



Australian
BORDER FORCE

Engineered Stone Ban Information for Industry

Start date

From 1 January 2025, engineered stone benchtops, panels and slabs will become prohibited imports under the *Customs (Prohibited Imports) Regulations 1956*.

What is included in the ban?

Engineered stone benchtops, panels and slabs that contain at least 1% crystalline silica substance as a weight/weight concentration and is created by combining natural stone materials with other chemical constituents (such as water, resins, or pigments), and becomes hardened.

What is not included in the ban?

The ban does not apply to:

- engineered stone products that are not benchtops panels and slabs.
- finished engineered stone products that don't need to be processed or modified, such as prefabricated sinks, jewellery or garden ornaments.
- concrete and cement products, bricks, pavers, blocks, ceramic wall and floor tiles sintered stone, porcelain products, roof tiles, grout, mortar, render, and plasterboard.
- samples of engineered stone taken from benchtops, panels or slabs for testing purposes that are no larger than 250mm by 250mm and 40mm thick.

Permits and exemptions

The Australian Border Force (ABF) will target goods considered to be engineered stone. The importation of engineered stone is prohibited:

- unless the Commonwealth Work Health and Safety Minister or an authorised person¹ has granted permission for importation in writing, or;
- a confirmation from Comcare, or an authority of a State or Territory² is in force stating that the proposed use of the engineered stone is for genuine research and analysis, or to sample engineered stone, or;
- the importation is of a kind of engineered stone benchtop, panel or slab that is the subject of an exemption granted by a work health and safety regulator under the Work Health and Safety (WHS) Regulations, or a corresponding WHS law.



¹ An authorised person is either the Chief Executive Officer of the Asbestos and Silica Safety and Eradication Agency; or a person who holds, or is acting in, a position in the Department of Employment and Workplace Relations, that is equivalent to or higher than a position occupied by an SES employee.

² the authority is an authority of the State or Territory Work Health and Safety Regulator, in which the goods are to be used for that purpose.

Permissions

Engineered stone benchtops, panels or slabs imported without a valid import permit, confirmation or exemption are classed as a prohibited import, meaning they can be seized at the border without a warrant.

The act of applying for an import permit, confirmation of end use, or exemption is not a guarantee that it will be granted.

Goods must not be shipped until one of the forms of approval is obtained. A copy of the permit, confirmation of end use or exemption must be produced to the ABF if requested to do so.

Declarations

Importers should be aware that a new community protection question will be generated as a part of the import declaration process for the purpose of declaring engineered stone.

Where goods meet the definition of engineered stone for the purposes of the prohibition, the community protection question must be answered 'yes'.

Engineered stone being imported through a permission, confirmation of end use or exemption of a value of less than \$1000 AUD must be entered on a Long Form Self Assessed Clearance Declaration (SAC).

Goods descriptions must include reference to the material composition and type of good, i.e. Engineered Stone Benchtop. The description should not include tariff descriptions, brand names, product codes, generic terms or foreign references.

Insufficient information on cargo reports or import declarations may lead to goods being held at the border.

Due Diligence

When a customs broker receives a declaration stating the goods are not engineered stone, the customs broker should ensure they obtain reliable and sufficient supporting evidence to correctly make the declaration and to provide to the ABF if requested.

A declaration on its own, whether from the manufacturer, importer or third-party supplier is not considered evidence.

It should not be assumed that engineered stone manufactured overseas and labelled crystalline silica free contains less than 1% of crystalline silica. Goods may be labelled engineered stone "crystalline silica free" even when the content of crystalline silica exceeds 1%.

In cases where it is unknown if the goods exceed the 1% silica content, testing should be conducted prior to importation. Documentation verifying the composition of the goods should be included in the commercial documentation for lodgement of the import declaration.

If the ABF suspects the consignment contains prohibited engineered stone, the importer will be provided the opportunity to have the goods tested at their expense, or re-exported.

Assurances

Several types of documentation may be necessary to demonstrate a sufficient level of assurance that the goods are not engineered stone.

As an example, a Material Safety Data Sheet developed in line with relevant domestic state and territory WHS laws and regulations may be considered one type of assurance document to determine the composition of the goods.

In cases where there is uncertainty around the status of benchtops, panels or slabs as engineered stone products, testing of the goods should be conducted prior to importation to verify the composition of the goods. Where this occurs, the ABF will need to be able to confirm the sampling and testing undertaken is related to the imported goods and may seek batch numbers or other evidence to match the testing to the imported goods.

Written evidence of the sampling process, photographs and accurate records of decisions (what was and what was not sampled and why) will enhance assurances provided to the ABF that the goods are not engineered stone.

To ensure an appropriate analysis method has been utilised, testing certificates produced from outside Australia should be from a laboratory recognised by the National Association of Testing Authorities (NATA) through the Mutual Recognition Agreement scheme and accredited by the local accreditation authority for the purposes of engineered stone identification using an appropriate analysis method.

Where assurances are insufficient, the ABF may ask the importer to undertake testing. This process will incur additional cost to the importer for storage and transport of the goods under customs control while sampling by a competent person³ and testing is completed.

Testing at the border

Testing of goods must be carried out by a laboratory using suitable analytical means, such as petrographic analysis and x-ray diffraction. To provide for the most reliable assurance outcome, testing laboratories should be accredited through NATA. Details of NATA accredited laboratories are available on the NATA website by searching for silica testing.

The arrangement for, and cost of, any independent inspection, testing and storage of the goods is the responsibility of the importer in Australia in line with Section 186 of the *Customs Act 1901*.



“Any attempt to rebrand engineered stone as another product to intentionally avoid the import ban will be subject to ABF action”.

³ As per the *Work Health and Safety Regulations 2011* a competent person is “a person who has acquired through training,

Samples for testing

A permit is not required for samples being imported for testing. Samples must be from the actual shipment to be imported.

To comply with requirements, each piece of engineered stone contained in a consignment of samples for testing should be no larger than 250mm by 250mm by 40mm thick.

The associated cargo report **should** describe the goods as “engineered stone samples for testing”.

The consignee and consignor details **should** clearly indicate the importer and supplier, **not** freight forwarders or logistic providers.

Export

The engineered stone prohibition does not apply on export. In some cases, the ABF may seek the re-export of goods suspected of, or confirmed to, contain engineered stone at the cost of the importer.

Further Information

Information regarding the Australian Customs Notice for engineered stone can be found at:

[Australian Customs Notices](#)

Information on engineered stone import prohibition can be found at:

[Categories of prohibited goods](#)

Information on the Australian Government prohibition on the use, supply and manufacture of engineered stone can be found at:

[Prohibition on the use of engineered stone - Department of Employment and Workplace Relations, Australian Government \(dewr.gov.au\);](#)

or

[Engineered stone ban | Safe Work Australia.](#)

qualification or experience the knowledge and skills to carry out the tasks.