

# **WATER EFFICIENCY LABELLING AND STANDARDS BILL 2013**

## **FACT SHEET**

The Bill upholds Tasmania's commitment to a nationally consistent scheme for water efficiency labelling and standards under the Inter-Governmental Agreement for the Water Efficiency Labelling and Standards Scheme. Known as WELS, the scheme underpins a system to apply performance standards to household water products.

The objective of the Bill is to promote the conservation of Australia's water resources by reducing water consumption through providing information to consumers on water use and water saving products. By promoting water efficiency at the point of sale, the WELS scheme also supports the development of new and effective water-use technologies by industry.

To achieve this objective each jurisdiction must ensure that legislation that is consistent with the Commonwealth WELS legislation is enacted. To this end, this Bill, which will replace the current Tasmanian WELS Act, adopts the Commonwealth legislation as if it were a law of Tasmania. The Bill also makes provision to modify the Commonwealth water efficiency laws as they apply in Tasmania, which ensures that the Tasmanian Act will not only be fit-for-purpose, but that the State retains control of the legislative intent of the Tasmanian Act.

Applying Commonwealth laws as Tasmanian laws through the use of "applied provisions" means that Tasmania's corresponding laws will always be up to date with the Commonwealth legislation, meaning our obligations under the Inter-Governmental Agreement are always met. This legislation will also provide increased clarity for the regulated community in Tasmania, such as importers, wholesalers and retailers of domestic plumbing products, who operate in multiple states and territories. Avoiding the need to amend the Tasmanian legislation every time the Commonwealth legislation is amended also represents a practical saving in Government resources.

The Bill replaces the current Tasmanian legislation, the *Water Efficiency Labelling and Standards Act 2005*. It does not represent a change in the State Government's policy regarding WELS, or abrogate any of its rights or responsibilities. It will have the same effect as the legislation it replaces. The current legislative approach for the WELS scheme is a Commonwealth-led legal framework, supported by mirror State and Territory legislation. However, the current Tasmanian WELS Act replicates rather than adopts the Commonwealth legislation. This means that it requires amendment each time changes are made to the Commonwealth legislation, which is onerous and can create ambiguity for stakeholders when the legislative changes occur at different times. The Bill will remove the requirement to amend the State's WELS legislation if there are any future changes to the Commonwealth Act.

The key elements of the Bill provide for:

- the application of the Commonwealth water efficiency laws as laws of Tasmania;
- the modification of the Commonwealth water efficiency laws where appropriate;
- the application of the Commonwealth *Acts Interpretation Act 1901*, and relevant criminal and administrative laws to the new Tasmanian WELS legislation;
- the application of statutory functions and powers under the Commonwealth water efficiency laws in Tasmania;
- the broadening of enforcement provisions under the Act;
- the tightening of registration and fee provisions; and
- the replacement of the current, out-dated Tasmanian legislation.