

WELS inspectors

Their powers and your rights

It is a legal requirement for products that are part of the national Water Efficiency Labelling and Standards (WELS) scheme to be registered and supplied with their WELS label or water efficiency information.

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

- clothes washing machines
- dishwashers
- lavatory equipment
- urinal equipment
- tap equipment
- showers
- flow controllers (if registered).

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

The Australian Government has permanent teams of inspectors who may inspect premises that supply WELS products.

WELS inspector powers

Inspectors have numerous powers under the WELS Act that can be used to determine whether a person* is complying with the Act or the regulations, or to investigate a possible offence against the Act or the regulations.

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

- **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
- **observe** practices relating to the supply of products.

A WELS inspector requires the **consent** of a person who represents the occupier of the premises to be able to enter and use any of these **additional powers**:

- **search** the premises and any thing (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 such book, record or document
- **take onto the premises** such equipment and materials as the WELS inspector requires for the purposes of exercising powers in relation to the premises
- **operate equipment** on the premises for the purposes of gaining access to a document or record relating to one or more WELS products.

*A 'person' is a person who has WELS information - refer to section 60 of the *WELS Act 2005* for the full definition.



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Your rights

You have the following rights when a WELS inspector enters your premises for the purpose of conducting an inspection:

- 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 verbal or written consent, and
- the right to ask an inspector to produce his or her WELS inspector identity card for your inspection.

Inspections with a warrant

A WELS inspector may enter your WELS premises with a warrant that allows them to exercise the **additional powers** as listed above *without your consent*.

With a warrant a WELS inspector may also 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, or
- seize or secure any evidential material on the premises.

You have the following rights when a WELS inspector has a warrant for entry to your premises:

- a WELS inspector must, before entering your premises, announce that he or she is authorised to enter your premises
- give any person on the premises an opportunity to allow entry
- give a copy of the warrant to the occupier of the premises.

More information

- visit the WELS website at www.waterrating.gov.au
- email general enquiries to WELS@environment.gov.au
- email compliance enquiries to WELSCompliance@environment.gov.au
- telephone 1800 218 478



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Sirrocco Sahara clothes washers Model XYZ
Load capacity 6 kg

Water Consumption

61
litres per wash
using Normal program

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For more information and to compare products, refer to:
www.waterrating.gov.au