

WaterMark Certification Scheme

Notice of Direction

2013/2.0

WaterMark Referenced Documents

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Intent

The intent of this notice is to provide clarification on the hierarchy of referenced documents within the WMCS.

Background

This Notice of Direction is provided in accordance with clause 5 of the Rules for the WaterMark Certification Trade Marks.

On 25 February 2013 responsibility for management and administration of the WaterMark Certification Scheme (WMCS) transferred to the ABCB.

Until a full review of the WMCS has been undertaken to facilitate a smooth transition, the ABCB office will operate the WMCS essentially as is. In the interim some preliminary changes will be necessary. These reflect the transfer of the WMCS to the ABCB office, including changes required to enable the ABCB office to meet its reporting obligations to Ministers, the Department of Industry and the Board.

Reference Documents

Primary

- WMCS TradeMark Rules
- Approved Certifiers Agreement
 - Clause 12.7 Priority

In the event of any inconsistency between any term in this agreement, the Rules, Processes or any documents or terms that may be incorporated by specific reference in this agreement, the order of priority for the purposes of construction is:

 - (a) the Rules;*
 - (b) the Approved Certifier Agreement;*
 - (c) the Approved User Agreement;*
 - (d) the Processes; and*
 - (e) any other document.*

With the Rules having the highest priority and any other document having the lowest priority.
- Approved Certifiers Agreement
 - Clause 4.5 Providing Information and assistance to the ABCB
 - The Approved Certifier must:
 - (c) use its best endeavours to provide the ABCB with any information or assistance that may require on any matters in relation to the Watermarks; and*

(d) co-operate with the ABCB to maintain the integrity, validity and ABCB ownership of the WaterMarks.

- Approved User Agreement
- National Construction Code – Volume 3 - Plumbing Code of Australia (PCA)
 - Provision A1.4 Differences between reference documents and the PCA
The PCA overrules in any difference arising between it and any Standard, rule, specification or provision in a document listed in Table A3.1.
- SAA MP78:1999 Manual for the assessment of risks of plumbing products
- WaterMark Schedule of Specifications
- WaterMark List of Exempt Products

Guidance

- Procedures for Certification of Plumbing and Drainage Products (formerly known as AS 5200.000:2006)
- Procedure for Developing Technical Specifications (formerly known as ATS 5200.999:2005)

Direction

The following directions are made to stakeholders of the WMCS:

- 1.0 The following documents set the trademark rules for the use of the WaterMark Certificate Trade Marks and are a primary reference document to the WMCS.
 - WMCS Trade Mark Rules, as approved by the Australian Competition and Consumer Commission
 - Approved Certifiers Agreement
 - Approved User AgreementThese documents are located on the ABCB website (www.abcb.gov.au)
- 2.0 The following documents set the minimum requirements for certification and authorisation of plumbing materials or products and are primary reference documents to the WMCS.
 - National Construction Code Volume 3 – Plumbing Code of Australia (PCA)
 - SAA MP78:1999 Manual for the assessment of risks of plumbing products
 - WaterMark Schedule of Specifications – located on the ABCB website (www.abcb.gov.au)
 - WaterMark List of Exempt Products– located on the ABCB website (www.abcb.gov.au)
 - List of Terminated Licences– located on the ABCB website (www.abcb.gov.au)
- 3.0 The following documents are guidance documents within the WaterMark Certification Scheme. Several elements of the following documents are required to be followed when making application to the ABCB office. In order to provide an appropriate review it is recommended that these provisions be adhered to.
 - Procedures for Certification of Plumbing and Drainage Products – located on the ABCB website (www.abcb.gov.au)
 - Procedure for Developing Technical Specifications – located on the ABCB website (www.abcb.gov.au)
- 4.0 Clause 4.3 of the Approved Certifier Agreement requires the WaterMark Conformity Assessment Body (WMCAB) to have its own procedures for:
 - Review for the settlement of disputes
 - Product certification
 - Non-conformity and/or recall of products on which a WaterMark has been applied by its Approved User.

Each WMCAB is to provide a copy of the above procedures to the ABCB office within 30 days of this notice coming into effect.

5.0 The above direction become effective on 1 December 2013.

Consequence of Failure to Comply

Failure to comply with this direction may result in a breach of trademark or the process of certification and authorisation of products, which may cause the termination of the Approved Agreements or Licence.

Further Information

Should any WMCAB or Approved User require further clarification, they should contact the ABCB office directly for further advice, on 1300 134 631 or email watermark@abcb.gov.au.

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