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Submission to the
Inquiry into the Regulation of Plumbing Product Quality
in Australia

from the

National Plumbing Regulators Forum

August 2007

Submission Information

This paper and the three attachments listed below form the National Plumbing Regulators Forum's submission to the Standing Committee on Environment and Heritage's Inquiry into the Regulation of Plumbing Product Quality in Australia. Should additional information or discussion on any issue of concern to the Inquiry be required, please do not hesitate to contact the appropriate person on the contact details listed below.

Confidentiality

No part of the primary paper or the appendices is classified as confidential. A copy of the Memorandum of Understanding between the NPRF Trust and Standards Australia referred to in the paper has not been included due to its confidential nature. However, a copy can be made available for the information of Inquiry and Standing Committee members only on request.

Attachments

Appendix A – National Plumbing Regulators Forum Strategic Plan 2007 – 2010

Appendix B – Section G1 – Certification and Authorisation, Plumbing Code of Australia.

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Endorsed 17 August 2007.



Michael McGuinness
Chairperson
National Plumbing Regulators Forum

List of Abbreviations

ARMCANZ	Agricultural and Resources Management Council of Australia and New Zealand
CAB	Conformity Assessment Body
COAG	Council of Australian Governments
CPAA	Committee for Plumbing Product Authorizations
JAS-ANZ	Joint Accreditation System of Australia and New Zealand
NCPDP	National Certification of Plumbing and Drainage Products
NPRF	National Plumbing Regulators Forum
PCA	Plumbing Code of Australia
SA	Standards Australia Limited trading as Standards Australia, formerly Standards Australia International Limited
WELS	Water Efficiency Labelling Scheme
WCMS	WaterMark Certification Scheme

Summary of Main Points

- The approval or authorisation of plumbing and drainage products arose from the recognised risk to public health and safety, infrastructure, and the environment that poor quality design, manufacture and/or installation of plumbing and drainage products poses.
- Products, fixtures and innovative technologies from international markets continue to enter the Australian market and plumbing systems. Regulation through individual state compliance auditing alone does not afford the Australian public the level of protection it needs. A national approach to product approval, as provided by the WaterMark Certification Scheme (WMCS), is required.
- The current custodians of plumbing product quality regulation, the State and Territory regulators through the National Plumbing Regulators Forum (NPRF), remain the most appropriate to administer any certification or approval scheme for these products.
- The WMCS is a viable and functioning scheme, surviving due to the commitment of jurisdictional regulators and Standards Australia. The current mechanisms of the scheme are under review by both of these parties to ensure its effective functioning.
- The effectiveness of the current scheme is reliant on the performance and enforcement of the contractual obligations of the Conformity Assessment Bodies as well as awareness of the scheme, and accuracy of product information.
- Issues currently affecting the effectiveness of the scheme, most notably the adherence to timeframes and protocols defined by the WMCS procedures, are being addressed by the relevant bodies.
- The Plumbing Code of Australia (PCA), which was developed by the NPRF, outlines the provisions and requirements of the WMCS. While not all jurisdictions currently call up the PCA in plumbing legislation, all states and territories call up the AS/NZS 3500 – Plumbing and Drainage standard, which requires approved materials, fittings and fixtures to be installed in plumbing and sanitary installations, that is, WaterMarked products.
- Significant environmental benefits are gained from the control of plumbing products, including the conservation of resources and prevention of water contamination.
- As important as general environmental benefits of quality control are the benefits to public health and safety, and consumer protection.
- While there have been moves by the Commonwealth to limit the linkage of performance standards and the WMCS to the efficiency rating and the WELS scheme, both schemes may gain greater effectiveness through the development, alignment and definition of the relationship between them, as they constitute the main processes against which plumbing products must be certified.
- The NPRF proposes to formalise its structure through an Inter-Government Agreement. Product quality controls and the WMCS may benefit through the inclusion of the Commonwealth in this agreement.
- Should closer linkages not be pursued, performance standards should be clearly delineated from the efficiency rating, with the WELS scheme administered by the Commonwealth and the WMCS administered by the states through the NPRF. Separate parts of AS/NZS 6400 should be developed for each of the above schemes.
- In any model, the states, as the level of government with the primary charter and jurisdiction for regulating general plumbing, building, human health and safety and fair trading matters, are the appropriate level of government to administer plumbing product quality regulation.

Background

The National Plumbing Regulators Forum

The National Plumbing Regulators Forum (NPRF) was established in 2000 on the recommendation of the Laver Report of that year, which reviewed the operations of the Australian Building Codes Board. It was recognised that important improvements in plumbing regulation could be achieved in both the short and long term through the consolidation of all plumbing regulatory requirements into a national code that, in turn, is called up by each individual regulator. To facilitate that outcome, Recommendation 4 of the Laver Report supported the establishment by Australian Governments of the NPRF and charged it, amongst other things, with the responsibility for the preparation of the Plumbing Code of Australia (PCA).

The NPRF is the peak committee of technical and occupational plumbing regulators from all jurisdictions in Australia, and more recently New Zealand, working to ensure that the ideals and benefits of agreement in technical standards and policy, mutual recognition and licensing harmonisation are fully realised. Members from individual jurisdictions represent statutory responsibility for regulation of plumbing, occupational registration and/or on-site plumbing regulation.

Although the NPRF currently exists entirely through cooperative action and has no executive power, it is in the process of formalising the body through an Inter-governmental Agreement to ensure it continues to be a central instrument in driving deeper levels of regulatory policy coordination and integration across Australia and New Zealand.

Since its inception, the NPRF has undertaken measures to promote accord in technical and educational competencies. It and its members have worked closely with the Council of Australian Governments (COAG), through the COAG Plumbing Task Force, to amend legislation assisting to provide a framework for occupational regulatory arrangements facilitating the free movement of people in the plumbing industry across the Tasman. Additionally, in the advancement of regulatory consistency, the PCA, which outlines mutually acceptable standards and is designed to compliment the building and other relevant codes or Standards operational in each jurisdiction, was developed and published in 2004.

The PCA also references the need for certain types and classes of plumbing products and materials to have third party Certification utilising the WaterMark Certification Scheme, and outlines the levels of certification required. Through this process the NPRF reviews revisions of Australian Standards and Technical Specifications referenced in the PCA at the public comment stage, and all new Standards or Specifications covering plumbing products, equipment and installations to ascertain their suitability for referencing in the PCA. The NPRF, through its Technical Advisory Committee also reviews the content of Technical Specifications prepared by Conformity Assessment Bodies (CABs) for new or hybrid products and provides endorsements where suitable. Certification of products where an Australian Standard or Technical Specification is not available cannot occur until an Approved Specification has been accepted under the Scheme.

While the NPRF is involved in the regulation of compliance of products bearing the WaterMark, the responsibility for administering the Scheme, ensuring registration and licensing of products and the adherence of CABs to the principles of the Scheme and their contractual obligations lies with Standards Australia Ltd (SA) under the Memorandum of Understanding between the NPRF and SA. However, the NPRF takes a close interest in the operations of the mechanisms of the Scheme and regularly discusses issues of concern with SA.

The NPRF remains committed to the viable and consistent approach to certification and authorisation of plumbing products and materials provided by the WaterMark Certification Scheme. A key objective of the NPRF's Strategic Plan (Appendix A), and priority for the current financial year is to revise and formalise the products approvals procedures and reconfirm protocols to ensure best practice in the Scheme. Further discussions between SA and the NPRF in pursuit of this aim are in progress.

The history of onsite plumbing product certification in Australia

The regulation of plumbing product quality has a long history in Australia. The approval or authorisation of plumbing and drainage products began at the turn of the century when it was recognised that public health and safety was critically dependent on the quality of the design, manufacture and installation of plumbing and drainage products. Formal procedures and requirements for the inspection, testing and stamping of products were introduced in the 1950s, and by the 1970s water authorities throughout Australia employed hundreds of inspectors to inspect and stamp every product approved for use in the water and sewerage systems. Although there was some reciprocal recognition of authorities' stamps across jurisdictions, this process was indiscriminate, open to individual interpretation and was not accepted by all regulators.

A review of this process was called for in 1985, resulting in the establishment of a voluntary arrangement in 1988 between Standards Australia (SA) and participating plumbing and drainage regulators in Australia, known as the National Certification Plumbing and Drainage Products (NCPDP) Scheme. The main object of the scheme was to enable regulators to accept with confidence products certified by the Certifying Body, without the need to duplicate evaluation of the product.

The Committee for Plumbing Product Authorizations (CPPA) was established to act as a single point of contact on plumbing and drainage product authorisation issues under a Memorandum of Understanding between the Agriculture and Resources Management Council of Australia and New Zealand (ARMCANZ) and Standards Australia. The memorandum ensured the effective operation of the National Certification of Plumbing and Drainage Products Scheme.

The original manual of authorisation procedures was prepared under the jurisdiction of the Standing Committee on Plumbing and Drainage, which was a working party for the Chief Officers' Conference of the Major Urban Water and Sewerage Authorities of Australia. The *MP52: Manual of authorization procedures for plumbing and drainage products* was first published in 1988 by Standards Australia on behalf of ARMCANZ and the CPPA. The practitioners adopted an informal system of risk analysis and assessment, however the certification procedures were incomplete and not adequately documented. The CPPA refined MP52 through five subsequent revisions.

Concurrent to this process, an Intergovernmental Agreement on Mutual Recognition was signed on 11 May 1992 at a meeting of the Heads of Government, thereby binding states and territories to enact mutual recognition legislation. The Mutual Recognition Act enables goods that can be sold in one state or territory to be sold freely in any other state or territory, even where the goods do not comply with regulatory standards in the place where they are sold. The basic premise is that if goods are acceptable for sale in one state or territory, they should be acceptable for sale anywhere in Australia. Mutual recognition took effect from 1 March 1993.

The restructuring of the water industry in Australia and New Zealand, in particular the regulatory framework within which the plumbing industry operates, has led to greater

emphasis on performance-based standards and codes of practice based upon acceptable risk to the legitimate stakeholders. Recognising this change, the CPPA developed a strategy to re-engineer the NCPDP Scheme based upon risk management principles. In 1997-1998 they assembled and trained in risk management, twelve teams representing all the stakeholders (regulators, water service providers, product certifiers, manufacturers, and any other interested parties). These teams, using a risk assessment manual specifically developed for plumbing and drainage products, assessed the risk and certification level of all the products in MP52. The results were published in MP52-2001. Based on the experience gained during the process, the risk assessment manual was modified and issued as MP78-1999.

In August 1998, the CPPA restated the objectives for the control of plumbing products, as follows:

“The level of control for the design and manufacture of each product category or type, will be the minimum needed to ensure that the product is fit for purpose, in a cost-effective ecologically sustainable manner, through a process that assesses the risks associated with:

- *Health and Safety*
- *Infrastructure Impact (Private and Public)*
- *Water conservation (Resource Conservation)*
- *Environmental Impact. ”*

The introduction and operation of the NCPDP Scheme enabled regulators to withdraw from the evaluation, testing and stamping of plumbing and drainage products, which are eligible for certification under the NCPDP Scheme in accordance with a published timetable for termination of existing product authorisations. For the success of the concept, the entire process for verifying product compliance and reviewing manufacturers' quality assurance capabilities followed uniform procedures and was evaluated against uniformly applied criteria.

The NCPDP Scheme provided for three types of certification:

- Type 1 The StandardsMark Scheme required manufacturers to have a quality assurance system in place and for products to comply with the relevant Australian Standard. It is only applied where the Australian Standard does not exceed the minimum requirements of regulators, and is essentially required in lieu of the WaterMark level of certification.
- Type 2 The WaterMark Scheme required manufacturers to have a quality assurance system in place and for products to comply with the minimum requirements of the participating regulators as outlined in MP52.
- Type 3 The TypeTest Mark Scheme applied to appliances and other products, which were type-tested to, nominated specifications. This scheme did not require the manufacturer to have a quality assurance system.

These certification marks formed the basis of the NCPDP Scheme Levels 1 to 3, respectively. In addition to these types, an Interim Authorization system was introduced to accommodate the licensing of plumbing products that were outside the current scope of the schedule of specifications listed in Section 5 of the Manual. The Interim Authorization covered new or hybrid products where an Australian Standard or WaterMark/TypeTest Mark specification is not available.

The adoption of 3-tiered Standards for plumbing products was a major recommendation of the Building Regulations Review Task Force, and was endorsed for plumbing products by the Building Standards Policy Board on 12 March 1993. The authorisation

procedures for plumbing products based upon the national StandardsMark, WaterMark and TypeTest Mark certification schemes were administered by Standards Australia through its approved Certifying Body, Quality Assurance Services (QAS). The product certification requirements for the StandardsMark and WaterMark were legally defined as the StandardsMark or WaterMark Quality Assurance Program, which became a legally binding contract between the Certifying Body and the licensee covering the use of the certification trademark.

Plumbing and drainage products covered by the granting of StandardsMark, WaterMark, TypeTest Mark and Interim Authorization licences were listed in a separate publication made available by the QAS. The participating regulators under the National Certification of Plumbing and Drainage Products Scheme automatically authorised these products

The CPPA was dissolved on the expiry of the Memorandum of Understanding between the ARMCANZ and Standards Australia in 1998. The Memorandum was not renewed as responsibility for national plumbing regulation was to be transferred to those building Ministers responsible for building regulation. As a result, the National Certification of the Plumbing and Drainage Products Scheme was left without an official custodian. Significant confusion existed at that time in relation to certification and authorisation of plumbing products as a result of the vacuum generated by the demise of the CPPA. The availability only of Quality Assurance Services as a Certifying Body compounded the situation and the lack of contestability led some manufacturers to seek alternative avenues that were not necessarily to the interest of regulators or to fostering a cost efficient and effective industry.

After the establishment of the NPRF on the recommendation of the Laver Report, the Plumbing Code of Australia (PCA) was prepared, and subsequently published in 2004, by the NPRF to address the harmonisation of regulatory requirements. It provides for:

- a) *installation requirements relating to all on-site plumbing services and systems; and*
- b) *processes for contestable certification and authorisation of plumbing products.*

The PCA introduced a nationally coordinated and holistic approach to an otherwise parochial setting of regulatory requirements for plumbing services and systems. It addresses a wide range of existing issues relating both to the installation of plumbing services and systems and the certification of plumbing products leading to significant benefits in regulation.

Most jurisdictions have now adopted the PCA, and all use the current WaterMark Certification Scheme (WMCS). Additionally, all States and Territories, including those who do not reference the PCA, call up the AS/NZS 3500 – Plumbing and Drainage standard, which requires approved materials, fittings and fixtures to be installed in plumbing and sanitary installations, for example New South Wales requires WaterMarked products as per clause 1.11, Part B of the NSW Code of Practice Plumbing and Drainage, July 2006.

The Rules of the current WMCS were established by Standards Australia and the NPRF, acting through the NPRF Trust. Standards Australia, which owns the WaterMark mark, administers the scheme and collects royalties from a number of JAS-ANZ accredited Conformity Assessment Bodies (CABs). The NPRF Trust in turn receives a small royalty to be directed at maintenance of the Scheme and the PCA. The WMCS remains a three-tiered system with two levels of certification for products requiring a mark. Section G of the PCA defines the certification and approvals procedures (Appendix B).

The NPRF remains committed to the improvement, consolidation and operation of the WMCS, to ensure that the both its charter and the responsibilities of States and Territories concerning public health and safety, and environmental and consumer

protection are met. A review of both the PCA and the operations of the Scheme are in progress to ensure these obligations continue to be fulfilled.

TERMS OF REFERENCE

The appropriateness and effectiveness of the current plumbing product quality regulatory arrangements

The NPRF acts not only as the unified voice of on-site plumbing regulators but provides a forum for regulators to discuss and address the issues of public health and safety, water conservation and the protection of the environment, consumer protection and the development, implementation and monitoring of compliance with plumbing regulation. These issues remain the responsibility of State and Territory governments. Therefore, it is appropriate for the NPRF, as the peak body for those regulators, to be actively involved in any scheme that is so integral to their objectives and charters. Some separation and contestability of registration duties is required to ensure effectiveness, efficiency and the open operation of the WMCS, resulting in a need for independent product assessors. As product quality is closely linked with Australian standards and regulations, liaison with the national standards body is also required.

While those bodies, or types of bodies, involved in the current arrangement are those best placed to adjudge the certification and approval requirements, the level of involvement or responsibility for the Scheme is currently under review by the NPRF and Standards Australia.

The scheme's survival and effectiveness arises from the input and ongoing monitoring and commitment from regulators to the underlying principles of product quality and the consumer and environmental interest. This commitment was a priority of the States and Territories long before current approval schemes.

The NPRF acknowledges that some concerns regarding the effective implementation of the WMCS do exist, particularly in relation to the timeliness and delivery of contracted outcomes, and industry knowledge of the scheme. Clarification of, and the adherence to, the product approvals process also need to be addressed. The issues limiting the effectiveness of the current arrangement are further outlined below.

Non-compliance with the WaterMark Scheme

We are aware that registering of products to expired Australian Technical Specifications (ATS), most likely in avoidance of paying WaterMark licence fees, may be occurring. While a 2-year grace period for registering a product under the scheme is allowable in cases where significant retooling of a product is required, this claim must be verified and is assessed on a case-by-case basis rather than to delay registration until 2009 when the scheme will take over in entirety from the current Standards certification.

The NPRF is also concerned that CABs may not be actively working on behalf of their clients to formalise ATS for approved products into Australian Standards, and therefore the 2-year timeframe for conversion was not being adhered to. It has also been reported to our members by manufacturers that draft ATS produced by some CABs were not being produced in a timely manner and that the content of the specifications was not of the requisite standard for approval.

The NPRF is actively working in partnership with SA to assist in rectifying these issues as well as finalising the completion of formalising legacy material. We understand that matters have been raised with CABs, and legal advice has been sought by Standards Australia Ltd, on the current contracts with the CABs, specifically ascertaining the concessions that have been given to manufacturers concerning the period of grace and renewals and clarifying SA's rights under contract to enforce action, especially in relation to timeframes. The completeness of information available on certified products and ATS

expiries provided on the website administered by SA, which allows correct approval and registration of products as well as compliance with the Scheme, is also being addressed.

The JAS-ANZ auditing process regarding the CABs compliance with the rules of the scheme and the concern over the possibility that some products could be certified against a wrong Standard (eg. rainwater tanks) may need review.

Ownership and transparency of process

Confusion has existed in industry over the ownership of the WaterMark scheme. With the agreement with SAI Global (Global) to publish documents and provide services to SA ending, and as SA no longer has shareholdings in Global the perception that the two bodies are associated in ownership of the Scheme has begun to be removed. This may also reconfirm confidence in action being taken, if required, on a complaint taken by SA on a CAB, in line with the provisions of the contract between the organisations.

Relationship with the WELS Scheme, and other product rating schemes

WELS Scheme

Research and discussion undertaken by members of the NPRF shows that there is a perception amongst industry and the public of the WELS and WaterMark certification schemes as being integrated, with WELS being a higher certification. Additionally, AS/NZS 6400 can already be interpreted to imply no capacity for further product certification requirements. As mentioned in a letter dated 9 October 2006 from Mr David Borthwick, Secretary for the Department of the Environment and Heritage, to the NPRF regarding the WELS Scheme, the AGS has recommended that the WELS Standard be amended to remove all product performance specifications not directly related to water efficiency, as the WELS Act 2005 has no provision to compel compliance with an entire standard.

It is thought preferable that the performance standard (WMCS) should be separated from the efficiency rating, with the WELS scheme administered by the Commonwealth and the WMCS by the states through the NPRF. While the NPRF agrees that a unified scheme is not necessary and acknowledges the challenges posed by duplication of responsibilities, improving the linkages between the two schemes may assist in the promotion and administration of the WCMS.

The NPRF believes that the relationship between WELS and WMCS should be further explored and defined, specifically in relation to their alignment and development. Greater communication between the states and the Commonwealth is needed on this issue. Appropriate amendments to AS/NZS 6400 may also be required.

With the notes in AS/NZS 3500 on product certification referring to 6400, the NPRF suggests a new standard for compliance with product certification requirements with reference to both WELS rating and WaterMark certification in separate parts as an effective solution. Legislation dealing with compliance may then call up both or individual parts of the standard, dependent on requirements. This solution would also benefit regulation in New Zealand, as the WaterMark scheme is not operational in that country.

The NPRF and Standards Australia have resolved to explore the development of two separate parts within AS/NZS 6400 for the WaterMark and WELS Schemes.

Other product rating schemes

The effectiveness of the WMCS has also been hindered by confusion over the independence of the Scheme from other product appraisal and approval schemes, in particular the Water Services Association of Australia's Smart Approved WaterMark for water supply and sewerage infrastructure products, and the Australian Paint Approval Scheme for paint systems in contact with drinking water. There is a lack of awareness of the requirement to obtain a WaterMark for all products used for on-site regulated plumbing regardless of another certification or rating under concurrent schemes.

The NPRF recognises the need to further promote the WaterMark scheme and its requirements and to educate the public, the TAFE sector, manufactures and retailers about the plumbing product approval process and its differentiation from WELS and other schemes. To this end, we are developing a WaterMark marketing strategy and regulatory compliance promotion.

Lack of restriction on non-compliant product sales

Although State and Territory plumbing regulations restrict the installation by licensed plumbers of products that are non-compliant with Australian product standards, they do not prevent such products being sold in Australia. This is a concern to regulators, which may be alleviated by the introduction of point-of-sale legislation. However, this notion still requires thorough assessment of its necessity, viability and regulatory impacts, before action is taken.

Those bodies directly responsible for the Scheme, the NPRF and Standards Australia International Ltd are in the process of reviewing the current administration and have been actively working to address the issues we have identified that currently limit the effectiveness of the WMCS to ensure the protection of the scheme.

Scale of environmental benefits from controlling plumbing product quality

As noted in the history of plumbing product certification, the environmental benefits from controlling the quality of these products have long been recognised.

Allowing only high quality products, materials and installations in plumbing systems not only conserves raw materials due to the longevity of products, but both water and energy through the prevention of leakage and heat loss enabled by quality control.

The control of plumbing product quality is also vital in preventing contamination of the water supply through effective backflow prevention devices. The benefits of this are obvious but difficult to scale as many instances of illness due to backflow contamination are not recognised as such and attributed to alternate sources of infection.

As important as the more traditional interpretations of environmental benefit, is the benefit brought by the protection of public safety, health and amenity. The public has a right to expect that their wellbeing will not be compromised by the infrastructure and installations providing an essential resource. The control of hot water units and systems, backflow prevention devices, and the materials and design of general products prevents serious injury to consumers.

The significance of this facet of environmental benefit, that is the safety of the public, cannot be undervalued. It is a vital part of ensuring that governments fulfil their responsibilities to consumers and citizens.

An indication of the NPRFs commitment to appropriate environmental outcomes is the Objectives included in every Part of the Plumbing Code of Australia. For example:

BO1.1 The *objective* of this *Part* is to:

- (a) safeguard people from illness, injury or *loss* (including *loss of amenity*) due to the failure of a cold water installation;
- (b) ensure that a cold water installation (including an installation provided for use by people with disabilities) is suitable;
- (c) conserve water and energy;
- (d) safeguard the environment;
- (e) safeguard public and private infrastructure ; and
- (f) ensure that a cold water installation is designed and is capable of being maintained so that throughout its serviceable life it will continue to satisfy *objectives* (a) to (e)

Trade implications of controlling plumbing product quality

Regulation of plumbing product quality in Australia is not a recent development. Manufacturers and importers have been subject to control mechanisms and product approval procedures in their various forms for decades. While the regulatory environment in Australia demands a very high standard, especially when compared to the worldwide size of the market, similarly stringent controls exist on many products in the UK, USA, Japan, and Union and non-Union countries in Europe.

There will always be challenges associated with certification given the range of international companies involved in manufacturing and importing and the processes used to ensure that products are appropriately certified, however it would be unreasonable to modify the current scheme based on retrospective consideration of this, when those in the market already allow for our practices.

The introduction of point-of-sale legislation may present further challenges, one of which is the limiting of products in the marketplace. Any loss of sample selection should be offset by the assurance of product safety and fair trading considerations.

It is hoped that the control of plumbing product quality is not impinged by placing political issues ahead of the public interest.

Potential Improvements to the plumbing quality regulatory system

The effectiveness of the plumbing quality regulatory system is an ongoing priority of the NPRF. Through negotiation with Standards Australia International Ltd (SA), the following avenues for improvement are being explored.

1. Stronger involvement by the NPRF in the administration and custodianship of the WMCS. More direct participation in these matters by the peak body may ensure focus on compliance and efficiency is enhanced.
2. The review and enforcement of timeliness measures and other contractual obligations of Conformity Assessment Bodies.
3. A review of the JAS-ANZ auditing process regarding the certifying bodies compliance with the rules of the scheme.
4. A more open complaints procedure for manufacturers with concerns over the performance of a CAB.
5. Greater industry and public awareness of the WaterMark certification and its differentiation from the WELS and other product appraisals and certification schemes. The NPRF has undertaken research on this matter and is developing a marketing strategy for the WMCS.
6. Clear definition of the relationship between WELS and WMCS through further discussions with the Commonwealth, specifically in relation to their alignment and development.
7. The possible development of a new version of AS/NZS 6400 Standard for compliance with product certification requirements with separate references or parts to both WELS rating and WaterMark certification.
8. Consideration of the introduction of point-of-sale legislation to prevent sales of substandard products, removing confusion in the marketplace.
9. The streamlining and refinement of the approvals procedure and protocols, with the possible consolidation of some Standards committees.
10. Consolidation of state and territory product approvals for both low level trade waste and on-site wastewater management systems.
11. The ongoing maintenance of product approval and Technical Specification information on the WaterMark product database.

The NPRF is also conducting a review of the Plumbing Code of Australia, which outlines the product approvals process. Issues of concern specifically to regulators have been compiled by our organisation as a party to not only the operation of the Scheme but to the outcomes of product quality controls. These issues are being addressed independently and through the provisions of the Memorandum of Understanding with SA.

The appropriate level of government to administer plumbing product quality regulation, that is, the states (as is now) or the Commonwealth.

Plumbing product quality approvals and regulations were instituted and remain in existence due to the commitment of the States and Territories to fulfil their obligations to consumers and uphold public health and safety.

As stated in a letter from Mr David Borthwick, Secretary for the Department of the Environment and Heritage, dated 9 October 2007, regarding product standard references in the WELS Standard, mechanisms for certification for quality of products "...need to be developed by regulators with the primary charter and jurisdiction for these issues. They would be more appropriately addressed through harmonised state and territory plumbing and other relevant regulations..."

State and Territory regulators are placed to fully consider the requirements and impacts of product quality regulations. The development and implementation of legislation on these issues, as well as public health and consumer affairs remains the jurisdiction of the states. These arrangements have produced a comprehensive and uniform approach to plumbing regulation and seen the development of a national code. Changes to this arrangement would require significant changes to the PCA, and therefore regulation in those states that have called up the PCA.

Mr Borthwick also noted that while the Commonwealth's WELS arrangements could possibly provide "some strengthening of general plumbing product performance in Australia", this would only be achieved within the scope of the WELS Act. He went on to assure the NPRF that Commonwealth arrangements "will not duplicate broader State and Territory plumbing regulation responsibilities".

Our position remains that the States and Territories are the most appropriate level of government to administer plumbing product quality regulation, as they are responsible for legislating for, and regulating plumbing work and the performance of the plumbing industry. Separating product regulation from these responsibility fractures the holistic and harmonised approach to plumbing developed by the work of plumbing regulators, and does not best utilise the human resources involved in the regulation and compliance aspects of the plumbing industry.

The issues that led to the development of plumbing product quality control and performance provisions are recognised by all levels of government as of primary interest to the State and Territory regulators responsible for regulating general plumbing, building, human health and safety and fair trading matters. It would therefore be inappropriate for a level of government for which these concerns are not of primary interest to administer vital controls.

References:

Commonwealth Department of Industry Science and Resources (2000), *Review of the Australian Building Codes Board*, Canberra, ACT.

National Plumbing Regulators Forum (2003) *Risk Impact Assessment for Plumbing Code of Australia*,
(http://www.lgp.qld.gov.au/docs/building_codes/issues_projects/plumbing_code/draft_ris_2aug02.pdf)

Standards Australia (2001), *MP52:2001 - Manual of authorization procedures for plumbing and drainage products*.



National Plumbing Regulators Forum Strategic Plan 2007-2010

Vision: Driving Plumbing Excellence

Purpose

The purpose of the NPRF is to provide benefits to Australian Governments, industry and the public by striving for a consistent, efficient and effective regulatory environment for plumbing activities and for achieving appropriate levels of public health, safety and amenity, in the interest of all consumers throughout Australia and New Zealand.

Values

- Regulatory intelligence
- Technical expertise
- Plumbing Code of Australia (PCA) and the New Zealand Building Code (NZBC)
- NPRF Structure
- Professionalism
- Consistency
- Cross-jurisdictional co-operation
- One vote, one value, one NPRF

Strategic Directions

1. Maintain, develop, and formalise the NPRF as a cooperative arrangement between jurisdictions responsible for the regulation of on-site plumbing and/or occupational licensing.

2. Formulate NPRF policy positions to guide standards for:

- technical requirements;
- occupational licensing; and
- education, in the plumbing industry.

3. Identify, engage and build:

- partnerships with government and regulators;
- strategic alliances with industry representative bodies; and
- consultation processes with stakeholder and community groups.

4. Focus on setting and maintaining consistent, high quality technical, educational, and licensing standards.

5. Maintain and enhance a shared understanding of issues associated with licensing, education and technical standards for plumbing to facilitate harmonisation of regulatory frameworks.

NPRF Advisory Committees Priorities 2007-2008

Technical Advisory Committee (TAC)

- Finalise the appointment of representatives on Standards Committees
- Conduct the review of the PCA
- Review relevant Australian Technical Specifications (ATS)
- Identify technical training issues
- Revise and formalise the product approvals procedure
- Assist the main committee with a review of the Memorandum of Understanding with Standards Australia Limited
- Create a single repository for technical solution documentation

Licensing and Education Advisory Committee (LEAC)

- Complete the transition of ANZRA to NPRF
- Review plumbing training packages and develop an assessment framework
- Continue the progress of licensing harmonisation
- Develop a national Continuing Professional Development framework
- NPRF Conference 2008