



Market Surveillance Results

July 2020 to June 2021

1. Purpose

This report presents the results of the market surveillance of models of the seven products regulated under the *Greenhouse and Energy Minimum Standards (GEMS) Act 2012* that are required to display an Energy Rating Label (ERL) on the product when supplied in store. The report covers the period 1 July 2020 to 30 June 2021.

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.

3. Market Surveillance

During 2020-21, factors such as Bush Fires, weather events 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 and it will continue to be a focus during restrictions across Australia; physical inspections will return when restrictions are lifted.

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	307	283	92%
Clothes Dryers	324	305	94%
Clothes Washing Machines	783	752	96%
Computer Monitors	59	48	81%
Dishwashers	500	489	98%
Household Refrigerators/Freezers	1412	1340	95%
Televisions	673	658	98%
TOTAL	4058	3875	95%

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 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 are found.

6. What you need to know to comply

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

6.1 Registration Compliance

Under the GEMS Act, 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 against the relevant determination; and
- the product complies with the determination; and
- the supply, offer, or use complies with the determination.

A supply includes a 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 supply¹. Therefore, **all** persons in the supply chain, whether they be retailers, importers, or manufacturers have an obligation under the GEMS Act 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 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 generally 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 us at compliance@gems.gov.au or visit energyrating.gov.au.