

**Submission
No 7**

INQUIRY INTO MUTUAL RECOGNITION (NEW SOUTH WALES) AMENDMENT BILL 2021

Organisation: National Fire Industry Association

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Mutual Recognition (New South Wales) Amendment
Bill 2021

Submission

22-28 Phoenix Street, Brunswick VIC 3056
5/134 Racecourse Road, Ascot QLD 4007
1000 Old Windsor Rd, Glenwood NSW 2768

1800 00 NFIA (6342)
info@nfia.com.au
www.nfia.com.au



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Executive Summary

The Fire Protection Industry supports the intent of the proposed legislation and agrees with the intent behind the Automatic Mutual Recognition (AMR) principles outlined in the Mutual Recognition (New South Wales) Amendment Bill 2021.

Where there is like for like comparability between both the scope of registered work and the composition of competencies which comprise the prerequisites for registration, the Industry's view is that AMR of registrations is both sensible and achievable (albeit with relatively minor administrative/regulator support and collaboration) at a worker level (not the contractor licence level).

Due to the current differences in state-based licensing frameworks, Fire Protection cannot be treated exactly like other industries. Besides the obvious and significant human risk, there is a substantial financial cost to the community due to building fires. Fire has the potential to cost Australian business millions of dollars due to property damage, fines, compensation, and insurance premiums. Many businesses find that they are not able to recover from the effects of a fire, thus highlighting the importance of Fire Protection work.

Any automatic mutual recognition must be implemented in a manner that will not reduce the community safety and consumer protection safeguards currently in place in New South Wales or any jurisdiction. Industry will not support the imposition of any licensing model that would compromise existing safeguards provided to the general public.

Unfortunately, due to significant jurisdictional differences in the licensing and registration systems that are in place across the different States of Australia, we are seeking that Fire Protection is exempt Mutual Recognition at this time.

We believe that a minimum of 5 years will be required to bring the jurisdictional differences to a position where Automatic Mutual Recognition (AMR) is viable for the Fire Protection Industry, and on that basis would seek an exemption of not less than 5 five years.



Introduction

Fire has the potential to cost Australia millions of dollars through property damage, fines, compensation, and insurance premiums. Many businesses find that they are not able to recover from the effects of a fire. More impactful of course is the risk to and impact on human lives. The current situation across Australia finds significant differences in licensing and registration between jurisdictions which make automatic Mutual Recognition a significant risk at the current time.

The National Fire Industry Association (NFIA)

The National Fire Industry Association (NFIA) is an Australia-wide community of commercial Fire Protection contractors, their people, suppliers and industry stakeholders representing a wide and varied membership from the smallest sub-contractor through to large Australia-wide construction and service businesses. Our members work at the frontline of Fire Protection with an estimated over 80 per cent of the Fire Protection work undertaken in Australia is completed by members of NFIA.

NFIA utilises the resources of other Australian and International industry organisations and associations.

NFIA is committed to the delivery of quality Fire Protection practitioners across all aspects of Fire Protection safety. To this end, NFIA has sponsored and supported the growth of the world leading fire industry Registered Training Organisation, Fire Industry Training, which now delivers fire industry required training for all of Australia at its campuses in Melbourne, Brisbane and Melbourne.

NFIA believes that an appropriate regulatory framework should be one that protects the safety of the community and property, provides adequate consumer protection, recognises and accommodates industry practice and standards, requires registration of practitioners and is linked to the national training package framework.



Submission

NFIA welcomes, in principle, the development of a framework for the recognition of occupational licences across jurisdictions. We support the concept of national licensing; however, we are extremely concerned about the risks to community safety and consumer protection in New South Wales should the framework be implemented incorrectly.

Any mutual recognition must be implemented in a manner that will not reduce the standard of work, the community safety and consumer protection safeguards currently in place in New South Wales or any jurisdiction. Industry will not support the imposition of any licensing model that would compromise existing safeguards provided to the general public.

The current underpinning of licenses significantly differs between different States and Territories. In Queensland for example, the qualifications underpinning Fire Protection licenses are supported unanimously by peak stakeholders right across industry; and the Queensland Treasurer Cameron Dick MP has recently stated “Queensland supports common sense mutual recognition, but under no circumstances will we compromise our world leading standards for fire safety, electrical and plumbing trades that are based on formal qualifications”. While some licenses in other jurisdictions may have a similar scope of work, this does not mean that they are underpinned by the same qualification. We urge the New South Wales Government to adopt a similar position and only consider licenses as ‘automatically recognised’ if they have the same underpinning qualifications, including any requirement to complete an apprenticeship.

About Fire Protection

The Fire Protection Industry as a sector comprises of a number of individual streams and the associated design, install, maintain, inspect, testing and certification work.

These streams include:

- Water based active
- Special hazards
- Electrical
- Portables
- Passive



Water Based Active

These systems include sprinkler and other similar water-based Fire Protection systems. These systems and their equipment are life critical, and the installation and ongoing maintenance work is often undertaken by a person who has completed a Fire Protection plumbing apprenticeship. Scope of work is different in New South Wales and South Australia, while Victoria and Queensland share similar scopes and there is no licence in Western Australia or the Northern Territory.

Special Hazards

Special Hazard systems include gaseous, water mist, reticulated foam proportioning and other chemical and foam systems. They often protect high value assets or high-risk assets, for example oil refineries and data server rooms or facilities. Each State has a different scope of work depending on type of system and the installation and ongoing maintenance is undertaken by specialist, Fire Protection plumbing apprentices and electrical workers.

Electrical

Extra low voltage electrical systems include fire detection, alarm and warning systems as well as certain work on emergency lighting systems. The significant majority of this work is under the voltage required for an electrical licence. As such it is often undertaken by either Fire Protection specialists, Fire Protection control apprenticeship graduates or electricians. Again, the scope of this work varies from State to State.

Portables

This work includes portable firefighting equipment and work is often undertaken by persons with on-the-job training or recognised skill sets (e.g., Certificate II level qualifications).

Passive

The passive elements of Fire Protection include fire doors, shutters, walls, ceilings, collars, penetrations, and joint sealing. This work is undertaken by carpenters, wall and ceiling specialists as well as basically all subtrades (dependent on the element of work). This scope varies from State-to-State.

The current underpinning of licenses for these different streams are significantly different between different States and Territories. There is no occasion where the requirements in one state match the requirements in another state in any of the different streams. We urge the



New South Wales Government to take a similar position and only consider licenses as ‘automatically recognised’ if they have the same underpinning qualifications.

Accredited training not industry accreditation

In some jurisdictions, skills are recognised by industry accreditation schemes (as opposed to State regulators). Accreditation schemes have their place as part of the overall consumer protection and quality assurance process, but they are not recognised in the Australian Skills Framework and are not a “like for like” comparison with registrations or licences provided by responsible jurisdictional regulators. The inconsistency of training and licensing regimes across the States and Territories means the competencies of licence holders vary greatly between jurisdictions. Although each jurisdictional licensing systems aims to protect the health and safety of the people within each jurisdiction, they are currently incompatible with each other.

A relevant example is in New South Wales, where Fire Protection workers are accredited by an industry association, but not registered or licensed by Government while in Queensland, Fire Protection professionals must have completed a Certificate IV level qualification before they are eligible for registration or licensing and in Victoria where a worker is registered as competent to work safely by the State regulator.

Independent contractors

From our discussions with the Federal Treasury Department, it is our understanding that independent contractors will be treated as workers. That is to say that a sole trader could undertake work around the country without having to subject themselves to the business laws that are requirements of different States. In Fire Protection this could result in someone licensed in a self-certification jurisdiction could certify in a jurisdiction like New South Wales that has a specific Contractors Licence. This same issue would also apply to fire system design work and would provide an unreasonable risk to public safety.

Certification

Certification was recognised as a critical function of the Building Confidence Report, in addition it has been subject to a number of State-by-State reviews. Fire Protection has a specialist Certificate IV level qualification that is currently required to undertake certificate work in Queensland and is also being considered by other States.



Certification work includes advising that an installation or after inspected a Fire Protection system meets Australian Standards, relevant Codes as well as relevant manufacturer's specifications.

This work is life critical and all jurisdictions must have a consistent view of Certification before it is incorporated as part of the AMR model. For example, some jurisdictions that recognise a form of self-certification may result in other jurisdictions recognising it as part of the AMR model. This is not an appropriate model for the Fire Protection Industry, and we ask that the certification function is excluded from the AMR proposal.

Conclusion

The NFIA is supportive of a national licensing model. A number of businesses within the industry undertake work across different States and they would benefit from a form of national licensing. However, the real value in AMR for the Fire Protection Industry would be if the appropriate qualification standards for licenses were introduced in each jurisdiction; if national licensing could be used to 'raise the bar' then there would be significant benefit to the model which would not be outweighed by community safety risks.

Any reforms must be implemented in a manner that will not reduce the community safety and consumer protection safeguards currently in place in New South Wales and other States. The Fire Protection Industry must always be an appropriately regulated industry because the services it provides are essential for public safety. While a reduction in 'red tape' that can simplify business operations and improve labour force mobility is attractive, it simply cannot occur in a way that comprises public safety.

In addition, NFIA has been actively involved in the Australian Building Codes Board's work on the National Registration Framework for Building Practitioners that is being developed in response to the Building Confidence Report. We are hopeful that this work set the bar for Fire Protection work across the country and provide national guidance for a framework that is suitable for adoption.



Authorised by:

Mr Glen Chatterton
Chief Executive Officer
National Fire Industry Association