THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

WATER EFFICIENCY LABELLING AND STANDARDS AMENDMENT BILL 2010

EXPLANATORY MEMORANDUM

(Circulated by authority of the Parliamentary Secretary for Sustainability and Urban Water, Senator the Honourable Don Farrell)
GENERAL OUTLINE

The Water Efficiency Labelling and Standards Act 2005 (the Act) provides for the operation of a scheme (known as the WELS Scheme) to apply national water efficiency labelling and minimum performance standards to specified water-using products, such as clothes washing machines, dishwashers, taps, showers, toilets and urinals in order to:

- conserve water supplies by reducing water consumption;
- provide information for purchasers of water-use and water saving products; and
- promote the adoption of efficient and effective water-use and water-saving technologies.

The Act enables the Minister to determine that water-use or water-saving products of a specified kind are WELS products. Any such determination of the Minister must set out, or incorporate by reference, the WELS Standard for the products.

The purpose of the Water Efficiency Labelling and Standards Amendment Bill 2010 (the Bill) is to provide that a WELS Standard may require a product to comply with requirements relating to plumbing as contained in a specified document (for example the Plumbing Code of Australia, or state or territory legislation) before the product can be registered as a WELS Product.

Once enacted it is intended that the Minister will determine that WaterMark Certification will be a requirement of WELS registration. This will implement Recommendation Two of the House of Representatives Inquiry Report Managing the Flow: regulating plumbing product quality. The bill’s potential impact, however, is not limited to this proposed action.

FINANCIAL IMPACT STATEMENT

The Bill does not have a financial impact.
NOTES ON INDIVIDUAL CLAUSES

Clause 1 - Short Title

1. This clause provides that the short title by which the Act may be cited is the Water Efficiency Labelling and Standards Amendment Act 2010.

Clause 2 - Commencement

2. This clause provides that sections 1 to 3 of the Act will commence on the day the Act receives the Royal Assent, with Schedule 1 commencing the day after the Act receives the Royal Assent.

Clause 3 - Schedule(s)

3. This clause provides that each Act that is specified in a Schedule is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule have effect according to their terms.

SCHEDULE 1 - AMENDMENTS

Item 1 - After subsection 19(3)

4. Subsection 18(1) of the Act provides that the Commonwealth Minister may, by writing and in accordance with subsection (4), determine water-use or water-saving products of a specified kind as WELS products. Subsection 18(2) provides that a determination under subsection 18(1) must set out, or incorporate by reference the WELS standard for the products. In addition, a determination made under subsection 18(1) is a legislative instrument for the purposes of the Legislative Instruments Act 2003 (subsection 18(3) of the Act).

5. Subsection 19(1) of the Act describes the matters which must be set out in a WELS standard. Item 1 inserts a new subsection 19(3A) into the Act which sets out additional matters that may be required in a WELS standard for products which are required or permitted to be registered.

6. New subparagraph 19(3A)(a) provides that a WELS standard may require a product to comply with requirements relating to plumbing as contained in a specified document, as in force from time to time (including, for example, the Plumbing Code of Australia or state or territory legislation). This item enables a document to be incorporated into the WELS standard from time to time because those plumbing requirements may change. It is intended that such requirements will be automatically part of the WELS scheme unless specifically excluded in a determination by the Commonwealth Minister.

7. New subparagraph 19(3A)(b) provides that a WELS standard may require a specified person or body to certify that WELS products comply with requirements relating to plumbing as contained in a specified document, as in
force from time to time, including those referred to in subparagraph 19(3A)(a).

**Item 2 - Paragraph 29(c)**

8. This item extends the grounds on which registration of a WELS product may be refused by repealing paragraph 29(c) and substituting a new paragraph 29(c) which includes, as an additional ground of refusal, a requirement under subsection 19(3A). This has the effect of enabling the Regulator to refuse to register a WELS product if that product does not have a certification where that certification is a requirement for that product under a WELS Standard.