

Customs (Prohibited Imports) Amendment (Engineered Stone) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 5 December 2024

Sam Mostyn AC

Governor‑General

By Her Excellency’s Command

Tony Burke

Minister for Home Affairs

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1 Name

This instrument is the *Customs (Prohibited Imports) Amendment (Engineered Stone) Regulations 2024*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 January 2025. | 1 January 2025 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Customs Act 1901*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Customs (Prohibited Imports) Regulations 1956

1 After regulation 5L

Insert:

5M Importation of engineered stone benchtops, panels or slabs

(1) In this regulation:

***Asbestos and Silica Safety and Eradication Agency*** means the Agency referred to in section 6 of the *Asbestos and Silica Safety and Eradication Agency Act 2013*.

***authorised person*** means a person authorised by the Work Health and Safety Minister under subregulation (5).

***Comcare*** means the body corporate established under section 68 of the *Safety, Rehabilitation and Compensation Act 1988*.

***corresponding WHS law*** has the same meaning as in the *Work Health and Safety Act 2011*.

***engineered stone*** has the same meaning as in the *Work Health and Safety Regulations 2011*.

(2) The importation into Australia of engineered stone in the form of benchtops, panels or slabs is prohibited unless:

(a) the Work Health and Safety Minister or an authorised person has granted permission in writing, and a copy of the permission is produced to a Collector on request at or before the time of importation; or

(b) Comcare has confirmed in writing that the proposed use of the goods is for a purpose mentioned in paragraph (3)(a) and is permitted under the *Work Health and Safety Act 2011* (Cth), and a copy of the confirmation is produced to a Collector on request at or before the time of importation; or

(c) all of the following apply:

(i) an authority of a State or Territory has confirmed in writing that the proposed use of the goods is for a purpose mentioned in paragraph (3)(a);

(ii) the authority is an authority of the State or Territory in which the goods are to be used for that purpose;

(iii) a copy of the confirmation is produced to a Collector on request at or before the time of importation; or

(d) the importation is of a kind of benchtops, panels or slabs that is the subject of an exemption granted under subregulation 684(1) or 689A(1) of the *Work Health and Safety Regulations 2011*, or a corresponding WHS law, and a copy of the exemption is produced to a Collector on request at or before the time of the importation.

(3) A permission under paragraph (2)(a) may only be granted if the Work Health and Safety Minister or authorised person is satisfied that:

(a) the importation is for either or both of the following purposes:

(i) for genuine research and analysis;

(ii) to sample and identify engineered stone; or

(b) there are exceptional circumstances that justify the importation.

(4) The permission may specify conditions or requirements, including times for compliance, to which the importation is subject.

(5) The Work Health and Safety Minister may, in writing, authorise a person for the purposes of this section if the person is:

(a) the Chief Executive Officer of the Asbestos and Silica Safety and Eradication Agency; or

(b) a person who holds, or is acting in, a position in the Department that is equivalent to or higher than a position occupied by an SES employee.