

Response regarding 'Reclaim Our Trade – Brief September 2008'

Although there is no author attributed to this brief, it is written on behalf of refrigeration and air conditioning tradespeople and apprentices.

The brief refers to ARCTick Licensing, and raises some concerns with regard to this system.

The Australian Refrigeration Council Ltd (ARC) was appointed in June 2005 by the Australian Government as the industry board to administer the Air Conditioning and Refrigeration regulations under the *Ozone Protection and Synthetic Greenhouse Gas Management Act (1989)*. ARC is responsible for granting Refrigerant Handling Licences and Refrigerant Trading Authorisations approved under the Refrigeration and Air Conditioning regulations. ARC provides assistance to the refrigeration and air conditioning industry in complying with the laws that encompass refrigerant trading authorisations for purchasers and refrigerant handling licences for trade's persons.

The brief contains two specific criticisms that fall within the scope of the Electrical Safety Office, and a third issue which invites comment from an ESO perspective.

These three points are provided below, each followed by a brief response.

1. *'Fridgies' cannot sub-contract electricians as it would be a breach of the Electrical Safety Act 2002. To do so they are required to also hold an electrical contractor licence.*

ESO Response

This assertion is incorrect. Under section 56(1) of the *Electrical Safety Act 2002* (the Act) a person must not conduct a business or undertaking that includes the performance of electrical work unless the person is the holder of an electrical contractor licence that is in force.

However, an amendment was made to section 56(3) of the Act, which commenced on 1 January 2008, has changed the application of section 56(1). Section 56(3) states that a person is not required to hold an electrical contractor licence if the person contracts for the performance of work that includes the performance of electrical work if the electrical work is intended to be subcontracted to the holder of an electrical contractor licence who is authorised under the licence to perform the electrical work.

Therefore an air conditioning tradesperson with the appropriate ARCTick and trade contractor's licence (BSA licence) can sub-contract a licenced electrical contractor to perform the electrical work as part of an air conditioning installation job.

2. *It is illegal for anyone other than electrical tradespeople to advertise 'complete air-conditioning installations'.*

ESO Response

This assertion is incorrect. As described in section 56(3) of the Act above, the Act does not prevent a person contracting for the performance of work that includes the performance of electrical work if the electrical work is intended to be subcontracted to the holder of an electrical contractor licence who is authorised under the licence to perform the electrical work (e.g. authorised to perform electrical installation work).

Therefore an air conditioning tradesperson or even a retailer can advertise 'complete air-conditioning installations', provided the electrical work aspects of the air-conditioning installation work is sub-contracted to an electrical contractor licence holder who is authorised under that licence to perform electrical installation work.

3. *Electricians who have no training in refrigeration are walking out the door with a Cert II in 3 days.*

ESO Response

This statement deals with an issue that is not one that is within in ESO's area of responsibility however, the following observations are pertinent. This concern should be addressed by ARCTick itself or an appropriate Registered Training Organisation (RTO) who are responsible for assessing skills in the recognition of prior learning (RPL) process for the applicable Certificate II qualification.

ESO observations:

A check of the courses offered by TAFE Queensland reveals two relevant courses:

- Certificate II in Air-Conditioning Split Systems (UEE20107); and
- Certificate II in Split Systems Air Conditioning (40488SA).

UEE20107 does not have any entry requirements; however, this qualification does not cover competencies required for service, repair, maintenance, diagnostic/fault finding and electrical work or the safe and proper installation of commercial refrigeration and air conditioning plant and equipment. UEE20106 is listed by ARCTick as a recognised qualification for the issue of a restricted National Refrigerant Handling Licence. There are no specific details on course duration,

40488SA requires a person to be engaged in the assembly and start up of single head split air conditioning units and systems as an entry requirement. The course provides competencies to position, assemble and start up single head split air conditioning units and systems to a prescribed routine. 40488SA is also listed by ARCTick as a recognised qualification for the issue of a restricted National Refrigerant Handling Licence.

From the information available on the 40488SA course, it seems that a person with an **electrical trade background may be eligible to have around half of the modules in the course recognised through RPL.** The remainder deal directly with refrigeration elements. The delivery mode for this course is RPL and skills gap assessment, with gap training as required.

40488SA is currently open for enrolment at three RTOs, with a further two accepting expressions of interest. No course durations are provided as this is RPL and gap training dependant; however, one RTO has offered RPL assessment in a single day block, and another one to two weeks for RPL assessment via an assessment kit sent by mail.