

Tuesday, July 2, 2024

Design and Building Practitioners Act review committee,

AIRAH appreciates the opportunity to provide input to the review of the *Design and Building Practitioners Act*. We applaud the efforts of the NSW government and governments in other Australian jurisdictions to strengthen the building and construction sector through regulation and are pleased to support these efforts.

AIRAH has operated since 1920, and is Australia's peak membership body for professionals and practitioners working in the heating, ventilation, air conditioning and refrigeration (HVAC&R) – building services industry. We are in favour of professional registration schemes for engineers, and we support these schemes through the AIRAH Professional Engineer Register (APER), the only accreditation program developed specifically for engineers operating in the HVAC&R building services industry.

AIRAH is an approved accreditation body in Queensland, Victoria, and the ACT, and we are currently applying for approval in New South Wales. We are very familiar with the assessment and registration processes for engineers. This knowledge and feedback from our members have informed this submission.

We would like to highlight two areas that we believe require attention.

Alternative pathways

In New South Wales, mechanical engineers essentially require a Washington Accord-accredited degree to become registered.

Due to a lack of tertiary qualifications that deal specifically with HVAC&R building services, many professionals working in this sector do not have a Washington Accord accredited qualification in mechanical engineering. Established and knowledgeable engineers, including some who sit on committees developing Australian Standards and the National Construction Code, are now unable to practice. Far from strengthening the industry, the current system is locking expert practitioners out. This comes at a time when, according to Engineers Australia, the engineering skills and labour shortage is at its highest level in over a decade.

Late last year AIRAH ran a survey to assess how HVAC&R building services engineers are being impacted by the introduction of professional registration schemes.

More than 50 per cent of respondents said their qualifications would not enable them to become professionally registered as an engineer, or they weren't sure. About 85 per cent of respondents had more than 10 years' experience. About a third had more than 30 years' experience. This highlights the depth of knowledge we risk losing.

For these professionals, we believe an alternative transitional pathway to professional registration is vital. The alternative pathway offered in the legislation via Australia's signatory to the Washington Accord does not take into account the nature of the HVAC&R building services industry. It rigidly prescribes study required based on a desk mapping of university courses, without relying on practical assessments conducted by experts in the field.

AIRAH has been approved as an assessment entity by the ACT government. In this scheme, genuine alternative pathways are available for engineers who do not have Washington Accord degrees. We encourage the NSW government to explore this model. AIRAH would be happy to support this by offering an assessment process conducted by registered engineers in the area of HVAC&R building services.

Refrigeration engineering

AIRAH would like to highlight an area of confusion around the definition of “professional engineering work”: refrigeration.

Refrigeration systems include supermarket refrigeration and cold rooms that may be part of a building covered by the *Design and Building Practitioners Act*.

After reviewing the Act, it is our belief that refrigeration is not considered a "building element" as it is not essential for the building to function. If this assumption is correct, and refrigeration is not defined as a building element, the design and build of refrigeration systems/components does not need to be registered.

AIRAH believes, however, that the design of certain safety critical elements (refrigeration piping, rack design, switchboard design and possibly equipment selection) does need to be done by a registered professional engineer, with the refrigeration contractor to supply a signed self-certifying document to be kept with the as-built documents.

If this interpretation of the Act is correct, AIRAH would flag that a significant number of practitioners working in the refrigeration space in NSW would not be able to obtain professional registration. The established pathway into this field is via VET.

In the first instance, we seek from the NSW government a clarification on whether refrigeration is considered “professional engineering work”, and we would be very happy to organise a meeting to discuss this in more detail.

We are also keen to support the establishment of an alternative pathway for those involved in the specialist field of refrigeration engineering.

Application of the DBP Act to older buildings

Our members have noted that the cost of some rectification works in older buildings is becoming prohibitive because under the DBP Act they are required to bring the building up to modern-day codes and standards.

AIRAH would support an approach that limits the application of the DBP Act to buildings completed since a particular date, for example, January 1, 2024. Amendments to the Act could clearly define the scope of the Act in relation to the completion date of the buildings. Government could also provide clear guidance on the Act’s application to remedial works.

Once again, AIRAH appreciates the opportunity to provide input and we would welcome further discussion of these topics.

Best regards,

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AIRAH