



Australian Government

GEMS Regulator

Energy Efficiency Compliance & Enforcement Market Surveillance Report

July 2024 to June 2025

GREENHOUSE & ENERGY
**MINIMUM
STANDARDS
REGULATOR**



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) or Zoned Energy Rating Label (ZERL) on the product when supplied in store. The report covers the period 1 July 2024 to 30 June 2025.

Background

The GEMS Regulator is responsible for monitoring and enforcing compliance with the GEMS Act.

It does this through an intelligence-led, risk-based program that:

- engages with and educates the regulated community, including:
 - store personnel and management
 - retailers' compliance personnel
 - suppliers' representatives and managers
- monitors compliance through:
 - GEMS inspector online and instore supplier market surveillance to ensure compliance with product registration and labelling requirements
 - check testing to verify through NATA accredited laboratory testing, whether registered product models meet determination requirements.
- responds to deliberate non-compliance by regulated entities who fail to comply in a manner that is appropriate and proportionate to the risk posed by the non-compliance.

Market Surveillance

GEMS online market surveillance inspections were a key monitoring focus this financial year. Monitoring across Australia allowed for in person and online engagement and education with the regulated entities of national major national retail chains, independent retail outlets and specialised product suppliers.

Engagement, education, and support is a key component of the GEMS Regulator's compliance framework to help regulated entities understand their obligations.

Market Surveillance Activities

Online store monitoring of 80 retailers, suppliers and third-party online shopping websites revealed:

- 92% of GEMS products were correctly registered under GEMS
 - commercial (non-residential) products showed higher rates of online non-compliance during this period.

It should be noted the display of the ERL is not required when advertising online.

Of the 91 physical stores visited during 2024-25:

- 95% of GEMS household products were correctly registered under GEMS
- 81% correctly displayed an energy rating label (ERL)
- 17% presented with an obscured or missing ERL or displayed an incorrect ERL.
- 2% of products monitored in store are not required to display an ERL as per their individual product determination, for example, hot water units.

Non-compliance was recorded at the time of the inspection, and in most cases, stakeholders returned to voluntary compliance following engagement with the GEMS Compliance team.

Products monitored

A total of 10,385 GEMS products were monitored during this period. Non-compliance was recorded at the time of the inspection, and in most cases, stakeholders returned to voluntary compliance following engagement with the GEMS Compliance team.

The following tables provide an overview of the results found per product checked during online and in store monitoring activities.

Where voluntary compliance could not be achieved, further actions are being considered, those cases are ongoing.

Table 1 Registration checks on selected GEMS products (in-store & online)

GEMS Product	Number of products monitored for registration	Products correctly registered	Products found unregistered at time of monitoring	Other status for registrations – expired, variation, cancelled, superseded
Air Conditioners	773	713	42	18
Clothes Dryers	828	791	19	18
Clothes Washers	1,398	1,358	16	24
Dishwashers	1,001	983	3	15
Gas Water Heater	17	13	4	0
Electric Hot Water	49	49	0	0
Household Refrigerators/Freezers	3,523	3417	52	54
Pool Pumps	281	262	18	1
Televisions	1,318	1,231	76	11
Refrigerated Cabinets	534	348	147	39
Computers	156	150	0	6
Computer monitors	334	239	91	4
Electric Motors	161	66	45	50
External Power Supply	12	3	9	0
TOTAL	10,385	9,623	522	240

Table 2 Energy Rating Labelling checks on selected GEMS products (in-store)

GEMS Product	Number of products monitored for labelling	Products Correctly labelled	Products found missing label at time of monitoring	Other status such as obscured label, damaged label, or wrong label
Air Conditioners	145	108	26	11
Clothes Dryers	209	194	4	11
Clothes Washers	294	285	0	9
Dishwashers	220	198	7	15
Household Refrigerators/Freezers	372	329	15	28
Pool Pumps	100	67	32	1
Televisions	397	324	35	37
Computer monitors	188	76	98	14
Refrigerated Cabinet	18	n/a	n/a	n/a
External Power Supply	2	n/a	n/a	n/a
Electric Hot Water	24	n/a	n/a	n/a
TOTAL	1,969	1,581	217	127

NOTE: Display of the ERL is exempt for online product sales or offers to supply.

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

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 2012 are found.

During the period from July 2024 to June 2025, the GEMS Regulator:

- Cancelled the registration of two air conditioners under section 54(1)(c) on the basis they were satisfied that documentation or other information given to at the time of registration was not accurate. These cancelled products can no longer be offered for sale or supply in Australia.
- Received two refrigerated cabinets for check testing after issuing a section 57 Notice requiring the registrant to give a product. The check testing results of the refrigerated cabinets have not been finalised.

These cancelled products can no longer be offered for sale or supply in Australia.

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.

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. 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. Visit our website for information about how to [Register a product](#).

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.

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 or ZERL, if applicable to that GEMS product, is covered by the relevant determination's GEMS labelling requirements.

Manufacturers and importers provide ERLs or ZERLs with each product supplied to retail stores. If an ERL or ZERL 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 or ZERL is removed, the retailer must obtain another from the manufacturer or importer and attach it prior to continuing to offer the product for supply.

Further Information

Our Energy Rating website provides additional information to support you including:

- [GEMS Inspections Frequently Asked Questions](#) that has information to assist stakeholders with complying with their requirements and continuing to achieve voluntary compliance. It covers a variety of topics to assist with labelling and registration requirements.
- [Displaying the Energy Rating Label](#) to assist in understanding the requirements to display the ERL correctly. Additional publications are also available from this page.
- [News and stories](#) provides the latest information about the program and compliance.

Our Energy Rating website also provides options for you to contact us:

- To [Report non-compliance](#). If you would like to contact the GEMS Regulator with information about suspected non-compliance or would like further information, please contact the Energy Efficiency Compliance team at compliance@gems.gov.au.
- For any reason, using our online [Contact Us](#) form.

