



IAPMO OCEANIA

Tier 2 (T2) - 'Governance Rules'



January 2019

IAPMO Oceania Pty Ltd
ABN 78 121 986 169

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1. PREFACE

The intent of this document is to provide a comprehensive overview of the IAPMO Oceania (IAPMO) T2 Certification Scheme, Certification requirements, responsibilities and obligations for both the Certifying Body and our clients.

The primary purpose of the T2 Scheme is to provide an alternative to the type-tested Certification Scheme; an independent, cost effective, non-discriminatory, transparent and objective technical assessment to facilitate the legal installation of “one-off” appliances.

Safety of the Certified Appliance is our prime objective and the Certification process is based on Essential Safety tests derived from Standards, such as those referenced in AS 3645 and criteria from the relevant Technical Regulator.

2. SCOPE

This document sets out the requirements for the IAPMO T2 Certification Scheme based on testing to 'essential safety requirements' incorporating 'Second Tier' criteria utilised in the past. The T2 Certification Scheme:

- ⌚ Is subject to the acceptance of the relevant Technical Regulator.
- ⌚ Only available for 'one-off' new appliance/s, and may include refurbished or modified appliances (already approved but with new components and interlocks), but only where certain endurance / maintenance measures can be assured where the Appliance is traceable to the original Certification documentation, and subject to the relevant Technical Regulator on a case-by-case basis.
- ⌚ Majorly applicable to commercial catering equipment (i.e. AS 4563) but may include other types of appliance subject to acceptance by the relevant Technical Regulator on a case-by-case basis.
- ⌚ Only utilises recognised dual licensed contractors (Type A and Type B) for testing given their extensive testing and appliance installation experience, with use of calibrated instrumentation.
- ⌚ Certification relates to the appliance in one location only. The Certificate Holder is responsible for ensuring the appliance is not moved from the installed location.
- ⌚ Is limited to one Appliance per Application, even if others of identical or like nature exist, however there is no limit on the number of units assessed and certified; i.e. 10 units of the same model would require 10 separate applications and 10 field tests.
- ⌚ Where an application is for a complex appliance the Certifying Body may consult with the relevant Technical Regulator and require some laboratory testing.
- ⌚ Testing will not include some performance aspects (e.g. durability), installation and maintenance (as per a full Standard such as AS 4563) unless they affect safety.
- ⌚ In relevant circumstances determined by the Certifying Body, the Certifying Body may in its absolute discretion test an Appliance at a location not being the Installation Address and, subject to any conditions which may be imposed by the Certifying Body on the Applicant including but not limited to the provision of installation instructions which shall satisfy the requirements of AS/NZS 5601.1 "Gas installations" for the guidance and assistance of the gas installer who has been engaged to install the Appliance at the Installation Address. In the event that the Certifying Body exercises its discretion in the foregoing manner, the Appliance can be installed at the Installation Address and the Certificate issued for that Appliance shall not be automatically invalidated.
- ⌚ In its sole discretion and subject to endorsement by the Technical Regulator relevant to the Installation Address, the Certifying Body may accept an Application for a specific appliance not otherwise eligible under the T2 Scheme.

IAPMO T2 Certification is conditional upon acceptance from the relevant Technical Regulator.

3. DEFINITIONS

For the purpose of the IAPMO T2 Scheme, the definitions in AS 3645, AS/NZS 5601 and Standards referenced within apply:

3.1 Appliance

Low-volume, custom-made and/or “one off” Gas fuelled equipment.

3.2 Applicant

Individual or legal entity that has applied for IAPMO T2 Certification for the use of the appliance in the installed location.

3.3 Application

Written request for Certification of an Appliance made by the Applicant to the Certifying Body.

3.4 Authorised Body

The body the Certifying Body authorised to conduct testing and/or assessment on the Appliance subject of an Application under this Governance Rules.

3.5 Certificate

Certificate of compliance issued by Certifying Body following determination of compliance to the requirements of relevant Standards, the Technical Regulator and Certifying Body.

3.6 Certificate Holder

Organisation or individual whose legal identity has been granted the right to use the tested appliance, as it has been demonstrated the appliance complies with essential safety requirements.

The Certificate Holder warrants the Appliance complies with the T2 Scheme and is responsible for the continual safe use and operation of the Appliance, in the installed location only.

3.7 Certificate Number

Traceable and unique number to Certification referenced on the associated Certificate and Compliance Badge issued by the Certifying Body with respect to a specific Appliance.

3.8 Certification

The act of certifying that an Appliance, which is the subject of an Application, complies with the requirements of applicable Standard(s), the Technical Regulator and the Certifying Body.

3.9 Certified Appliance

Appliance for which has satisfied all specified testing requirements, affixed with a T2 Compliance Badge and issued with a T2 Certificate to demonstrate conformity to all aspects of the T2 Scheme.

Note: *The Certified model is listed on the Certificate issued by Certifying Body when satisfied.*

3.10 Certifying Body

IAPMO R&T Oceania Pty Ltd: ABN 78 121 986 169

3.11 Compliance Badge

A self-adhesive badge, the design of which incorporates a unique Certificate Number allocated by the Certifying Body to a Certified Appliance, and which the Authorised Body affixes to the Certified Appliance once it has been tested and understood at the time to comply with the specified testing requirements. This remains the property of IAPMO Oceania and if a non-compliance is found retrospectively will be repossessed and removed from the appliance. Affixing to the Appliance does not mean it is a Certified Appliance until the Certificate Holder has received a Certificate from the Certifying Body.

3.12 Design Freeze

The term applied to the rule that once the Appliance has been tested and deemed a Certified Appliance, none of the aspects of design, which may adversely affect compliance of the Appliance with respect to the standard or other regulatory requirements, may be changed without the written approval of the Certifying Body.

3.13 Gas

A combustible fuel gas, as defined in the aforementioned Standards.

3.14 Governance Rules (Rules)

This Governance Rules, as amended from time to time by which the Applicant and Certificate Holder agree to be bound.

3.15 Information

Any technical information provided by the Applicant to the Certifying Body, not publicly available.

3.16 Inspection

Activity carried out by the Authorised Body, whether before or after testing to ensure all essential requirements specified by Certifying Body are satisfied.

3.17 Installation Address

The one, original physical location at which an Appliance is (or is to be) installed; referenced in the associated Certificate.

3.18 Modification

Any change to; the gas train (piping and components), the dataplate, location from tested and installed position, or removal/replacement of instruction manual.

3.19 Non-Conformance

Failure to meet a Certification requirement as determined by the Certifying Body.

3.20 Standard

Australian Standard (AS) or other published document specifying safety and performance requirements.

3.21 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 the pertinent body or authority).

3.22 Test

Test or series of tests intended to determine the conformance of the Appliance for T2 Certification. The test regime is directed towards approval of the Appliance design and features confirming compliance to essential safety and performance requirements. In most cases an Inspection is required before any testing can begin.

3.23 Test Schedule

Document prepared by Certifying Body, outlining the assessment program. The document is formulated within the scope of AS 3645, AS/NZS 5601 and any relevant requirements of the Standards selected by the relevant Technical Regulator for T2 Certification.

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 Certifying Body will only proceed when fees have been received.
- (d) The Authorised Body will charge the Applicant separately.

4.2 Application

The Applicant shall provide the Certifying Body with the initial Application fee with the Application form. This may include the first Inspection from the Authorised Body and may not cover testing – which is separately determined through the amount of work required by the Authorised Body.

4.3 Annual

The Certifying Body does not apply an annual Certification fee for the Appliance certified under the T2 scheme.

5. APPLICATION

5.1 Application Form

The T2 application form can be downloaded from the Certifying Body web site or provided upon request. The Applicant shall complete all relevant sections of the application form and ensure all information is accurate. **Inadequate information prevents progress and leads to delay (and possibly more processing fees).**

5.2 Fees

IAPMO Certification fee schedule (available upon request).

5.3 Technical Specification

If further detail is required (additional to the application form) the Applicant will be requested to provide the Certifying Body with a technical specification, meeting the minimum requirements of the Certifying Body. The specification may also take into consideration the requirements of AS/NZS 5601.1 (Gas Installations) and of the relevant local Technical Regulator. The submission may include (but not limited to) – Technical overview, materials specifications, technical drawings and instructions. Current certificates, issued by a Certification Body recognised by the Certifying Body may assist the Certification process. As complexity in appliances vary it is expected the documentation submitted adequately describes the appliance, for example photos, product description, dimensions, and surroundings as a minimum, which could be supplemented by the test report.

5.4 Existing Type Test Reports

Where the Applicant possesses relevant test reports (NATA or equivalent) and can demonstrate the tested unit is representative of the Appliance, the Certifying Body may undertake a review of the report and any supporting evidence, which may help to reduce the amount of testing by the Authorised Body.

Note: This refers to reports issued by laboratories accredited nationally by National Association of Testing Authorities (NATA) or an International Laboratory Accreditation Cooperation (ILAC) signatory recognised by the Certifying Body.

5.5 Test Schedule

Subject to compliance by the Applicant with its obligations, the Certifying Body undertakes to process the Application and provide the Test Schedule in a timely manner following receipt of adequate Information, and advise the Applicant on any matters which may delay or restrict the Certification process.

5.6 Disclosure

The Applicant / Certificate Holder shall advise the Certifying Body as to the making of any known prior unsuccessful Application made to another Certification Body or Technical Regulator in respect to the Appliance referenced in the Application.

5.7 Undertaking

The Applicant / Certificate Holder undertakes to comply with the Rules and agrees Certification is conditional upon such an undertaking. The Applicant / Certificate Holder also undertakes to comply with any changes to the Rules as may occur from time to time.

6. TESTING

6.1 General

Tests shall only be conducted by Authorised Bodies recognised by the Certifying Body:

- (a) Only when the Applicant has provided adequate Information in their Application, in respect of a T2 Certification and;
- (b) At the discretion of the Certifying Body e.g.:
 - i) Appliance is fitted with approved safety controls and ready for connection,
 - ii) Installation Address and test environment is suitable i.e. the Appliance is not being used and the environment is not hazardous, and
 - iii) When a Certificate Number has been reserved and notified.

6.2 Testing

The Applicant and/or Certificate Holder shall ensure:

- (a) The Appliance is available and accessible to the Authorised Body for any necessary modifications to determine the Design Freeze complies with relevant safety requirements.
- (b) No work around the Appliance will affect the required testing (including cooking or construction and any activity that could affect the Authorised Body and the results).
- (c) The Appliance is ready for connection either by organising an independent licensed gasfitter or utilising the Authorised Body (who also has a Type A license), which shall satisfy the local gas legislations.
- (d) All relevant information and documentation is provided to the Authorised Body as required; Test Schedule, Appliance instructions and technical specification (as applicable).
- (e) The Authorised Body performs all work outlined in the Test Schedule on the specified Appliance.
- (f) The Authorised Body provides a report to the Certifying Body.
- (g) Only when satisfied with the results of testing, the Authorised Body affixes a Compliance Badge on the Appliance.
- (h) Any off-site testing may be accepted by the Certifying Body, only if conditions are representative of the Installation Address (which shall cover but not be limited to appliance condition, ventilation and clearance to combustibles), at the absolute discretion of the Certifying Body. Otherwise testing shall be on-site (i.e. site specific).
- (i) The overall installation (to AS/NZS 5601.1) remains the responsibility of the licensed gasfitter who signs off on the installation of the Appliance. If there is something obviously unsafe about the Appliance and/or installation, appropriate action is expected to be taken by the Authorised Body.

Note: *The technical specification shall include adequate Design Freeze Information to clearly identify the Appliance, discrete components and features being assessed i.e. written technical detail, drawings, materials information and any other information considered advantageous to the Certification process (e.g. Appliance reports and certificates).*

6.3 Condition of Appliance

The Appliance for testing shall be in the condition in which they are intended to be used, whether mobile or fixed, and include all relevant options, materials and associated documents i.e. clearances to surrounds,

instructions for installation, use, care, and service and shall not be modified after the final configuration and Design Freeze is determined.

6.4 Transportation of Appliance

Transportation of the Appliance and its condition on delivery is the responsibility of the Applicant. The test sample shall be suitably packaged to prevent damage or deterioration in transit, if applicable.

6.5 Authorised Body

The next available Authorised Body is requested following receipt of all necessary documentation outlined in Section 5 and satisfactory review.

Testing shall be conducted by an Authorised Body already recognised by the Certifying Body.

6.6 Test Reports

Test reports are normally sent by the Authorised Body to Certifying Body. Evaluation and acceptance of the report and the test results remains the responsibility of the Certifying Body 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 Test Schedule,
- Test conditions (environment; location, ventilation etc) not representative or recognised by the Certifying Body,
- Assessment not conducted on Appliance in accordance with the Certifying Body's understanding.

7. CERTIFICATION

7.1 Document/Certificate Processing

Upon receiving the test report from the Authorised Body, the Certifying Body reviews relevant documents and provides the Applicant with formal advice of any Non-Conformances and the steps and actions required to complete the Certification process. Under normal circumstances the Applicant will be advised:

- a) To provide the Certifying Body with updated documentation (technical specification, instructions and any relevant information for final review) and incorporation to the Application file.
- b) To warrant that adequate supervision and control will be exercised following the Certification process to ensure the Appliance is operated in accordance to the prescribed instructions, ensuring the Certificate, Compliance Badge (and Certificate Number) are intact to satisfy Australian legislation.
- c) That where non-conforming Certified Appliance is identified, the Certificate may be cancelled pending an investigation, and Compliance Badge removed from the Appliance and returned to IAPMO Oceania, within five working days of determination in the non-conformance(s) and communicating to the Certificate Holder and the relevant Technical Regulator. The cost of any investigation shall be borne by the Applicant / Certificate Holder.

7.2 Certificate

A Certificate will be granted (and is only valid) when the Certifying Body is satisfied that the Applicant has provided all documents and records relevant to the Application and is capable of:

- (a) Ensuring Appliance displays the Certificate Number, remains unmodified (i.e. complies with the test report), and is not moved from its installed location (as applicable).
- (b) Complying with the terms of the Rules.
- (c) Paying any fees by the due dates.

7.3 The Certificate and Compliance Badge

Without the issue of a current Certificate the Compliance Badge is invalid.

8. CERTIFICATION EXPIRY OR TRANSFER

A T2 Certificate bears a unique Certificate Number and has no expiry date. Importantly, the Certificate is valid only for the specific Appliance that is the subject of the associated Application and is restricted to the tested Condition of Appliance (at the installed position or the Installation Address), whereby transfer of the property/business between entities does not invalidate the T2 Certification. However the relocation of the Appliance, even within the premises will deem the Certification invalid. The Certifying Body may cancel a Certification, or a number of Certifications held by the Certificate Holder for any safety concerns, breach of the Rules or at the request of Technical Regulators, government body or the courts; which includes removal of the Compliance Badge within five working days of determination in the non-conformance(s) and notification of the relevant Technical Regulator, as its application could wrongly imply the Appliance remains a Certified Appliance.

9. GENERAL

9.1 Confidentiality

The Certifying Body undertakes to keep confidential all information provided by the Applicant / Certificate Holder with exception of information which is already in the public domain.

All Information and proprietary documents, including specifications, drawings and test reports shall remain confidential between the Certifying Body 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) The Certifying Body has been served with a subpoena, summons, notice or other legally enforceable order to disclose the information.
- (c) A Technical Regulator seeks access to the information as part of an audit or enquiry.

9.2 Reservation of Certifying Body's Rights

Notwithstanding any other provision of the Rules, the Certifying Body reserves the right in its absolute discretion to (i) decline to accept any new Application or to terminate an existing Application at any time prior to issue of a Certificate, (ii) refer an Application to the relevant Technical Regulator for comment / direction, and (iii) revoke any T2 Certification; which includes entering the Installation Address to remove a Compliance Badge within five working days of determining non-conformance to the relevant requirements and informing the Technical Regulator.

9.3 Dispute Resolution

Applicants / Certificate Holders should resolve any disputes with the relevant staff member of the Certifying Body.

Where a dispute cannot be satisfactorily resolved with the staff member the Applicant / Certificate Holder may pursue a resolution with the 'Manager – GMK Certification & Gas Laboratory'.

If the dispute cannot be resolved with the 'Manager – GMK Certification & Gas Laboratory', the matter may be referred to the IAPMO Oceania Managing Director.

The laws of the State of Victoria govern the Rules. Subject to the dispute resolution process outlined above, the Customer and the Certifying Body agree that the courts of the State of Victoria shall have exclusive jurisdiction to determine any dispute arising out of or relating to the Rules.

Note: *The dispute resolution process shall not release the Certifying Body from its responsibilities and/or rights as detailed in the Rules, at any time. The Applicant has the right at any time to seek an alternative Certification.*

9.4 Conditions of Use

- (a) Any notice or other communication to be given under the Rules (other than a public notice) shall be given in writing and delivered to the last known address of the recipient.
- (b) Any public notice shall be given by publication on the website of the Certifying Body or in 'The

Australian' or any other national newspaper.

- (c) The Applicant and Certificate Holder undertake to keep the Certifying Body fully informed in writing of all relevant contact details necessary for the Certifying Body to satisfactorily administer the Application (e.g. name of contact, telephone, email, address).

9.5 Liability

The Applicant / Certificate Holder shall forever release the Certifying Body, its directors, employees, servants, agents and members and each of them from, and forever agrees to indemnify and keep indemnified each of them against all actions, claims, suits, demands, costs and expenses, whether based wholly or partly on the negligence of the Certifying Body, its directors, employees, servants, agents and / or members, in any way arising out of or in connection with the Certifying Body's obligation as under the Rules and the Certification process including (but without prejudice to the generality of the foregoing) the following:

- (a) The giving of any assistance and/or advice to the time an Application is made.
- (b) The Inspection or testing (whether before or after the grant of a Certificate) of any Appliance, including the giving of any advice and/or assistance during the testing process.
- (c) Any advice and/or assistance given in the course of or in connection with the testing or Inspection of an Appliance.
- (d) The granting of any Certificate.
- (e) The affixing of a Compliance Badge.
- (f) The installation (in accordance with all applicable legislation) of any Appliance bearing a Compliance Badge.
- (g) The refusal to accept, or cancellation of, any Application or Certification.
- (h) Any communication with Technical Regulators or other government bodies concerned with public safety and discussing with those bodies any matters concerning an Application or Certificate.

Note: This rule survives termination of, severance of, or amendment of the Rules.

9.6 Severability

Should any part of the Rules be or become invalid, that part shall be severed from the Rules. Such invalidity shall not affect the validity of the remaining rules.

9.7 Non-Routine Certification Assessments

The routine assessment criteria used by the Certifying Body generally verifies compliance with requirements published in an applicable Standard. In instances the Appliance does not fit within parameters of an existing Standard and incorporates novel features or innovative technologies for which requirements in the Standards are inapplicable, inadequate or nonexistent; it will not be denied Certification as long as the safety requirements of the relevant Technical Regulator is satisfied. Such Appliances will be referred to the Technical Regulator relevant to the Installation Address.

9.8 Certifying Body Non-Standard Expenses/Costs

The Certifying Body endeavours to minimise non-standard expenses / costs for the Applicant but reserves the right to recover all incurred non-standard expenses / costs from the Applicant. The Certifying Body will advise the Applicant in writing in advance of any projected non-standard expenses and, if wishing the Certifying Body to proceed with the Application, the Applicant agrees to meet the cost of such expenses as agreed with, and in a manner notified by, the Certifying Body.

The Certifying Body reserves the right to apply additional charges where it is required to apply excessive resources to progress and/or resolve outstanding issues for Certification. In such cases, the Applicant will be formally advised that additional charges are to be applied and the reason for them and the Applicant agrees to pay those charges if choosing to proceed with the Application.

The Certifying Body may amend the Rules from time to time provided the amended Rules are not materially inconsistent with the Rules.

10. APPENDIX A: Compliance Badge

NB: Each Compliance Badge bears unique identifiers relating to a specific Appliance and its original Installation Address. Such badges are only provided to the allocated Authorised Body. The badges may NOT be reproduced under any circumstances.



LICENCE NO.:
TESTED BY: