



## **Water Efficiency Labelling and Standards Determination 2013 (No. 2)**

---

I, Amanda Rishworth, Parliamentary Secretary for the Environment and Urban Water, make the following determination under sections 18, 19 and 26 of the *Water Efficiency Labelling and Standards Act 2005*.

Dated: 2 August 2013

Amanda Rishworth  
Parliamentary Secretary for the Environment and Urban Water

---



---

# Contents

<b>Part 1—Preliminary</b>	1
1 Name of determination .....	1
2 Commencement .....	1
3 Authority .....	1
4 Repeal .....	1
5 Definitions .....	1
<b>Part 2—Determination and registration of WELS products</b>	3
6 Determination of WELS products .....	3
7 WELS standard .....	3
8 WELS standard requirements .....	3
9 Application for registration of new product .....	3
10 Application for renewal of registration .....	4
11 Waiver and refund of fees .....	4
12 Registration of products .....	5
13 Period of registration .....	5
14 Requirements for product to remain registered .....	6
15 Cancelling or suspending registration .....	6
16 Reviewable decisions .....	6
<b>Part 3—Register of WELS products</b>	7
17 Register of WELS products .....	7
18 Correction of Register .....	7
19 Change of registrant .....	7



## Part 1—Preliminary

### 1 Name of determination

This determination is the *Water Efficiency Labelling and Standards Determination 2013 (No. 2)*.

### 2 Commencement

This determination commences on 15 September 2013.

### 3 Authority

This determination is made under sections 18, 19 and 26 of the *Water Efficiency Labelling and Standards Act 2005*.

### 4 Repeal

The *Water Efficiency Labelling and Standards Determination 2013* is repealed.

### 5 Definitions

In this determination:

*Act* means the *Water Efficiency Labelling and Standards Act 2005*.

*application fee* means a fee payable under the *Water Efficiency Labelling and Standards (Registration Fees) Determination 2013* for an application under section 9 or 10 of this determination.

*AS/NZS 3500* means Australian/New Zealand Standard AS/NZS 3500:2003 Plumbing and drainage, as in force from time to time.

*AS/NZS 6400* means Australian/New Zealand Standard AS/NZS 6400:2005 Water efficient products—Rating and labelling, as in force immediately before the commencement of this determination.

Note: AS/NZS 6400, as in force at that time, incorporates amendments Nos. 1 to 6.

*charging year* means a period of 12 months starting on 15 September.

*clothes washing machine* includes a clothes washing machine that has a clothes drying function.

*conformity assessment body* has the meaning given by AS/NZS 6400.

*Plumbing Code* means the document titled *National Construction Code Series, Volume Three, Plumbing Code of Australia 2013*, published by the Australian Building Codes Board, as in force from time to time.

Section 5

---

***registrant***, for a registered WELS product, means the person in relation to whom the product is registered.

***WELS standard*** has the meaning given by section 7.

---

## **Part 2—Determination and registration of WELS products**

### **6 Determination of WELS products**

A water-use or water-saving product of any of the following kinds is a WELS product if the WELS standard applies to it:

- (a) showers;
- (b) dishwashers;
- (c) clothes washing machines;
- (d) lavatory equipment;
- (e) urinal equipment;
- (f) tap equipment;
- (g) flow controllers.

### **7 WELS standard**

The WELS standard for the products mentioned in section 6 consists of:

- (a) AS/NZS 6400; and
- (b) the requirements mentioned in section 8.

### **8 WELS standard requirements**

- (1) A product mentioned in paragraphs 6(a) to (g) must be registered for supply as a new product for any purpose.
- (2) A product mentioned in paragraph 6(a), (d), (e), (f) or (g) that may be used or installed in a plumbing installation must comply with either:
  - (a) section G of the Plumbing Code; or
  - (b) section 2.2 of Part 1 of AS/NZS 3500.
- (3) A product mentioned in section 6 that is registered must be WELS-labelled for supply as a new product for any purpose.

### **9 Application for registration of new product**

- (1) Any of the following may apply in writing to the Regulator to register a WELS product that is not registered:
  - (a) the manufacturer of the product;
  - (b) the importer of the product, if the importer has the agreement of the manufacturer in writing that the importer will make the application;
  - (c) another person, if:
    - (i) the person has the agreement of the manufacturer in writing that the person will make the application; and
    - (ii) the Regulator is satisfied that registering the product in relation to the person would allow the proper administration of the Act in relation to the product;

## Section 10

---

- (d) another person, if the Regulator is satisfied that:
  - (i) the person has an appropriate connection with the product; and
  - (ii) registering the product in relation to the person would allow the proper administration of the Act in relation to the product.
- (2) The application must be made in a form approved by the Regulator.

Note: In 2013, the application forms were available at <http://www.waterrating.gov.au>.
- (3) The application must be accompanied by:
  - (a) test reports from a laboratory approved by the Regulator that evaluate the compliance of the product with the water efficiency requirements in the WELS standard for the product; and
  - (b) test reports from a laboratory approved by the Regulator, or conformity assessment body's certification reports, that evaluate the compliance of the product with the performance requirements in the WELS standard for the product; and
  - (c) an application fee.
- (4) The application may be accompanied by any other document that is relevant to whether the product complies with the water efficiency requirements or performance requirements in the WELS standard for the product.

### 10 Application for renewal of registration

- (1) The registrant for a registered WELS product may apply in writing to the Regulator to register the product for a further period.
- (2) The application must be made in a form approved by the Regulator.

Note: In 2013, application forms were available at <http://www.waterrating.gov.au>.
- (3) The application may be made only during the period beginning on 15 September and ending on 5 December in the charging year in which the registration is due to end under subsection 13(1).
- (4) The registrant may:
  - (a) identify documents previously submitted to the Regulator that the registrant wishes to rely on to show that the product complies with the water efficiency requirements or performance requirements in the WELS standard for the product; or
  - (b) if the registrant does not wish to rely on a previous document—submit a new document to the Regulator.

Note: Reasons a new document, such as a new test report, might be required include a change in the product or a change in the WELS standard since the product was registered.
- (5) The application must be accompanied by an application fee.

### 11 Waiver and refund of fees

- (1) The Regulator may waive or refund an application fee, or part of an application fee, if:



- (a) the application is refused; or
  - (b) the application fee was calculated incorrectly; or
  - (c) the application fee should not have been charged; or
  - (d) the application was made as a result of the cancellation or suspension of a registration and the Regulator considers that the cancellation or suspension should not have occurred; or
  - (e) the application relates to the performance of a product at a particular water pressure, and a fee has already been received for an earlier application in relation to the performance of the product at another water pressure; or
  - (f) the product to which the application relates is not registered; or
  - (g) the Regulator considers that a waiver or refund of the application fee is appropriate in the circumstances.
- (2) If the Regulator waives or refunds the whole of the application fee, the application is taken not to have been made for the purpose of working out the application fees for subsequent applications by the same person in the same charging year.

## **12 Registration of products**

- (1) If an application is made for registration of a WELS product, the Regulator must register the product in relation to the person who made the application unless the Regulator refuses to register the product under subsection (2).
- (2) The Regulator may refuse to register a WELS product if:
- (a) the application is not made in accordance with section 9 or 10; or
  - (b) the application fee is not paid and has not been waived; or
  - (c) the Regulator is not satisfied that all of the information provided in the application is accurate; or
  - (d) the product:
    - (i) does not satisfy a minimum water efficiency requirement or a minimum performance requirement in the WELS standard for the product; or
    - (ii) does not satisfy the requirements of subsection 8(2).

Note: For the review of a decision to refuse to register a WELS product, see section 69 of the Act.

## **13 Period of registration**

- (1) A registered WELS product is registered until 21 January in the next charging year after the charging year in which the application was made to register the product.
- (2) However:
- (a) if the registration of a WELS product is cancelled, the registration ends on the date of cancellation; and
  - (b) if the registration of a WELS product is suspended, the product is taken to not be registered while the suspension is in force.

## Section 14

---

### 14 Requirements for product to remain registered

- (1) This section sets out the requirements that must be complied with in order for a WELS product to remain registered.
- (2) The registrant must:
  - (a) retain copies of all documents included in the application for registration for 2 years after the registration has ended; and
  - (b) make the documents available for inspection by the Regulator on the Regulator's request.
- (3) The registrant must notify the Regulator as soon as practicable in writing if the product is altered in a way that affects:
  - (a) the performance of the product, including water consumption; or
  - (b) the compliance of the product with the WELS standard for the product.

### 15 Cancelling or suspending registration

The Regulator may cancel or suspend the registration of a WELS product if:

- (a) the requirements in section 14 are not complied with; or
- (b) the Regulator is satisfied that the information provided in the application for registration of the product:
  - (i) was not accurate at the time of the application; or
  - (ii) is no longer accurate.

Note: For the review of a decision to cancel or suspend the registration of a WELS product, see section 69 of the Act.

### 16 Reviewable decisions

- (1) If a person making an application for registration requests the waiver or refund of the application fee under subsection 11(1), a decision by the Regulator to refuse to waive or refund the application fee is a reviewable decision for the purposes of Part 11 of the Act.
- (2) The applicant is the affected person for the purposes of Part 11 of the Act.

## **Part 3—Register of WELS products**

### **17 Register of WELS products**

- (1) The Regulator must keep a register of WELS products.
- (2) The Register must be maintained by electronic means.
- (3) The Register must be made available for inspection on the Regulator’s website.

### **18 Correction of Register**

The Regulator may alter the Register to correct a clerical error or obvious defect in the Register.

### **19 Change of registrant**

#### *Request by current registrant*

- (1) The registrant for a registered WELS product may make a request in writing to the Regulator for another person (the *transferee*) to become the registrant.
- (2) The Regulator may accept the transferee as the registrant if the Regulator is satisfied that the transferee has agreed to become the registrant.

#### *Request by transferee*

- (3) A person (the *transferee*) may make a request in writing to the Regulator to become the registrant for a registered WELS product.
- (4) The Regulator may accept the transferee as the registrant if:
  - (a) the Regulator is satisfied that the current registrant has agreed to the transferee becoming the registrant; or
  - (b) the Regulator is satisfied that accepting the transferee as the registrant would allow the proper administration of the Act.