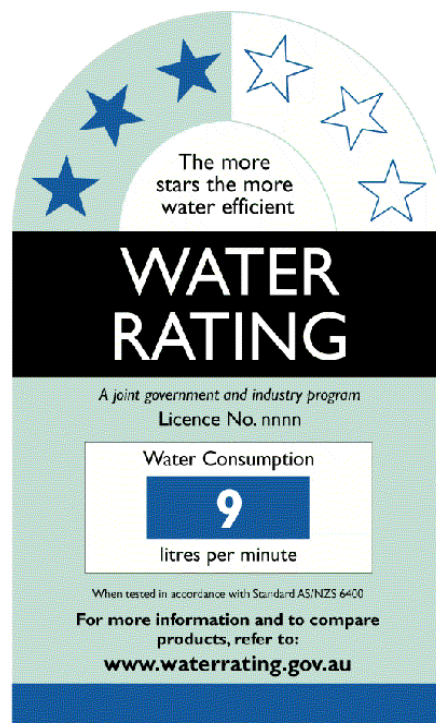




Australian Government

Department of the Environment and Water Resources

WELS Suppliers Guide - Laboratory testing & maintaining quality of water efficiency performance in WELS products



A working document (March 2007)

This is a WELS Compliance Risk Management/Registration Suppliers Guide.
Prepared by the Water Resources Branch
Department of the Environment and Water Resources



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1. Introduction

Registration of products under the *Water Efficiency Labelling and Standards Act 2005* (the WELS Act) needs to be underpinned by accurate research information on the performance of products as tested by credible laboratories.

The Act, *Water Efficiency Labelling and Standards Regulations 2005* (the WELS Regulations) and *Water Efficiency Labelling and Standards Determination 2005* (the WELS Determination, which includes the WELS Standard), together with tools for on-line registration of WELS products, are on the Legislation page of the WELS Internet site (<http://www.waterrating.gov.au>). The procedure for registration is in Section 4 of the WELS Standard.

2. Aim

This guide aims to provide information to suppliers on how to commission testing and acquire test reports to support applications for registration under the WELS Act. It also aims to advise on compliance risk management (CRM) relating to providing test reports and maintaining product performance against ratings derived from those product tests.

3. Managing risks and applications for WELS registration

In offering incomplete or incorrect information in support of an application for the registration of a WELS product you risk:

- The Regulator refusing to register a product due to insufficient information being available to make a decision;
- Raising questions for a possible audit or investigation of any other WELS registrations that you may have been issued.

Also, following the registration of a WELS product based on inaccurate assertions of its performance, suppliers may risk committing strict liability offences under the WELS Act (Sections 33 to 39) if the registered WELS products do not meet the performance level claimed in the application.

WELS inspectors will purchase WELS products and arrange for check-testing of the actual performance of products against the stated/registered/labelled performance requirements for those products. Where products are found to be non-compliant against their registration documentation, including the label and rating), inspectors may arrange for further assessment (including check-testing) of the Supplier's WELS products and undertake a re-evaluation of the test reports provided with the WELS registration(s). This would be done to determine the extent of possible offences under the WELS Act, which may lead to further compliance and enforcement action.

The WELS CRM Framework, Protocols and Guides discuss our preference for case-by-case diversion of non-compliant organisations towards compliance through education and administrative actions¹. However, we view discrepancies in the performance of registered WELS products very seriously. Case-by-case diversion is only done where there are negligible risks to the WELS Regulator's capacity to take enforcement action and to the objectives of the scheme or the credibility of the label, or the standard.

4. What is the procedure for testing/registering products?

Under Section 4 of the WELS Standard, the procedure for registering is as follows:

- a) A sample or samples of the product is, or are, tested in accordance with the requirements of the Standard by a testing laboratory approved by the Regulator.
- b) An application for registration (including the information and documents mentioned in Clause 4.4 of the WELS Standard) is lodged via the website, or submitted in writing to the WELS Regulator, using the lodgement information set out in Clause 4.2.
- c) The WELS Regulator considers the application to determine whether the product complies with the Standard.
- d) The WELS Regulator sends a notice to the applicant setting out the following:
 - Whether the application for registration complies with the Standard.
 - The water efficiency rating (if any) given to the product.
 - If the application is approved, the applicant's licence number.
 - The conditions, if any, under which the product may participate in the WELS scheme

5. Who can I use to test my products?

5.1 NATA or NAEEEP recognised laboratories

The WELS Standard provides that for paragraph 4 a) (above), a test report by a National Association of Testing Authorities (NATA)-accredited laboratory for the applicable standards, or a test report that is prepared in accordance with the requirements of the National Appliance and Equipment Energy Efficiency Program (for washing machines and dishwashers only), is taken to have been prepared by an approved laboratory. There is no need for an applicant for registration of a WELS product to obtain further approval as set out in 5.2 to use such a laboratory.

¹ EG - Page 9 of WELS Compliance Risk Management Guide For Suppliers
(www.waterrating.gov.au)

5.2 Applying for approval by the Regulator of other laboratories

Other testing laboratories may be used with the approval of the Regulator.

Write to the WELS Regulator (c/o Environment Standards Branch, Department of the Environment and Water Resources, GPO Box 787, Canberra ACT 2601) providing evidence of the laboratory's accreditation by an internationally recognised accreditation institution.

This may include certification by authorities/agencies accredited under the International Standards Organisation standards (for more information on the ISO see <http://www.iso.org/iso/en/ISOOnline.frontpage>) and standards of the International Electrotechnical Committee. Alternatively you may wish to apply with evidence of recognition under international Mutual Recognition Arrangements (MRA) established under International Laboratory Accreditation Cooperation agreements.

Each application for recognition of a laboratory will be considered on a case-by-case basis.

5.3 Locating laboratories or MRA participants

NATA-accredited laboratories and NATA MRA partners can be found at the NATA internet site (<http://www.nata.asn.au>).

6. What should the accreditation cover for CRM purposes?

The evidence of accreditation should include conformity certification against relevant international quality assurance and technical standards. For example, accreditation should be related to the performance testing, good laboratory practice, product certification and/or testing equipment calibration related to the credible assessment of the water efficiency performance of a particular WELS product type/category. It may not necessarily be correct to assume that such certification would extend to testing for more than one category of WELS product.

7. Applying for laboratory recognition and WELS product registration

Where possible, you are advised to apply for laboratory recognition well in advance of making an application for the registration of a WELS product. This is suggested to minimise the risk of an assessment of an application for WELS registration being delayed or obstructed by a related assessment of an application for laboratory recognition.

8. Managing quality in contracting laboratory services and in production

All the information put forward by an applicant for the registration of a product (even information prepared by an accredited laboratory or an application for the recognition of a laboratory) is an assertion of, and the responsibility of, the applicant.

Discrepancies in the performance of registered WELS products introduce a severe risk of compromising the objectives of the scheme and/or the credibility of the label, and/or the standard. In these instances, on a case-by-case basis, legal action may be considered against suppliers (Sections 33 to 39 of the WELS Act), together with consideration of suspension or cancellation of product registration and publication of offences (Sections 31 and 41 of the WELS Act). The criminal provisions under the Criminal Code applying to corporations as well as to individuals, may also be used (see *WELS Compliance Risk Management Guide For Suppliers*²).

In this context, it is important to manage your risks of non-compliance through:

- taking care in your choice of appropriate researchers for testing products;
- establishing appropriate management arrangements (e.g. contracts, quality assurance) to provide you with your test documentation in support of an application for registration of WELS products; and
- having satisfactory quality assurance arrangements for the continued water efficiency performance of WELS products.

For more on CRM see <http://www.waterrating.gov.au/about/compliance.html>.

9. Participation in WELS CRM continual improvement

This document is a working document. We welcome input from suppliers and the Australian community. This document is expected to develop as a result of:

- Ongoing observations and assessment by WELS officials when monitoring and conducting other CRM activities;
- Feedback from suppliers as a result of WELS monitoring and other WELS CRM activities;
- Annual review by WELS officials, the WELS Advisory Committee and the WELS Regulator; and
- Independent review of regulatory arrangements under the WELS Act after five years.

We encourage your participation in WELS CRM continual improvement to maintain or improve the efficiency and cost-effectiveness of the scheme over

² <http://www.waterrating.gov.au/publications/supplier-risk.html>

time. We recognise that suppliers who work towards better compliance performance and the effectiveness of the WELS CRM procedures enhance:

- the cost-effectiveness of the WELS Scheme for participants; and
- the success of the scheme, which aims to save valuable water for Australians and the environment.

You can telephone or e-mail questions to the WELS team.

- Postal address is WELS Regulator, GPO Box 787, CANBERRA, ACT, 2601
- Fax number is 02 6274 1640
- Email wels@environment.gov.au

Phone Contact 1800 803 772