



# **IAPMO R&T OCEANA GasMark - 'Governance Rules'**



**September 2015**

**IAPMO R&T Oceana Pty Ltd  
ABN 78 121 986 169**

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# 1. PREFACE

IAPMO R&T Oceana Pty Ltd (here after referred to IAPMO R&T Oceana) is one of six companies and two divisions operating under the 'not for profit' (Ontario, California based) company "International Association of Plumbing and Mechanical Officials" (IAPMO).

IAPMO R&T Oceana Pty Ltd is accredited by JAS-ANZ to ISO/IEC Guide 17065 "Conformity assessment - Requirements for bodies certifying products, processes and services" and recognised by the relevant Australian State and Territory regulatory authorities and the New Zealand gas regulatory authority to operate and maintain a "Certification System 2", product certification scheme as outlined in "ISO/IEC Guide 17067 Conformity assessment - Fundamentals of product certification and guidelines for product certification schemes. The scheme has been developed with consideration of the certification systems currently operating in the marketplace and accepted by the gas regulatory authorities having a responsibility for Gas Safety and industry expectations.

The intent of this document is to provide a comprehensive overview of the IAPMO R&T Oceana 'GasMark' certification scheme, certification requirements and responsibilities and obligations for both the certifying body and our clients.

The primary purpose of the 'GasMark' scheme is to provide a safe, high quality, cost effective and transparent certification regime accepted and recognised by regulatory authorities, industry and the public.

Safety of the Certified Product is one of our prime objectives, although product safety cannot be guaranteed, as the certification process is based on a Type Test regime of an individual product type/design to industry accepted Standards(s). The product design and safety and ensuring the Certified Product complies with Section 11, 12, 13, 14, and 15 of this document are the responsibility of the Certificate Holder.

The intent of the IAPMO R&T Oceana 'GasMark' scheme is to meet the following expectations:

- Ensure the certification process meets applicable Australian and New Zealand approval requirements
- Provide our clients with competitive price regime
- Comply with the accreditation requirements – ISO/IEC Guide 17065
- Maintain an audit process focusing on manufactured product and its conformity with the nominated Standard/s

## 2. SCOPE

This document sets out the requirements for the IAPMO R&T Oceana (ABN 78 121 986 169) 'GasMark' certification scheme which is based on a 'Type Test' of a representative product design as described in detailed technical specification provided by the 'Applicant'. A production representative product is supplied to an IAPMO R&T Oceana recognised test laboratory and accessed to the requirements of relevant Standard(s), as nominated by IAPMO R&T Oceana. Where IAPMO R&T Oceana believes the current Standard(s) does not adequately cover any unique product or design feature, a suitable program may be undertaken with consultation with relevant regulatory authorities.

The IAPMO R&T Oceana 'GasMark' scheme covers new 'Type A' appliances (up to 500MJ/hr) and gas components covered under the scope of the 'Standards List', refer:

- [www.iapmooceana.org](http://www.iapmooceana.org) >GasMark>Standards List.

These Standards will be made available for public inspection during business hours at the head office of Standards Australia and at IAPMO R&T Oceana, on request.

The scheme does not include provision for the certification of 'Second Tier', second hand, refurbished appliances or industrial appliances.

The 'GasMark' scheme includes requirements for:

- Compliance of the product with an Australian Standard or other published standard or as defined by the Technical Regulator
- Continuous Compliance Inspection (CCI) of certified product. Conducted nominally once per annum, or a frequency determined by IAPMO R&T Oceana
- Use of the IAPMO R&T Oceana 'GasMark' label or provision of Certificate Holder 'GasMark' marking option, approved by IAPMO R&T Oceana

This document should be read in conjunction with the 'Type Test' program issued by IAPMO R&T Oceana, the IAPMO 'Mark Rules'.

**Note:** Applicants should also refer to the guidance document 'GasMark Certification Guide'.

These Governance Rules constitute the basis upon which IAPMO R&T Oceana will process applications made to it for the grant of a non-transferable, non-exclusive certificate to use the GasMark as a certification trade mark in Australia and New Zealand and the basis upon which the Applicant for the certificate submits its application for the granting of such a certificate.

These Governance Rules apply to the application made to IAPMO R&T Oceana for both the initial certificate and for the transfer of a certificate from another JAS-ANZ accredited Conformity Assessment Body (CAB).

The Applicant recognises that these Governance Rules regulate the relationship between the applicant and IAPMO R&T Oceana in respect of the application and assessment process and that this application, the grant of the certificate and the certificate are subject to the Rules for the GasMark Certification Trade Marks.

The Australian gas regulatory authorities have approved IAPMO R&T Oceana, affording IAPMO R&T Oceana the right to grant certificates for the use of the GasMark. This approval is conditional upon the regulatory authorities being satisfied that IAPMO R&T Oceana

- i. is capable of granting certificates for the use of the GasMark and ensuring that the GasMark is used by Certificate Holders in accordance with the GasMark 'Governance Rules'.
- ii. has, and will maintain, accreditation for the certification of Gas Products with the Joint Accreditation System for Australia and New Zealand ("JAS-ANZ") or an accreditation body that has either a bilateral or multilateral recognition arrangement or agreement with JAS-ANZ.

IAPMO R&T Oceana approval is conditional upon continuous compliance with the requirements of Australian gas regulatory authorities and JAS-ANZ.

## 3. DEFINITIONS

For the purpose of the IAPMO R&T Oceana 'GasMark' scheme, the definitions in AS/NZS ISO 9000, Standards Australia – Gas Standards apply:

### 3.1 Applicant

Individual or legal entity that has applied for IAPMO R&T Oceana 'GasMark' certification and the use of the Mark.

### 3.2 Batch

Clear and identifiable group of product, manufactured consecutively or continuously under the same conditions utilising the same materials.

### 3.3 Certificate

Document issued by the certifying body as a means of displaying specific product complies with the requirements of recognised Standard(s) and the IAPMO R&T Oceana 'GasMark' scheme.

### 3.4 Certificate Holder

Organisation or individual whose legal identity has been granted the right to use the IAPMO R&T Oceana Pty Ltd registered 'GasMark' on product or authorised marketing materials, as a demonstration of compliance with a specified Standard or Standards.

The Certificate Holder warrants the product complies with the 'GasMark' scheme and is responsible for the product in the marketplace. This may be the manufacturer of the product or their acknowledged representative.

### 3.5 Certified Product

Product for which an Certificate Holder may apply the 'GasMark' to demonstrate that the product conforms to the Standard(s) specified on the certificate, product schedule, the registered technical specification and all other aspects of the IAPMO R&T Oceana 'GasMark' certification scheme.

**Note:** *Certified products/models are listed on the certification schedule, issued by IAPMO Oceana.*

### 3.6 Continuous Compliance Inspection

Work carried out by IAPMO R&T Oceana or an authorised representative annually or at a time nominated by the certifying body, in which the Certified Product design is reviewed with respect to the technical specification registered with IAPMO R&T Oceana, current certification Standard(s) and regulatory requirements.

### 3.7 Defect

**Critical:** A defect that judgment and experience indicates is likely to result in hazardous or unsafe conditions for individuals using, maintaining or depending upon the product.

**Major:** A defect other than critical, that is likely to result in failure or reduce the usability of the product for its intended purpose.

**Minor:** A defect that is not likely to reduce materially the usability of the product for its intended purpose or having minimal bearing on the effective use or operation of the unit.

### 3.8 Design Freeze

The term applied to the rule that once the final product design has been type tested and certified, none of the aspects of design, which may adversely affect compliance of the product with respect to the standard or other regulatory requirements, may be changed without the written approval of IAPMO R&T Oceana.

### 3.9 Final Inspection

Inspection carried out by the certification body on a fully marked production sample prior to the issuance of the certificate. This activity is intended to confirm work necessary to show compliance with the relevant Standard(s) and regulatory requirements has been satisfactorily completed.

### 3.10 GasMark

Registered trade mark of IAPMO R&T Oceana Pty Ltd, used on conforming gas appliances and being optional on conforming gas components.

### **3.11 GasMark Label**

Label incorporating the IAPMO R&T Oceana 'GasMark', provided by IAPMO R&T Oceana Pty Ltd for application to certified gas appliances or components under the scheme.

### **3.12 Product**

New gas appliance(s) or component(s) subject to the certification as described in Section 2.

### **3.13 Standard**

Australian Standard (AS) or other published document as referenced at [www.iapmooceana.org](http://www.iapmooceana.org) >GasMark>Standards List or as defined by the Technical Regulators. These Standards will be made available for public inspection.

### **3.14 Technical Regulator**

Government appointed person(s), body or authority that has jurisdiction over local State or Territory gas safety legislation (or other entity authorised by that person body or authority).

### **3.15 Test Schedule**

Document prepared by IAPMO Oceana, outlining the Type Test assessment program. The document is formulated in conjunction within the scope of an appropriate Standard(s) for 'GasMark' certification consideration.

### **3.16 Type Test**

Test or series of tests intended to determine the conformance of the product for 'GasMark' certification. The test regime is therefore directed towards approval of a product design and features to determine if it is capable of meeting the requirements of the product standard.

### **3.17 Rules**

Means each or all of the rules lodged with the Registrar of Trade Marks for each or all of the GasMark, as the context may be.

## **4. FEES**

### **4.1 General**

- (a) All Fees are listed in Australian Dollars, unless otherwise stated, and exclude the Australian Goods and Services Tax (GST).
- (b) When invoiced to an Australian address, the invoice will include GST but not any other applicable government taxes and charges. When invoiced to an address outside of Australia, the invoice will exclude GST charges.
- (c) The IAPMO R&T Oceana will provide the Certificate Holder with not less than 30 days written notice of an increase in the schedule of fees where it will affect the fees payable by the Certificate Holder.

### **4.2 Application**

The client shall provide IAPMO R&T Oceana with the total certification fee with the application form. The fee schedule is available upon request from IAPMO R&T Oceana.

### **4.3 Annual**

IAPMO R&T Oceana does not apply an annual GasMark certification fee as such. Refer section 4.4 for fee information relating to annual Continuous Compliance Inspections.

### **4.4 Continuous Compliance Inspection (CCI)**

- (a) The annual CCI Fee includes Certificate maintenance, liaison with the Client Manager, online listing for the Certification Register and Product Database Register, local annual Continuous Compliance visits and the associated travel expenses.

- (b) The Certificate Holder must pay the IAPMO R&T Oceana the annual GasMark 'Continuous Compliance Inspection' fees and Marking fees in accordance with the schedule of fees issued by the IAPMO R&T Oceana from time to time.
- (c) Continuous Compliance Fees are not inclusive of any endorsements activity (e.g. work required to review and add a new model or making any changes to existing GasMark Certificates). These will be payable in accordance with the IAPMO R&T Oceana current GasMark Schedule of Fees.
- (d) Additional Continuous Compliance inspection work, such as addressing outstanding or abnormal issues, non-conformances, follow-up of Continuous Compliance issues will be charged at the relevant daily rates issued by IAPMO R&T Oceana from time to time. This daily rate is subject to change. The cost of any additional Continuous Compliance visit work deemed necessary by IAPMO R&T Oceana, including the costs of travel, accommodation and incidental charges where incurred, will be borne by the Certificate Holder.

#### **4.5 Marking**

The Certificate Holder must pay the IAPMO R&T Oceana the applicable Marking fees in accordance with the schedule of fees issued by the IAPMO R&T Oceana from time to time.

#### **4.6 Endorsement Fee**

Fees will be charged for work required to review and add new models or making any changes to existing GasMark Certificates / Schedules. These will be payable in accordance with the IAPMO R&T Oceana current GasMark Schedule of Fees.

## **5. APPLICATION**

### **5.1 Application Form**

The IAPMO R&T Oceana 'GasMark' application form can be downloaded from the IAPMO R&T Oceana web site or provided upon request. The Applicant will complete all relevant sections of the application form and ensure all information is accurate, including - Manufacturer details, invoicing address, payment details, authorisation etc.

### **5.2 Fees**

Refer section 4.

### **5.3 Technical Specification**

The Applicant will provide IAPMO R&T Oceana with a technical specification, meeting the minimum requirements of IAPMO R&T Oceana and the relevant certification Standard. The specification shall also take into consideration the requirements of AS 5601 (Gas Installations) and relevant local regulatory authorities. The submission must include – Technical overview, materials specifications, technical drawings and instructions. Current certificates, issued by IAPMO R&T Oceana or another certification body recognised by IAPMO R&T Oceana may assist the certification process.

### **5.4 Existing Type Test Reports**

Where the Applicant elects to submit type test report(s) relating Type Test(s) conducted prior to lodging an application and relating to the product or the products sub-components, IAPMO R&T Oceana will undertake a review of the report, the product for which the application applies and the relevant standard/s. This activity may incur an additional cost to the Applicant.

Existing 'Type Test' reports and the related assessments shall be current, from an IAPMO R&T Oceana recognised laboratory (in English), display product traceability, and satisfy the requirements outlined in this document and local regulatory requirements. Furthermore, the Applicant shall warrant the report relates to the same product as mentioned in the application and the laboratory assessment report/s.

### **5.5 Type Test Schedule**



IAPMO R&T Oceana undertakes to process the application and provide the 'Type Test Schedule' in a timely manner and advise the Applicant on any matters which may delay or restrict the certification process.

**Note:** *IAPMO R&T Oceana recommends the Applicant seek quotations for the work from laboratories, prior to undertaking the assessment program.*

## 5.6 Disclosure

The Applicant shall advise IAPMO R&T Oceana as to the making of any known prior unsuccessful application made to another certification body in respect to the product reference in the application.

## 5.7 Related Documents

- 'GasMark' Certification Guide
- 'GasMark' Certification Fee Schedule
- 'GasMark' Product Certification Application Form
- GMK Appliance Continuous Compliance Inspection Report
- GMK Continuous Compliance Inspection Schedule
- AS 5601 'Gas Installations'
- Product Standards – Refer IAPMO R&T Oceana web site: [www.iapmooceana.org](http://www.iapmooceana.org)
- IAPMO R&T Oceana Recognised Gas Laboratories list available upon request.

# 6. TESTING

## 6.1 General

Type Test program shall be conducted:

- (a) When an applicant provides an application in respect of a 'GasMark' certification and;
- (b) At the discretion of IAPMO R&T Oceana e.g.:
  - i) Certified Product has undergone or may have undergone a design change,
  - ii) Testing of certified or listed product indicates a failure to comply with the Standard,
  - iii) The Certificate Holder wishes to add another product or product variance to the certificate, which IAPMO R&T Oceana believes warrants the additional assessment(s).

## 6.2 Test Schedule

The Applicant / Certificate Holder is to ensure:

- (a) The assessments are conducted by an IAPMO R&T Oceana recognised test laboratory with the product(s) specified in the Test Schedule.
- (b) The test laboratory receives a copy of the test schedule, product instructions and technical specification.
- (c) The test laboratory performs all work outlined in the Test Schedule on the specified product(s).
- (d) The laboratory is provided with all necessary additional documentation relating to any change in the product design or associated information as a direct or indirect result of testing.
- (e) The laboratory provides a NATA or equivalent report, one to the Applicant / Certificate Holder and one 'original' to IAPMO R&T Oceana.

**Note:** *The technical specification shall include adequate design freeze information to clearly identify the product, discrete components and features being assessed i.e. written technical detail, drawings, materials information, bill of materials and any other information considered advantageous to the certification process (e.g. product reports and certificates).*

## 6.3 Submission of Product for Type Testing

Where product is submitted for 'GasMark' certification the applicant shall provide the following information:

- (a) Comprehensive product identification information, including detailed specifications, technical details, technical drawings, bill of materials (BOM), materials information, instructions and any other information deemed relevant to maintain a design freeze or assist in the certification process.
- (b) Detailed current test report(s).

- (c) Product type and model availability for the purpose of selecting suitable product for the Type Test program.
- (d) Packaging and labeling samples or details.
- (e) Where the product has failed during a Type Test program the Applicant / Certificate Holder is required to provide IAPMO R&T Oceana with details of the nature of the failure and the corrective action taken to enable the product(s) to satisfy the regulatory requirements. Retesting of failed product shall be conducted by the same test laboratory that performed the original test unless otherwise agreed by IAPMO R&T Oceana.

#### **6.4 Test Sample Selection**

Product test samples will typically be nominated by IAPMO R&T Oceana. Samples should be representative of the entire line or group of products to be certified, and should be made using components and sub-assemblies identical to those used in production, made from production tools and assembled using methods established for the production run.

Where a product model range share common design features and options, IAPMO R&T Oceana may at their discretion nominate a Type Test program based on the common design features and options unless otherwise specified in the relevant Product Standard(s). In this case, the assessment program is normally based on the “worst case” scenario of the product range, with consideration of additional assessments on other model/feature variances.

#### **6.5 Test Samples from Stabilised Production**

Samples shall be selected when the production process has stabilised. The samples shall be randomly selected from a production run that is large enough to ensure that they are representative of the product design and of the quality that the Certificate Holder and manufacturer intends to present to the market.

#### **6.6 Prototypes**

For initial evaluation purposes a Type Test may be conducted on prototype sample(s) providing the sample(s) demonstrate the suitability of the product design and operation with respect to the relevant Standard(s) and local regulatory requirements. IAPMO R&T Oceana may require additional correlation testing once production has stabilised and prior to the release of product to the market place.

#### **6.7 Condition of Samples**

Samples shall be in the condition in which they are intended to be released to the market and include all relevant options, materials and associated documents i.e. instructions for installation, use, care, and service.

#### **6.8 Delivery of Samples**

Delivery of test samples to the nominated test laboratory and their condition on delivery is the responsibility of the applicant. The test samples shall be suitably packaged to prevent damage or deterioration in transit.

#### **6.9 Test Laboratory**

The Applicant / Certificate Holder shall select a test laboratory from the IAPMO R&T Oceana laboratory list, ensuring the nominated laboratories formal ‘Accreditation Scope’ covers the assessment detailed in the IAPMO R&T Oceana test schedule.

The assessment contract shall be between the Laboratory and the applicant, unless otherwise specified and costs for any incidentals shall be met by the applicant.

Testing must be conducted by a laboratory recognised by IAPMO R&T Oceana under the terms of the ‘IAPMO Laboratory Recognition Guidelines’.

**Note:** *Laboratories accredited nationally by National Association of Testing Authorities (NATA) or an International Laboratory Accreditation Cooperation (ILAC) signatory for that purpose would generally be preferred. IAPMO R&T Oceana maintains a listing of laboratories recognised for Type Testing of gas appliances and components, which is available on request.*

#### **6.10 Test Reports**

Test reports are normally sent by the test laboratory to IAPMO R&T Oceana. Evaluation and acceptance of the report and the test results remains the responsibility of IAPMO R&T Oceana and as such reserves the right to reject any report or test result.

A pass test result does not automatically imply certification will be granted e.g.

- Incomplete report, not to the IAPMO R&T Oceana test schedule
- Test laboratory or Standard not recognised by IAPMO R&T Oceana
- Assessment not conducted on product(s) or in accordance with the IAPMO R&T Oceana test schedule

## 7. CERTIFICATION

### 7.1 Document/Certificate Processing

Upon receiving the laboratory test report and associated documents, IAPMO R&T Oceana reviews the documents and provides the Applicant with formal advice of the steps and actions required to complete the certification process. Under normal circumstances the Applicant will be advised:

- To provide IAPMO R&T Oceana with access to a fully marked production sample, updated technical specification and instruction information and 'GasMark' marking proposal for 'Final Review'.
- To warrant that adequate supervision and control has been exercised throughout the certification process to ensure that the production product, together with related marking and information, meets all the relevant requirements of the Standard and Australian regulatory requirements.
- To warrant that, only product listed on the 'Schedule' and complying with the Standard an Australian regulatory requirements shall be marked with the IAPMO R&T Oceana "GasMark".
- That where non-conforming Certified product is identified, the certificate may be suspended pending an investigation. The cost of any investigation shall be borne by the Applicant / Certificate Holder.

**Note:** *The GasMark Team Leader has ultimate authority on the granting and suspension of certifications.*

*The 'Oversight/Advisory Committee' has the ultimate authority on certification cancellations.*

*The Certificate Holder is responsible at all times for ensuring that the IAPMO R&T Oceana 'GasMark' is only applied to and remains only on conforming product.*

### 7.2 Grant of Certificate

A certificate will be granted where IAPMO R&T Oceana is satisfied that the Applicant has provided all documents and records relevant to the application and is capable of:

- Ensuring product intending to displaying the GasMark comply with the applicable specifications.
- Complying with the terms of the GasMark 'Governance Rules'.
- Paying any fees for the issuance of the GasMark Certificate by the due dates.

### 7.3 The Certificate

IAPMO R&T Oceana grants the Certificate Holder a non-transferable, non-exclusive certificate to use the GasMark as a certification trade mark, as set out in the 'Governance Rules'.

Where the Licence Holder / Certificate Holder provides copies of certification documentation to others, the documents shall be reproduced in their entirety or as specified in the certification scheme.

## 8. CONTINUOUS COMPLIANCE INSPECTION

As an essential part of the 'GasMark' certification scheme 'Continuous Compliance Inspections' (CCI) are undertaken annually or at the discretion of IAPMO R&T Oceana.

The inspection process requires the Certificate Holder to provide access, at a mutually agreed location of randomly selected current production product as described in the technical specification and the certification schedule.

During this process, the product is inspected for compliance with the technical specification, relevant Standard(s) and local regulatory requirements.

Costs for the inspections will be the responsibility of the Certificate Holder and IAPMO R&T Oceana reserves the right to vary the frequency, duration and nature of the inspections, being subject to:

- Number of product variations covered under the certificate

- Complexity of the product
- Results of previous inspections
- Identification of marketplace non-conforming product or complaints

The Certificate Holder agrees that IAPMO R&T Oceana or IAPMO R&T may conduct Continuous Compliance inspections of any sites operated by the Certificate Holder and/or manufacturer and the Certificate Holder and/or manufacturer shall provide all reasonable cooperation and access to personnel, records and premises required by IAPMO R&T Oceana and agree to observers, including Scheme Administrators, accompanying IAPMO R&T Oceana Inspectors where requested.

## 9. PRODUCT REQUIREMENTS

The Certificate Holder and manufacturer shall establish, document control and maintain a compliance system as a means of ensuring conformance to the product standard, and that the requirements of the IAPMO R&T Oceana 'GasMark' certification scheme and any relevant technical schedule are met. Refer sections 11, 12, 13, 14, and 15 for details on these requirements.

## 10. POST CERTIFICATION

### 10.1 Certificate Review and Renewal

The 'GasMark' certificate expires 5 years after the date of issue. Both the date of issue and expiry dates are identified on the certificate.

IAPMO R&T Oceana at their discretion will renew the certification for another 5 year period upon satisfactory review of the certification file, associated documents and the product list on the certificate schedule. Generally, this process and associated costs are covered by the annual Continuous Compliance Inspection Agreement.

### 10.2 Re-Test

IAPMO R&T Oceana reserves the right to nominate re-testing of Certified Product at any time during the currency of the certificate. Products may be selected from the Certificate Holder's premises, point of sale, importation or distribution. Costs directly or associated relating to the re-test shall be met by the Certificate Holder.

### 10.3 Non-Routine Type Test Assessments

IAPMO R&T Oceana Type Test schedules generally adhere to the requirements of specific Standards. Occasionally there is a need to address unique product or product features which may not be adequately covered under the requirements of the IAPMO R&T Oceana standards listing. Where this situation manifests IAPMO R&T Oceana undertake the following strategies, with consultation with the Certificate Holder:

- Type Test schedule shall endeavor to ensure safety and fitness for purpose are achieved.
- Where possible the Type Test schedule will utilise the relevant requirements of existing, recognised Standards and based on an essential requirements criteria.
- The product and proposed Type Test schedule will be agreed between IAPMO R&T Oceana and the Regulatory Authority.

**Note:** *Gas equipment distributed in WA shall meet the requirements of "Technical and Safety Requirements for Type A Gas Appliances" issued by the Director of Energy Safety W.A. Copies of this document are available from: Western Australian 'Department of Consumer And Employment Protection – EnergySafety and IAPMO R&T Oceana.*

*Gas appliances sold in Queensland shall meet the requirements in Schedule 6 of the Petroleum and Gas (Production and Safety) Regulation 2004.*

### 10.4 Inspection

Where requested by the IAPMO R&T Oceana or the Regulatory Authorities, the certificate holder shall promptly submit for inspection samples of the Products and materials on which it has applied the GasMark.

## 10.5 Access - Site

Where requested by IAPMO R&T Oceana or the Regulatory Authorities, the certificate holder shall promptly grant them access to its premises and/or records and documents (including copies of the records and documents) to see if it is complying with its obligations in relation to the use of the GasMark.

## 10.6 Access - Information

Where requested, the certificate holder shall provide all assistance and information as may be required by the IAPMO R&T Oceana, Regulatory Authorities or Courts in relation to the GasMark certification scheme.

# 11. PRODUCT IDENTIFICATION

## 11.1 The GasMark

The IAPMO R&T Oceana Pty Ltd (ACN 121 986 169) is the owner and administrator of the certification trade mark known as the 'GasMark' (the Mark). The Mark is registered under the Commonwealth *Trade Marks Act 1995*, as Trade Mark No. 1231453.

The Mark is used to readily identify IAPMO R&T Oceana certified gas appliances and optional on certified components product. Where it is not practical to apply the 'GasMark' to the product (i.e. gas components), an alternative may be approved IAPMO R&T Oceana provided that the Certificate Holder submits a formal request, fully detailing the marking proposal.

Use of the GasMark is not limited to goods manufactured in Australia and, subject to these rules, it may be used on goods that are manufactured outside Australia.

IAPMO Oceana Pty Ltd grants certification for the use of the GasMark to a Certificate Holder in accordance with the GasMark 'Governance Rules'

## 11.2 Approval of the Use of the GasMark

The GasMark is important and both IAPMO R&T Oceana and the gas Regulatory Authorities are committed to safeguarding the integrity and validity of the Mark.

It would be contrary to the public interest and to the interests of IAPMO R&T Oceana and the gas Regulatory Authorities and Certificate Holders if a GasMark Certificate Holders put at risk the integrity and validity the GasMark.

From time to time the gas Regulatory Authorities may, for the purpose of maintaining the integrity and validity of the GasMark, by written notification, public notice or otherwise, give reasonable notice of directions to any Approved Certifier or Certificate Holder (or all or any group of them) as to the manner of certification or use of the GasMark, and Approved Certifiers and Certificate Holders to which the directions apply must comply with them.

The 'GasMark' shall only be used in a manner, which has been approved in writing by IAPMO Oceana. The Certificate Holder shall gain formal approval from IAPMO R&T Oceana for the following:

- (a) The form and manner in which the 'GasMark' is used on the product.
- (b) The form and manner in which the 'GasMark' is used on promotional material, packaging, instructions etc.
- (c) Proposed references in any form to the 'GasMark' certificate number.

Submissions for formal approval shall be made prior to the application of the 'GasMark'. The submission shall be accompanied by illustrations and sufficient detail to qualify the proposal.

**Note:** *The Certificate Holder shall ensure that agents/distributors of their Certified Products are fully aware of and adhere to the above requirements.*

*IAPMO R&T Oceana may exercise its rights to suspend or cancel a certification where the Certificate Holder fails to ensure compliance with the 'GasMark' marking conditions.*

## 11.3 Extent of Marking

The Certificate Holder shall only apply the 'GasMark' to products which satisfy the following:

- (a) Of the type specifically listed on the current Certificate Schedule.

- (b) The Certificate Holder warrants the product complies in all respects with the relevant Standard, local regulatory requirements and are manufactured in accordance with the requirements of this document.

#### **11.4 Application of the GasMark**

When used, the 'GasMark' shall be applied only to Certified Products prior to dispatch to the marketplace.

#### **11.5 Manner of Application**

The 'GasMark' shall be applied in a manner that is permanent or tamper-evident using one or more of the following methods:

- (a) To product that includes the marking of a serial and/or date code.
- (b) Incorporation into the manufacturers product 'Data Plate' providing the data plate includes a serial number and/or date code.
- (c) Applying directly onto the product i.e. casting, stamping, etching, printing etc and including serial and/or date code.

#### **11.6 Quality and Location of the GasMark**

The Certificate Holder shall warrant the IAPMO R&T Oceana 'GasMark' is applied and located in accordance with IAPMO Oceana guidelines and to ensure the quality and permanency is maintained.

Where the Certificate Holder has nominated an IAPMO R&T Oceana approved self marking option, they shall further warrant the quality and permanency of the 'GasMark' is maintained though out production life of the product and the mark is examined at regular production intervals to ensure the quality and permanency is maintained.

#### **11.7 Use of GasMark Labels**

##### ***Security***

The Certificate Holder shall be responsible for the control, storage and security of GasMark labels issued by IAPMO R&T Oceana and/or 'Data Plates' that include the 'Mark'. Their storage and issuance is to be controlled by a responsible person.

##### ***Records***

The Certificate Holder and manufacturer shall ensure IAPMO R&T Oceana certified product release records are maintained and available upon request.

##### ***Damaged Labels***

Damaged labels shall be returned to IAPMO R&T Oceana for inspection.

#### **11.8. Protection of the Mark**

The Certificate Holder must not at any time during or after the Term:

- (a) register or attempt to register or use as a trade mark the GasMark or any device or word substantially identical with or deceptively or confusingly similar to any of the GasMark; or
- (b) oppose or contest the validity of any application for registration or registration of the GasMark by IAPMO R&T Oceana Pty Ltd or any of its Related Bodies Corporate

#### **11.9. Cessation of Use of the Mark**

The Certificate Holder must stop using the GasMark on any Products and stop representing itself as having any certificate to use the GasMark the certification is suspended or terminated.

## **12. DESIGN CONTROL**

### **12.1 Design Freeze**

On successful completion of the Type Test program, the product documentation, product design for all major and critical parts, components and materials used in the manufacture and testing of the product shall be frozen. The design freeze shall include markings, packaging and instructions for Installation, operation, maintenance and servicing as applicable.

**Note:** *The design freeze is not intended to include minor changes that do not affect compliance of the product with the Standard. The Certificate Holder should contact IAPMO R&T Oceana, if in doubt, providing details of the proposed changes. Product changes other than minor changes (as determined by IAPMO R&T Oceana) shall invalidate the certification.*

## 12.2 Type Test Specimen Retention

IAPMO R&T Oceana recommends the Certificate Holder or manufacturer retain the Type Test specimens, drawings or photographs representative of type test samples. Such specimens should be identified and retained by the Certificate Holder for no less than 10 years after last manufacture of the Certified Product.

**Note:** *IAPMO R&T Oceana, at its discretion may keep samples for an equal period of time.*

## 12.3 Changes to the Product Standard

If the Standard is amended or re-issued, IAPMO R&T Oceana will nominate a transition period, usually in consultation with relevant industry stakeholders and the Certificate Holder. After an agreed transition period the Certificate Holder shall not apply the 'GasMark' to any product covered by the Certificate until IAPMO R&T Oceana has formally verified compliance of the product with the revised Standard.

**Note:** *A nominal transition period of 12 months is applied unless otherwise determined by IAPMO R&T Oceana.*

## 12.4 Control of Design, Changes

The Certificate Holder shall inform IAPMO R&T Oceana of any intended changes which may affect product compliance with the Standard and/or local regulatory requirements. These changes shall not be implemented without formal review and authorisation by the appropriate IAPMO R&T Oceana 'Client Manager'.

# 13. DOCUMENT CONTROL

## 13.1 General Requirements

The quality documentation shall include:

- (a) Product - Specification/s, technical drawings, materials information, BOM and instructions.
- (b) Procedures - Documented procedures as required by this program.
- (c) Records – As required by this document.

## 13.2 Product Specification

The Applicant / Certificate Holder shall provide and maintain a specification covering the entire product range listed under the application and 'Certificate Schedule'. The specification detail shall be sufficient to identify all product models, product variances. The product specification shall include the following as a minimum;

- (a) Product assembly and parts drawings and schematics, including all sub-components and relationship, between critical parts and components.
- (c) Comprehensive product build information i.e. Bill of Materials (BOM).
- (d) Product instructions i.e. Installation, operation, maintenance and servicing.
- (e) Type Test reports.
- (f) Certificates relating to existing product certifications e.g. Components used in the manufacture of the appliance components. These certificates may reduce the need for some laboratory assessments.

# 14. TRACEABILITY

The Certificate Holder and manufacturer shall ensure that released Certified Product is traceable to the relevant batch inspection or test reports, including materials and sub assemblies which may affect compliance of the product with respect to safety, local regulatory and certification Standard requirements.

**Note:** *As a minimum released Certified Product shall maintain traceability on primary packaging.*

## 15. CONTROL OF NON CONFORMING PRODUCT

### 15.1 Non-conforming Certified Product – Prior to Release

Where non-conforming Certified Product has been detected prior to release, the Certificate Holder or manufacturer shall:

- (a) Rectify all defects prior to releasing the product or,
- (b) Destroy the product or,
- (c) Remove the 'GasMark' and reference to the certificate number from the product and any associated documents.

The Applicant / Certificate Holder shall ensure that no defective or non-conforming product is offered for sale as a Certified Product.

**Note:** *Allowing the IAPMO R&T Oceana 'GasMark' to be applied to or to remain on non-conforming product offered for sale exposes the Certificate Holder to legal action. The Certificate Holder is solely responsible for ensuring that noncompliant product (whether or not certified) is not marked with the 'GasMark' or released to the market.*

### 15.2 Non-conforming Certified Product – After Release

- (a) A product recall may, or will be necessary should the Certificate Holder become aware of any one or more of the following:
  - (i) The existence of Certified Product not to complying with the Standard;
  - (ii) The existence of a test report relating to any product listed on the Certificate Schedule, failing to comply the relevant certification Standard or regulatory requirements or,
  - (iii) Certified Product exhibiting critical or major defects, which -
    - Have been released to the market.
    - Are being offered to the market or,
    - Have already been sold.
- (b) The final decision as to the classification of any defect as "critical", "major" or "other" will be made by IAPMO R&T Oceana subject only to any direction issued by the Technical Regulator.
- (c) Where a product recall is required pursuant to this clause, the following steps shall be taken:
  - (i) The Certificate Holder shall promptly notify IAPMO R&T Oceana of the situation and the extent of the product's perceived non conformity.
  - (ii) The Certificate Holder shall immediately initiate an investigation into the problem to determine its nature and severity.
  - (iii) If the investigation identifies the non-compliance remains the Certificate Holder shall immediately withdraw the relevant Certified Product from the market place, ensuring no further product is offered for sale.
  - (iv) The Certificate Holder shall arrange a recall of all affected Certified Product that has already been released or take such other action as may be determined by IAPMO R&T Oceana and the local regulatory authorities.
- (d) During the investigation, withdrawal (d) recall, the Certificate Holder shall keep IAPMO R&T Oceana informed, in writing, of the action being undertaken and shall provide IAPMO R&T Oceana with copies of correspondence related to the investigation, withdrawal or recall. Certified Product withdrawn from the market place or recalled shall be quarantined pending further investigation and instruction from IAPMO R&T Oceana.
- (e) Upon finalizing the situation the Certificate Holder must provide IAPMO R&T Oceana with an historical summary of all the steps taken to resolve the matter.
- (f) The Certificate Holder shall bear responsibility for all costs incurred during and as a consequence of taking the above actions.

**Note:** *IAPMO R&T Oceana is required to formally advise the technical regulators of identified non conforming product. As a minimum, the released Certified Product shall maintain traceability on primary packaging.*

## 16. SUSPENSION AND CANCELLATION

IAPMO R&T Ocean may suspend or cancel a certification, or a number of certifications held by the Certificate Holder for any of the following reasons:

### 16.1 Suspension



- (a) Failure to maintain the products(s) 'design freeze' including, but not limited to:
  - Inaccurate, incomplete or missing markings as prescribed in the applicable Standard, the technical specification and these rules
  - Unlisted changes in the product design and/or materials
  - Unlisted product being offered to the market
  - Inoperable and/or unsafe product
- (b) Failure to address certification matters within a prescribed timetable formally advised IAPMO R&T Oceana and/or the Regulatory Authority.
- (c) Claiming certification for an unlisted product.
- (d) Failure to fulfil the financial obligations to IAPMO R&T Oceana.
- (e) At the request of a Regulatory Authority, government body or the courts.

## 16.2 Cancellation

Under normal circumstances a cancellation will not occur without a suspension first being imposed. Cancellation will normally occur after the Certificate Holder has failed to address matters formally advised and in the timeline advised by IAPMO R&T Oceana.

Immediate cancellations may occur where IAPMO R&T Oceana are advised to take this action by the Regulatory Authority, government body or the courts, but not limited to, the following circumstances:

- (a) If the Certificate Holder becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or makes any arrangement or composition with its creditors or if a company enters into liquidation (whether compulsory or voluntary, but not including voluntary liquidation for the purpose of reconstruction) or has a receiver appointed to its business.
- (b) If the Certificate Holder fails to renew the certification within the required period after change in the relevant Product Standard(s).

**Notes:** *The Regulatory Authorities will be advised of all suspensions and cancellations and provided with an explanation for the action.*  
*Suspension and/or cancellation will cover all product listed under the coverage of the affected certificate(s).*  
*Cessation of Use of the Mark – refer section 11.9.*

## 17. GENERAL

### 17.1 Confidentiality

IAPMO R&T Oceana undertakes to keep confidential all information provided by the Applicant / Certificate Holder with exception of information which is already in the public domain. Provided that information may be released where requested by the Courts, Tribunals, Regulatory Authorities, Police or Government department concerned with public safety, or otherwise as required by law.

All proprietary documents, including specifications, drawings and test reports shall remain confidential between IAPMO R&T Oceana and the Certificate Holder except as follows:

- (a) The Certificate Holder authorises (expressly or by implication) the release of such information to a third party, such as an agent, a test facility or a government authority.
- (b) IAPMO R&T Oceana has been served with a subpoena, summons, notice or other legally enforceable order to disclose the information.
- (c) An accreditation body or regulatory authority seeks access to the information as part of an accreditation audit.
- (d) A Technical Regulator seeks access to the information as part of an enquiry.
- (e) Disclosed to Standards Australia and such information may used or disclosed by Standards Australia if the disclosure is necessary to comply with the law or to maintain the integrity, validity of the Standards.

## **17.2 Dispute Resolution**

IAPMO R&T Oceana encourages Applicants / Certificate Holders to resolve any disputes with the relevant staff member or their 'Client Manager'.

Where a dispute cannot be satisfactorily resolved with the staff member or 'Client Manager' the Applicant / Certificate Holder may pursue a resolution with the Team Leader - GasMark.

If the dispute cannot be resolved with the Team Leader – GasMark, the matter may be referred to the Oversight/Advisory Committee.

**Note:** *The dispute resolution process shall not release IAPMO R&T Oceana from its responsibilities and/or rights as detailed in the Governance Rules. The Applicant may seek an alternative certification at any time.*

## **17.3 Customer Complaint Records**

The Applicant / Certificate Holder shall maintain a record of all complaints known to them and which may relate to the Certified Product's compliance with the standards utilised for certification. These records shall be made available to IAPMO R&T Oceana upon request.

## **17.4 Conditions of Use**

- (a) Any notice or other communication to be given under these rules (other than a public notice) must be given in writing and delivered to the last known address of the recipient.
- (b) Any public notice must be given by publication on the website of IAPMO R&T Oceana or in 'The Australian' or any other national newspaper.
- (c) All rights granted to Approved Users in relation to the GasMark are non-exclusive and non-transferable.

IAPMO R&T Oceana may amend these Rules from time to time provided the amended Rules are not materially inconsistent with these Rules.