

# HVAC&R Nation

AN AIRAH PUBLICATION



## One country, many rules

Working across borders  
in Australia

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# ONE COUNTRY, MANY RULES

One driver's licence lets you drive anywhere in Australia. Unfortunately, the situation for occupational licences is a lot more complex and challenging, especially since the pandemic began. Willow Aliento reports.



Working across state and territory borders has always been challenging for tradies. But in 2020, the level of difficulty ramped up due to the COVID-19 pandemic and border restrictions.

It also highlighted some of the major difficulties around varying state and territory rules in areas such as workplace health and safety. Each jurisdiction has different requirements, and varying degrees of success in communicating them.

At the same time, the ongoing national conversation around trade registration and professional certification has again come to the fore.



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Independent member for Indi, Helen Haines, told parliament during the debate on the *Mutual Recognition Amendment Bill 2021* that most tradies in Wodonga, Victoria, do jobs across the border in Albury, and vice versa.

"It's a fact of life," said Haines. "It's how our businesses operate. But these workers need to apply for two registrations to do this work – one in Victoria, one in New South Wales – and this can cost in the hundreds or thousands of dollars. It's a real red tape nightmare that we simply don't need in a border community."

She also pointed out that following major disasters such as the 2020 bushfires, the requirement to apply for new licenses and certifications can be a barrier to tradies from less-affected states travelling to offer their skills where the workers are desperately needed.

## STRADDLING THE BORDER

For those in the HVAC&R sector based in cross-border regions such as Albury-Wodonga or Gold Coast-Tweed, the struggle is very real.

Founder of Gold Coast HVAC contractors Asset Associated Airconditioning and Air, Nicolas Perugino, has worked in HVAC&R for 38 years. During the COVID-19 border closures he had to navigate checkpoints near Coolangatta airport that involved up to an hour of wait time, even though travel within the NSW-Queensland border bubble for work was permitted.

"It's been a huge inconvenience," he says.

There were also some staff in NSW that were affected by the sudden changes to border regulations. For example, there was a six-week period where they could travel to Beenleigh in Queensland for work, but could only be onsite. They weren't allowed to go and grab lunch or stop for groceries on the way home.

Perugino says one of the major differences between NSW and Queensland is in terms of workplace health and safety – different penalties for workplace injuries, for example.

One thing that is the same though, says Perugino, is that there are areas in both states where

regulations are not stringent enough, and insufficient enforcement is also a common problem.

## HEAT KILLS – BUT AT WHAT TEMPERATURE?

One area where there is a major variation is rules around working in heat. A tradie working in Coolangatta on the Queensland side of the border has the right to stop work if ambient conditions are above 38°C. This is not the case across the road in Tweed Heads on the NSW side, where the CFMEU EBAs state that workers will stop work and leave site when the temperature reaches 35°C.

Perugino also notes that these rules do not cover scenarios such as working in a roof cavity, where it may be 10 or 20°C hotter than it is outside.

"The law says everything has to be done in the spirit of the law, and it also has to be done in a way that is easy for everyone to understand," he says. "Everyone has the right to go to work and come home safely, that is my belief."

Until recently, working on both sides of the border also meant needing to ensure the company held WHS insurance that would meet requirements in both states – and the costs can vary significantly.

Different regulations exist for HVAC&R trades in each state. This means tradies working on both sides of the border needed two sets of permits and licenses.

The mutual recognition act has helped in some cases. However, variations remain when it comes to the type and size of projects a NSW or Queensland tradie is licensed to do.

## SERVICING MULTIPLE STATES

Cold Logic is a specialist commercial refrigeration business that works across the asset life-cycle, including design, construction, commissioning, maintenance, breakdown and performance auditing.

With offices in South Australia and Victoria, working across multiple state borders is a fundamental part of how the company operates.

Business development manager Dr Michael Riese, M.AIRAH, says that since the pandemic started, the company has undertaken projects in Victoria, New South Wales, South Australia and Queensland – and faced ever-changing border restrictions.

Staff needed to move in and out of Queensland and New South Wales, which meant dealing with permit systems and other requirements. During the hard border lockdown between NSW and Victoria, a staff member from NSW got “stuck” in Victoria and was not allowed to return home.

Moving across the NSW and South Australian border was not quite as difficult, Riese says. Return home passes were required for staff from South Australia who travelled up to Cobar via Broken Hill, for example.

Cold Logic’s clients in the food and logistics sectors were the main ones affected by border boondoggles. At one point, Cold Logic workers returning from interstate were required to undertake a COVID-19 test on entry into the state then go directly home for 24 hours. If the test was negative, they could go back to work, but a follow-up test was still required.

The real challenge was servicing clients in regional Victoria during the period Greater Melbourne was subject to the “ring of steel” and the border between SA and Victoria firmly closed.

Neither staff from Melbourne nor staff from Naracoorte in SA were able to travel to undertake maintenance works for the regional Victorian clients. If there had been a need for breakdown assistance, Cold Logic may have been unable to attend in person. Fortunately, that didn’t happen.

Riese says that the company’s policy during the pandemic has emphasised that if workers feel unwell, they should go home and get tested. It has also ensured appropriate PPE including masks was available and used where required by the various states’ public health orders.

“South Australia has [mostly] been COVID-free, we are a lucky state,” Riese says, “so we have only had to implement very small measures here.

“The main changes we made are making more use of remote fault-finding and remote commissioning. For example, we had a project in Queensland that was undertaken by an engineer and staff working remotely from out of our Adelaide office.

“We were already using digital collaboration because we have offices in both Melbourne and Adelaide. So, on March 27, 2020, when the national work-from-home order came in, it was a case of ‘grab what you need from the office and go home.’”

## VARIATIONS IN WHS AND CERTIFICATION

The core credentials for fridgies – such as the Certificate III in Refrigeration and Air Conditioning – are nationally recognised qualifications. The licence required for handling of controlled refrigerant gases – CFCs, HCFCs and HFCs – is also nationally managed through the ARCTick scheme.

Where there is a significant gap in requirements, Riese says, is around handling natural refrigerants such as CO<sub>2</sub>, ammonia and hydrocarbons. At this stage, there is no national standard, and no consistent set of requirements for what licenses or other credentials a tradie working with the natural refrigerants needs.

This means a company like Cold Logic, which primarily uses these types of refrigerants in projects, needs to establish its own set of requirements and protocols.

There are also no benchmarks for the energy performance of refrigeration equipment, although it has been proposed. The National Construction Code provisions that give guidance for HVAC systems do not give any specifications, requirements or standards for refrigeration equipment in the code.

“Currently, it is being looked at on a case-by-case basis,” Riese says.

Workplace health and safety requirements are another vexing issue.

“It is all over the place,” Riese says. “Each state varies in terms of what is the most stringent aspect of their WHS regulations.”

Cold Logic’s solution has been to develop a best-of-breed set of WHS policies that includes every one of the most stringent requirements from each jurisdiction, and then use that across every work site nation-wide.

## A STATE OF COMPLEXITY

A.G. Coombs Group operates throughout Australia’s states and territories. That means the company’s design, installation and maintenance teams must be across the specific variations of code and regulation requirements for each jurisdiction.

“There is national variance in the application of standards and in their effectiveness in achieving the intended outcomes,” says A.G. Coombs Strategic Development Director Bryon Price, FAIRAH.

“There are a very large number of regulations that influence the design, construction, operation and maintenance of buildings and building services and similarly, significant amount of regulation that governs the operation of organisations that provide these services.”

Those regulations include licensing and certification requirements for both companies and individuals.

His company has local operations for onsite work. This reduces the complexities in terms of operating in multiple jurisdictions; however, at a national corporate level the management and oversight of the multifaceted and varied national licensing “landscape” is complicated.

Complexities also exist within states and territories for those contractors. For example, a tradesperson, particularly somebody with more than one trade qualification, may have multiple and different

## AUTOMATIC MUTUAL RECOGNITION: STATE OF PLAY

As AIRAH has noted in its submission to the Automatic Mutual Recognition Amendment Bill consultation, when it comes to credentials and licenses, clear equivalences do not always exist across borders.

“At the state and territory level, licensing for HVAC&R technicians varies across the country and despite relating to a trade of its own, it is often classified as a subclass of electrical or plumbing work,” AIRAH stated.

“This may lead to some confusion when trying to map licences from one state or territory to another, particularly if the process is led by groups who do not have a detailed knowledge of the HVAC&R industry.”

States also vary in terms of which licenses are required – NSW requires all work to be done by Certificate III-qualified RAC technicians. In other states, a restricted license is available that allows some work to be done with Certificate II qualifications.

Certain states also require additional licences for some types of work. Queensland requires a special licence for working with hydrocarbon refrigerants, which is not required in other states. Victoria requires HVAC&R technicians to have a restricted electrical licence to perform some electrical work. ■



Different parts of Australia have different rules for when a site gets “heated off”.

licenses they have to keep current. This adds cost and adds administrative burden for companies with trade workforces.

The Shergold-Weir *Building Confidence Report* published in 2018 looked at how to address the “significant and concerning” issues in Australia’s building and construction industry. It identified the need for additional certification of key building practitioners and harmonisation of requirements across jurisdictions as a top priority.

Queensland has a longstanding professional registration schemes for engineers, and schemes are set to begin on July 1, 2021, in New South Wales and Victoria. Western Australia is also preparing to launch a scheme.

Safety requirements are another area that can be “complex” in terms of variations between states and territories.

## COMPLIANCE: A MOVING TARGET

Price says building compliance regimes are different in each jurisdiction. Organisations that work across multiple states and territories must stay on top of this, particularly if they cover various trades and different practitioner types, for example, tradespeople, technicians, design or advisory engineers, and certifiers.

Effective and timely communication to industry is very important to support industry’s ability to plan and prepare for the changes, Price says. In all this

**Fridgies in Gold Coast–Tweed faced extra complications working across the border in 2020.**



it is important for HVAC&R firms to “pay attention and get involved” in the change process and industry consultation opportunities.

As an organisation that works throughout Australia using virtual engineering and modelling teams, A.G. Coombs had well-established digital platforms and virtual collaboration tools before the pandemic sent people home from the office. This also meant cross-border restrictions had a limited impact on multi-locational design collaboration.

There were certainly restrictions around construction sites during lockdown periods in Melbourne and

Sydney. Access to sites was restricted or limited, and sites were closed for a period of time.

There were also limitations on the personnel typically required to visit multiple sites. This affected services like commissioning, project and advisory engineering and certification.

“Our ability to prefabricate significant system elements in our offsite factories was a significant advantage during this period,” Price says.

“While it has been challenging, in general construction has continued during the COVID-19 period and that has been a very good thing for our industry.” ■