



Australian Government
**Department of Resources,
Energy and Tourism**

Greenhouse and Energy Minimum Standards (Authorisation Requirements for Testing GEMS Products) Instrument 2013

I, David Walker, Greenhouse and Energy Minimum Standards Regulator, acting in accordance with my powers under section 125 of the *Greenhouse and Energy Minimum Standards Act 2012*, make this instrument for the purpose of specifying the requirements that must be satisfied for persons to be authorised to test GEMS products under section 125 of the *Greenhouse and Energy Minimum Standards Act 2012*.

David Walker
Greenhouse and Energy Minimum Standards Regulator

Dated this 11th day of July 2013

Part 1 Preliminary

1 Name of Instrument

This instrument is the *Greenhouse and Energy Minimum Standards (Authorisation Requirements for Testing GEMS Products) Instrument 2013*.

2 Commencement

This instrument commences on the day after it is registered.

3 Object

The object of this instrument is to specify, for the purposes of section 125 of the *Greenhouse and Energy Minimum Standards Act 2012* (the Act), the requirements that must be satisfied for persons to be authorised to test GEMS products under section 125 of the Act.

4 Interpretation

Unless the contrary intention appears, words and expressions used in this instrument have the same meaning as given in the Act.

Part 2 Requirements

5 Requirements

Subject to section 6, the specified requirements are accreditation in accordance with ISO/IEC 17025:2005 for the specific test or tests prescribed in the applicable GEMS determination by either:

- (a) the National Association of Testing Authorities, Australia; or
- (b) an accreditation body having mutual recognition with the National Association of Testing Authorities, Australia.

6 Testing for subparagraph 61 (2) (b) (i) of the Act

Where testing is being performed for the purposes of subparagraph 61 (2) (b) (i) of the Act, the requirements in section 5 apply along with any requirements specified in the notice provided to the registrant under subsection 61 (1) of the Act, in particular the matters specified in relation to paragraph 61 (3) (e) (iii).

Note: The GEMS Regulator will generally require that the testing under section 61 is not performed by in-house laboratories.

7 Product classes to which requirements apply

The requirements specified in section 5 apply to all product classes.

8 Definitions

In this part:

accreditation means a procedure based upon peer assessment by which an authoritative body gives formal recognition that a body is competent to carry out specific tasks.

Note: The specific tasks will be detailed in a published Scope of Accreditation.

mutual recognition means an accreditation body that is a signatory to either:

- (a) the Asia Pacific Laboratory Accreditation Cooperation (APLAC) Mutual Recognition Arrangement; or
- (b) the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement.

ISO/IEC 17025:2005 means *ISO/IEC 17025:2005 General requirements for the competence of testing and calibration laboratories*, the international standard for the operation of testing and calibration laboratories, published by International Organization for Standardization, as it existed on the day this Instrument came into force.