

27 February 2020

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

Partner: Ayman Guirguis

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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.