



Exemption 12 of 2024

GRANTING OF EXEMPTION FROM REQUIREMENT(S), IN SPECIFIC CIRCUMSTANCES, OF THE WORK HEALTH AND SAFETY (GENERAL) REGULATIONS 2022 – REGULATION 529D – WORK INVOLVING ENGINEERED STONE BENCHTOPS, PANELS OR SLABS – PROHIBITION

Pursuant to regulation 684 of the Work Health and Safety (General) Regulations 2022 (WHS General Regulations), I have determined on my own initiative to grant an exemption, in specific circumstances, from some of the requirements under regulation 529D.

The exemption applies to specific situations where it is necessary to remove an engineered stone benchtop, panel or slab from the underlying cabinetry in order to facilitate the repair or modification of cabinetry, or to give access to repair or modify some other underlying component, and then reinstall the engineered stone benchtop, panel or slab when the work is completed.

The WHS General Regulations currently do not allow the person conducting a business or undertaking to reinstall the benchtop, panel or slab back in its original position as:

- regulation 529D prohibits the installation of engineered stone benchtops, panels or slabs; and
- the work is not considered repair or minor modification as described in regulation 529F.

In making this decision, I have considered the risks associated with permitting the reinstallation of engineered stone benchtops, panels or slabs.

I have determined that placing conditions on the exemption will ensure there is no increase in risk as result of this exemption. The conduct of this specific work carries no more risk of exposure to respirable crystalline silica than that arising out of the conduct of engineered stone tasks that are not prohibited.

In accordance with the provisions of regulation 684(1) of the WHS General Regulations, an exemption has been granted from **regulation 529D** on the following conditions:

1. The exemption only applies to the reinstallation of an engineered stone benchtop, panel or slab:
 - a. associated with repair or modification of underlying cabinetry or supporting structure, or to give access to repair or modify some other underlying component;
 - b. in the same location from which it was removed; and
 - c. at the same address from which it was removed.
2. The exemption does not allow the installation of a replacement engineered stone benchtop, panel or slab if for any reason the original engineered stone benchtop, panel or slab cannot be reinstalled.

3. The person conducting the business or undertaking must:
 - a. provide notification to the regulator in accordance with regulation 529G;
 - b. ensure that any processing of the engineered stone benchtop, panel or slab necessary to complete the reinstallation is for the purpose of removal, repair or to make minor modification only, as per regulation 529F; and
 - c. any processing is controlled, as per regulation 529F.

The exemption is valid until 30 March 2026.

Should you have any queries on this matter please contact the department on 1300 307 877.

Sally North
WorkSafe Commissioner

9 October 2024