



# Application for exemption from requirements of a GEMS determination

This application form is for suppliers or commercial users of a model(s) of a GEMS product to apply for an exemption from requirements of a GEMS determination under section 37 of the *Greenhouse and Energy Minimum Standards Act 2012* (GEMS Act). This form has been approved by the GEMS Regulator.

Exemption applications can take up to several months to process due to the need to evaluate each application on a case-by-case basis. Each request for further information will extend the expected processing time by at least a month. Providing all required information and addressing all relevant matters with the initial exemption application form will reduce processing time.

## GEMS Regulator Considerations

Under the *Greenhouse and Energy Minimum Standards Regulation 2012* (the Regulation), in deciding whether to exempt model(s) of a GEMS product, or specify a condition to which the exemption is subject, the GEMS Regulator **must** have regard to both the following:

- the impact of the exemption on Australia's greenhouse gas emissions if the exemption is granted
- any grounds relied upon, or matters considered, in the making of the relevant GEMS determination.

The Regulation also sets out the factors the GEMS Regulator **may** have regard to in deciding whether to grant an exemption, including:

- the cost to the applicant of complying with the GEMS determination if the exemption is not granted
- whether imposing a condition on the exemption could minimise or prevent a negative impact on Australia's greenhouse gas emissions that may result from granting the exemption and deliver a reasonable outcome for the applicant
- any other matters the GEMS Regulator considers relevant.

## Purpose of exemption

The GEMS Regulator may exempt model(s) of a GEMS product from specified or all requirements laid out in the relevant determination, including:

- GEMS level requirements
- GEMS labelling requirements
- Other GEMS requirements (as defined in the relevant GEMS determination)
- One or more aspects of any of the requirements listed above.

## Supporting documentation

The applicant should provide all the relevant information, documentation, supporting material and evidence that addresses the matters for consideration set out in this form to assist the GEMS Regulator in making a decision in relation to the exemption application.

The applicant is required to submit evidence which supports the reasons for seeking the exemption and address all relevant matters for consideration in the application process, which may include:

- test reports
- quotes for undertaking testing
- sales data and/or projected sales data
- evidence for dates of import or manufacture, such as shipping bills
- company policies regarding next steps should the exemption not be granted
- costs of complying with the GEMS determination should the exemption not be granted
- breakdown of financial losses if the exemption is not granted, including landfill disposal costs.

The GEMS Regulator may request further information or documentation and may refuse to consider the application until it is provided.

## Further information

For further information about exemption applications, visit [www.energyrating.gov.au](http://www.energyrating.gov.au), contact the Energy Rating Team via email at [energyrating@dcceew.gov.au](mailto:energyrating@dcceew.gov.au), or see section 37 of the GEMS Act and Part 4 of the Regulation.



## Part A: Applicant details

### Connection to the model(s) of a GEMS product

Tick the option that applies

Supplier	<input type="checkbox"/>	Commercial user	<input type="checkbox"/>
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You are a commercial user of a model(s) of a GEMS product if you intend to manufacture or import the GEMS product into Australia for use in your own business.

### Applicant details

Applicant name (if applicant is an individual)	
Applicant name (if applicant is a business)	
Australian business number (ABN)	
Australian company number (ACN)	
Postal address	
Telephone number	
Email address	
Fax number	

If the applicant is a business, provide the business contact details. If the applicant is an individual, provide the individual's contact details.

### Contact person details

Name	
Role	
Postal address	
Telephone number	
Email address	
Fax number	

An exemption application must be made by an applicant with the authority to represent the supplier or commercial user for the purposes of making this application.



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**Part B: Model and GEMS registration details**

<p>Model number(s)  <i>Use commas to separate model numbers if this application relates to multiple models.</i></p>	
<p>Brand or trademark</p>	
<p>GEMS registration number(s)</p>	
<p>Registration expiry date(s)  <i>This may include registration number(s) for both current or expired GEMS product registrations. Use commas to separate registration numbers and list in order of models listed above.</i></p>	
<p>Description of model(s)</p>	
<p>Relevant GEMS determination  <i>This is the GEMS determination the model(s) of GEMS product is/were registered against.</i></p>	
<p>Product class (from relevant GEMS determination)</p>	
<p>Date(s) of import into Australia or date(s) of manufacture in Australia (attach evidence)  <i>Use commas to separate dates and list in order of models listed above.</i></p>	
<p>Unsold stock currently in Australia (attach evidence)  <i>This may include remaining stock numbers for the model(s) and evidence may include stock ledgers.</i></p>	
<p>What actions have been undertaken prior to applying for an exemption?  <i>This may include efforts to sell remaining stock prior to registration expiry, re-testing of model(s), and/or re-registering under relevant GEMS determination.</i></p>	



## Part C: Exemption details

State specific requirements and sections of the GEMS determination from which you seek an exemption and provide reasoning.

GEMS determination from which exemption is sought <i>Input if different to Part B 'Relevant GEMS determination'</i>	
GEMS level requirements	
GEMS labelling requirements	
Other GEMS requirements	
Any other determination requirements information	
Why do you seek an exemption from those requirements?	
List any other matter you consider may be relevant <i>For example, whether there are any risks or time sensitivities that the GEMS Regulator should be aware of in relation to your request for an exemption.</i>	
Outline the impact on Australia's greenhouse gas emissions if an exemption is granted <i>Include specific examples and attach evidence where relevant, which may include:</i> <ul style="list-style-type: none"> <li>• model(s) test reports</li> <li>• comparison of Minimum Energy Performance Standards (MEPS) for model(s) to requirements set out in relevant determination</li> <li>• whether requirements from which an exemption is requested do not affect greenhouse gas emissions.</li> </ul>	

**If an exemption is granted, indicate:**

- how long you expect an exemption is required for and reasoning
- how long you expect it will take to sell the remaining stock
- what actions you will take to ensure stock is sold during the specified time period.

The information provided in this section will inform the GEMS Regulator's decision about the duration of the exemption.

Attach evidence, which may include company policies and/or projected sales based on extrapolated data. Include information about any additional advertising or marketing campaigns you may undertake.



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**If an exemption is not granted, outline the expected costs and your proposed course of action in the table below.**

Action	Specify if you will undertake this action	Estimated cost
Complying with the GEMS determination (this is not limited to but could include altering the product, retesting, relabelling, etc)		
Export to other markets		
Donating		
Recycling		
Disposal		

Attach evidence where relevant, which may include company policies, estimated costs, and/or quotes for proposed actions.

## Declaration

I declare that the information provided in this form is complete, truthful and accurate in every detail		
I understand that it may be an offence to provide false or misleading information in this application		
I have the authority to represent the GEMS registrant for the purposes of making this application		
Full name		
Role		
Signature		Date

## Submitting your application

Submit this form and all relevant supporting documents to the GEMS Regulator:

**By email (preferred)**  
[energyrating@dcceew.gov.au](mailto:energyrating@dcceew.gov.au)

**By post**  
 Greenhouse and Energy Minimum Standards Regulator  
 Department of Climate Change, Energy, the Environment and Water  
 GPO Box 3090, Canberra ACT 2601

## Exemption Application Checklist

Use this checklist to confirm that you have provided all information, documentation and evidence required for the GEMS Regulator to consider your application.

Read and understand page 1 of this application and <a href="#">Apply for exemption</a> on Energy Rating	
Complete Part A: Applicant details	
Complete Part B: Model and GEMS registration details	
Complete Part C: Exemption details	
Sign and date declaration	
Ensure all relevant and supporting documentation is attached to the application	
Submit application	