



**Australian Government**  
**GEMS Regulator**

GREENHOUSE & ENERGY  
**MINIMUM  
STANDARDS  
REGULATOR**



# **Energy Efficiency Compliance Market Surveillance Report**

**July 2021 to June 2022**



## 1. Purpose

This report presents the market surveillance results of the products regulated under the *Greenhouse and Energy Minimum Standards (GEMS) Act 2012* that are required to meet GEMS registration requirements when offered for sale or supply and display an Energy Rating Label (ERL) on the product when supplied in store<sup>1</sup>. The report covers the period 1 July 2021 to 30 June 2022.

## 2. Background

Market surveillance refers to activities undertaken by GEMS inspectors to ensure models of GEMS products meet GEMS registration and labelling requirements once in the marketplace. It is focused on suppliers (including retailers and importers) and where applicable, manufacturers.

Market surveillance also provides an opportunity for GEMS inspectors to engage and educate regulated entities so they remain voluntarily compliant or return to compliance if breaches are identified.

## 3. Market Surveillance

During 2021-22, factors such as inclement weather, reduced access to affected locations and COVID-19 restrictions reduced the ability of compliance inspectors to safely carry out physical market surveillance in stores as planned. In line with the surge in e-commerce, GEMS Inspectors increased Online Market Surveillance; physical inspections will return in 2022-2023 period.

## 4. Results

The following table summarises the key results.

### 4.1 Approved Registrations found during online inspections

GEMS Product	Total number inspected	Number Approved	% Percentage Approved
Air Conditioners	248	196	79.0
Clothes Dryers	383	369	96.3
Clothes Washers	799	754	94.4
Dishwashers	885	837	94.6
Gas Water Heater	5	5	100
Hot Water	37	36	97.3
Household Refrigerators/Freezers	1800	1672	92.9
Televisions	266	264	99.2
<b>TOTAL</b>	<b>4423</b>	<b>4133</b>	<b>94.2</b>

Educational material was still sent out to all stakeholders including the requirements for correct labelling of GEMS Products.

## 5. Enforcement Responses

At the conclusion of each market surveillance activity, GEMS inspectors discuss the nature and extent of any potential issues with the relevant manager and ensure immediate actions are taken to address any non-compliance. Following an assessment of the data collected during the market surveillance activity, GEMS inspectors may undertake further engagement with

<sup>1</sup> Display of the ERL is exempt for online product sales or offers to supply.



registrants and suppliers to ensure compliance with GEMS registration and labelling requirements.

Engagement, education and support will remain a key component of the GEMS Regulator's compliance framework; however, enforcement action, in accordance with the [GEMS Compliance Policy](#), may be taken where contraventions of the GEMS Act 2012 are found.

## 6. What you need to know to comply

The following information may assist registrants and suppliers to comply with the GEMS Act 2012's registration and labelling requirements.

### 6.1 Registration Compliance

Under the GEMS Act 2012, GEMS products can only be supplied or offered for supply, or used for a commercial purpose, if:

- the model of the product is registered under the GEMS Act 2012 against the relevant determination; and
- the product complies with the determination; and
- the supply, offer, or use complies with the determination.

A supply includes supply by way of sale, exchange, gift, lease, loan, hire, or hire-purchase; while offer to supply includes make available, expose, display, or advertise the product for supply<sup>2</sup>. Therefore, all persons in the supply chain, whether they be retailers, importers, or manufacturers have an obligation under the GEMS Act 2012 not to supply an unregistered model of a GEMS product. Manufacturers and importers are more likely to be responsible for initial supply of a model in Australia and therefore more likely to be the registrant. However, any person in the supply chain may be the registrant. Information about the registration process can be found [here](#).

#### How do I know if a model is registered?

To ensure models of GEMS products being supplied are registered as compliant with the relevant determination, suppliers can view the public [Registration Database](#). If suppliers are unsure a model is registered, they should ask their supplier for the 'Approval Certificate', also known as the 'Notice of Registration under the GEMS Act', or the GEMS registration number.

### 6.2 Labelling Compliance

Section 16 of the GEMS Act 2012 states that a person must not supply, or offer to supply, a GEMS product if 'a requirement of the GEMS determination is not complied with in supplying, or offering to supply, the product.' A requirement to display an ERL, if applicable to that GEMS product, is covered by the relevant determination's GEMS labelling requirements.

Manufacturers and importers provide ERLs with each product supplied to retail stores. If an ERL is not provided, it is the retailer's responsibility to obtain one from the manufacturer or importer and attach it in accordance with the relevant determination, prior to offering the product for supply. Similarly, if an ERL is removed, the retailer must obtain another from the manufacturer or importer and attach it prior to continuing to offer the product for supply.



## 7. Further Information

If you would like to contact the GEMS Regulator with information about suspected non-compliance or you would like further information, please contact the Energy Efficiency Compliance team at [compliance@gems.gov.au](mailto:compliance@gems.gov.au) or visit [energyrating.gov.au](http://energyrating.gov.au). Additionally you can use the *Contact Us* form on the website [energyrating.gov.au/contact-form](http://energyrating.gov.au/contact-form) to ask questions or provide information to the GEMS Regulator.