

WATERMARK CERTIFICATION AND NON-CONFORMING BUILDING PRODUCTS

WATER PURIFIERS, FREE STANDING OR BENCHTOP CONNECTED TO THE BUILDINGS RETICULATED WATER PLUMBING, ARE BOTH AN APPARATUS AND AN APPLIANCE.

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Water purifiers with an intended use to provide endless filtered water (with sediment and metals/minerals removed), either chilled, heated, or at room temperature and intended to be connected by plumbing work to the building's reticulated water plumbing supply, constitute a 'building product' under Part 6AA of the *Queensland Building and Construction Commission Act 1991* (QBCC Act).

This includes freestanding, and benchtop units.

These water purifiers are both an apparatus and an appliance. Therefore, to be able to be offered for sale, sold, or installed in Queensland, as an apparatus, they require a WaterMark Licence, assessed against the Schedule of WaterMarked products, issued under the WaterMark Certification Scheme administered by the Australian Building Codes Board (ABCB).

Under section 65 of the *Plumbing and Drainage Act 2018* (PD Act), a person must not install as part of plumbing or drainage work, a thing, unless the thing is a WaterMark product that complies with the code requirements for plumbing or drainage work; and is not a prohibited WaterMark product.

Non-conforming building products (NCBPs) are those that do not meet the required standards for the use in which they are intended. A building product is considered a NCBP, if it is any of the following:

- is not, or will not be, safe; or
- is not compliant with the relevant regulatory requirements being the *Building Act 1975*, and the PD Act, which in turn inform the National Construction Code (NCC) and relevant Australian Standards, including AS/NZS, or ISO Standards; or
- does not perform, or is not capable of performing, to the standard it is represented to perform to.

Refer to section 74AB of the QBCC Act for the full definition of a NCBP.

When considering buying, selling, or installing a water purifier (either freestanding or benchtop) that is intended to be connected by plumbing work to the building's reticulated water plumbing supply, it is important to ask for, provide, and check the WaterMark Licence information. This is part of the 'Required Information', to allow correct selection of benchtop or free-standing water purifier products, to ensure they are not a NCBP for an intended use.

WaterMark Certification Scheme and WaterMark Licence information can be found at the ABCB website:

<https://watermark.abcb.gov.au/>

Under Queensland's NCBP legislation, members of the construction industry supply chain (including, but not limited to, manufacturers, distributors, and installers), must ensure the building products they manufacture, supply, or install, are compliant or otherwise risk incurring significant penalties.

Definitions

Apparatus¹—

(a) includes —

- (i) a cistern, pump, siphon or valve; and
- (ii) for sanitary plumbing or sanitary drainage or an on-site sewage facility—an arrestor; and
- (iii) for water plumbing—a backflow prevention device, domestic water filter, tap, water heater, water meter or water softener; but

(b) does not include an appliance, fitting, fixture or straight pipe.

Appliance² — see the glossary [AS/NZS 3500 (Plumbing and drainage), part 0 (Glossary of terms), as in force from time to time³] - means equipment designed to connect to a plumbing system to perform a specific function⁴.

Building product⁵ — A building product is any material or other thing associated with, or that could be associated with, a building.

Non-conforming building product⁶ — A building product is a non-conforming building product for an intended use if—

(a) the association of the product with a building for the use—

- (i) is not, or will not be, safe; or
- (ii) does not, or will not, comply with the relevant regulatory provisions; or

(b) the product does not perform, or is not capable of performing, for the use to the standard it is represented to perform by or for a person in the chain of responsibility for the product.

Required Information⁷ — for a building product, means information about the product that—

- (a) for each intended use of the product, states or otherwise communicates the following—
 - (i) the suitability of the product for the intended use and, if the product is suitable for the intended use only in particular circumstances or subject to particular conditions, the particular circumstances or conditions;
 - (ii) instructions about how the product must be associated with a building to ensure it is not a non-conforming building product for the intended use;
 - (iii) instructions about how the product must be used to ensure it is not a non-conforming building product for the intended use; and
- (b) complies with the requirements for the information, if any, prescribed by regulation for this definition.

Disclaimer

The information provided in this fact sheet is for educational purposes only. Although the Queensland Building and Construction Commission (QBCC) endeavours to provide accurate and current information, it does not guarantee that the information communicated in this fact sheet will continue to be accurate and current in the future.

The QBCC is not liable for any claims arising from incorrect or out-of-date information or any decisions or actions made based on the information contained in this fact sheet. The information conveyed in this fact sheet does not constitute legal or other specialist advice and should not be relied upon as such.

¹ As defined under the PD Act.

² As defined under the PD Act.

³ As defined under the PD Act.

⁴ See AS/NZS 3500.0 - 2021 Glossary of terms.

⁵ As defined under the QBCC Act.

⁶ As defined under the QBCC Act.

⁷ As defined under the QBCC Act.