The problem with non-compliance

Whether it is over a drink at the end of a division event, or across the tables at Trade Nights, AIRAH often hears the same “off-the-record” comments about compliance issues in our industry: that there is a lot of undiscovered non-compliance going on, across several sectors. Frequently, this non-compliance goes unnoticed until a system fails or a formal complaint is made.

The problem with non-compliance, even if it does fly under the radar, is that it can result in unexpected consequences: inadequate ventilation, inappropriate microbiological management activities, inoperable essential safety systems, as well as high-energy, high-emission HVAC&R.

Our industry operates under a range of regulatory requirements, which can make things complicated. These include requirements covering construction (NCC and state-based systems), the environment (ozone and SGG, noise and air pollution, and MEPS), health (indoor air quality, microbial control, and WHS), and safety.

And within those regulatory requirements, compliance is often self-certified. Self-certification means designers and contractors sign off that all works are installed and compliant. These certificates are then forwarded up the chain, where the formal certifier may not actually see what has been installed.

In fact, final certification is often 100 per cent reliant on the individual certificates supplied, and administrators rarely follow up with validation work unless complaints are made or systems fail. This illustrates a disconnect between the government agencies setting the requirements, and those administering them. And because compliance relies largely on a self-certification system, there is very little hard data on actual occurrence levels of non-compliance.

AIRAH aims to explore this issue. Two of our strategic aims include closing the skills gap and informing regulatory and policy decisions – things we would be better equipped to do if we had a more detailed understanding of non-compliance in our industry.

Non-compliance takes two forms: voluntary and involuntary. Voluntary means that, despite being aware of the regulations, the provider makes no effort to achieve compliance – often in order to undercut other service providers. In an involuntary case, the provider is simply unaware of the regulation requirements for compliance – which speaks to a bigger issue of skills maintenance in our ever-changing industry, and its complex regulatory architecture.

Both of these overarching issues – ensuring an equitable and competitive industry, as well as maintaining the skills of those who work in it – are key concerns for AIRAH.

With that in mind, we will soon asking for your input about where and how non-compliance is occurring.

Check out the weekly e-news update or coming issues of Ecolibrium for more information.

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