

Submission No:19.....
Date Received:21-08-07.....
Secretary: <i>XW</i>

Plumbing Industry Advisory Council (Victoria)

**Submission to the
Standing Committee on Environment and
Heritage**

**Inquiry into the Regulation
of
Plumbing Product Quality
in Australia**

20 August 2007

Plumbing Industry Advisory Council (PIAC)

The Plumbing Industry Advisory Council is a senior industry advisory group established under Part 12A of Victoria's *Building Act 1993*.

PIAC provides advice to the Minister for Planning and the Plumbing Industry Commission (Victoria).

It includes up to 12 members and represents:

- plumbing and building statutory authorities
- industry employers and employees
- vocational educators
- water and gas regulators
- the building industry
- consumers.

Plumbing Industry Commission

The Plumbing Industry Commission is a statutory authority that oversees the plumbing control system in Victoria. This includes enforcing the use of approved plumbing products by plumbing practitioners.

Its core functions are to promote plumbing standards, ensure that plumbing work is carried out safely and competently, and administer the licensing and registration system for Victorian plumbers.

Its objectives are to protect the health and safety of the community, and take a leading role in emerging issues such as energy efficiency, water conservation and the impact of plumbing systems on the environment.

It also participates in the National Plumbing Regulators Forum, which is responsible for developing the Plumbing Code of Australia.

CURRENT MECHANISMS AND RELATED ISSUES

At present Australia has two government-authorised schemes that regulate different aspects of product performance. These are not integrated with each other, and the support mechanisms for WMCS are complex.

WaterMark Certification Scheme (WMCS)

WMCS is administered by Standards Australia (SA) a company which owns the WaterMark trademark. The WaterMark trademark represents a certification that water supply, sewerage, plumbing and drainage goods conform with Australian Standards and Technical Specifications.

SA monitors a process for assessing and certifying plumbing products, conducted by registered Conformity Assessment Bodies (CABs) under a contract with SA. Once assessed and certified, products are labelled with the WaterMark trademark.

Under a Memorandum of Understanding the National Plumbing Regulators Forum (NPRF) and SA co-operate to co-ordinate the codification of Australian Standards for plumbing products (maintained by SA) and the Plumbing Code of Australia (PCA) (maintained by the NPRF).

The PCA is a reference document that conceptually defines various performance requirements for plumbing installations (which the Australian Standards are designed to meet in practice). The PCA definitions have legal force only when invoked under the legislative provisions of a particular jurisdiction. The PCA sets out the categories of plumbing products that require certification under the WaterMark scheme.

Water Efficiency Labelling Scheme (WELS)

This is a Commonwealth government scheme established under the *WELS Act 2005*. It rates common household appliances for water efficiency, and is enforced by the WELS Regulator. Before sale, appliances must be tested by an approved laboratory and labelled accordingly. Beyond water efficiency WELS does not cover wider aspects of product safety or performance, such as those covered by WaterMark.

However the relationship between WELS certification and WaterMark certification is not clear. There are public perceptions that the two schemes are integrated, such that WELS approval implies WaterMark approval. However a WaterMark certification is not currently a prerequisite for a WELS rating, and WELS ratings cannot currently be withheld due to the lack of a WaterMark certification.

PIAC is concerned that the application of a WELS label to non WaterMarked, non-authorised products will indirectly undermine the delivery of a safe water supply to the Australian community. We support any initiative which delivers certainty to the Australian community that WELS rated plumbing products are fit for purpose and able to be connected to the mains supply. To link the two schemes properly would require legislative change.

PIAC would also support a more high profile audit role for the WELS Regulator to ensure that the intent of the Scheme is fully implemented and ensure confidence in the Scheme from all levels of the Australia community. This role needs to be more proactive and publicly visible to ensure the Scheme is not undermined in any way.

(Attachment 1 gives further details of the PCA, WMCS and WELS.)

Role of the NPRF

National Plumbing Regulators Forum (NPRF)

PIAC has long been an active supporter of the NPRF. It supported unreservedly the publication of the Plumbing Code of Australia (PCA) on behalf of each State and Territory Government in 2004. As noted above, the PCA and NPRF are key elements linking WaterMark product standards with the regulations for plumbing installations.

The current arrangement for the operation of the NPRF is through cooperative actions of each of the individual jurisdictions representing statutory responsibility for the regulation of plumbing, occupational registration and onsite plumbing regulation.

However, PIAC notes there are resource constraints and co-ordination constraints that can complicate the process for defining and enforcing Australian Standards in the processes overseen by SA.

PIAC therefore supports the implementation of a more formalised and better resourced structure for the NPRF. This structure should:

- provide regulators with enough resources to deliver efficient and effective benefits to the Australian community in a more deliberative way and in more responsive time frames;
- include industry participation at the highest level of operation to ensure relevance is reflected in all outcomes;
- maintain and update the Plumbing Code of Australia as its core work;
- give high priority to the requirement that all plumbing regulation is nationally consistent and based on sound principles for regulation.

An additional role which could be undertaken by a new national regulatory body such as this, providing sufficient resources are allocated, would be to have an overview role for all water conservation initiatives being developed and delivered through Federal and State Government agencies.

PIAC recommends that such a water conservation monitoring role should be authorised and resourced to ensure:

- That water initiatives deliver real savings in conservation terms;
- That such initiatives are not in conflict with conservation or other public policy outcomes arising from other initiatives;
- That such initiatives encourage real outcomes and do not direct either public funds or the community to substandard or unproven products or systems.

Recommendations

PIAC recommends that:

- changes be made to the WELS Act 2005 to allow the requirement for WaterMark or Standards Certification to be a prerequisite for participating in the WELS scheme;
- the WELS Regulator be resourced to adopt a more visible and proactive audit and educative role;
- a more formalised and better resourced structure for the NPRF be implemented, with industry participation at the highest level of operation, focused on the Plumbing Code of Australia and associated regulation and product standards regimes;
- the new NPRF entity also be authorised and resourced to oversee all water conservation initiatives delivered through Federal and State Government agencies.

Attachment 1

Plumbing Code of Australia (PCA)

The Plumbing Code of Australia, developed and maintained by the NPRF, sets out performance based technical provisions for the design, construction, installation, replacement, repair, alteration and maintenance of plumbing and drainage installations throughout Australia.

It also sets out the requirements for the use of materials and products in plumbing and drainage installation and finds the processes for certification and authorisation of materials and products that require statutory authorisation to enable the use in plumbing and drainage installation.

The PCA development was supported by all regulators and industry on the basis that it would deliver benefit to industry with greater consistency and with the requirements of all states and territories being outlined within a single document.

In addition, it was expected that the new streamlined product approval procedures would address concerns manufacturers had with the National Certification of Plumbing and Drainage Products Scheme.

WaterMark Certification Scheme (WMCS)

The Plumbing Code of Australia is the regulatory document applicable to all plumbing installation work. It specifies requirements for plumbing product authorisation and references Australian Standard AS 5200 and the WaterMark Certification Scheme for plumbing products. Only authorised products may be used.

Such products are easily recognised by a distinctive WaterMark symbol, a manufacturer's brand and a unique License Number issued by an accredited Conformity Assessment Body. This WaterMark confirms that the product:

- complies with the requirements of the PCA and the specifications listed in AS5200;
- is independently tested;
- is subject to manufacturing processes, controls and quality systems that are regularly audited;
- does not create significant risks or any likely outcome of personal illness, loss, injury or death; environmental degradation; contamination of the water resource; adverse impact on infrastructure; wastage of resources; premature failure of the material of product; and the inability of the product or material to function as intended;
- where used in contact with drinking water, the products comply with AS/NZS 4020 ; and
- if it is a tap, outlet or shower, has had flow rate/s tested and determined as a basis for a water efficiency rating as per AS/NZS 6400.

Water Efficiency Labelling Scheme (WELS)

Concurrent with the publication of the PCA, the federal government was proposing the *Water Efficiency Labelling and Standards Bill 2004*.

The objects of the *WELS Act 2005* are to:

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

WELS uses a one-to-six star rating scheme that covers showers and tapware, lavatory and urinal equipment, and clothes and dishwashing machines.

Industry and regulators fully supported the introduction of this initiative on the understanding that underpinning the WELS scheme was the prerequisite for compliance with the requirements of WaterMark; and the relevant Australian Standard.

WELS Officers, on implementation of the scheme, advised that the Act and Regulations are limited to "water-use" minimisation and could not go to "fit for purpose" principles.

Therefore, WELS could not require WaterMark or compliance with the relevant product standard before accepting an application for a WELS label.

PIAC is concerned that the application of a WELS label to non WaterMarked, non authorised products will undermine the delivery of a safe water supply to the Australian community.