



Water Efficiency Labelling and Standards (No. 2) Amendment Determination 2015 (No. 1)

I, Bob Baldwin, Parliamentary Secretary to the Minister for the Environment, make the following determination.

Dated 20 January 2015

Bob Baldwin
Parliamentary Secretary to the Minister for the Environment

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1 Name

This is the *Water Efficiency Labelling and Standards (No. 2) Amendment Determination 2015 (No. 1)*.

2 Commencement

This instrument commences on 22 January 2015.

3 Authority

This instrument is made under the *Water Efficiency Labelling and Standards Act 2005*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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

1 Section 5

Insert:

minor product has the meaning given by subsections 5A(1) and (2).

2 At the end of Part 1

Add:

5A Meaning of *minor product*

For section 9 applications

- (1) A WELS product is a *minor product* for the purposes of an application by a person to register the product under section 9 if the person satisfies the Regulator that fewer than 100 units of the product are expected to be sold in Australia in a period of 12 months specified by the Regulator.

For section 10 applications

- (2) A WELS product is a *minor product* for the purposes of an application by a person to register the product under section 10 if the product was a minor product under subsection (1) and either:
 - (a) the Regulator has not given the person a notice under subsection (3) in relation to the product; or
 - (b) the Regulator has given the person a notice under subsection (3) in relation to the product and the information provided in response to the notice satisfies the Regulator of a matter mentioned in paragraph (3)(a) or (b).

Regulator may ask for information

- (3) If a person applies to register a product under section 10 and the product was a minor product under subsection (1), the Regulator may, by notice in writing given to the person, ask the person to provide information to satisfy the Regulator that:
 - (a) fewer than 100 units of the product were sold in Australia in the period of 12 months specified in the notice; or
 - (b) fewer than 100 units of the product are expected to be sold in Australia in the next period of 12 months.

3 Part 2 (heading)

Repeal the heading, substitute:

Part 2—WELS products and WELS standards

4 Section 6

Repeal the section, substitute:

6 Determination of WELS products

A water-use product or water-saving product of any of the following kinds is a WELS product:

- (a) tap equipment that is for use over a fixed basin, sink or laundry tub, other than:
 - (i) tap equipment that is for use exclusively over a bath or spa; and
 - (ii) thermostatic taps; and
 - (iii) bidet taps; and
 - (iv) taps that are part of an appliance (such as a chilled or boiling water dispenser);
- (b) fixed showers that are for use exclusively for personal bathing, other than:
 - (i) emergency deluge showers; and
 - (ii) safety showers;
- (c) electric dishwashers that are intended for household use;
- (d) electric clothes washing machines that are intended for household use, including such machines that are:
 - (i) cold wash only; or
 - (ii) combination clothes washing machine dryers;
- (e) lavatory equipment that uses water, including toilets, cisterns, pans and associated flushing devices;
- (f) urinal equipment that uses water, including associated flushing devices;
- (g) flow controllers that are:
 - (i) for use in a product that is a WELS product under any of paragraphs (a) to (d); and
 - (ii) offered for supply separately from the product (whether or not they are also offered for supply as a component of the product).

5 Paragraph 7(a)

Repeal the paragraph, substitute:

- (a) the performance, testing and labelling requirements set out in AS/NZS 6400; and

6 Subsection 8(2)

Omit “(d),”, substitute “(b),”.

7 After section 8

Insert:

Part 2A—Registration of WELS products

8 At the end of section 9

Add:

- (5) An application under this section may relate to a WELS product that is a minor product.

9 At the end of section 10

Add:

- (6) An application under this section may relate to a WELS product that is a minor product.

10 Subsection 13(1)

Omit “A registered”, substitute “Subject to subsection (1A), a registered”.

11 After subsection 13(1)

Insert:

- (1A) If, in the charging year in which the registration of a WELS product would otherwise end under subsection (1), an application to register the product for a further period is not made in accordance with subsection 10(3), the product is registered until 21 July in that charging year.

12 Subsection 13(2)

Omit “However”, substitute “Despite subsections (1) and (1A)”.