

Work Health and Safety (Re-installation of Engineered Stone) Exemption 2025

Notifiable instrument NI2025–280

made under the

Work Health and Safety Regulation 2011, section 684 (General power to grant exemptions)

1 Name of instrument

This instrument is the *Work Health and Safety (Re-installation of Engineered Stone) Exemption 2025**.

2 Commencement

This instrument commences on the day after its notification day.

3 Scope of Exemption

I, the Work Health and Safety Commissioner and regulator, acting under regulation 684 of the *Work Health and Safety Regulation 2011* (WHS Regulations), having taken into account all relevant matters including regulation 685 of the WHS Regulations, grant an exemption from compliance with regulation 418F of the WHS Regulations.

In making this decision, I have had regard to the health and safety risks associated with permitting the reinstallation of an existing engineered stone benchtop, panel or slab. I have determined that placing conditions on the exemption will ensure that work carried out under this exemption carries no greater risk of exposure to crystalline silica than work that is ordinarily permitted by, and carried out in accordance with, the WHS Regulations.

4 Persons to whom the exemption applies

This exemption applies to a person conducting a business or undertaking (PCBU) who carry out, direct, or allow a worker to carry out work to remove and re-install an existing engineered stone benchtop, panel, or slab.

5 The work or thing and circumstances to which the exemption relates

This exemption applies to specific situations where it is necessary to remove an existing engineered stone benchtop, panel or slab from the underlying

*Name amended under Legislation Act, s 60

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 re-install the engineered stone benchtop, panel or slab without modification when the work is completed.

This exemption will operate to exclude from the prohibition in regulation 418F a class of persons being any PCBU who carries out, directs or allows a worker to carry out the re-installation of an engineered stone benchtop, panel or slab that was removed in order for other work to be carried out on the premises.

7 Conditions on the exemption

In accordance with the provisions of regulation 685(b) of the WHS Regulations, an exemption has been granted from regulation 418F on the following conditions:

1. The exemption only applies to the re-installation 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 re-installed.
3. If processing of the engineered stone benchtop, panel or slab is necessary to complete the reinstallation, The PCBU must:
 - a. provide notification to the regulator in accordance with regulation 418I
 - b. ensure that any processing of the engineered stone benchtop, panel or slab is limited to minor modification only, in accordance with regulation 418H, and
 - c. any processing is controlled.

9 Duration

This instrument remains in effect until it is amended or cancelled under Section 697 of the Work Health and Safety Regulation 2011.

Jacqueline Agius
Work Health and Safety Commissioner
28 May 2025