

**From:** [Wilson, Louisa](#)  
**Subject:** Australian Engineered Stone Advisory Group - withdrawal of application for authorisation [SEC=OFFICIAL]  
[ACCC-ACCCANDAER.FID1988231]  
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**Attachments:** [AA1000461 - AESAG - Applicants - withdrawal of application for authorisation - 27.02.20 - PR.pdf](#)

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## OFFICIAL

Good afternoon,

I refer to the application for authorisation lodged by the Australian Engineered Stone Advisory Group (**AESAG**) with the Australian Competition and Consumer Commission (**ACCC**) on 29 November 2019. AESAG has now withdrawn its substantive application.

As you may recall, AESAG was seeking authorisation from the ACCC on behalf of itself, future members and other suppliers of engineered stone to adopt industry accreditation standards for fabricators and stonemasons, and to consider whether to refuse to supply engineered stone where fabricators and stonemasons do not meet the accreditation standards.

On 27 February 2020, AESAG advised the ACCC that it was withdrawing its application for authorisation. A copy of AESAG's letter to the ACCC is **attached**, and also available on the [ACCC Public Register](#).

AESAG will also provide further advice to fabricators and stonemasons on its website, at <http://aesag.com.au/>. This advice is also included in AESAG's letter to the ACCC.

Given the application has been withdrawn, the ACCC notes that fabricators are not required to obtain accreditation through Greencap Pty Ltd under the Health and Hygiene Guidelines for Fabricators Working Safely with Engineered Stone.

AESAG has advised that it intends to submit a revised proposal to the ACCC.

### Next steps

No further action is required. The application is no longer under assessment.

The ACCC thanks you for your participation in the public review process.

If you have any queries regarding this email, please feel free to contact myself (03 9290 1474) or Anna Pound (03 9290 6920)

Kind regards,

Louisa

**Louisa Wilson**

Analyst | Adjudication | Merger and Authorisation Review Division

**Australian Competition & Consumer Commission**

Level 17 | 2 Lonsdale Street Melbourne 3000

T: 03 9290 1474

[www.accc.gov.au](http://www.accc.gov.au)

The ACCC acknowledges the traditional custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

27 February 2020

By email: [daniel.mccracken-hewson@accc.gov.au](mailto:daniel.mccracken-hewson@accc.gov.au)  
cc: [danielle.staltari@accc.gov.au](mailto:danielle.staltari@accc.gov.au)  
[anna.pound@accc.gov.au](mailto:anna.pound@accc.gov.au)  
[louisa.wilson@accc.gov.au](mailto:louisa.wilson@accc.gov.au)  
[madeleine.houghton@accc.gov.au](mailto:madeleine.houghton@accc.gov.au)

Partner: Ayman Guirguis

T

Contact: Chloe Belot

T

Our ref: guirgua/belotc

Daniel McCracken-Hewson  
Acting General Manager, Adjudication  
Australian Competition and Consumer Commission

Dear Mr McCracken-Hewson

**Application for Authorisation on behalf of members of the Australian Engineered Stone Advisory Group (AESAG) (AA1000461-1): Withdrawal of application for authorisation**

We refer to the AESAG members' (**Members**) application for authorisation lodged on 29 November 2019 (**Application**).

The Members are committed to promoting the safe fabrication of engineered stone and the Application was made to contribute to achieving that objective.

The Members have considered the circumstances relevant to the Application and submissions made to the ACCC, including the submissions from Commonwealth and State and Territory work health and safety regulators.

In light of those developments, the Members have decided to withdraw this Application, effective immediately.

The Members also confirm that they will not take any steps to engage in the conduct the subject of the Application. This includes the Members' proposed mandatory requirement for fabricators to comply with Section 10 of the Health and Hygiene Guidelines for Fabricators Working Safely with Engineered Stone.

For ease of reference we **attach** the text that will appear on the AESAG website.

AESAG's Members are considering alternative approaches to ensure that work health and safety laws are complied with throughout the supply chain. AESAG will apply to the ACCC should authorisation for those approaches be necessary.

The Members are grateful for the work undertaken by the ACCC to date on the Application.

Yours sincerely



**Ayman Guirguis**  
**Partner**

## **Text to appear on AESAG website re accreditation**

### **IMPORTANT: ACCREDITATION PROCESS IN THE HEALTH & HYGIENE GUIDELINES**

Each Member of AESAG is committed to assisting and ensuring Fabricators are aware of and comply with work health and safety laws particularly as they relate to the possibility of stonemasons contracting silicosis (**WHS Laws**).

The Members of AESAG applied to the ACCC for authorisation to jointly require Fabricators to follow the Accreditation process as set out in the Guidelines and to jointly make decisions relating to supply if Fabricators were not compliant with the WHS Laws.

After reviewing the application for authorisation to the ACCC and receiving feedback, AESAG Members believe it is prudent to withdraw the current application and replace it with a revised proposal. This revised proposal will be submitted in the near future.

AESAG will be proposing a joint approach that, if approved by the ACCC, will allow current and future Members to require that Fabricators provide proof from a suitably qualified third party hygienist, regulatory body or other qualified organisation that the Fabricator complies with the law/code in every state and territory in which they engage in business.