Water Efficiency Labelling and Standards Determination 2007

Water Efficiency Labelling and Standards Act 2005

I, MALCOLM BLIGH TURNBULL, Minister for the Environment and Water Resources, make this Determination under sections 18 and 27 of the Water Efficiency Labelling and Standards Act 2005.

Dated 5 February 2007

MALCOLM BLIGH TURNBULL
Minister for the Environment and Water Resources

1 Name of Determination
This Determination is the Water Efficiency Labelling and Standards Determination 2007.

2 Commencement
This Determination commences on the day after it is registered.

3 Repeal
The Water Efficiency Labelling and Standards Determination 2005 is repealed.
4 Definitions

In this Determination:

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

*set of minor products* has the meaning given by section 10.

*WELS standard for water efficient products* has the meaning given by section 6.

5 Determination of WELS products (Act s 18)

For subsection 18 (1) of the Act, a product in any of the following categories of water-use or water-saving products 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.

6 WELS standard (Act s 18)

For subsection 18 (2) of the Act, the WELS standard for the products mentioned in section 5 of this Determination, is *AS/NZS 6400:2005 (incorporating Amendment Nos. 1 and 2) Australian/New Zealand Standard Water efficient products — Rating and labelling — Reissued incorporating Amendment No. 3* as in force on the day this Determination commences.

*Note 1* Subsection 19 (1) of the Act provides that the WELS standard must set out criteria for the water efficiency and general performance of WELS products, and requirements about product labels. These can be found in section 2 of, and Annex B to, the WELS standard for water efficient products.

*Note 2* Subsection 19 (2) of the Act provides that the WELS standard may require products to be registered for specified supplies of the product. Annex C to the WELS standard for water efficient products sets out which products may, and which products must, be registered.

*Note 3* A copy of the WELS standard for water efficient products may be obtained by contacting the WELS Advisory Service on telephone number: 1800 803 772 (toll free).

7 Application for registration (Act s 27)

For subsection 27 (1) of the Act, section 4 of, and Annex A to, the WELS standard for water efficient products sets out the manner and form in which an application may be made for the registration of a WELS product.
8 Conditions for product to remain registered (Act s 27)
For subsection 27 (2) of the Act, clauses 4.5, 4.6 and 4.7 of the WELS standard for water efficient products specifies the conditions that must be complied with in order for a WELS product to remain registered.

9 Registration fee (Act s 27)
(1) For paragraph 27 (1) (b) of the Act, a fee of $1 500 is payable for an application for the registration of:
   (a) a WELS product; or
   (b) 2 or more WELS products of the same family of models; or
   (c) a set of minor products.
(2) For paragraph (1) (b), WELS products are of the same family of models if each product:
   (a) is in the same category; and
   (b) has the same:
      (i) manufacturer; and
      (ii) brand name; and
      (iii) water efficiency rating; and
      (iv) performance; and
   (c) has the same physical characteristics (that is, characteristics that could affect the water efficiency or performance of the product, and do not affect only its appearance).

10 Minor products
On application by a manufacturer of WELS products, the WELS Regulator must declare 2 or more products to be a set of minor products if:
   (a) each product has the same manufacturer and brand name; and
   (b) the applicant submits evidence to the Regulator showing that fewer than 100 of each of the products can be expected to be sold each year.

Note A person who is not the manufacturer of a WELS product may be taken to be the manufacturer: see subsection 26 (2) of the Act and regulation 5 of the Water Efficiency Labelling and Standards Regulations 2005.