

# WELS Scheme inspectors: Their powers and your rights

It is a legal requirement for water-using products that are part of the national Water Efficiency Labelling and Standards (WELS) Scheme to be supplied with information about their water efficiency performance.

The *Water Efficiency Labelling and Standards Act 2005* (the WELS Act) affects all those who supply the following products:

- clothes washing machines
- dishwashers
- lavatory equipment
- urinal equipment
- tap equipment
- showerheads *and*
- flow controllers (if WELS registered).

One of the methods used to monitor compliance with the WELS Act is through visits by WELS inspectors across Australia.

The Australian Government has a permanent team of inspectors who may visit premises that supply WELS products.

## WELS inspector powers

Inspectors have numerous powers under the WELS Act that can be used to assist in determining whether a person or business is implementing its legal obligations.

When a WELS business premises is **open to the public** a WELS inspector can enter unannounced and:

- **inspect** WELS products
- **purchase** any WELS product that is available for sale
- **inspect or collect** written information, advertising or any other document that is available, or made available, to the public
- **discuss** product features with any person *and*
- **observe** practices relating to the supply of products.



November 2008



Australian Government

Department of the Environment, Water, Heritage and the Arts

A WELS inspector needs the **consent** of a staff member of the premises to be able to use the following **additional powers**:

- **search** the premises in relation to compliance with the WELS Scheme and anything (including a vehicle) on the premises
- **inspect**, examine, take measurements of or conduct tests on anything on the premises
- **take photographs**, make video or audio recordings or make sketches of the premises or anything on the premises
- **inspect** any book, record or document on the premises
- **take extracts** from or make copies of any books, records or documents
- **take onto the premises** any equipment or materials that the WELS inspector may require for exercising the inspection
- **operate equipment** on the premises for the purposes of gaining access to a document or record relating to one or more WELS products.

The consent of the occupier of the premises is always obtained in writing.

## Your rights

You have the following rights when a WELS inspector visits your premises:

- the right to refuse consent for an inspector to enter, or to remain on your premises
- the right to withdraw your consent at any time, even after you have provided written consent
- the right to ask an inspector to produce their WELS inspector identity card for your inspection.

## Inspections with a warrant

A WELS inspector may visit a WELS premises with a **warrant**, which allows them to exercise their **additional powers** as listed previously *without your consent*.

With a warrant a WELS inspector may require any person on the premises to:

- answer any questions put by the WELS inspector
- produce any book, record or document requested by the WELS inspector
- seize or secure any evidential material on the premises.

## More information

For more information, go to the WELS website at **[www.waterrating.gov.au](http://www.waterrating.gov.au)** or email **[wels@environment.gov.au](mailto:wels@environment.gov.au)** or call **1800 803 772**.

**Please note:** the contents of this publication are provided as general information only. Individuals should seek independent professional advice about how WELS legislation is relevant to their particular circumstances.

