worrying trend of exposure to dangerous amounts of crystalline silica from the use of power tools to cut, grind and drill into artificial stone for bathroom and kitchen bench tops in home renovations.

Appropriately governments, regulators and industry have recognised the need for action to reduce or eliminate future cases emanating from the use of this material. However delivering an appropriate response requires a clear understanding of the responsibilities of each of these groups. Slater and Gordon are strongly of the view that the nature of this product and its inherent risk make it wholly unsuitable for any form of self-regulation.

The proposal has the potential to significantly undermine the statutory roles of relevant state and federal agencies. Authorisation would be inconsistent with the legislative and bureaucratic frameworks established to protect the safety of those working on these products (whether in a professional or personal capacity).

Slater and Gordon welcome businesses in any industry taking action to address health and safety hazards for workers and consumers, but the protection of the community from diseases such as silicosis requires the application of significantly higher standards than a form of self-regulation.

Exposure to crystalline silica must be subject to a system of regulation and enforcement that can withstand any scrutiny as to the upholding the public interest. Slater and Gordon's view is that proposal put forward by the Australian Engineered Stone Advisory Group does not meet this standard.

Slater and Gordon would welcome any future opportunity to assist the ACCC in its consideration of this application by providing further submissions detailing relevant details of the legal and legislative issues, including case studies, of these matters.

Yours sincerely,



Phil Reed
Head of Government and Stakeholder Relations
SLATER & GORDON LIMITED