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19/12/2019

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Ayman Guirguis
Partner
K&L Gates

By email

Dear Mr Guirguis

**Australian Engineered Stone Advisory Group's application for authorisation
AA1000461—request for further information**

The ACCC is continuing to assess the application for authorisation lodged by the Australian Engineered Stone Advisory Group (**AESAG**) on 29 November 2019, and requests further information which is outlined below.

Background

1. We understand the application for authorisation is made on behalf of non-AESAG members. What is the difference between being an AESAG and non-AESAG member in terms of how the proposed conduct will be put into effect?

Proposed Accreditation Standards

2. Are there any standards in Health and Hygiene Guidelines (**Accreditation Standards**) which are different to the current Work Health and Safety (**WHS**) laws in each jurisdiction? Please explain how the standard is different from the current WHS laws.
3. How will the Accreditation Standards be updated to reflect changes made to the WHS laws? Who will undertake this process? How will these changes be communicated?
4. Section 10.1(e) of the Accreditation Standards states that fabricators may choose to utilise a third party occupational hygienist instead of Greencap Pty Ltd (**Greencap**).
 - a. Are there other parties who could undertake the accreditation who are not occupational hygienists? Why were occupational hygienists chosen?
 - b. Are fabricators who use a third party accreditor required to respond to Greencap's 30 minute online survey? Is there a cost associated with using the online system for those fabricators who choose not to use Greencap?
5. Section 10.1(i) of the Accreditation Standards states that if a fabricator chooses to use a third party occupational hygienist and is found to not be compliant with the Accreditation Standards, the fabricator must not use the same occupational hygienist to assist with audit rectification.
 - a. Please explain the rationale for this requirement and why a fabricator needs to choose another occupational hygienist?

6. Section 10.1 (j) of the Accreditation Standards states that accreditation will be valid for 12 months and must be renewed annually. Is this requirement in the Accreditation Standards consistent with the requirements in the WHS laws? If not, why has this requirement been imposed?

Refusal to supply

7. How and by who will the decision be made to refuse the supply of engineered stone to a fabricator who does not meet the Accreditation Standards?
 - a. How will non-AESAG members be involved in the decision?
 - b. Please outline the process which will be followed for refusing to supply engineered stone to a fabricator who is not accredited. For example, will fabricators be given time to comply or rectify compliance issues, are there timeframes for warnings to be provided to the fabricator?
8. The application states that AESAG members are seeking to ensure that fabricators are compliant with the Accreditation Standards by 30 June 2020. Please provide further detail as to the urgency for the refusal to supply element of the conduct for the request for interim authorisation.

Please provide a response to this letter by COB **22 January 2020**. This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Anna Pound on 03 9290 1474 or Madeleine Houghton on 02 9230 3816 or adjudication@accc.gov.au.

Yours sincerely



Danielle Staltari
Director
Adjudication