



# Greenhouse and Energy Minimum Standards (Household Refrigerating Appliances) Determination 201z

*Greenhouse and Energy Minimum Standards Act 2012*

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I, [Minister responsible], make the following Determination.

Dated                      xx yyy 201z

**EXPOSURE DRAFT      SEPTEMBER 2018**

**DRAFT ONLY—NOT FOR SIGNATURE**

[Minister responsible]

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**EXPOSURE DRAFT      SEPTEMBER 2018**

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## 1 Name of Determination

This Determination is the *Greenhouse and Energy Minimum Standards (Household Refrigerating Appliances) Determination 201z*.

## 2 Commencement, revocation and replacement

This Determination:

- (a) commences and comes into force 2 years after the day it is registered; and
- (b) revokes the *Greenhouse and Energy Minimum Standards (Household Refrigerating Appliances) Determination 2012*; and
- (c) replaces that determination.

Note: The form of this section reflects the requirements of sections 34 and 35 of the *Greenhouse and Energy Minimum Standards Act 2012*, which deal with how a GEMS determination enters into force and how it replaces an earlier one. Subsection 35(2) of the *Greenhouse and Energy Minimum Standards Act 2012* provides that, when a GEMS determination is revoked and replaced, the revoked determination ceases to be in force immediately before the replacement determination comes into force.

## 3 Authority

This instrument is made under sections 23 and 35 of the *Greenhouse and Energy Minimum Standards Act 2012*.

## 4 Definitions

Note: Subsection 5(2) provides that the applicable version of each standard referred to in this section is the version that existed at the date this Determination was made.

In this Determination:

**Act** means the *Greenhouse and Energy Minimum Standards Act 2012*.

**AS/NZS 4474:201z** means *Australian/New Zealand Standard 4474:201z Household refrigerating appliances – Energy labelling and minimum energy performance standards requirements*.

Note: AS/NZS 4474:201z is available from Standards Australia Limited.

**AS/NZS IEC 62552.1:2018** means *Australian/New Zealand Standard IEC 62552.1:2018 Household refrigerating appliances — Characteristics and test methods — Part 1: General requirements*.

Note 1: AS/NZS IEC 62552.1:2018 is a direct text adoption of IEC 62552-1:2015.

Note 2: AS/NZS IEC 62552.1:2018 is available from Standards Australia Limited.

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**AS/NZS IEC 62552.2:2018** means *Australian/New Zealand Standard IEC 62552.2:2018 Household refrigerating appliances — Characteristics and test methods — Part 2: Performance requirements.*

Note 1: AS/NZS IEC 62552.2:2018 is a direct text adoption of IEC 62552-2:2015.

Note 2: AS/NZS IEC 62552.2:2018 is available from Standards Australia Limited.

**AS/NZS IEC 62552.3:2018** means *Australian/New Zealand Standard IEC 62552.3:2018 Household refrigerating appliances — Characteristics and test methods — Part 3: Energy consumption and volume.*

Note 1: AS/NZS IEC 62552.3:2018 is a direct text adoption of IEC 62552-3:2015.

Note 2: AS/NZS IEC 62552.3:2018 is available from Standards Australia Limited.

**Australian Standard** means a standard that is published by Standards Australia Limited denoted by the letters "AS" and identifying numbers and/or letters.

**Australian/New Zealand Standard** means a standard that is jointly published by Standards Australia Limited and Standards New Zealand, is applicable in both countries and denoted by the letters "AS/NZS" and identifying numbers and/or letters.

**compartment** means an enclosed space within a household refrigerating appliance, which is directly accessible through one or more external doors, which may itself be divided into sub-compartments.

Note: This is the same meaning as in clause 1.6.8 of AS/NZS 4474:201z.

**foodstuff** means food and beverages intended for consumption.

Note: This is the same meaning as in clause 3.1.8 of AS/NZS IEC 62552.1:2018.

**household refrigerating appliance** means an insulated cabinet that:

- a) has one or more compartments that are controlled at specific temperatures; and
- b) is intended for the storage and preservation of foodstuff that require refrigeration at specified temperature conditions; and
- c) is cooled by natural convection or a forced convection system whereby the cooling is produced using vapour compression cycle technology; and
- d) can be connected to mains power; and
- e) is ordinarily supplied for household use.

**IEC Standard** means a standard that is published by, or on behalf of, the International Electrotechnical Commission.

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**IEC 62552-1:2015** means *IEC Standard 62552-1:2015 Ed. 1 Household refrigerating appliances — Characteristics and test methods — Part 1: General requirements.*

Note: IEC 62552-1:2015 is available from the International Electrotechnical Commission.

**IEC 62552-2:2015** means *IEC Standard 62552-2:2015 Ed. 1 Household refrigerating appliances — Characteristics and test methods — Part 2: Performance requirements.*

Note: IEC 62552-2:2015 is available from the International Electrotechnical Commission.

**IEC 62552-3:2015** means *IEC Standard 62552-3:2015 Ed. 1 Household refrigerating appliances — Characteristics and test methods — Part 3: Energy consumption and volume.*

Note: IEC 62552-3:2015 is available from the International Electrotechnical Commission.

**standard** means an Australian Standard, an Australian/New Zealand Standard, an IEC Standard or any other equivalent document.

**total volume** means the sum of the volumes for all compartments in a household refrigerating appliance determined in accordance with Annex H of AS/NZS IEC 62552.3:2018 and Annex H of IEC 62552.3:2015

Note: This is the same meaning as in subclause 1.6.30 of AS/NZS 4474:201z.

**volume** means the measured volume enclosed within a compartment determined in accordance with Annex H of AS/NZS IEC 62552.3:2018 and Annex H of IEC 62552.3:2015.

Note: This is the same meaning as in subclause 1.6.32 of AS/NZS 4474:201z.

Note: Several other words and expressions used in this Determination have the meaning given by section 5 of the Act. For example:

- category A product
- covered by
- family of models
- GEMS
- GEMS labelling requirements
- GEMS level requirements
- model
- product classes
- supply

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## 5 Interpretation

### *Applicable definitions of terms or phrases*

- (1) If there is inconsistency in the definitions of terms or phrases, terms or phrases will be interpreted in the following order of priority to the extent of any inconsistency:
  - (a) the Act;
  - (b) this Determination;
  - (c) a standard referred to in this Determination, or another standard referred to in such a standard.

### *Applicable version of documents incorporated into standards*

- (2) For the purposes of this Determination the applicable version of any:
  - (a) standard; or
  - (b) other document that:
    - (i) is referred to in a standard under the heading “Referenced Documents”, or under an equivalent heading; and
    - (ii) must be applied to give effect to this Determination or a standard referred to in this Determination;

is the version of the document, including a standard, that existed at the date this Determination came into force.

Note: For example clause 4.4 of AS/NZS 4474:201z provides that the storage test performance for household refrigerating appliances shall meet the requirements set out in section 6 of AS/NZS IEC 62552.2:2018. The applicable version of AS/NZS IEC 62552.2:2018 is the version that existed at the date this Determination came into force.

## 6 Specified product classes covered by this Determination

- (1) This Determination covers household refrigerating appliances in the product classes set out in subsection (2).

Note 1: This subsection reflects the scope specified in clause 1.1 of AS/NZS 4474:201z.

Note 2: This Determination covers household refrigerating appliances irrespective of the context in which they are used. For example, this Determination applies to household refrigerating appliances used in a commercial context.

Note 3: This subsection specifies products that are covered by the Determination. See subsection (3) for products that are not covered.

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(2) The product classes are as follows:

<b>Product class</b>	<b>Products in product class</b>
1	Products classified as Group 1 in Table 2.1 of AS/NZS 4474:201z
2	Products classified as Group 2 in Table 2.1 of AS/NZS 4474:201z
3	Products classified as Group 3 in Table 2.1 of AS/NZS 4474:201z
4	Products classified as Group 4 in Table 2.1 of AS/NZS 4474:201z
5	Products classified as Group 5T in Table 2.1 of AS/NZS 4474:201z
6	Products classified as Group 5B in Table 2.1 of AS/NZS 4474:201z
7	Products classified as Group 5S in Table 2.1 of AS/NZS 4474:201z
8	Products classified as Group 6C in Table 2.1 of AS/NZS 4474:201z
9	Products classified as Group 6U in Table 2.1 of AS/NZS 4474:201z
10	Products classified as Group 7 in Table 2.1 of AS/NZS 4474:201z

Note: Table 2.1 of AS/NZS 4474:201z includes its accompanying notes.

(3) For subsection 23(2) of the Act, this Determination does not cover:

(a) products which have a total volume of less than 80 litres and that are designed exclusively for use in caravans and other vehicles including:

- (i) mobile homes;
- (ii) campervans;
- (iii) rail cars; and
- (iv) boats;

(b) portable products that:

- (i) have a chest configuration; or
- (ii) have a upright configuration and have a total volume of less than 80 litres;

Note: This Determination covers portable products that have an upright configuration and have a total volume of 80 litres or greater.

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- (c) products that have a total volume of less than 30 litres where the refrigeration function is secondary, such as boiled and cooled water dispensers;
  - (d) products that have no options for connection to a 230 volt or 400 volt mains electricity supply at 50 hertz;
  - (e) products that cool using technologies other than the vapour compression cycle;
  - (f) wine storage appliances; or

Note: This Determination covers household refrigerating appliances that have one or more wine storage compartments in addition to other compartment types.

- (g) stand alone ice-makers.

(4) In this section:

***chest configuration*** means a configuration where access to the compartment(s) of a household refrigerating appliance is from the top.

Note: This is the same meaning as in clause 1.6.10 of AS/NZS 4474:201z.

***portable products*** means products that are:

- (a) specifically designed to be moved from place to place as part of their normal use as stated in the product literature that accompanies the product, including the operating manual and the user instructions, and
- (b) designed to operate on an electrical supply of 12 or 24 volts direct current.

Note: These products are commonly known as portable camping refrigerators or freezers.

***upright configuration*** means a configuration where access to the compartment(s) of a household refrigerating appliance is from the front.

Note: This is the same meaning as in clause 1.6.10 of AS/NZS 4474:201z.

***wine storage appliances*** means appliances which are specifically designed exclusively for the storage or maturation, or for both storage and maturation, of wine, with:

- (a) the capability to maintain continuously a nominated temperature in the range from 5 degrees Celsius to 20 degrees Celsius; and
- (b) shelving specifically designed to store wine bottles.

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## 7 GEMS level requirements

### *Energy use and greenhouse gas production*

- (1) For paragraphs 24(1)(a) and 25(a) of the Act, the specified energy use requirements for products covered by this Determination are the requirements mentioned in clauses 4.2 of AS/NZS 4474:201z.

### *Conducting tests*

- (2) For paragraphs 24(1)(a) and 25(b) of the Act, the specified requirements for conducting tests for products covered by this Determination are the requirements mentioned in section 2 of AS/NZS 4474:201z.

## 8 GEMS labelling requirements

### *Labelling and communication requirements*

- (1) For paragraph 24(1)(b) of the Act, this section specifies GEMS labelling requirements in accordance with section 26 of the Act for products covered by this Determination.
- (2) Products covered by this Determination must be marked in accordance with the requirements in section 5 of AS/NZS 4474:201z (Marking Requirements).
- (3) At the time of retail supply, or offer of retail supply, of a product covered by this Determination at a GEMS retail premises, an energy rating label must accompany the product or its packaging.

Note: For the definitions of *energy rating label* and *GEMS retail premises*, see subsection (9).

### *Conducting tests*

- (4) For paragraphs 24(1)(b) and 26(1)(c) of the Act, the specified requirements for conducting tests for products covered by this Determination are the requirements mentioned in section 2 of AS/NZS 4474:201z.

### *Labelling requirements if this Determination is revoked*

- (5) A GEMS labelling requirement of this Determination (the *revoked requirement*) is taken to be complied with if:
  - (a) this Determination is revoked in accordance with paragraph 35(1)(a) of the Act; and
  - (b) another GEMS determination (the *replacement determination*) is made in accordance with paragraph 35(1)(b) of the Act; and



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- (c) a transitional GEMS labelling requirement (the ***replacement requirement***) of the replacement determination provides that, if the replacement requirement is complied with, the revoked requirement is taken to be complied with.

*Transitional GEMS labelling requirements*

- (6) For paragraph 26(2)(c) of the Act, a product covered by this Determination must comply with the GEMS labelling requirement of either:
- (a) this Determination; or
  - (b) the revoked Determination.

- (7) Subsection (4) applies to a product if:
- (a) the model of the product was registered (whether under this Determination or the revoked Determination) before the date this Determination comes into force; and
  - (b) the product is supplied or offered for supply while the registration is in force.

Note: For paragraph (b), see Division 5 of Part 5 of the Act for when a registration is in force.

- (8) Subsection (4) applies irrespective of whether:
- (a) the supply or offer for supply is before or after this Determination comes into force; or
  - (b) the product was imported into, or the product's last process of manufacture is performed in, Australia before or after this Determination comes into force.

- (9) In this section:

***energy rating label*** means a label that meets the requirements in:

- (a) section 2 of AS/NZS 4474:201z (Determination of Energy Consumption); and
- (b) section 3 of AS/NZS 4474:201z (Calculations for Energy Rating Label); and
- (c) section 6 of AS/NZS 4474:201z (Content, Format and Affixing Energy Rating Labels).

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***GEMS retail premises*** means any premises:

- (a) that are open to the public on a regular basis; and
- (b) that are used for, or in connection with, the supply of one or more GEMS products; and
- (c) at which products that are covered by this Determination are displayed for the purposes of retail supply or offers of retail supply.

Note: Such a premises will be a GEMS business premises within the meaning of section 5 of the Act, and in particular, will satisfy paragraph (a) of the definition of that term.

***revoked Determination*** means the *Greenhouse and Energy Minimum Standards (Household Refrigerating Appliances) Determination 2012*.

## **9 Other GEMS requirements**

### *Product performance*

- (1) For subsection 24(2) and paragraph 27(1)(b) of the Act, the specified requirements relating to the performance of products covered by this Determination are the requirements mentioned in:
  - (a) clause 4.2 of AS/NZS 4474:201z (MEPS Levels); and
  - (b) clause 4.4 of AS/NZS 4474:201z (Pull Down); and
  - (c) clause 4.5 of AS/NZS 4474:201z (Storage Test); and
  - (d) clause 4.6 of AS/NZS 4474:201z (Temperature Excursions During Defrost and Recovery); and
  - (e) clause 4.8 of AS/NZS 4474:201z (Declared Automatic Controls); and
  - (f) clause 4.9 of AS/NZS 4474:201z (Circumvention devices).

### *Conducting tests*

- (2) For subsection 24(2) and paragraph 27(1)(e) of the Act, the specified requirements for conducting tests for products covered by this Determination, in relation to paragraph 27(1)(b), are the requirements mentioned in section 2 of AS/NZS 4474:201z.

## **10 Families of models**

- (1) For section 28 of the Act, for a particular product class covered by this Determination, two or more models are in the same family of models if:

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- (a) they are members of a family that has been declared to the GEMS Regulator; and
  - (b) the requirements of this section are satisfied in relation to the models and the family.
- (2) For subsection (1), the models must:
- (a) be in the same product class; and
  - (b) have the same energy performance characteristics relevant to complying with sections 7, 8 and 9, including, but not limited to:
    - (i) comparative energy consumption; and
    - (ii) star rating index; and
  - (c) have the same physical characteristics relevant to complying with sections 7, 8 and 9, including, but not limited to:
    - (i) total volume; and
    - (ii) number and configuration of compartments; and
  - (d) rely on a single test report which was prepared prior to the application for registration for the model being made under section 41 of the Act.
- (3) In this section:

*comparative energy consumption* means the nominal annual average energy consumption of a model of household refrigerating appliance.

Note: This is the same meaning as in clause 1.6.7 of AS/NZS 4474:201z.

*star rating index* means an indication of the claimed energy efficiency of a model determined in accordance with clause 3.7 of AS/NZS 4474:201z.

Note: This is the same meaning as in subclause 1.6.27 of AS/NZS 4474:201z.

## 11 Product categories

For section 29 of the Act, the products covered by this Determination are category A products.

## 12 Registrations affected by this Determination

For section 36 of the Act, this Determination affects the registration of the models registered against the *Greenhouse and Energy Minimum Standards (Household Refrigerating Appliances) Determination 2012* that are specified in Schedule 1.

Note 1: If a model's registration is affected, the model's registration against the *Greenhouse and Energy Minimum Standards (Household Refrigerating*

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*Appliances) Determination 2012* ceases to be in force. See section 48 of the Act.

Note 2: If a model's registration is not affected, the model is taken to be registered against this Determination. See section 36 of the Act.

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## Schedule 1—Registrations affected by this Determination

Note: See section 12 of this Determination.

### 1 Table 1—Registrations affected by this Determination

The following table sets out the models whose registration is affected by this Determination.

<b>Brand</b>	<b>Model Identifier</b>	<b>Registration number</b>