

AGENDA

RAC Industry Meeting

Wednesday 24th June 2009

2:00pm – 5:00pm

Location – Oxley Room, Mercure Hotel Brisbane
85–87 North Quay, Brisbane

Meeting called by **Reclaim Our Trade** – Enquiries please call Kim Limburg 0403 680 981
E-mail kim@resq.net.au

Attendees:

QBSA QLD Building Services Authority;

General Manager, Ian Jennings
Executive Manager-Resolution & Regulatory Services, Jason Smith

ESO Electrical Safety Office

Director, Electrical Safety Policy, Tony Levertton
ESO Licensing Manager, Rod Cruise

RACCA - Refrigeration & Air Conditioning Contractors Association

RACCA Australia & NSW

President, Kevin O'Shea

RACCA South Australia

President, Brett Wright

AMCA - Air Conditioning & Mechanical Contractors Association of Australia

Qld President, Graham Mackrill

Reclaim Our Trade

President, Matthew Coates
Secretary, Kim Limburg

Topic: Refrigeration & Air Conditioning Licensing

Goals:

Establishing the skills required for relevant licensing within the industry through identifying the following areas;

Consumer Protection Regulatory Failure

Assessing Workplace Health and Safety Risks

Environmental Hazards

Trade Restrictions/Competition

Agenda Details

	Agenda Item Descriptions	Expected Results	Time allotted
1.	Introduction - Overview of Current Licensing Structure	Summarizing Regulatory Failure in QLD	
2.	Clearly identify the Certificate II outcome: Identify what it is in terms of competency	Ensuring a clear understanding of how this contributes to the regulatory failure.	_____
3.	Best Practice in Consumer Protection and Workplace Health and Safety and who is qualified and competent as a minimum entry level to contract for the work.	Agreement to follow Best Practice in Consumer Protection and Workplace Health and Safety	_____
4.	ARCTICK LICENSING	Understanding Arcticks' limitations and how this contributes to regulatory failure. BSA Regulations to recognise the ARC licensing system as a license to contract for regulated building work in Queensland.	_____
5.	BSA Enforcing the Domestic Building Contracts Act 2000	The application of the Implied Warranty as contained in the Domestic Building Contracts Act 2000 needs to be enforced by BSA as it includes air conditioning and ventilation in a domestic residence.	_____
6.	Competition/Trade Restriction	Recognizing restrictions imposed on Rac technicians including financial Impact Address limitations of RPL with Electrical Contractors licence for Rac Technicians, establishing a supportive system for interstate RAC Technicians for Restricted Electrical	_____
7.	Environmental Impact	Understanding the significant risks to Environment when unskilled trades people carry out RAC works	_____
8.	Where To From Here	Establishing clear instructions/actions to ensure all groups are competent in revising applicable policies/regulations and where applicable are able to request appropriate legislative changes.	_____

Note: Meeting room has been booked until 5pm to allow for extra time, allocated time above is an estimate only.

15 April 2009

Electricians exceeding scope of works:

The following 2 incidents relate to commercial works;

Incident One:

"..the infamous nursing home , Blue care , 160 Sibley rd Wynnum . The lady involved was Vera Tacey and I was dealing with her son in law, Blair 3207 2227 "

Allegations made by one of our members (Joe) as follows;

Blue Care Wynnum relates to building works where the builder conferred with electricians instead of refrigeration technicians regarding Air Conditioning.

Joe from JP Refrigeration, Capalaba was asked to quote on an air conditioning unit for one of the rooms, it turned out that all the rooms had been pre-piped for 7kw units but only needed 2.6kw.

The resident when using the air conditioner will most likely experience headaches as the oversized unit will extract moisture from the body when there is no more left in the room.

The air conditioning is in effect a humidifier which most consumers don't realise.

The unit was supplied free to the resident as a result, oversizing and undersizing is not an uncommon problem with non trade qualified people in the industry.

The contact names and numbers previously supplied are the consumers involved.

Joe can be contacted on 0439 375 641

Incident Two:

Government works where electricians were removed by the site supervisor after poor workmanship on the installation of a number of Air Conditioners.

Matthew Coates and Grant Limburg reviewed the works and it was clear the electricians did not know what they were doing.

Matt estimated approximately \$85, 000 to repair and complete the works left by the electricians.

The project was on Ipswich Road at Goodna, Ipswich motorway Upgrade, Dinmore to Goodna, a State Government building project.

RESQ

From: Ros Burns [nbs_rs@live.com.au]
Sent: Saturday, 19 December 2009 6:05 AM
To: info@reclaimourtrade.org
Subject: RE: Response from Ros re installation of slit system be Lester Airconditioning
Attachments: Fax to Lester ACond.doc

Hi Kim

Was looking at some old files in my computer yesterday and came across this fax that I sent to Darran - thought you might be interested.
He never responded to this.....

Cheers Ros

From: info@reclaimourtrade.org
To: nbs_rs@live.com.au
Subject: RE: Response from Ros re installation of slit system be Lester Airconditioning
Date: Thu, 17 Dec 2009 13:12:37 +1000

Hi Ros

Thank you so much for the info, it is greatly appreciated.

I emailed the Director, Ozone and Synthetic Gas Team regarding a number of complaints

Directors' Response, Re: Lester, quite unacceptable to be honest.

"As you note, Lester Air-Conditioning is appropriately licensed".

We outlined the following to the Director

Lester Air Conditioning we also note now holds a Split license, why are these electrical contractors rewarded with licenses? Photos attached showing holes in the walls are from a customer of Lester Air Conditioning. It is clear investigations into Lester Air Conditioning were a complete waste of time. I also note Lesters's Arctick license changed from inactive (Trainee License) to split license the very day they became aware of the pictures attached and that we are asking questions. Interesting that Lester has been advertising prior to this.

Matt will be providing an incident report to the Director and asking for an explanation on why electricians are able to use consumers as guinea pigs to gain installation experience.

Kind Regards
Kim

Reclaim Our Trade Inc
IMPORTANT Airconditioning and Refrigeration Info: reclaimourtrade.org/Home.html
Ph/Fax: (07) 3806 1178
Mobile: 0403 680 981
info@reclaimourtrade.org

From: Ros Burns [mailto:nbs_rs@live.com.au]
Sent: Friday, 11 December 2009 2:24 PM
To: info@reclaimourtrade.org
Subject: Response from Ros re installation of slit system be Lester Airconditioning

Hi Kim

thanks for the call last week. Have just moved office and am still trying to get the telephone connected in the office. Telstra has connected it at the board but trying to get a technician to plug me in is like pulling hen's teeth! Another story....

I moved into the property in Nov 2006 and found out sometime in Dec that the A/Cond did not work. Then starts my story Anyway, the installation by Darran Lester was carried out sometime around Dec 2006/Jan 2007.

First off I spent the first month or so without a working unit - awaiting the supply of the unit. Then he & three of his blokes came out plus an electrician to install the unit.

They cut two holes in the plaster as seen by the photo's which he did not offer to repair, and left a mess for me to clean on the floors both in the lounge room & bathroom. Cost of this exercise including buying the unit was over \$2,800.00.

About a year or so later the unit stopped working. I approached him to repair it, he came to look at it but said he could not perform the repairs. I then had another firm come in to fix it - all they did was checked the power & reset it @ the unit outside and it went again - cost \$70.00 for this technician to come out to the site!

It then went Ok for about another six or so months and died. When I tried again to get it fixed I was told that the company - "Airwell" had gone into liquidation and that if I could prove what date it had landed in Australia that I may be able to claim on the Warranty. I called Darran to ask if he could provide me with this information (several times) and he never responded to my inquiry. I was told that without it I could not claim against the warranty, so I gave up & had the whole unit replaced.

End of tragic air conditioning unit story!

Hope this helps with your cause

Cheers Ros

Australia's #1 job site [If It Exists, You'll Find it on SEEK](#)

_____ Information from ESET Smart Security, version of virus signature database 4677
(20091210) _____

The message was checked by ESET Smart Security.

<http://www.eset.com>

Check out Domain Radar NOW! [A world FIRST in property search has arrived!](#)

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(20091218) _____

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<http://www.eset.com>

FAXED AT 11.23AM 12/9/08

Fax to: Lester Air Conditioning
Fax No: 3297 6002
From: Ros Burns
507-515 Greenbank Road, North Maclean
Date: 15th September, 2008
Subject: Airwell DC Inverter A/C Model GCLDC124RC

Darren,

I called Michael last Tuesday after the guys had been here to look at my House Air Conditioner to ask for a copy of your supplier invoice for the AC unit you installed for me.

It is and Airwell which was installed somewhere between Nov 2006 and Jan 2007.

I am hoping it is the later date as ECP (Airwell) have gone into receivership as at 16th August, 2008 and are not honouring their warranties. "Seely" will honour any purchased after 1st Jan 2007 if the unit was supplied by them.

Could you please check to see who supplied this unit to you.

If it was "Seely" I can still get it serviced under warranty, but they need the invoice from your supplier to confirm the purchase was from them. I would like you to fax a copy of your invoice from your supplier for the unit that you installed for me.

Could you please check this for me ASAP so that I can find out if I can have this unit repaired or if I have to replace another unit.

Regards

Ros Burns





RESQ

From: McInerney, Patrick [Patrick.McInerney@environment.gov.au]
Sent: Monday, 14 December 2009 8:00 AM
To: Reclaim Queensland
Subject: RE: Outcome of Investigations [SEC=UNCLASSIFIED]

Hi Kim

Thanks for your email.

The three cases that you brought to the department's attention have been investigated and dealt with.

QMate is operating within the rules set by the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995. QMate has appropriate arrangements to provide post installation servicing of split systems.

As you note, Lester Air-Conditioning is appropriately licensed.

I would be interested in gaining further details of the Aitkenvale State School installation, from the school itself, Chillout or possibly the equipment manufacturer if it involved a warranty claim. Please feel free to pass on my contact details.

Regards,

Patrick McInerney
Director, Ozone and Synthetic Gas Team
02 6274 1035

From: Reclaim Queensland [mailto:info@reclaimqueensland.com]
Sent: Saturday, 5 December 2009 3:50 PM
To: McInerney, Patrick
Subject: Re: Outcome of Investigations

Dear Pat

It seems very little is being done to ensure Split license holders are not exceeding their scope of work.

Qmate, one of the three Reclaim Our Trade requested an investigation into back in June 2009, still advertises repair works on A/C's.

Advertising from their website today.

Air Conditioning

QMATE can take care of your air conditioning installation and air conditioning repair. Our air conditioning installation and air conditioning repair service is available to Brisbane and the Gold Coast.

There is only so much that the home handyman can do when it comes to air conditioning installation and air conditioning repair. Do it yourself air conditioning installation or air conditioning repair can be dangerous for the environment, and can void your air conditioners warranty.

Air Conditioning Repair

Faulty air conditioning can cost you money and be harmful to the environment. We can come to your house to see why your air conditioner is not operating correctly.

- If your air conditioning isn't cooling

- Your air conditioning is noisy or squealing
- Your air conditioning won't switch on
- Leaking Ducts

Faulty air conditioning units can be big contributors to power costs. QMATE can test and when necessary fix faulty air conditioning at your home or business.

Air Conditioning Installation

We can install your air conditioner quickly and safely. By using our licensed installers you will get your air conditioning installed promptly and neatly and importantly, you can keep your warranty intact.

Air conditioning installation that is done incorrectly is a major contributor to air conditioners not running effectively. If you want your air conditioning installed quickly and correctly then Qmate can help.

Through industry, we have established a phenomenal amount of electrical contractors repairing air conditioners, I note the Arctick License limitations below.

Licence number	Surname	First name	State	Licence name	Conditions	Status
L048496	McCulloch	Stewart	QLD	Restricted-Split System A/C Install & Decommission	None	Current

Further concerns regarding an electrical contractor, (photos attached) Chillout refrigeration arrived at the Aitkenvale school to find Install done at Aitkenvale State School into After Hours Care Office.

Installed by Ray Mc Mahon Electrics Townsville. Installed with dodgy flare, Leaked its gas & compressor then seized. Large blobs of oil were also found, note the yellow on the top insulation.

Lester Air Conditioning we also note now holds a Split license, why are these electrical contractors rewarded with licenses? Photos attached showing holes in the walls are from a customer of Lester Air Conditioning. It is clear investigations into Lester Air Conditioning were a complete waste of time. I also note Lesters's Arctick license changed from inactive (Trainee License) to split license the very day they became aware of the pictures attached and that we are asking questions. Interesting that Lester has been advertising prior to this.

I have copied the previous emails requesting an investigation below for your convenience.

----- Forwarded Message -----

From: Kim Limburg <reclaimourtrade@yahoo.com>

To: patrick.mcinerney@environment.gov.au

Sent: Fri, 26 June, 2009 2:02:16 PM

Subject: Re: Lester Air Conditioning

Dear Pat,

- Matthew Coates has been attempting to seek an Arctick investigation by George into the operations of Lester Air Conditioning since january this year.

We have a document with George Thompson stating Lester A/C is fully licensed, we also have George Thompson stating Lester A/C upgraded his licence.

- Should you wish to discuss the above please don't hesitate to contact matthew on 0409 715 501

-
Sincerely

-
Kim Limburg

----- Forwarded Message -----

From: Kim Limburg <reclaimourtrade@yahoo.com>
To: RAC <RAC@environment.gov.au>
Cc: Malcolm.Turnbull.MP@aph.gov.au; gevens@arctick.org; Matt Coates
<matt_coates@optusnet.com.au>
Sent: Friday, 26 June, 2009 11:54:20 AM
Subject: Re: Your email to DEWHA [SEC=UNCLASSIFIED]

Dear Chris,

Thank you for the information, I believe Matthew Coates has further questions regarding the definition as defined below and will respond later today.

-
Today I left a message for either yourself or Pat to contact me to further discuss the investigations relating to 3 companies here in QLD.

It is my understanding Matthew Coates spoke with you on Thursday, 18th June 2009, requesting an investigation into illegal works being carried out by Q Mate, All Spark and Lester Air Conditioning.

Furthermore that you issued a directive to Arctick's 2IC, George Thompson to investigate the abovementioned companies as a result of matthew's call.

Matthew Coates visited the QLD branch of Arctick and has since learned George Thompson has issued a directive for only two of the above companies, I imagine due to the privacy act, Matthew could not be advised as to which two companies George issued the directive for.

-
We believe the directive did not include Lester Air Conditioning, in light of Mr Thompsons' refusal to issue a directive to investigate Lester Air Conditioning, I ask that you contact the QLD branch prior to speaking with George Thompson to accurately assess the information.

For your convenience I have supplied the contact details below.

-
Lester Air Conditioning holds a trainee licence only, yet is listed as an installer/contractor for one local retailer and below is a link to one of the areas of advertising he currently displays.

George Thompson is adamant that Lester A/C is now licensed, (We know that he is not) yet his business still does not display on the Look For The Tick website.

-
Sincerely

-
Kim Limburg
Secretary
Reclaim Our trade
0403 680 981

-
<http://www.yellowpages.com.au/bi/lester-air-conditioning--electrical-services-new-beith-qld-4764635.html>

Reclaim Our Trade look forward to your response.

Kim Limburg
Reclaim Our Trade Inc
IMPORTANT Airconditioning and Refrigeration Info: reclaimourtrade.org/Home.html
Ph/Fax: (07) 3806 1178
Mobile: 0403 680 981
info@reclaimourtrade.org

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If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

Please consider the environment before printing this email.

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National Refrigeration & Air
Conditioning Council Ltd



**Formed with a grant from the
Australian Greenhouse Office
under the Greenhouse Gas
Abatement Program**



National Refrigeration & Air
Conditioning Council Ltd

NRAC Objectives

**To minimise greenhouse gas emissions
through a National Certification
Program, based on best practice
standards and a program of training.**

**Raise professional standards across all
areas of the industry.**



National Refrigeration &
Air Conditioning Council Ltd

-
- ☐ **NRAC is committed to reducing
CO2 emissions from the
refrigeration and airconditioning
industry by more than 3.25
million tonnes over a five year
period**
 - ☐ **This is based solely on minimising
direct (i.e. refrigerant) emissions**
-



National Refrigeration &
Air Conditioning Council Ltd

-
- ☐ **However, in a typical piece of
equipment, approximately 95%
of its greenhouse impact relates
to energy consumption over its
life**
 - ☐ **Installation and maintenance
standards are a major
determinant of energy efficiency**
-



National Refrigeration &
Air Conditioning Council Ltd

- ❑ **A major opportunity exists for NRAC to extend its work with AGO, to facilitate the development of training modules incorporating energy efficiency best practice.**
- ❑ **This would readily integrate with the proposed system**



National Refrigeration &
Air Conditioning Council Ltd

**The Tradesperson
gold certification**



National Refrigeration &
Air Conditioning Council Ltd

Gold Certification

**Tradesperson.
Refrigeration and/or
Air Conditioning**



- Trade Certificate gained either past Tafe or todays Certification III
- * Proof of competency
- * Tradesmans Rights
- PLUS Experience**



National Refrigeration &
Air Conditioning Council Ltd

**Partial Limited
Qualification.**





National Refrigeration & Air Conditioning Council Ltd

Limited Partial Qualification

It will be expected
That all will grow
To Gold certification
In time.



- * Tafe course completion at Certification II level.
 - * **Proof of competency.**
 - * Experience
 - * Plus specific training as Required.
- Growth to Gold certification in time



Split System Instal, Limited



Marine /Aero



National Refrigeration & Air Conditioning Council Ltd

Sample split system product sticker.
It is expected this will be available to all manufacturers licensed to display the logo.



National Refrigeration & Air Conditioning Council Ltd

- ❑ Existing TAFE courses to be our benchmark of training.
- ❑ All courses are approved by industry.
- ❑ All courses have as their base a set of competency standards.
- ❑ These competency standards are those adopted by NRAC for certification levels.



National Refrigeration & Air Conditioning Council Ltd

- ❑ Cert III is our Gold card standard.
This level will be endorsed on the basis of experience. eg Refrigeration or Air Conditioning.
- ❑ Cert II in the TAFE system = Green card for split system installation for single phase, single head units.
(This is a limited bench mark requiring further training to progress to Gold Certification.)



National Refrigeration & Air Conditioning Council Ltd

- ❑ **NRAC is currently developing codes of installation, assessment tools, in conjunction with the TAFE's, Importers, Manufacturers and other key players.**
 - ❑ **These codes will be distributed to TAFE's and organisations to be included in training programs.**
-



National Refrigeration & Air Conditioning Council Ltd

- ❑ **Opportunity exists to include MEPS-driven training modules**
 - ❑ **Higher standards = great energy efficiency = better environmental outcomes = saving to consumer**
-



National Refrigeration & Air Conditioning Council Ltd

The NRAC logo will become the industry standard.

The logo will represent quality and value for consumers, manufacturers, technicians and contractors.

The Commonwealth's proposed legislation will consolidate NRAC's role.

The industry associations have played a major role in the creation of NRAC and are actively represented on the NRAC board.

The industry will have a greater control over the installation and maintenance of the equipment by their involvement with NRAC.



National Refrigeration & Air Conditioning Council Ltd

- ❑ **NRAC is a major undertaking which will change the nature of the refrigeration and air conditioning industry in Australia.**
 - ❑ **Enormous progress has been made in the last 12 months, but a long way to go**
 - ❑ **The involvement and commitment of all industry associations and their member companies is critical for NRAC's success.**
 - ❑ **Continued commitment from Government is essential**
-

Table of contents

1 Allan woodhouse – Notice to retire and suggested plan, including seeking George Thompson as new CEO.

2 [REDACTED]'s email to other internal applicant ([REDACTED]) confirming [REDACTED] discussion with Hudson after being told he did not make it on the short list.

3 [REDACTED] letter to the Board

4 Diary notes by [REDACTED] after discussions with Allan Woodhouse

5 Hudson report to Mark Padwick- Arc Chairperson

6 Information from Larry Moore Re: Short List Report

7 [REDACTED] email to Hudson after receiving Larry's information

8 Simons' (Hudson) response to [REDACTED] email

9 Response from Hudson Head Office

10 ARC CEO email to [REDACTED]

Notes:

It is clear Allan Woodhouse had an agenda which excluded trade qualified and managerial capable applicants internally applying for the CEO position.

It is also concerning that protocol was ignored during the application processes.

The level of involvement by Hudson Employment is yet to be determined, however there would appear to be some indicators of liaison with Allan Woodhouse.

No documents to suggest Resume of George Thompson was submitted, was his resume ever submitted and if so who was able to view the document.

December 12, 2007

Memorandum

To: ARC Board
CC: George Thompson
From: Alan woodhouse
Date: 21/11/2007
Re:

I wish to advise that I have decided to retire from full term employment with ARC from 30th October 2008.

It is my wish that I continue in a casual capacity for at least 1 year from that date, if the board approve. My intentions are to be available for at least 3 days per week and 40 weeks in the first year, on a daily rate. After that period a review to be undertaken, so as, if required, a further year can be negotiated.

Attached are my notes and recommendations as to the structure of the business in the changeover period.

Negotiations for the renewal of the contract with the DEW are well underway and the expectation of a further 2 years renewal from September 2008 is advised. This could also be expected that a further 2 years be granted at the expiry of the first extension. We are awaiting confirmation of this fact from the department.

The "maintenance" period which I have continuously referred to, does not now look as if it will occur. This is borne about by the fact that the requirement for renewal of RTA and RHL licences was to be an automatic function on receipt of renewal fees. The requirements of the department and regulations is that all RHL and RTA permits on expiry must be reapplied for necessitating additional clerical review to reassess, re input after a more detailed advice of expiry requiring application forms being sent 40-60 days prior to expiry. Also a restatement of equipment, Branches and licenced RHL's, is required in the case of reapplication for RTA's.

This all adds up to a more rigorous management of the process, one which can be more than covered in the 3 days per week I am suggesting.

Compliance, and the handling of non-compliance issues will however, become a very major initiative, one which George Thompson will handle best with his vast experience in the training and competency arena. The structure suggested and detailed in the attachment will more than adequately accommodate the requirements and will ensure that the new guard will have access to the experience gained over the last 5 years.

I request that the ARC board accept my recommendations.

A.J. Woodhouse.

ARC Profile Through the next 2 years.

It is necessary to review the ARC structure as we move to the "Maintenance" phase and as we move to the renewing of the contract with the DEW. The "Maintenance" profile will see new challenges and require focus to ensure the most efficient and effective structure is introduced. Our present senior structure has limited time for developmental activity, being mainly involved with immediate day to day issues.

Some of the changes currently identified are:

- The need for more contact either by phone or other means to convert the remaining EPL licences to full licences. The attached graphs show the peaks in the reapplication process expected from the existing base over the next year.
- Functional issues which are exposed in the "Maintenance" profile not yet experienced which will require time to review. This time is not easily available with existing staff and needs to be considered in the development of the next phase.
- It is becoming clear that considerably more resource will be needed to guide those with expiring licences to the reapplication. This may include the need for a broader "Help Desk", one which is more active on outgoing calls to efficiently maintain the flow. Or other initiatives being required by the DEW and which will require some investigation prior to introduction in relation to licensing.
- The development of other Government initiatives as the emphasis on Global Warming increases will also present additional strains on available senior staff availability.
- An additional consideration is the fact that the existing CEO has declared his desire to reduce his hours from October 2008 (on the basis of planned reduction in weekly hours worked) and future retirement within 2 years.

Throughout the development of the ARC focus on succession of senior executives in the event of voluntary, unexpected or forced changes, has been foremost in structural thinking.

By mid year 2008 the profile of the ARC process will have passed from the formative stage to the maintenance stage and will therefore require a structure more able to efficiently deliver the desired outcomes.

Within our senior structure the following issues have consistently been selection criteria or ongoing training to ensure the broadest profile so as the incumbent is prepared for advancement:-

- Conversant with the refrigeration Industry.
- Experience in Budgeting processes and in reporting against budgets.
- Experience in people management.
- Aware of the ARC position in relation to the industry.
- Aware of the ARC position in relation to the Government.

Throughout the 2007-08 period changes in structure have been made to accommodate an easy transition to a new profile as expected but not yet fully defined in Maintenance.

- New Communication Manager appointed from within.
- Appointment of an office supervisor. To manage the processing section under the direction of the Administration Manager.
- Establishment of a compliance section to review non compliance reports before forwarding to department for further enforcement action.
- Appointment of a qualified EDP trainee to work within the licensing processing and to be a cover for the EDP work carried out by the Administration Manager.
- Appointment of new audit staff to fill the gap left after internal promotion of audit staff to more senior role.
- Appointment of Auditor, in training, to be trained in the audit role to ensure the maintenance of audit rate.
- Establish an incoming and outgoing help desk to ensure calls are handled with efficiency and to enable the various outgoing calls to be centralised within head office and not enlisting remote State audit staff.

The full retirement in 2 years of the incumbent CEO, the need for a review of the ARC structure and a review of the overall ARC profile in the light of the many changes and challenges facing this organisation lead to a recommendation that the senior position should be awarded to George Thompson and the structure modified to accommodate these changes whilst the outgoing CEO is contracted to remain involved on shorter hours to focus on the finalisation of restructure and the development of new initiatives needed in the foreseeable future and throughout the renewed contract stage.

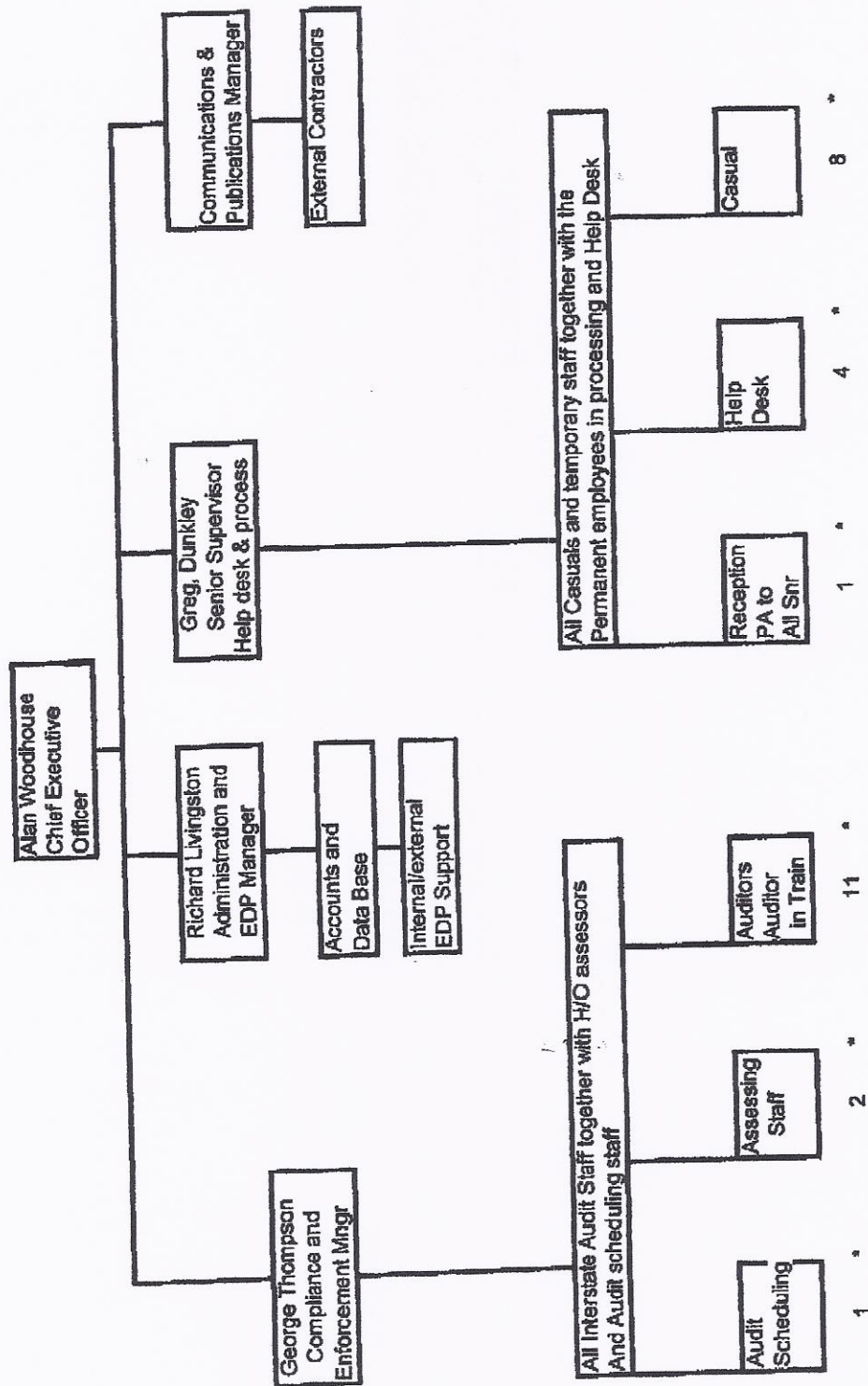
It is expected that the maintenance phase will commence at the point of contract renewal in the Sept-Oct period 2008.

In the first year the retiring CEO will be available on suggested reduced hours from October 08 whilst being available, if required, in the second year moving to full retirement in 2 years.

The replacement for the CEO is recommended to be appointed from within and the nominated appointment being George Thompson with a slight restructure to give extra assistance if required from Communications Management and the direct reporting of the Non-Compliance clerk whilst the dynamics of the changes are determined.

The Organisational structure both before the change and after the introduction of the transitional period for the development of the many changes expected is attached.

AUSTRALIAN REFRIGERATION COUNCIL LTD



* Numbers employed

Alan Woodhouse

Casualty Management Compliance Control

Complaints and Publications Manager

External Contractors for Advertising

Not Compliance Reporting Director Research Director

Accounts and Data Base

Internal/external EDP support

All Inter-leave Audit Staff together with N/O assessors And Audit scheduling staff

All Casuals and temporary staff together with the Permanent employees in processing and Help Desk

Assessing Staff

Auditors And/or Train.

Help Desk

Casual Staff permanent staff

2 * 11 * 1 4 6 casuals
2 permanent

* Numbers employed
Denotes Permanent Employees

EDP support has been arranged by appointing a casual who has worked on processing for 1.5 years completing EDP qualifications to permanent employment with a continuing involvement in processing

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 12 August 2008 5:12 PM
To: [REDACTED]
Subject: Simon Van Strokrom
Attachments: image001.gif

Hi [REDACTED]

Just got off the phone to Simon Van Strokrom from Hudson consulting, as I just wanted him to send me his formal evaluation of my resume and job application for Alan's job. Simon said that there was no formal written appraisal, just verbal, he based all assessments from the 40 minute phone conversation we had on the Friday night. I asked him if my resume had any weak points that he thought may have weakened my chances for a similar position. He said that he wouldn't change a thing as felt it read well and more than covered all requirements. Then he asked if I was interested in another similar position in Melbourne. I told him it would need to pay bloody good money for me to move to Melbourne.

In any event it was very clear from our conversation that he did not do any of the normal appraisal including checking our referees, just relied on our little talk. At least he was impressed with what we said! The more I think about the this whole sorry saga the more I shake my head in disbelief, how a simple process that happens every day throughout Australia could go so wrong especially when you consider that Simon still believes we were good candidates for Alan's position.

Anyhow, have a great day

Regards

[REDACTED]
[REDACTED]
[REDACTED]
Australian Refrigeration Council Ltd.

Phone [REDACTED]
Facsimile [REDACTED]
Phone Help Desk [REDACTED]
Email [REDACTED]
Website [REDACTED]

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From: [REDACTED]
Sent: Wednesday, 4 June 2008 8:43 AM
To: 'gkenworthy@actrol.com.au'; 'gjurkschat@vacc.com.au'; 'lmoore@necasa.asn.au';
'MPadwick@sanden.com.au'; 'michael.bennett@refrigerantreclaim.com.au';
'robert@airfour.com.au'
Subject: ARC CEO application
Attachments: image001.gif

At 9.30am yesterday (Tue 3/6/08), I phoned Simon Van Strokrom, the recruitment consultant for Hudsons, to ask how the process of selecting the CEO of ARC was progressing, as I was aware that the board was to meet on the 12th June.

Simon told me that, although I was one of his top five recommended for the position, "they" felt that I lacked some elements to fulfil the role. Whilst I can accept that my managerial attributes may not match perfectly in every respect with the selection criterion, I do believe I should have enough attributes to have at least got to stage one off the interview process. Would it not be reasonable to expect that the following experience would lead to an interview with the board?

- 36 years in the refrigeration & air conditioning industry.
 - 6 years as NSW State Manager for NRAC & ARC
 - 3 years as General Manager & Director for Sanyo Air Conditioning Australia
 - 11 years as General Manager for MLA Mitsubishi Heavy Industries (MLA)
 - 9 years as Manager for a service & air condition contracting company
 - 1 year as major accounts executive, Government contracts for Kelvinator
 - 6 years working as a qualified refrigeration technician
- At MLA I managed up to 130 employees nationally, including a substantial air conditioning manufacturing facility.
- I have dealt with numerous Commonwealth and State Government departments at all levels and negotiated contracts worth many millions of dollars.
- I have been acting CEO when the incumbent CEO was overseas or on holidays
- I have reported to Boards in Australia, Singapore and Japan and as such am familiar with corporate protocol
- I have established two major air conditioning brands onto the Australian market, and as such understand market needs and the importance effective communication
- I understand our industry intimately and have empathy for its concerns
- I have been with NRAC and ARC from the beginning, therefore understand its operation, limitations and its people.

I do not wish to list every aspect of my resume at this point, only to highlight that my experience is extensive and my ability is up to the task.

I therefore respectfully request that my application for the CEO of ARC be reconsidered and afford me the opportunity to present myself to you for interview.

Regards

[REDACTED]
[REDACTED]
[REDACTED]
Australian Refrigeration Council Ltd.

Phone [REDACTED]
Facsimile [REDACTED]
Phone Help Desk [REDACTED]
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Subject: Details of telephone call with Alan regarding Interviews for CEO position

Start: Wed 21/05/2008 8:30 AM

End: Wed 21/05/2008 12:00 PM

Recurrence: (none)

Details of my telephone conversations held with Alan Woodhouse, Gunther Jurkschat and Robert Taylor - Wednesday 21 May 2008 between 8.45am and 11.45am.

8.45am - Alan telephoned me at 8.45am and instructed me to contact Gunther Jurkschat and Robert Taylor in regards to shortlist interviews of applicants for the ARC CEO position by the nominated Board member panel (Mark Padwick, Gunther Jurkschat and Robert Taylor).

Alan instructed me to ask them for a suitable day between 2nd June and 6th June that they could be available for interviews.

Alan advised that there would only be 3 interviews - 1 internal and 2 external.

I advised Alan that as per the Board minutes of 14 April 2008, the Board had agreed that all internal applicants must be shortlisted and interviewed by the nominated Board member panel (Mark Padwick, Gunther Jurkschat and Robert Taylor). Alan queried this and I then read him the relevant section from the minutes.

Alan stated that his understanding was that the Agency would do the shortlist and make recommendations and that the Board panel would only interview the agency recommended applicants.

I further advised Alan that the Board had agreed that the Agency's role was to provide a shortlist from all external applicants received and that all internal applicants would be guaranteed to be shortlisted for interview by the Board panel.

Alan stated he did not believe this was the case.

Alan instructed me to ask Gunther and Robert whether they wanted the Agency to be in attendance at the interviews and whether they wanted the interviews to be held at the Agency's premises.

The telephone call then concluded.

9.30am - I contacted Alan prior to calling Gunther and Robert to advise him that I recalled that [redacted] and George Thompson would all be interstate conducting 'cluster' audits in Darwin [redacted] and Mackay [redacted] & George) during the week of 2nd to 6th June 2008.

Alan advised me that he may stop George from going to Mackay so he could be available for the interview.

I then asked Alan what would be done about [redacted] and [redacted]. Alan advised me not to worry about them.

I further reminded Alan of the minutes of 14th April 2008 where the Board had agreed that all internal applicants would be guaranteed an interview.

I also stated that I would call Alan back when I had contacted Gunther and Robert.

The telephone call then concluded.

I then contacted Gunther and Robert individually.

10.45am - I contacted Gunther first and asked him which days he would be free for interviews between 2nd and 6th June.

Gunther stated that as there were 8 applicants (4 internal and 4 external who were shortlisted by the Agency), that each interview would require about an hour each. Gunther then suggested he could be available for 4 hours on Wednesday 4th and 4 hours on Thursday 5th to allow sufficient time to interview all 8 applicants.

I further asked Gunther whether he wanted the Agency to be present at the interviews and he stated that he did not and that he believed that the Agency's job had been completed now that a shortlist had been presented. Gunther did request that the Agency provide a suggested list of questions that could be asked of each applicant to ensure the same questions were asked and all applicants could be assessed on their responses.

I further asked Gunther whether he wanted the interviews to be held at the Agency's offices or another venue such as the Tudor Conference room (where the Board meetings are normally held). Gunther stated that the Tudor would be fine as there was sufficient parking.

I also advised Gunther that the Board meeting would be held on 12 June 2008 as originally agreed at the last Board meeting.

I thanked Gunther for his time and concluded the call.

11.00am - I then contacted Robert and asked him which days he would be free for interviews between 2nd and 6th June.

Robert also stated that as there were 8 applicants (4 internal and 4 external who were shortlisted by the Agency), he agreed with Gunther's assessment that each interview would require about an hour each. Robert then agreed that he could be available at the same dates and times that Gunther had stated he could be available (4 hours on Wednesday 4th and 4 hours on Thursday 5th to allow sufficient time to interview all 8 applicants).

I further asked Robert whether he wanted the Agency to be present at the interviews and he stated that he did not and that he also believed that the Agency's job had been completed now that a shortlist had been presented. Robert also stated that he agreed with Gunther's request that the Agency provide a suggested list of questions that could be asked of each applicant to ensure the same questions were asked and all applicants could be assessed on their responses.

I further asked Robert whether he wanted the interviews to be held at the Agency's offices or another venue such as the Tudor Conference room (where the Board meetings are normally held). Robert stated that he believed that it was important for the applicants to see the ARC workplace (ARC Head Office) and suggested the ARC offices. I advised Robert that the Board room at ARC would be occupied but that there would be an office available to conduct interviews (Paul Harrington's office) and that it would be large enough for the applicant and 3 interviewers (Board Panel).

I also advised Robert that the Board meeting would be held on 12 June 2008 as originally agreed at the last Board meeting.

I thanked Robert for his time and concluded the call.

11.30am - I contacted Alan and advised him that Gunther and Robert had agreed to the following:

- a. Available dates for Interview were 4 hours on Tuesday 3rd and 4 hours on Wednesday 4th to allow sufficient time to interview all 8 applicants (4 internal and 4 external who were shortlisted by the Agency)
- b. That each interview would require about an hour each
- c. That the Agency's job had been completed now that a shortlist had been presented
- d. That the Agency provide a suggested list of questions that could be asked of each applicant to ensure the same questions were asked and all applicants could be assessed on their responses
- e. That the interviews be held at ARC Head Office to allow the applicants to see the ARC work environment.

Alan acknowledged the points listed above and further stated that he did not believe that all internal applicants were to be interviewed.

I again advised him that the minutes stated that all internal applicants would be shortlisted and guaranteed an interview with the Board panel.

I also advised Alan again that [REDACTED] and George would be interstate conducting audits.

Alan advised me not to worry about [REDACTED] and that he would talk to George and that he would also speak to the agency.

Alan then concluded the telephone call at 11.45am.

No further contact has been received by me from Alan since this call concluded.

Strictly Confidential Report



Position/Opportunity	CEO
Client	Australian Refrigeration Council Ltd
Date	May 2008
Hudson Consultant	Simon Van Stokrom Consultant

The candidate's resume, as provided by the candidate to Hudson, has been inserted at the back of this report for your convenience.
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http://au.hudson.com/documents/au_tob_australia.pdf

*From great people
to great performance™*

Candidate Profile

Name [REDACTED]

Candidate Summary

[REDACTED] has significant experience building air-conditioning distribution networks and relationships with installation contractors/providers. Significant achievements including the development of Sanyo's brand and network within Australia as a separate business unit breaking from traditional business structures.

Motivation

[REDACTED] is seeking the opportunity to influence the direction of the ARC. He enjoys the ability to lead teams/businesses and is passionate about developing the industry.

Availability

TBA

Salary Expectations

[REDACTED] is seeking a minimum package of \$150K.

Candidate Resume

OBJECTIVES & PASSIONS

- My objective is to secure a chief Management position and contribute to the security and sustainability of the organisation by harnessing its resources and cultivating the potential of the organisation to achieve its overall goals.
- My Passion is to play a positive role in bringing about a refrigeration & air conditioning industry that is professional in its operation, focused in its commitment to the environment and united in achieving common goals.

CAREER SYNOPSIS

- In 1972 I was employed by Kelvinator Australia as a general hand, assisting tradesman. Within 6 months I was offered a Refrigeration Trades traineeship and by the time I completed my refrigeration Trades Certificate, I attained the prestigious status of Senior Air Conditioning Technician. After a further 2 years, I was promoted to the sales department as Major Accounts Executive, responsible for Government Contracts, Air Conditioning.
- Approximately 12 months later I was offered a lucrative deal by Discount Air Pty. Ltd., a privately owned domestic air conditioning contracting company, I subsequently commenced as a Sales Engineer. I quickly saw the need to expand the operation into the commercial arena (much to the scepticism of the owner). Within 3 years, the commercial sales exceeded the domestic sales and eventually became the mainstay of the business. During my stay, I was 2 IC, responsible for overall company operation.
- In addition to my full time duties at Discount Air, I also successfully operated a small refrigeration manufacturing facility from home. (with the full knowledge and blessing of the owner of Discount Air). A customer of Discount Air required a system to cool seawater for tanks that housed Lobsters and other live seafood. I soon discovered that, not only were there no commercial units available for this purpose, there was no practical solution to successfully cooling these tanks. As Discount Air was unwilling to get involved, I was, thereby taking the challenge and eventually developed a non metal evaporator as well as a system to control the Lobster metabolism. This system, not only solved all previous product deficiencies, but also paved the way to expanding the overseas Lobster market beyond our immediate region. During the next 6 years, I manufactured and installed many major commercial (some capable of holding 20 tons of Lobster) plants in Tasmania, South Australia, West Australia and NSW. In addition to this, I also supplied many hundreds of restaurant size systems. All this was achieved as a hobby, in my own time with no detrimental effect to my considerable duties at Discount Air.
- Because of my willingness to get involved in consumer needs and constantly offering practical improvements and solutions to suppliers product problems, MLA Mitsubishi offered me a post as Air Conditioning Product Manager. Within 6 months, I was promoted to General Manager of the Air Conditioning Division, a post I held for over 10 years. As General Manager, I was involved in the planning and implementation of all aspects of the business, including profit & loss, sales, marketing, product design, training and dealer development, always preferring the 'hands on' approach. During my commission, the division expanded its operations Nationally and successfully extended its operation to include the Australian Manufacture of air conditioners and water coolers.
- I was approached by Sanyo Australia to revitalise its air conditioning brand and expand its sales to include the Air Conditioning Specialist market. After evaluating their Australian organisation, I devised a business plan that required the complete restructuring of their air conditioning business. My communication and presentation skills allowed me to convince

Candidate Resume (Cont'd)

senior Sanyo management, both in Australia and overseas, in accepting my plan. As this was a completely new venture, my involvement was total, office set up, formulating marketing plans, budgets, literature design, logistics, dealer development strategies, schedules and direct communication with overseas factories and local suppliers. My duties also included reporting directly to the Singapore board and presenting results to the board in Japan.

- Within 3 years I had achieved and surpassed all goals. The Sanyo Brand was firmly positioned within the Specialist market and sales were in excess of 150% of budget. I attribute my success to good research, clear understanding of industry needs, good planning, determination, effective communication and most importantly focused staff committed to achieving the final goal.
- Throughout my career I have always had a desire to promote the importance of the refrigeration and air conditioning industry to the public and the need to raise the standards of those working within. I saw NRAC as the vehicle to fulfil this desire and as such was grateful to be given the chance to contribute. During my stay with NRAC, and subsequently ARC, I believe I have influenced industry in accepting change and have contributed to the success of ARC in facilitating the process.

EMPLOYMENT HISTORY

2002 ~ current

Australian Refrigeration Council Ltd
State Manager & Senior Field Officer NSW & ACT

Accountabilities

- Chief Executive Officer
- National Compliance Manager

1999-2002

Sanyo Air Conditioning (Australia) Pty. Ltd
General Manager & Director

Accountabilities

- Southeast Asia & Oceania Sales Director
- Singapore Board

1988 -99

MLA Holdings Pty. Ltd. (Mitsubishi Heavy Industries Ltd)
General Manager

Accountabilities

- Managing Director

1979-88

Discount Air Conditioning Pty. Ltd
Assistant Manager

Accountabilities

- Managing Director

Candidate Resume (Cont'd)

1978-79

Kelvinator Australia (Sales) Ltd

Major Account Executive – Government Contracts (Air Conditioning)

Accountabilities

- National Sales Manager

1972-78

Kelvinator Australia (Service) Ltd

Refrigeration Technician

Accountabilities

- Service Manager

COMPUTER PACKAGES

- Word Processing: Word, Works, Word perfect, Power Point;
- Spreadsheet: Excel, Works, Word Perfect;
- Data Base: Works, Word Perfect, Arctick.
- Graphics: Corel Draw, Microsoft Draw, Micrographics Draw, PowerPoint,

ACHIEVEMENTS

Current

Australian Refrigeration Council Ltd.

State Manager [REDACTED]

Achievements:

- Successfully communicated to industry the need for Commonwealth intervention in regards to licensing the Refrigeration & Air Conditioning Industry.
- Continually maintained my rapport with industry representatives and rank and file tradesman throughout the controversial transitional period.
- Devised many communication aids to assist with the audit process.
- Motivate & counsel ARC staff.
- Train & manage staff to meet ARC objectives.

Candidate Resume (Cont'd)

1999 – 2002

Sanyo Air Conditioning (Australia) Ltd
General Manager & Director

Achievements:

- Effectively communicated to the various Sanyo Boards my business plans.
- Successfully redirected existing sales channels and renegotiated existing distribution arrangements without financial loss to Sanyo.
- Successfully restructured Sanyo's air conditioning business in Australia to better accommodate the Specialist market
- Revived the Sanyo Air Conditioning brand and established it as a Specialist Brand
- Formulated and implemented an effecting marketing campaign that focused Sanyo Dealers to give loyalty to Sanyo and achieving their goals.
- Designed and scripted a 15 minute promotional video which cemented together the national campaign
- Established a national logistics organisation for distribution of products
- Established a national service organisation
- Established over 200 specialist dealers throughout Australia
- Achieved over 150% of sales budgets per year for 3 consecutive years
- Established an OEM manufacturer for the Singapore Sanyo factory in Thailand and help develop a range of ducted products for the Australian market.
- Established a Dealer development program which trained business owners in improving all facets of their business
- Maintained expenses within budget whilst delivering profitability above budget

1988 – 1999

MLA Holdings Pty. Ltd. (Mitsubishi Heavy Industries Ltd.)
General Manager, Air Conditioning Division

Achievements:

- Established a comprehensive dealer sales network throughout Australia
- Established an Air Conditioning manufacturing facility in Australia
- Developed the first fully intergraded zoning system for air conditioning
- Pioneered the use of electronics in Australia for air conditioning systems
- Established a service and maintenance division
- Designed and manufactured the Shino range of Water Cooler for the Australian and New Zealand markets
- Achieved sales growth of over 30% pa within 2 years of my commencement and maintained an average 18% pa sales growth over the next 8 years
- Mitsubishi Heavy Industries awarded MLA for having the fastest sales growth in South East Asia & Oceania 1995

Candidate Resume (Cont'd)

1979 - 1988

Discount Air Conditioning Pty. Ltd.
Assistant manager

Achievements:

- Steered the company towards doing more commercial air conditioning thus achieved 50% growth in sales within 3 years
- I gained, for Discount Air, 'Preferred supplier' status for the University New South Wales
- I gained, for Discount Air, 'Preferred supplier' status for Camalco Aluminium Mills
- Set up and managed the service division in conjunction with other sales duties

1978 - 1979

Kelvinator Australia (Sales) Ltd
Major Accounts executive

Achievements:

- Kelvinators' Youngest executive to be made responsible for Government Contracts, Air Conditioning
- Instrumental in expanding Government sales contract to include installation and maintenance by Kelvinator
- By including installation & maintenance in the Government Sales contract I doubled the profitability from the contract

1972 -1978

Kelvinator Australia (Service) Ltd
Refrigeration Technician

Achievements:

- Youngest technician ever within Kelvinator to achieve 'Senior Air Conditioning technician' status (out of 200 technicians)

Candidate Resume (Cont'd)

EDUCATION

- 1997 **Inverter Drive Engineering Design**
Mitsubishi Heavy Industries Ltd, Osaka, Japan
- 1996 **Ammonia Absorption Engineering**
Robur Corporation, Evensville, USA
- 1982 **Sales & Marketing Cybernetics**
University NSW, Sydney NSW
- 1980 **Application Engineering**
University of Technology, Sydney NSW
- 1978 **Working with Government**
Kelvinator Australia Ltd, Adelaide, South Australia
- 1973 **Refrigeration & Air Conditioning Trade Certificate**
Ultimo TAFE, Sydney, NSW

Candidate Resume (Cont'd)

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Hudson

Simon Van Stokrom
Consultant
05.08-DR

[REDACTED]
[REDACTED]
From: [REDACTED]
Sent: Friday, 5 September 2008 2:35 PM
To: [REDACTED]
Subject: FW:
Attachments: image001.jpg

[REDACTED]
State Manager [REDACTED]
Australian Refrigeration Council



E-mail: [REDACTED]

Phone: [REDACTED]

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From: Larry Moore [mailto:lmoores@necasa.asn.au]
Sent: Friday, 5 September 2008 1:27 PM
To: [REDACTED]
Subject:

Hi Brett

Please find below the e-mail sent by Hudson's to the selection committee re the CEO position at ARC.

My understanding is that the selection committee did not receive any further information electronically in regard to the other candidate (George) and they made their selection based on the interviews conducted with the three candidates recommended by Hudson's.

The discussions at Board level heard from the selection committee that there was one outstanding candidate, Glenn Evans, and the Board therefore endorsed that recommendation. I personally made the point at that meeting that I was not impressed in the manner in which this whole process occurred which was not in line with the previous agreed position of the Board. The agreed process was subsequently verified to me by the Chair of the Board by e-mail.

Given the manner in which following deliberations occurred in regard to the transitional arrangements with the previous CEO they are at least consistent if nothing else.

Whilst I rarely agreed with Peter Glynn in his previous role at NECA I do now clearly understand his great concerns often expressed with the operation of the ARC Board.

Very disappointing to say the least.

You would appreciate that the attachments contained in the original e-mail were confidential and therefore not appropriate for me to distribute without consent.

Best regards

Larry

From: Mark Padwick [mailto:MPadwick@sanden.com.au]
Sent: Thursday, 15 May 2008 3:51 PM
To: Gunther Jurkschat; Robert Taylor
Subject: FW: Shortlisted candidates.

G'day Gunther & Robert,

Please refer below the response from the agency with regard to the CEO replacement, unfortunately I am back on a plane this weekend to Japan returning 26th may I suggest we have a phone conference to discuss the attached.

I will also be going back to Japan on the week of our board meeting at this stage I am looking at flying into Melbourne Friday 13th morning, however I have invited Patrick to join our board meeting so I am waiting on him to confirm the final date.

Will talk to you both individually tomorrow.

Cheers

Mark

Mark Padwick
General Manager
Sanden International Aust Pty Ltd

Phone: 61 2 9791 0999
Mobile: 61 418 266132
Fax: 61 2 9791 9029
Email: mpadwick@sanden.com.au

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From: MacRae, George [mailto:George.MacRae@hudson.com]
Sent: Thursday, 15 May 2008 3:26 PM
To: Mark Padwick
Cc: Van Stokrom, Simon
Subject: Shortlisted candidates.

Hi Mark

I think Alan has let you know that I would be forwarding the resumes of the shortlisted candidates. The one that is missing is for George, who we will meet next week, and forward a report as soon as we can. As you may know, we discussed all-candidates, both internal and external, with Alan this morning, but Alan made no comment to us about the candidates, and did not seek to influence our preferences, so the indicators below are Hudson opinions, based purely upon our knowledge of the role and our meetings with the applicants.

Firstly, whilst all the internal candidates we have met (ie excluding George), had their merits, we do not feel that [redacted], [redacted] or [redacted] have the right skills and experiences to undertake the CEO position. In each case, our basis for this decision is different, and we would be happy to qualify our comments in more detail if that would help.

Of the external applicants, the 2 stand outs are Greg Leonard from Carrier Air and Glen Evans from Certifire. Again, we are happy too qualify our judgement if required. David Schad and Michael Mawburn are both strong candidates, but do not have as much in their favour as Glen and Greg.

Having spoken with George on the phone, we also have the impression that he will be a strong candidate, and therefore, we would state our top 3 candidates, in no particular order, to be Glen, George and Greg.

Can you please confirm that you have received this email Mark, as I know that you are heading overseas, and don't hesitate to contact me if you need any more information.

Kind regards

George
George MacRae
Manager
Technical & Engineering
Supply Chain & Procurement

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m 0400 689 233
george.macrae@hudson.com

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From: Van Stokrom, Simon
Sent: Thursday, 15 May 2008 1:42 PM
To: MacRae, George
Subject: Details to forward.

Simon Van Stokrom
Consultant
Hudson
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Melbourne Vic 3000

ph + 03 9623 6663
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simon.vanstokrom@hudson.com
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Best regards

Larry Moore
Chief Executive Officer

National Electrical & Communications Association
213 Greenhill Road
Eastwood SA 5063
Ph: 08 8272 2966
Fax: 08 8373 1528
Mobile: 0412242185
email: lmoores@necasa.asn.au

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From: [REDACTED]
Sent: Tuesday, 9 September 2008 11:55 AM
To: 'simon.vanstokrom@hudson.com'; 'george.macrae@hudson.com'
Subject: ARC CEO selection process
Attachments: image001.gif

It has recently come to my attention that, according to Hudson's appraisal, all bar one of the internal candidates lacked sufficient skills and experience, thus could not be recommended by you for the position of CEO of ARC. Furthermore, one of the three candidates recommended by you had not even submitted a CV at the time of your recommendation.

Simon, on several occasions, you confirmed to me both verbally and in writing that you were pleased with my CV and indeed had already forwarded me as a prime candidate to ARC. I naturally assumed all was well and that I would be contacted in due time for interview.

If you recall on the 3rd June 2008, shortly before the scheduled Board deliberation, I phoned you to seek information as to the selection progress. It was then you told me that I was not in contention for the position because the Board deemed me not to be suitable. You also went to great pains to confirm, yet again, that you had no say in the decision and that "they" (the Board) had decided that I was not suitable. I subsequently appealed, in writing, to each of the Board members requesting that I at least be given the opportunity of an interview, to no avail. I now find the decision for the appointment of the CEO was based primarily on the recommendation of Hudson. I now know why my request to the Board fell on deaf ears. It seems that Hudson's recommendations effectively sabotaged my credibility with the Board and eliminated any chance I may have had for the position.

As you know, I have been in the same industry as ARC for 36 years, 14 years of which as General Manager of two major companies reporting to boards in Australia and Overseas. At times managing more than treble the employees of ARC, across a wider range and more diverse activities, in a dynamic commercial environment. ARC by comparison is a kindergarten, as it has a captive market with no market pressures. I have been with NRAC/ARC virtually from onset and have intimate knowledge of ARC's development and its issues. For the past three years, I have worked as a field auditor and have experienced, firsthand, industries concerns, aspirations and expectations of ARC. During this time Alan, on many occasions, had expressed his preference for me to take over the role of CEO and urged me to stay on. Even the department had expressed a preference for the new CEO to be appointed from within ARC. Therefore, I patiently awaited Alan to retire so that I may have a chance to present myself for the CEO position. As a result of your recommendations, I now find myself in the untenable position of being deemed in the eyes of the Department, ARC Board and my peers in the industry, as not having enough management skills to even get to the first stage of interview. Understand Simon, that the Board of ARC is made up of senior industry people with far reaching connections and it would be impossible to determine how damaging this has already been and will continue to be to my career.

I am perplexed to understand why you felt the need to lie to all of the internal candidates and to what criterion you used to justify your findings. Furthermore I find your finding of my 'lack of experience' even more bizarre when you consider your own "Candidate Summary" of me, which highlighted the fact that I had already achieved "significant achievements" and by all accounts confirmed my ability to manage. Yet you saw fit to recommend to the Board that I did not have the right skills and experience, thus excluded me from interview. Simon, given that the Boards instructions were for all internal applicants to be forwarded to the selection committee, why did you not adhere to those instructions? Please explain to me how you deemed me not to have 'the right skills and experience to undertake the CEO position' from a casual 35 minute telephone conversation?

Please explain to me how you deemed me not to have 'the right skills and experience to undertake the CEO position' without any formal appraisal, questionnaire or rating points?

Please explain to me how you deemed me not to have 'the right skills and experience to undertake the CEO position' without contacting any of my referees (even a retired ARC senior manager)?

Please explain to me where in my CV you found me not to have 'the right skills and experience to undertake the CEO position'? As this appears to be the only document from which you have determined my fate.

I await with anticipation your answers to my questions.

Regards

[REDACTED]
Manager [REDACTED]
[REDACTED]
Australian Refrigeration Council Ltd.

Phone [REDACTED]

Facsimile [REDACTED]

Phone Help Desk [REDACTED]

Email [REDACTED]

Website

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[REDACTED]
From: [REDACTED]
Sent: Monday, 22 September 2008 12:24 PM
To: [REDACTED]
Subject: FW: ARC CEO selection process
Attachments: image001.gif

Regards

[REDACTED]
Manager [REDACTED]
[REDACTED]
Australian Refrigeration Council Ltd.

Phone [REDACTED]
Facsimile [REDACTED]
Phone Help Desk [REDACTED]
Email [REDACTED]
Website www.arctick.org

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From: [REDACTED]
Sent: Monday, 15 September 2008 3:31 PM
To: 'Van Stokrom, Simon'
Subject: RE: ARC CEO selection process

Hi Simon, I am a little perplexed as to why it should take 2~3 weeks to answer questions that should have already been addressed before your recommendations to the Board of ARC.

Regards

[REDACTED]
Manager [REDACTED]
[REDACTED]
Australian Refrigeration Council Ltd.

Phone [REDACTED]
Facsimile [REDACTED]
Phone Help Desk [REDACTED]
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From: Van Stokrom, Simon [mailto:Simon.VanStokrom@hudson.com]
Sent: Friday, 12 September 2008 1:51 PM
To: [REDACTED]
Cc: Scott, John; Crommelin, Andrew; MacRae, George
Subject: RE: ARC CEO selection process

Paul,

We are in the process of responding to your questions, you will receive a response next week.

Simon Van Stokrom
ph + 03 9623 6663
http://au.hudson.com/documents/au_tob_australia.pdf

From: [REDACTED]
Sent: Friday, 12 September 2008 12:42 PM
To: Van Stokrom, Simon; MacRae, George
Subject: FW: ARC CEO selection process

Dear Simon and George,

I have not had a response as yet to my questions

I would have thought the answers to be readily available, as they would have needed to be addressed at time of making your assessment and recommendations to the ARC Board.

Regards

[REDACTED]
Manager [REDACTED]
[REDACTED]

Australian Refrigeration Council Ltd.

Phone [REDACTED]
Facsimile [REDACTED]
Phone Help Desk [REDACTED]
Email [REDACTED]
Website www.arctick.org

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From: [REDACTED]
Sent: Tuesday, 9 September 2008 11:55 AM
To: 'simon.vanstokrom@hudson.com'; 'george.macrae@hudson.com'
Subject: ARC CEO selection process

It has recently come to my attention that, according to Hudson's appraisal, all but one of the internal candidates lacked sufficient skills and experience, thus could not be recommended by you for the position of CEO of ARC. Furthermore, one of the three candidates recommended by you had not even submitted a CV at the time of your recommendation.

Simon, on several occasions, you confirmed to me both verbally and in writing that you were pleased with my CV and indeed had already forwarded me as a prime candidate to ARC. I naturally assumed all was well and that I would be contacted in due time for interview.

If you recall on the 3rd June 2008, shortly before the scheduled Board deliberation, I phoned you to seek information as to the selection progress. It was then you told me that I was not in contention for the position because the Board deemed me not to be suitable. You also went to great pains to confirm, yet again, that you had no say in the decision and that "they" (the Board) had decided that I was not suitable. I subsequently appealed, in writing, to each of the Board members requesting that I at least be given the opportunity of an interview, to no avail. I now find the decision for the appointment of the CEO was based primarily on the recommendation of Hudson. I now know why my request to the Board fell on deaf ears. It seems that Hudson's recommendations effectively sabotaged my credibility with the Board and eliminated any chance I may have had for the position.

As you know, I have been in the same industry as ARC for 36 years, 14 years of which as General Manager of two major companies reporting to boards in Australia and Overseas. At times managing more than treble the employees of ARC, across a wider range and more diverse activities, in a dynamic commercial environment. ARC by comparison is a kindergarten, as it has a captive market with no market pressures. I have been with NRAC/ARC virtually from onset and have intimate knowledge of ARC's development and its issues. For the past three years, I have worked as a field auditor and have experienced, firsthand, industries concerns, aspirations and expectations of ARC. During this time Alan, on many occasions, had expressed his preference for me to take over the role of CEO and urged me to stay on. Even the department had expressed a preference for the new CEO to be appointed from within ARC. Therefore, I patiently awaited Alan to retire so that I may have a chance to present myself for the CEO position.

As a result of your recommendations, I now find myself in the untenable position of being deemed in the eyes of the Department, ARC Board and my peers in the industry, as not having enough management skills to even get to the first stage of interview. Understand Simon, that the Board of ARC is made up of senior industry people with far reaching connections and it would be impossible to determine how damaging this has already been and will continue to be to my career.

I am perplexed to understand why you felt the need to lie to all of the internal candidates and to what criterion you used to justify your findings. Furthermore I find your finding of my 'lack of experience' even more bizarre when you consider your own "Candidate Summary" of me, which highlighted the fact that I had already achieved "significant achievements" and by all accounts confirmed my ability to manage.

Yet you saw fit to recommend to the Board that I did not have the right skills and experience, thus excluded me from interview. Simon, given that the Board's instructions were for all internal applicants to be forwarded to the selection committee, why did you not adhere to those instructions?

Please explain to me how you deemed me not to have 'the right skills and experience to undertake the CEO position' from a casual 35 minute telephone conversation?

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Please explain to me where in my CV you found me not to have 'the right skills and experience to undertake the CEO position'? As this appears to be the only document from which you have determined my fate.

I await with anticipation your answers to my questions.

Regards

[REDACTED]
Manager [REDACTED]
[REDACTED]

Australian Refrigeration Council Ltd.

Phone [REDACTED]

Facsimile [REDACTED]

Phone Help Desk [REDACTED]

Email [REDACTED]

Website [REDACTED]

[REDACTED]
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[REDACTED]

From: [REDACTED]
Sent: Wednesday, 24 September 2008 4:31 PM
To: 'Scott, John'
Subject: FW: Australian Refrigeration Council - Position

Dear John,

Further to our last correspondence, I have not yet received confirmation from you as to your suggested course of action you wish me to take.

Regards

[REDACTED]
Manager [REDACTED]
[REDACTED]

Australian Refrigeration Council Ltd.

Phone [REDACTED]
Facsimile [REDACTED]
Phone Help Desk [REDACTED]
Email [REDACTED]
Website www.arctick.org

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From: [REDACTED]
Sent: Friday, 19 September 2008 5:33 PM
To: 'Scott, John'
Subject: RE: Australian Refrigeration Council - Position

Dear John,

The tone of your response surprises me!

You surely are not suggesting that I need to get a court order to get information from Hudson that pertain solely to me, information that Alan Woodhouse said I, and other internal applicants, are entitled to receive. Feedback from the ARC Board would be irrelevant, as they did not get details of your findings, therefore would not be in a position to give appropriate feedback.

In any event, in order that I may better understand my short comings in this matter, I would value Hudson's feedback above all others, particularly as Hudson is a leading professional recruitment organisation with vast experience in selecting candidates, therefore would have analysed my application objectively.

John, so that I may be clear on this matter

The only way I am able to obtain full, fair and accurate disclosure of my application, is to force Hudson, by way of an "appropriate court order of subpoena", even though the then CEO of ARC instructed me to ask Hudson for that information.

Please confirm if this is the course of action you want me to take?

Regards

[REDACTED]
Manager [REDACTED]
[REDACTED]

Australian Refrigeration Council Ltd.

Phone [REDACTED]

Facsimile [REDACTED]

Phone Help Desk [REDACTED]

Email [REDACTED]

Website www.arctick.org

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From: Scott, John [mailto:John.Scott@hudson.com]

Sent: Friday, 19 September 2008 12:35 PM

To: [REDACTED]

Subject: RE: Australian Refrigeration Council - Position

Dear [REDACTED]

Unfortunately we can't provide further information without an appropriate court order of subpoena.

In terms of your CV we confirmed that you did have the adequate skill.
In terms of your referees we confirmed that we would have contacted them if the application has gone forward.
In terms of feedback, my understanding is that because you were an internal candidate you will need to go back to your direct management, or board to obtain feedback.

Apologies but there is nothing further we can do at this stage.

Kind regards,

John.

From: [REDACTED]

Sent: Friday, 19 September 2008 10:08 AM

To: Scott, John

Subject: FW: Australian Refrigeration Council - Position

Good morning John,

I have not had an answer to my questions yet.
Who conducted the "internal investigation" you mentioned in your last correspondence?
When can I expect an answer to my questions sent 9th September 2008?

Regards

Manager [REDACTED]

Australian Refrigeration Council Ltd.

Phone [REDACTED]

Facsimile [REDACTED]

Phone Help Desk [REDACTED]

Email [REDACTED]

Website

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From: [REDACTED]

Sent: Tuesday, 16 September 2008 10:24 AM

To: 'Scott, John'

Subject: RE: Australian Refrigeration Council - Position

Good morning John,

Thank you for your reply to my questions, however you have not answered any of them.

During a meeting I had with Alan Woodhouse in Sydney (22nd July 2008), our conversation touched on the selection process of the incumbent CEO. Alan expressed surprise that I had not been given a post-mortem of my application from Hudson. Alan also said that this was included within the fee structure and should have happened with all of the internal applicants, hence suggested I contact Simon.

When I contacted Simon on the 12 August 2008, I explained my conversation with Alan and asked for a copy of the selection report, he informed me that there was none, as all internal applicants were to be forwarded to the ARC Board. I asked Simon if my application or CV had any weak points that he thought may have affected my chances for the position, to which he replied "No, it was good, I wouldn't changed a thing, it reads well and more than covered all requirements". He then asked if I was interested in another similar position in Melbourne.

John, you say that your internal investigation confirmed that due process was followed, furthermore it was found that my CV reflected that I did not have the necessary skills and experience to be short listed. Yet Simon's assessment of me and my CV throughout the selection process concluded differently, an assessment to which he had never wavered.

Furthermore, I do not understand why you or anyone else needs to be involved, I only want to know what was the basis for the recommendation given to the Board of ARC which determined me not suitable for the position, thus excluding me from consideration. Surely this is not an unreasonable request from me and should only involve the people who made the assessment?

I can understand your explanation regarding referees, however I note with interest, that a written testimony offered by Agas (one of my nominated referees) was not included with my application. A document and request I went to great effort to give to Simon.

I do not seek to give trouble, however I do want to know why so many irregularities occurred.

Regards

Manager [REDACTED]

Australian Refrigeration Council Ltd.

Phone [REDACTED]

Facsimile [REDACTED]

Phone Help Desk [REDACTED]

Email [REDACTED]

Website www.arctick.org

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From: Scott, John [mailto:John.Scott@hudson.com]

Sent: Monday, 15 September 2008 3:06 PM

To: [REDACTED]

Cc: Van Stokrom, Simon; MacRae, George

Subject: Australian Refrigeration Council - Position

Dear [REDACTED]

We have investigated this matter internally, and can confirm that due process was followed from Hudson's end.

Unfortunately although you were short listed for interview, there were other stronger candidates, and you were not successful in your application.

It was our view that you did have the necessary skills and experience to be shortlisted for the role (and your CV reflected this), but unfortunately you were not successful in this instance.

In terms of referees, they were not contacted as you were an internal applicant with a number of years of experience with the Australian Refrigeration Council. Typically, references would be conducted at a time where both parties (i.e. candidate and client) had both expressed interest.

We would be grateful if you would please direct all further queries to myself.

Kind regards,

John.

John Scott
Associate General Counsel
Australia/New Zealand
Hudson
Level 19
45 Clarence Street
Sydney NSW 2000
Australia
t: +61 2 8233 2707
f: +61 2 9263 8266
john.scott@hudson.com

From great people to great performanceSM

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[REDACTED]

From: [REDACTED]
Sent: Friday, 3 October 2008 3:55 PM
To: 'Glenn Evans'
Subject: RE: CEO Interview
Attachments: image001.png

Glenn, I appreciate what you say, however just for your information, the conversation I had with Hudson was so lay back and casual it was as though I was talking to a mate over a drink about something we noticed on the way home! It was impossible to apply the STAR process in a professional and structured way in a manner that would be expected.

Anyway, in the works of people that best left not be mentioned "We need to move on"

Thanks for your help and have a good weekend!

Regards

[REDACTED]
Manager [REDACTED]
[REDACTED]
Australian Refrigeration Council Ltd.

Phone [REDACTED]
Facsimile [REDACTED]
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From: Glenn Evans [mailto:gevans@arctick.org]
Sent: Friday, 3 October 2008 2:59 PM
To: [REDACTED]
Subject: RE: CEO Interview

No problems, [REDACTED]

To be clear on one point....they mentioned that you should be *more* careful on example choice – and have the STAR process in mind as you answer...

Hope that is helpful.

I note your other comments.

Kind Regards

Glenn Evans

**Chief Executive Officer
AUSTRALIAN REFRIGERATION COUNCIL**

Level 2, 818 Whitehorse Road
Locked Bag 3033
Box Hill Victoria 3128

Telephone 0398431600
Mobile 0428710008
Fax 0398903399

E-mail: gevans@arctick.org



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From: [REDACTED]
Sent: Friday, 3 October 2008 2:25 PM
To: 'Glenn Evans'
Subject: RE: CEO Interview

Hi Glenn,

Thank you for the quick response
Firs

So that I may be clear on this, according to Hudson

My CV was solid, however my technique in answering their questions was found wanting because I was careful about the "outcomes and examples". ???!!! therefore they concluded and recommended to the board of ARC that I lacked necessary skills for consideration. This they deduced from a very casual telephone conversation without keeping documented notes of interview.

Glenn, I must say, for a professional recruiting organisation whose judgement can make or break careers this leaves a lot to be desired, certainly from my perspective. Maybe Hudson should read their own presentation guide.

Thank you for your assistance, I do not want you or anyone else to waste any more time with this.

Regards

[REDACTED]
Manager [REDACTED]

Australian Refrigeration Council Ltd.

Phone [REDACTED]
Facsimile [REDACTED]
Phone Help Desk [REDACTED]

Email [REDACTED]
Website www.arctick.org

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From: Glenn Evans [mailto:gevans@arctick.org]
Sent: Thursday, 2 October 2008 4:00 PM
To: [REDACTED]
Subject: CEO Interview

Hi [REDACTED]

Just got off the phone to Hudson. Given the nature of discussion to date with yourself they are not prepared to put anything in writing, nor go into specific comparisons with the other candidates however were happy to comment on some salient matters verbally.

In terms of Hudson's assessment it seems that the principal issue was that of your technique in answering questions – specifically the need to be careful about the outcome of any examples. Need to be careful about selection of examples and how they deliver a good outcome. Should be a structured response – and include consideration of selection, decision making, performance and desired outcome – all within the context.

Hudson's use the STAR method for assessment of how applicants address questions – it is a very common recruitment technique.

Situation – provide a brief outline of the situation or setting
Task – outline what you did
Approach or action – outline how you did it
Result – describe the outcomes.

As I mentioned earlier, it was the Board Subcommittee (which included the Chair) that decided those who got a second interview. I understand that a complete copy of your (and other) CVs were provided to the Board as part of their deliberations regarding selection for second interview.

In essence they explained that while your CV was 'solid', it was felt, on balance that there were other stronger candidates. *The Board Subcommittee would have undertaken their own due diligence in this regard. It would be highly unlikely that for a CEO role, the legacy of a decision which they would need to 'live with' (directly) for some time that they would have simply accepted the word of a consultant without their own deliberations.*

Hudsons have also provided an Interview Technique information booklet which outlines the essence of good interview technique.

My comments in italics....

Hope this is helpful. Feel free to give me a call if you need any further information or clarification.

Kind Regards

Glenn Evans

Chief Executive Officer
AUSTRALIAN REFRIGERATION COUNCIL

Level 2, 818 Whitehorse Road
Locked Bag 3033
Box Hill Victoria 3128

Telephone 0398431600
Mobile 0428710008
Fax 0398903399

E-mail: gevans@arctick.org



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Reclaim Our Trade

George: So you're giving me grief, are you?

Matt: No, no, no. I'm just trying to get some details off you, George. How are you?

George: I'm good, mate. What are you up ... what can I do for you?

Matt: Mate, the latest Cool Change has arrived today. We've got 13,517 licences listed in Queensland.

George: Yep.

Matt: 4,326 authorisations.

George: Yep.

Matt: Can we request from Reclaim Our Trade in Queensland a breakdown of that 13,517 as to how many are refrigeration mechanics for Certificate III, how many are Certificate II, restricted and ... and the rest is automatic?

George: Alright.

Matt: Can we get that in writing, what the ...

George: If you sent a request in writing, we'll ... we'll see if we can get those figures off the database for you.

Matt: Rightio. And we can get every company that's got authorisation? If we can have 'x' amount of refrigeration companies, 'x' amount of electrical companies, or whatever companies?

George: Oh, no, we can't give you that.

Matt: No?

George: We can't give you that. That break-up's not there. We can only tell you what ... how many are authorised.

Matt: Okay. So the authorisation – you will have that authorisation linked to a Cert II or a Cert III licence, correct?

George: No, no.

Matt: No?

George: No. Authorisations aren't linked to licences at all.

Matt: So the authorisations, you don't have them linked to a Cert III or a Cert II licence ...

George: No.

Matt: ... to say who the person is that's handling that refrigerant?

George: Yes, the ... you've got to understand that someone without a licence could have authorisation.

Matt: But they are a company that's importing or selling, and things like that, aren't they?

George: Oh, not only that, but the only requirement with someone with authorisation is, they must ensure that the ... that the appropriately licensed person is going to use that refrigerant.

Matt: Okay. So now that I can prove up here that that's going totally astray, and I've got 731 members now – we're really starting to gain strength, mate, and this is about to explode across the state.

George: Yeah.

Matt: Now we're really growing – I've got support of every single industry association in Queensland, from the refrigeration side. So we're really gaining momentum.

George: Oh, good on you.

Matt: Now all the companies that I've given you that are operating illegally up here – is anything going to happen with them?

George: Well, you've only given me one.

Matt: No; over the last three years I've given Arctic, I think it's ...

George: See, every one you've given me, personally ...

Matt: Yep.

George: ... I followed up, including the one the other day – Kossi, or Rossi, or something – what was the name? Let me think. You gave me one just last, or a couple of weeks ago.

Matt: Yeah, last week.

George: I can't think of his name off the top of my head. One of your competitors, it was.

Matt: Right. And he was licenced?

George: He was licenced, yeah.

Matt: Was he?

George: Yep.

Matt: Okay. So the Statutory Declaration I've got from Darren Lester stating that he's not licenced, we'll probably put that to ... to rest?

George: I think you'd better, 'cause I've got ...

Matt: No, he's got a trainee licence.

George: So I've got his ... I've got his quals that he's got his licence, yeah.

Matt: He's only got a trainee licence.

George: Ah ... he had a trainee licence.

Matt: That's all he's got.

George: And then he upgraded it to a IV. When I say a IV, I think ... was it ... was it split systems? Look, mate, I can't tell you without looking it up; but he was okay, I promise you. He ... he'd previously had a trainee licence, and it was upgraded to a ... the real thing.

Matt: That's funny, 'cause he stated yesterday that he hasn't.

George: Well, are we talking about the same bloke?

Matt: Darren Lester, yes.

George: Darren Lester, that's him, yeah. Yeah. Darren Lester.

Matt: What about QMATE?

George: Who?

Matt: QMATE.

George: Dunno.

Matt: I'll give you a Website to have a look at.

George: Give me another one.

Matt: www dot ...

George: Hang on, hang on. You send them through to me, I'll ... I'll go through 'em, don't worry about that.

Matt: Oh, I sent 'em through to all the Board members at Arc.

George: Oh, well that's a waste of time.

Matt: I've done it already.

George: Well, you've got to send it to us. The Board don't do anything. The Board are ... the Board just ... all they do is, their role is to ensure our financials are right and we meet our contractual arrangements. So if you're going to start sending them to the Board, well you won't get anything out of me, 'cause I won't know about it.

Matt: Don't the Board bring that back, the requests that have been made? When you have a Board meeting?

George: That's not the Board's role.

Matt: It is.

George: But don't differentiate ... the Board's role is the governance body. In any organisation, the Board is the governance. Can you imagine ... can you imagine if you wanted to deal with BHP, you'd go to the chair of the BHP Board? Not on your life.

Matt: Rightio.

George: Alright? So anything you want, send it to me.

Matt: Okay.

George: Or the CEO – it doesn't matter. Now www – what was it?

Matt: QMATE. Q-M-A-T-E.

George: Yep.

Matt: Dot com, dot au.

George: Okay, I'll have a look at it for you.

Matt: Yep. Now you have a look at the top left-hand side of the screen. It shows a licence.

George: Leave it with me.

Matt: Okay.

George: Alright. And any more, please send them to me direct.

Matt: Okay. I'm just telling you now, I'll give you his licence number. It says L048496.

George: Well that means he's obviously got a licence.

Matt: Mate, he's got a licence to install. He's a plumber and an electrician. But on his Website, it states air-conditioning repair.

George: Oh, okay. Rightio.

Matt: "Faulty air-conditioning can cost you money and be harmful to the environment. We come to your house to see why your air-conditioner is not operating correctly."

George: Well, we'll have a talk to him. That's easy fixed.

Matt: He's out doing compressor changes, you name it – he's got no fridges' ...

George: Now when you say it, can you tell me how you know that?

Matt: Because my electrician that works for me contracts to him, and he's been asked to go out and do refrigeration work, and he's told him to stick the gauges fair up their khyber. 'Cause he will not touch it.

George: So he hasn't got anything to do with any of this, has he?

Matt: No, he refuses to touch it. It's not his trade.

George: No, but I'll ... for me to do anything legally, I've got to get some evidence, that's all.

Matt: Yep. Mate, there's a Webpage there, with it all written on it!

George: Yes, but the ... there's one thing having a Webpage there; it's one thing me catching him doing it, or ... or giving evidence that he's doing it.

Matt: Well, if he's advertising to do the work, that means he has the intent to do the work.

George: That's circumstantial evidence, and it's ... it helps, but it won't ... it would never get me through.

Matt: It's not circumstantial in Queensland. You can't advertise without a licence.

George: Listen, mate – you bloody don't listen to me, mate! You ... you're dealing with Commonwealth law.

Matt: Mate, Commonwealth law doesn't mean two pieces of paper if they don't meet State legislation, okay? I'll give you an example of a semitrailer. You can drive a road train with four trailers on it, Federally mandated, in the Northern Territory. You can't cross the border into Queensland. Full stop. It's illegal. 'Cause State legislation stops it.

George: Because ... because ... because ...

Matt: Because State legislation prevents it.

George: If they deal with that, you would deal with it under State legislation.

Matt: That's exactly right. Commonwealth ...

George: I can't deal with it under State legislation; I can only deal with it under Commonwealth legislation.

Matt: Okay. So the Commonwealth legislation states that he's got a licence where he can only install and decommission an air-conditioner, correct?

George: Right.

Matt: Yep?

George: And if he's doing otherwise, I've got to get evidence that he does.

Matt: Ring him and ask him, tell him you've got an air-compressor bugged.

George: I'll ... don't ... don't tell me how to do my job, mate. I'm just going to get as much evidence as I can. I don't want to be caught for an entrapment, either, alright?

Matt: No, it's not entrapment. His Website's here – qmate.com.au. I've spoken to Stewart; I've advised him that he cannot do what he's doing. In November of last year, I said, "Mate, you have to have a fridgie on your books. You cannot do it."

George: Where is he?

Matt: He's in (7:28) in Queensland.

George: Oh, okay. Alright, yeah, we'll deal with it.

Matt: Okay.

George: But please, if you've got any more, stick 'em on the e-mail to me, will you?

Matt: Okay.

George: Without these guys.

Matt: You were saying ... you stated last time I spoke to you that Arctic-licenced electricians do install air-conditioners in Queensland?

George: Say that again?

Matt: Last time I spoke to you, you stated that Arctic-licenced electricians do install air-conditioners in Queensland.

George: Don't mix my words up.

Matt: No, I'm not mixing them up.

George: We ... we've ... we give a licence to anyone whose got the appropriate qualifications.

Matt: Okay.

George: You know, you got an electrician or a bloody tree surgeon.

Matt: Yep. Now, when we were talking, I said that the BSA-licenced refrigeration mechanics do install air-conditioners.

George: Yep.

Matt: The ESO do not licence electricians to install air-conditioners.

George: Right.

Matt: The BSA do not licence electricians to install air-conditioners. So who licences them to install air-conditioners in Queensland?

George: How would I know?

Matt: You stated that you do. Arctic ...

George: No, no you don't. Geez, you manipulate words.

Matt: No I don't, George.

George: Now let me say it to you straight. Anyone that's got the appropriate qualification has our licence to operate and ... and that's outside of any State law. If there's a State law as well, they've got to abide by both of them.

Matt: Okay. Now the licence that you give them is an environmental licence only with absolutely no technical qualifications or saying that they are technically competent to do the work; they are only competent to handle the refrigerant, that's correct?

George: They're ... they're competent to handle a refrigerant; but remember what handling means. It means a whole range of things, if you look in the ... in the regs.

Matt: Well, what are they?

George: Oh, go have a look at the bloody ... what do you think I am, your secretary or something?

Matt: No, I'm asking you. I'm trying to work out how they can do it up here.

George: I've got bloody work to do, mate. Let me have a look and I'll tell you.

Matt: But I ... I ... we still can't get an answer about what a split-system is from Glen.

George: Well why don't you ask me?

Matt: I've asked for it in writing to Glen, for the definition of a split-system.

George: Well that's ... that's between you and Glen. Don't come to me if you've gone to Glen.

Matt: No, we've written to him. I've asked him, and he hasn't answered, so ...

George: There might be a very good reason for that; I don't know what. Handling – handling, handling, handling. Under the Act, before I put my glasses on ... handle a refrigerant ... sorry, yeah; to handle a refrigerant means to do anything with a refrigerant or a component of RAC equipment that ... that carries the risk of refrigerant being ignited, including decanting, manufacturing, installing, commissioning, servicing, maintaining – irrespective of whether there is refrigerant in the system or not – and also decommissioning.

Matt: Okay, now ...

George: Alright?

Matt: So that's what the legislation says about handling a refrigerant. So from that, that means that electricians can repair and service elect ...

George: Don't ... don't talk to me about electricians. I ... that doesn't mean anything to me.

Matt: Okay; Certificate II, then.

George: If they're licenced – if they're qualified, and they've got a licence – they can ... they can do it.

Matt: Mate, Certificate II restricted more on licence that they get.

George: Yeah, alright.

Matt: Okay.

George: Now tell me – if you're going to throw that at me, tell me why it is, when we go out to these bloody incidents that we go out to – a good ... a good number of them are done by these brilliant Certificate III guys, mate, that I can't stand.

Matt: I can't believe that, and I ...

George: They're a bloody disgrace to my trade. And ...

Matt: Not your ... are you a refrigeration mechanic by trade?

George: Sorry?

Matt: Are you a refrigeration mechanic by trade?

George: I was. I ...

Matt: Sorry?

George: Since then I've become an engineer.

Matt: So you ... you are a refrigeration mechanic by trade?

George: Why, what do you want to know for?

Matt: I'm asking, that's all. You said it was your trade – I'm asking whether you ...

George: I am, yeah.

Matt: You are?

George: Yeah.

Matt: Okay. So you are a refrigeration mechanic?

George: Yeah, I was. I would never claim to be one now, mate – I've been out of it too long.

Matt: Well, you've got the trade. You did the trade, you got the qualification.

George: But ... but what's that got to do with it?

Matt: I'm just asking. You said it was your trade – I didn't ... I ...

George: You were relating it to what I was saying.

Matt: No, I just never knew that you were a refrigeration mechanic.

George: When we get really hostile in here, when we see fridge mechanics doing some of the sort of work that we see them doing. It ... it kills any argument you've got about Certificate II; and, you know, I'm harder on those guys than I am on anyone else, because we try to argue to keep the trade where it should be, and we go out and see the work we see – it's bloody disgraceful. Mate, I've got to tell you.

Matt: Well, mate, it's disgraceful up here. I've got some photos of some air-conditioners where electricians have installed them in garages, where I've got them putting 7 kW units into 10 m² rooms, I've got 'em putting absolutely zero fresh air ventilation. Just as a matter of interest, do you know what the minimum fresh air requirement is for a commercial (12:08)?

George: Yeah, I don't know.

Matt: No? Okay. So, yeah, this is the problems that we've got in Queensland, with electricians thinking that they can just start full air-conditioning companies up here, and they're running the roost, mate. It's just gone berserk.

George: I ... I think you're playing a dangerous game, mate.

Matt: Why?

George: Honing in on electricians. Because it's more than electricians.

Matt: No, not really.

George: Mate, it is.

Matt: No, well ...

George: Electricians are just one arm. You've got plumbers, you've got bloody motor mechanics, you've got all sorts of people ...

Matt: No. Not up here, mate. It's majority electricians. Electrical companies.

George: Yeah well I .. I imagine they'd be the majority, 'cause ...

Matt: Yep.

George: ... they've got those skills. Yeah.

Matt: Well, they haven't got any skills in refrigeration – they've proven that, and we've got the mapping of the courses that they do, and the mapping of refrigeration; and there is nothing that they do that (12:50) with us.

George: Yeah, well, you ... you don't want 'em to, do you?

Matt: Mate, they ... up here in Queensland, they are running service companies, installation companies, full commercial air-conditioning companies; and they have not got a fridgie on the books!

George: Well, I think that's a shame we're not being told, mate.

Matt: But the point is, up here in Queensland, what happens to them if they get caught?

George: Well, we've put one bloke out of business up there.

Matt: And have you checked that he's not still working without a licence?

George: We check frequently, my friend.

Matt: So the (13:22) bloke and the Arctic bloke's out of ... we've got some photos sent to us at ... at Reclaim Our Trade the other day of ... of the Arctic inspector looking at washing machines, writing down details on them in a ... I think it was a Retravisation wholesale store?

George: Yeah, well that's his job.

Matt: What – looking at washing machines?

George: Yeah.

Matt: A washing machine's got nothing to do with refrigeration.

George: Well, not everything we do is to do with refrigeration.

Matt: But you're the Australian Refrigeration Council.

George: That's right. But we have other contracts.

Matt: So why are they doing that? But, like, never come out and investigate or check up on what's going on onsite?

George: What do you mean?

Matt: I don't believe they go out onsite. I ...

George: You just ... you see, Matthew, every time I talk to you, you make some outlandish statements.

Matt: Well, I ... I ... I don't know anyone that has seen them on a site this year. We've asked everybody; we've done a blanket survey, and nobody has had them at their premises. No-one is investigating. And they're going ...

George: What a load of horses***!

Matt: I'm only talking to industry, George.

George: I've never heard so much rubbish in all my life, Matthew, honestly.

Matt: I'm only going off what industry is telling us.

George: Well why don't you ask the people that do it?

Matt: Who?

George: Me. It's my responsibility. And I know every audit and every investigation they do.

Matt: So they're out investigating everywhere in Queensland, every day?

George: Not everywhere – look, I've only got two and a half up there. What do you think I am?

Matt: I ... I... sorry, okay. What I'm saying is, industry are telling us – and especially from the automotive, 'cause they're also getting quite upset with what's going on up here – they're telling us that no-one is going out and inspecting sites anymore to make sure that licenced people are doing the work.

George: Absolute rubbish.

Matt: So they're out there checking every ... at least two days a week, or something?

George: That's absolute crap. I've ... I can ... I ... we've got documented every ... every audit that occurs on every day of the week, Matthew. That is crap beyond belief.

Matt: And what happens when they are informed ... 'cause one of the members that lives over at Capalaba said he goes into the Arctic office once a month, he gives them a heap of places where there are people doing illegal work – takes in newspaper ads and everything – and all these companies are still operating, and nothing's ever been done.

George: Well, when you say there's nothing being done, you've got to understand the law. Our ... our role is to present briefs of evidence to the Commonwealth government.

Matt: Yep.

George: From then on, they ... they do the rest. That's out of our hands; we don't have that power. Now, for us ... for us to send the brief of evidence to Canberra, to get past the DPP, to be able to prosecute – we have to have evidence. Now you know what evidence is.

Matt: Yep.

George: And it's not easy to get, because most of the complaints we get from ... from people are 90% either vexatious or hearsay. Very hard to deal with.

Matt: But what about if I can give you concrete evidence of people saying that they're refrigeration mechanics when they're not? And I can have it writing, or ... or so-forth.

George: If you as ... if you, as a witness ...

Matt: Yep.

George: ... were to give me evidence to that effect, that would carry a lot of weight, yeah.

Matt: What about for the President of the ECA?

George: I couldn't give a rat's a*** if he's a bloody President of the Queensland (16:42) Society, mate. If he's guilty, he's guilty.

Matt: Yeah, okay. So if I give you written proof of the President of the ECA stating on the Website, in his bio, that he is a qualified refrigeration service person ...

George: Mm-hmm.

Matt: ... and then ...

George: You've just turned it around a bit. Is he doing any work?

Matt: Yes.

George: If you can prove that he's doing some work, then you've got a ...

Matt: He's got a refrigeration company! He owns a refrigeration company – what do you reckon he's doing?

George: Mate, your mother can own a refrigeration company.

Matt: So it's not illegal for him to advertise that he's qualified to the entire general public and own a company; but unless we see him doing it, we can never do anything to him?

George: Pretty-much true, yeah. Because ... you know, you don't have to be a refrigeration mechanic to own a company.

Matt: No, but if you were telling someone ...

George: Because if the people abuse it ...

Matt: Is it ... but, hang on, is it not that he is advertising that he is a refrigeration mechanic when he's not – so that would come under professional misconduct.

George: Oh, he wouldn't ...

Matt: Or false and misleading practice.

George: Not under our Act, it wouldn't. What sort of ... what sort of number's he got on his advertisement? Is it an authorisation number, or licence number?

Matt: He hasn't got any number on it.

George: Let me have a look at it. Will you stick it in an e-mail to me?

Matt: Yes, absolutely.

George: I'll make some discreet enquiries.

Matt: Because ...

George: You've got my e-mail, haven't you?

Matt: No; I'll write it down now, and then I'll send you the request for the breakdown of all the licences in Queensland.

George: Alright. gthompson ...

Matt: T-H-O-M-P ...

George: Yep.

Matt: Yep.

George: So, @arctic ...

Matt: Yep.

George: .org. Now I've got to go and do an order, mate, so I've got to leave you.

Matt: Rightio. Thank-you very much.

George: Right. Catch ya.

Matt: Right.

George: Bye.

End of Conversation.

Reclaim Our Trade

George: I said to you afterwards that I would never claim to be a fridge mechanic now. (0:06) my qualifications (0:08).

Matt: But I asked you whether you had your trade, and you said yes.

George: I said I work as a tradesman.

Matt: No.

George: That was my ... that was what I was (0:16).

Matt: Would you ... George.

George: I have written publically what my qualifications are (0:22).

Matt: Five times I asked you whether you were a qualified refrigeration mechanic; and every time, you stated yes, you have got the trade.

George: I said I worked as ... what I meant to say was, I worked as a refrigeration mechanic. I could never have claimed to be a refrigeration mechanic, 'cause I'm not. I'm an educator. That's my (0:40). (0:41) these days.

Matt: So I've got ... I've got ...

George: (0:45) is.

Matt: No, George, look. This is ...

George: Why have a discussion? You've got to ... you've got to remember that when I'm talking to you, I'm either talking to you as a friend or I'm talking to you as ... as (0:56). So (0:57) says, (0:58) 'cause I could give you normal responses and so-forth. But when we have a chat about how we feel about this industry and so-forth, that makes it (1:10), if you do this to me.

Matt: Well ...

George: How many times have I given you career advice personally?

Matt: Regardless, George, what you told me was mistruths. And you read out a piece of legislation that does not exist.

George: What are you talking about?

Matt: Well, there's 18 minutes of recording, mate. I'm sure that ...

George: Sorry, what ... what letter of legislation did I misrepresent, sorry?

Matt: I'm sure (1:34) will let you know about it.

George: No, I just ... what did I do? Seriously?

Matt: The handling of a refrigerant.

George: Yeah?

Matt: Yes.

George: (1:44) straight out of the rigs.

Matt: Okay. Well, it'll be easy for them to cross-reference it straight back to the Act, won't it?

George: Yeah ...

Matt: But it's not the same.

George: (1:51).

Matt: Sorry, say that again?

George: Is everything (1:58) if I give you the regulation numbers I read from?

Matt: Okay, yeah, please.

George: It's ... it's ... offhand (2:07) Regulation 111.

Matt: Yep.

George: Term 2.

Matt: 11 ... 111.2, is it?

George: Yeah.

Matt: Of what?

George: Of the Regulations. Of the (2:21) Protection of (2:22) Greenhouse Gas Management Regulations. That's on page 17, if you're looking for it.

Matt: Page 17?

George: Yeah. All I'm doing, mate, is reading out from the documentation. If you ask me, it's fine. I didn't do that. That's ... that's my job. But, I mean, when we're talking about these issues and how you and I feel about them, (2:50) difficult situation with conflicts of interest. I mean, I can give you my personal views, but I've given you my personal views.

Matt: I don't (3:00).

George: That's not the point.

Matt: As the conversation is being replayed, I will stop it exactly at what you said.

George: (3:10).

Matt: Word for word.

George: The point is, that some of that was conversation between you and I that was of a personal nature.

Matt: (3:19).

George: (3:19).

Matt: What you mean, George, you're saying that (3:23) and you know that I'm involved in an association (3:27) that are trying to stop unlicensed (3:29) tradesman (3:30).

George: You have my full support on that.

Matt: But you're telling me that the vast majority of the jobs that you go to are by the registered (3:39) you pass down. That's exactly what you said. And then you reply today saying that (3:45).

George: You said ... you said (3:47) that I said to you ...

Matt: George, do you want me to play you back to you saying it?

George: Let me ... let me talk. You (3:52) you can jump on me if you want. When ... when you said (3:55) and I said some of those brilliant guys are the guys that are letting us down – I still say that.

Matt: That's not what you said yesterday.

George: Yes, it is. Well it's what I thought I said.

Matt: Well you ought to think about what you said to (4:07). You said something that is really untrue; and once they get (4:12), I've actually discussed it with someone of your qualifications to say something (4:15) untrue (4:17).

George: Mate – all I'm saying to you, mate, and I've said it publicly: Those few guys that are qualified within this trade now annoy me. You can talk to all my ... to all my guys there that are all fridges; they say the same thing. We try to put a good argument up about why there should be ... why there should be (4:41), and yet we have these guys out there that don't do the right thing, and they've (4:48) they're in the minority. Makes it hard to put an argument up, doesn't it?

Matt: Not when you're telling me the guy that you checked out that I gave you (4:56) by operating a business without the correct licence ...

George: Yes.

Matt: You told me that he's fine; that he's got a licence. We checked again today. He does not have a licence.

George: (5:04) I've got ... I've got the page open in front of me. His name was Lester, wasn't it? You said ...

Matt: I don't know – you're the one that's telling me you'd investigated him, mate. Where's your file?

George: (5:17) got it in front of me, mate. You've just ... I've just rung you up. (5:20).

Matt: Yep. You tell mine.

George: I followed it up immediately, because you asked me to.

Matt: Yep. (5:25).

George: What was his first name? Something Lester, wasn't it? Darren Lester, is that right?

Matt: Well, you're telling me, mate. You're (5:33) investigation. There'll be records there of you investigating.

George: That's right.

Matt: I told you he had a phony licence (5:40) operating a company. You told me yesterday that no, he's got a full licence.

George: He doesn't need a licence to operate a company!

Matt: He has a phony licence (5:49), operating (5:50) out doing the work. There is no other licence.

George: Oh, okay.

Matt: (5:57) and that he had got a full licence. And he hasn't got any licence (6:03).

George: I'll go and get the record out. Make sure I'm talking about the right one, and I'll ring you back.

Matt: (6:10).

George: Yeah, yeah, I (6:14) it's the one I was talking about. (6:17).

Matt: (6:18).

George: (6:19). I'll ring you back.

Matt: Thank-you very much.

George: (6:23) that I give you the right information.

Matt: (6:27) do you mind if I give you a call back?

George: No, no, definitely, please.

Matt: Righto.

George: Okay. Thank-you.

Matt: Talk to you soon.

George: Okay. 'Bye.

End of Conversation.

RESQ

From: Matt Coates [matt_coates@optusnet.com.au]
Sent: Friday, 5 June 2009 10:05 AM
To: 'Kim Limburg'
Subject: FW: Todays phone call

From: George Thompson [mailto:gthompson@arctick.org]
Sent: Friday, 5 June 2009 10:03 AM
To: 'Matt Coates'
Subject: RE: Todays phone call

Mathew,

You have managed to misrepresent our discussion to such an extent that I feel it inappropriate to be open with you on any matter.

For example your statement in Point 4. My comments revolved around the few Tradesmen that we find are doing shoddy work and how that reflected badly on those who do quality work.

In future I suggest you forward your requests in writing to the appropriate person. So it can be dealt with accordingly.

I wish you all the best in your endeavours.

Regards

George Thompson

From: Matt Coates [mailto:matt_coates@optusnet.com.au]
Sent: Thursday, 4 June 2009 9:17 PM
To: gthompson@arctick.org
Subject: Todays phone call

George,

Firstly, thank you for taking the time today to talk to me in relation to industry issues here in Queensland.

I am just making a quick note of our conversation, and confirm the following.

1) I asked for a breakdown of license numbers in QLD as there are currently 13517 licenses as advertised in issue 13 CoolChange.

The breakdown was to show how many RAC qualified, how many Split Restricted Cert II, and balance domestic and Automotive.

2) You confirmed to me that Lester A/C (a company I was informed was operating on a trainee lic and informed you of this just under a fortnight ago) was actually licensed, and that there was no problem with them.

You stated that he had just upgraded to a full lic, or was it a split lic, you didn't remember, but he was ok, you promise me, he previously had a trainee lic, but it was upgraded to the real thing.

3) You told me that any complaints, and or leads should be directed to you, or the CEO only.

4) You stated that a good majority of the problems you go out to are by the Brilliant Cert 3 guys, that you can't stand. You stated that they are a bloody disgrace to your trade. You then confirmed on five occasions that you are a trade qualified refrigeration mechanic, and then you became an engineer.

You also stated that you are harder on the Cert 3 guys than anybody else.

5) You told me that I was playing a dangerous game honing in on electricians (in relation to trying to stop electricians installing in QLD).

After taking this to some industry members this afternoon, I have been asked to obtain the following:

Can you supply when and where you obtained your trade qualifications as stated in Refrigeration and Air conditioning, and your license number.

If you could get back to us today in relation to your Refrigeration Qualifications it would be much appreciated so as to take it back to the members this weekend, and show that they can have faith, because there really is TRADE QUALIFIED FRIDGIES running ARCtick.

I AM PROUD TO BE A FRIDGIE

Kind regards,

Matthew Coates

_____ Information from ESET NOD32 Antivirus, version of virus signature database 4132
(20090604) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Reclaim Our Trade



An association established to support all Refrigeration and Air Conditioning Specialists
P O Box 4610 Loganholme DC QLD 4129 Ph/Fax: (07) 3806 1178 Email: reclaimourtrade@yahoo.com

25 August 2009

Att: All Townsville Councillors

Dear Councillors

As a constituent of Councillor Suzanne Blom and as a member of Reclaim Our Trade, an Industry group dedicated to supporting the Refrigeration and Air Conditioning Tradespeople and Minimising the Risk of Escaping Refrigerants into the Atmosphere, I was recently made aware of local Councils' decision to provide a (1) one day Arctick course to waste management staff allowing them to reclaim refrigerants at the waste facilities, rather than continue using trade qualified specialists.

In having discussed my concerns with Reclaim Our Trade members, I have been asked to submit the following documentation outlining the significant risks associated with Councils decision.

The documents include a risk assessment to ensure Council are fully aware of their unsafe work practices and highly litigious circumstances that have now been implemented. I have also included questions I recommend Councillors seek answers to.

Sadly our industry is experiencing the aftermath of previous Minister, Gordon Nuttall's corruption including the impact of his Electrical Safety Act 2002, an Act Mr Nuttall stated would not impact on trades' peripheral to the electrical trade.

Industry in Queensland anticipated with the introduction of Arctick, Refrigeration and Air Conditioning tradespeople would no longer be trade restricted within their own trade by their inability to compete with electrical contractors, who in turn were given carte blanche to carry out Air Conditioning works by the BSA and Electrical Safety Office.

Arctick has failed to implement the improved environmental direction originally intended.

I take this opportunity to challenge Councillors to seek confirmation of industry decisions being made by technically competent persons within Arctick. I recommend requesting copies of Arcticks' CEO's CV Mr Glen Evans and Arcticks' 2IC, Mr George Thompsons' CV.

Understanding CAUSE and EFFECT of risks associated with refrigeration equipment and refrigerants requires extensive training, hence the 4 year apprenticeship for Refrigeration Technicians to become qualified and termed "Technically Competent".

On behalf of Reclaim Our Trade I seek a comprehensive response.
Reclaiming Our Trade

Sincerely

Kevin Ballment
Member
Reclaim Our Trade
Mob 0409056011

To Whom It May Concern,

Key points of concern as follows - Safety concerns to be considered from the following points.

1. Does waste management staff know and understand the difference between a normal fridge & a gas electric fridge. Gas electrics use ammonia & water as a refrigerant & should not be touched or reclaimed. Could cause asphyxiation, or loss of sight or burning of sensory hairs in nasal passage & throat!
2. If non- technically competent persons hook up reclaim lines to the wrong pipes there is a definite possibility of liquid refrigerant burning skin or even worse, the eyes.
3. Does Council know that they are required to supply a SOP (Standard Operating Procedure) for the safe use and operation of the reclaim machine.
4. Does waste management staff know and understand what fridges have LPG as a refrigerant. This could expose them to the possibility of an explosion or fire. Do they know what the different refrigerants are used for & what chemicals are in them & what they can do to you if not handle correctly?
5. Does Council know that they are required to supply a WMS (Work Method Statement) on how to carry out the above work in a safe manner?
6. Do waste management staff know that they have to change the filter dryer on reclaim machine every so many hours of use for the longevity of their reclaim machine. (I bet they don't even know what a filter dryer is!)
7. Do waste management staff have a set of scales to weigh refrigerant bottles so they know when it is full? If not, they run the risk of the pressure relief valve venting refrigerant to atmosphere undoing the purpose of reclaiming in the first place or even worse, the bottle explodes!
8. Do waste management staff know that they have to constantly keep an eye on reclaim bottle temp so it doesn't explode? In some cases we have to soak reclaim bottles in ice just to keep them cool enough to be safe to work with.
9. Do waste management staff even know which is the high side & low side of the refrigeration system?
10. Do waste management staff know that most fridges/aircons have capacitors that can & will hold an electrical charge & give them a serious electrical boot unless handled correctly? This is enough electrical charge to cause death in someone with a not so strong heart.
11. Has Arctick provided council with their (Arctick's) own risk assessment.
12. Who completed Arctick's Risk Assessment? Did a Trade Qualified Refrigeration Tradesperson complete it? Or was it completed by a non technically competent person such as an electrician untrained in refrigeration?
13. Is Council aware that they are required to carry out a Risk Assessment for this work. I have prepared one (attached) which I believe to be the accurate should Council accept responsibility for waste management staff to carry out this task (unsupervised).
14. Is Council aware that, even if they proceed with waste management staff carrying out this task then that task must be performed under the supervision of a person who holds an appropriate RHL (Refrigerant Handling Licence). See Fact Sheet 10 attached.

Table 131 in subdivision 6A.2.2 of the Ozone Protection and Synthetic Greenhouse Gas Manage Regulations outline qualifications required to obtain an RHL.

In addition, Council will have obligations under the Queensland WH&S Act 1995, Risk Management Codes of Practice 2007, and Hazardous Substances Codes of Practice 2003, which would require (at a minimum)

1. Maintaining a Haz Sub Register
2. Provision of MSDS (Material Safety Data Sheets) for any refrigerants or other haz sub involved.
3. Provision of appropriate PPE (Personal Protective Equipment) required by MSDS or SOP and WMS

I am sure if I sat down for longer I could find other things that they would not know, but I will say this, I have trained many apprentices & I would not let any single one of them loose on reclaiming refrigerant from any system with only one day's training. Not to mention how dangerous it is for them to work on something they know little or nothing about.

This goes without mentioning the fact that in my 24 weeks at trade school, At least 2 weeks of this was on our ozone layer & the importance of looking after it by doing our bit. One of my tradesmen told me this afternoon that here in Townsville they did about 2 weeks of training on it as well. With extensive testing which had to be passed with 100% or they could not get their ARCTIC licence.

It appears that Council has been advised that waste management people can now get the same qualification with a one-day course. I think that this, based on the information I have available, is incorrect and that Council will still have to employ/supply a suitably qualified RHL holder (i.e. a fridgie) to supervise this work.

It begs the question – is Council willing to accept all of these additional Occupational Health and Safety requirements and legal obligations and responsibilities just to get waste management staff to do a task that they are not qualified for, and probably do not want to do it anyhow.

I would be happy to discuss any of these issues with any Councillor and/or their representatives.

Kev Ballment

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Reclaim Our Trade



An association established to support all Refrigeration and Air Conditioning Specialists
P O Box 4610 Loganholme DC QLD 4129 Ph/Fax: (07) 3806 1178 Email: reclaimourtrade@yahoo.com

RISK ASSESSMENT

Process/Material/Activity:

Refrigerant Reclaiming – Waste Management Plant – Townsville Council

Issued By: Kevin Ballment

Date:

Review Due Date:

Ref No.	Step 1: Identify the hazard/s ⁱ	Step 2: Assess the risks ⁱⁱ - Note there may be several risks associated with each hazard List the Consequence (how bad would it be?), Likelihood & Risk rating for each risk – see Risk Matrix				Step 3 & 4: List the controls ⁱⁱⁱ needed to remove or reduce the risks and record date completed		Step 5: How will you monitor ^{iv} the risk and check the controls work? Record review date	
	What could cause harm?	What could go wrong?	C	L	R	Controls	Date completed	Review method	Review Date
	Non-technical competent persons inability to distinguish between Fridge types; Gas Electric – Ammonia & Water	Death, Ammonia causes Asphyxiation, loss of sight or burning of sensory hairs in the nasal passage and throat Environmental Impact Major Costs	5	5	10	<u>Only Trade Qualified / technically competent persons should carry out works on this type of unit</u>		NOT TO BE RECLAIMED	
	Connecting reclaim components to incorrect refrigerant lines.	Exposure to liquid refrigerants resulting in burning of skin or eyes. Environmental Impact Major Costs	4	5	9	<u>This work MUST be carried by a the holder of an RHL (refrigerant handling licence) OR by trained personnel under the supervision of a person who holds an RHL</u>			

	Non-technical competent persons inability to distinguish between Refrigerants; LPG used as refrigerants	Death, Serious injury - Exposure to explosion or fire Environmental Impact Major Costs	4	5	9	<u><i>This work MUST be carried by a the holder of an RHL (refrigerant handling licence) OR by trained personnel under the supervision of a person who holds an RHL</i></u>			
	Failure to maintain correct temperature of Reclaim Bottle	Explosion, fire, death, Environmental Impact Major Costs	5	5	10	<u><i>This work MUST be carried by a the holder of an RHL (refrigerant handling licence) OR by trained personnel under the supervision of a person who holds an RHL</i></u>			
	Capacitors can and will hold an electrical charge	Electric shock, death	4	4	8	<u><i>This work MUST be carried by a the holder of an RHL (refrigerant handling licence) OR by trained personnel under the supervision of a person who holds an RHL</i></u>			
	Failure to weigh refrigerant bottles, risk of pressure relief valve venting refrigerant	Refrigerant released into atmosphere, bottle can explode. Death, serious injury and environmental impact	4	4	8	<u><i>This work MUST be carried by a the holder of an RHL (refrigerant handling licence) OR by trained personnel under the supervision of a person who holds an RHL</i></u>			

Note: Recovery/Reclamation of refrigerants MUST be carried out in accordance with the **Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995** made under the **Ozone Protection and Synthetic Greenhouse Gas Management Act 1989**

and

any relevant Queensland Government Occupational Health and Safety rules and regulations and/or codes of practice including (but not limited to):

Queensland WH&S Act 1995

Queensland Risk Management Code of Practice 2007 (inc supplements 1, 2 and3)

Queensland Hazardous Substances 2003 Code of Practice

Risk Assessment Matrix

For use with the Risk Management guide

This is one example of a number of tools that can assist with your risk assessment process.

What you need to do

1. Consider what can go wrong
2. Determine how bad the outcome would be - Consequences
3. Determine how likely it is to happen - Likelihood
4. Calculate the risk level

LIKELIHOOD	CONSEQUENCES				
	Catastrophic 5	Major 4	Moderate 3	Minor 2	Insignificant 1
Almost certain 5	10	9	8	7	6
Likely 4	9	8	7	6	5
Possible 3	8	7	6	5	4
Unlikely 2	7	6	5	4	3
Rare 1	6	5	4	3	2

Risk Score		What should I do?
9-10	Extreme	Immediate action required
7-8	High	Action plan required, senior management attention needed
5-6	Moderate	Specific monitoring or procedures required, management responsibility must be specified
2-4	Low	Manage through routine procedures

CONSEQUENCES: How severely could it hurt someone/cause damage?

Catastrophic	death or large number of serious injuries, environmental disaster, huge cost
Major	serious injury, extensive injuries, severe environmental damage, major cost
Moderate	medical treatment required, contained environmental impact, high cost
Minor	first aid treatment required, some environmental and/or financial impact
Insignificant	No injuries, low financial/environmental impact

LIKELIHOOD: How likely is it to happen?

Almost Certain	expected to occur in most circumstances
Likely	will probably occur in most circumstances
Possible	might possibly occur at some time
Unlikely	could occur at some time
Rare	may occur only in exceptional circumstances

ⁱ A **Hazard** is something with the potential to cause harm, eg manual handling, ergonomic, substance, plant, radiation, vibration, noise, electrical, work environment

ⁱⁱ **Risk** is the likelihood that damage/personal injury will occur because of the hazard. Risks are assessed dependent on variables such as how often the situation occurs, how many people are exposed, skills and experience of individuals etc, as well as physical characteristics of the hazard, ie concentrations, speed, position in relation to other hazards etc.

Consequences can be Catastrophic (Cat), Major (Maj), Moderate (Mod), Minor (Min) Insignificant (Ins)

Likelihood can be Almost certain (AC) likely (L), Possible (P), Unlikely (U), Rare (R)

Risk Rating is obtained from the Risk Matrix

ⁱⁱⁱ **Controls** can include eliminating the hazard or minimising the likelihood of risk, eg by substituting a less hazardous substance or process, using training or safe work procedures or provision of Personal Protective Equipment.

^{iv} **Monitor** to ensure controls are being used and are sufficiently minimising the risk

Prepared by Kevin Ballment on behalf of Reclaim Our Trade

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Garbutt
Qld 4814
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Fax: 07 4779 2300

Disclaimer

These procedures are for use by Reclaim Our Trade, Queensland. This information is believed to be reliable and current. Reclaim Our Trade, makes no guarantee and assumes no responsibility as to the absolute correctness of these procedures in all circumstances or for their suitability for use outside of Reclaim Our Trade.

MATERIAL SAFETY DATA SHEET

003

PRODUCT NAME **AMMONIA**

1. IDENTIFICATION OF THE MATERIAL AND SUPPLIER

Supplier Name BOC LIMITED (AUSTRALIA)
Address 10 Julius Avenue, North Ryde, NSW, AUSTRALIA, 2113
Telephone +61 131 262, (02) 8874 4400
Fax +61 132 427 (24 hours)
Emergency 1800 653 572 (24/7) (Australia only)
Web Site <http://www.boc.com.au/>
Synonym(s) AMMONIA ANHYDROUS • ANHYDROUS AMMONIA • R717 • PRODUCT CODES: 160, 175, 178, 230, 300 • 003 - MSDS NUMBER
Use(s) AQUEOUS AMMONIA • CHEMICAL REAGENT • HEAT TREATMENT • NITRIDING AGENT • REFRIGERANT
MSDS Date 03 September 2008

2. HAZARDS IDENTIFICATION

CLASSIFIED AS HAZARDOUS ACCORDING TO NOHSC CRITERIA

RISK PHRASES

R10 Flammable.
R23 Toxic by inhalation.
R34 Causes burns.
R50 Very toxic to aquatic organisms.

SAFETY PHRASES

S16 Keep away from sources of ignition - No smoking.
S26 In case of contact with eyes, rinse immediately with plenty of water and seek medical advice
S36/37/39 Wear suitable protective clothing, gloves and eye/face protection.
S45 In case of accident or if you feel unwell seek medical advice immediately (show the label where possible).
S61 Avoid release to the environment. Refer to special instructions / safety data sheets.
S9 Keep container in a well ventilated place.

CLASSIFIED AS A DANGEROUS GOOD BY THE CRITERIA OF THE ADG CODE

UN No. 1005 **DG Class** 2.3 **Subsidiary Risk(s)** 8
Pkg Group None Allocated **Hazchem Code** 2RE **EPG** 2B3

3. COMPOSITION / INFORMATION ON INGREDIENTS

Ingredient	Formula	CAS No.	Content v/v
AMMONIA	N-H3	7664-41-7	>99.5%

4. FIRST AID MEASURES

Eye	Hold eyelids apart and flush the eye continuously with water. Continue flushing until advised to stop by the PIC or a doctor, or for at least 15 minutes.
Inhalation	If inhaled, remove from contaminated area. Remove contaminated clothing and check there is no obstruction to the airway. If breathing is weak or has ceased, give artificial respiration. Further treatment should be symptomatic and supportive. Consult doctor and recommend admission to hospital for observation.
Skin	Cold burns: Remove contaminated clothing and gently flush affected areas with warm water (30°C) for 15 minutes. Apply sterile dressing and treat as for a thermal burn. For large burns, immerse in warm water for 15 minutes. DO NOT apply any form of direct heat. Seek immediate medical attention.
Ingestion	This is an unlikely route of exposure since ammonia is a gas at room temperature and pressure, but may cause chemical burns to the mouth, oesophagus and stomach when ingested as aqueous ammonia (ammonium hydroxide).
Advice to Doctor	Management of pulmonary oedema. Alkali burns, particularly to the eyes, can result in severe and sometimes permanent damage.
First Aid Facilities	Eye wash facilities and safety shower are recommended.

5. FIRE FIGHTING MEASURES

Flammability	Gas is flammable within certain vapour concentration limits and can form explosive mixtures with air. Gas is lighter than air and will generally disperse, however may concentrate in hollows or sumps. Dissolves exothermically in water. Corrosive to metals evolving flammable hydrogen. Eliminate all ignition sources including cigarettes, open flames, spark producing switches/tools, heaters, naked lights, pilot lights, mobile phones etc. when handling.
Fire and Explosion	Temperatures in a fire may cause cylinders to rupture and internal pressure relief devices to be activated. Call fire brigade. This product will add fuel to a fire. Cool cylinders exposed to fire by applying water from a protected location. Do not approach cylinders suspected of being hot. Remove cool cylinders from the path of the fire. Evacuate the area if unable to keep cylinders cool. If a flame from the cylinder is impinging on flammable materials or other cylinders then evacuate the area. If the cylinder is standing alone and the flame is not impinging on flammable materials or other cylinders then let the flame continue until all gas has been consumed. Ensure working area is well ventilated before re-entry. Products of combustion include oxides of nitrogen which are hazardous.
Extinguishing	For small flames, use dry chemical, carbon dioxide or water spray. For large fires, use water fog or spray. Note that ammonia is readily absorbed by water and the resultant ammonia solution is alkaline. Prevent contamination of drains or waterways, absorb runoff with sand or similar.
Hazchem Code	2RE

6. ACCIDENTAL RELEASE MEASURES

Spillage	If the cylinder is leaking, eliminate all potential ignition sources and evacuate area of personnel. Inform manufacturer/supplier of leak. Wear appropriate PPE and carefully move it to a well ventilated remote area, then allow to discharge. Do not attempt to repair leaking valve or cylinder safety devices. Leaks - Due to its powerful and distinctive odour, any leakage of ammonia will be rapidly noticed and the general area of the source of leakage determined. Precise pin-pointing of the leak can be achieved by the application of wet litmus or phenolphthalein-impregnated paper to suspected areas; the alkalinity of the gas turns litmus blue and phenolphthalein red. A burning sulphur tape or sulphur dioxide gas can also be used for leak detection; the chemical reaction in this case producing dense white fumes in the presence of ammonia.
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7. STORAGE AND HANDLING

Storage	Do not store near sources of ignition or incompatible materials. Cylinders should be stored below 45°C in a secure area, upright and restrained to prevent cylinders from falling. Cylinders should also be stored in a dry, well ventilated area constructed of non-combustible material with firm level floor (preferably concrete), away from areas of heavy traffic and emergency exits. Outside or detached storage preferred. Keep out of direct sunlight. Refer to AS/NZ 2022: Anhydrous Ammonia - Storage and Handling and AS 4332: The Storage and Handling of Gases in Cylinders.
Handling	Before use carefully read the product label. Use of safe work practices are recommended to avoid eye or skin contact and inhalation. Observe good personal hygiene, including washing hands before eating. Prohibit eating, drinking and smoking in contaminated areas. Use only in well-ventilated areas. When handling cylinders, use appropriate trolley. Do not drag or roll cylinders.

8. EXPOSURE CONTROLS / PERSONAL PROTECTION

PRODUCT NAME AMMONIA

Exposure Stds

Ingredient	Reference	TWA		STEL	
		ppm	mg/m3	ppm	mg/m3
Ammonia	NOHSC	25.0	17.0	35.0	24.0

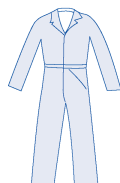
Biological Limits No biological limit allocated.

Engineering Controls

Use in well ventilated areas. Maintain vapour levels below the recommended exposure standard. In poorly ventilated areas, mechanical flameproof extraction ventilation is recommended.

PPE

Wear a Type K (Ammonia) Respirator, safety boots, leather gloves, coveralls and safety glasses. When handling cylinders wear safety boots, safety glasses and abrasion-resistant gloves. Where an inhalation risk exists, wear self Contained Breathing Apparatus (SCBA) Respirator and an Air-line respirator. At high vapour levels, wear self Contained Breathing Apparatus (SCBA) Respirator and an Air-line respirator.



9. PHYSICAL AND CHEMICAL PROPERTIES

Appearance	COLOURLESS GAS OR LIQUID	Solubility (water)	0.576 kg/kg @ 20°C
Odour	PUNGENT SUFFOCATING ODOUR	Specific Gravity	NOT APPLICABLE
pH	NOT APPLICABLE	% Volatiles	NOT APPLICABLE
Vapour Pressure	960 kPa @ 25°C	Flammability	FLAMMABLE
Vapour Density	0.597 (Air = 1)	Flash Point	NOT APPLICABLE
Boiling Point	-33.4°C	Upper Explosion Limit	28 %
Melting Point	-78°C	Lower Explosion Limit	15 %
Evaporation Rate	NOT APPLICABLE	Autoignition Temperature	651°C
Critical Pressure	11,277 kPa	Critical Temperature	132.4°C (Liquefiable gas)
Liquid density	602 kg/m3 @ 25°C		

10. STABILITY AND REACTIVITY

Chemical Stability Stable under recommended conditions of storage.

Conditions to Avoid Avoid shock, friction, heavy impact, heat, sparks, open flames and other ignition sources.

Material to Avoid Ammonia is stable. Ammonia has potentially explosive or violent reactions with strong oxidisers, nitric acid, fluorine and nitrogen oxide. Ammonia forms explosive products with silver chloride, silver oxide, bromine, iodine and mercury. Ammonia is incompatible or has potentially hazardous reactions with silver, acetaldehyde, acrolein, boron, perchlorates, chlorine monoxide, chlorites, nitrogen tetroxide and sulphur. Ammonia is hygroscopic and will absorb moisture from the air to form an alkaline aqueous solution.

Commercial anhydrous ammonia contains some moisture and readily attacks copper, cadmium, zinc (galvanised), tin and their alloys such as brass and bronze. These materials must not be used in ammonia systems).

Iron and steel, aluminium, and their alloys (when free from copper) are normally resistant to corrosion by ammonia. Piping should be rigid steel except where connections are required such as between cylinders. For industrial ammonia applications steel-reinforced flexible neoprene line is recommended for pig-tails. When handling higher purities either stainless steel or PTFE (Teflon) is used. Other suitable materials of construction include glass, ceramic, Peek, tantalum and titanium.

Stress-corrosion Cracking - Though carbon steel is widely used for ammonia storage and transport, carbon steel can be subject to stress corrosion cracking and there have been dozens of instances of this occurring. To combat this phenomenon, appropriate measures must be taken when using carbon steel as a pressure vessel.

Hazardous Decomposition Products Products of combustion include oxides of nitrogen which are hazardous.

11. TOXICOLOGICAL INFORMATION

Health Hazard Summary	Highly corrosive. Characteristic smell from 5 ppm and irritant effects usually provides good warning properties. Extremely irritating and corrosive. Exposure to low levels may cause irritation with coughing and broncho spasm. Acute exposure to high levels may result in pulmonary oedema and asphyxia. Can be promptly fatal above 1500 ppm. Delayed reaction including pulmonary oedema up to 24 hours after exposure. Chronic irritation to the eyes, nose and upper respiratory tract may result from repeated exposure to ammonia vapour.
Eye	Ammonia vapour is irritating to eyes and may cause pain, tears and acute corneal damage at high concentrations. Ammonia liquid is corrosive to eyes and splashes or spray may cause freeze burns, leading to severe redness, swelling of the mucus membranes that cover the eye and inside of the eyelids, damage to the iris and cornea and permanent damage and blindness.
Inhalation	Inhalation of concentrations moderately above the exposure standard (25ppm) may cause irritation to the nose and throat. Higher concentrations may cause breathing difficulty, chest pain, coughing, pink frothy sputum and pulmonary oedema. Accumulation of fluid in the lungs can occur. Upper airway swelling may occur and lead to airway obstruction. Overexposure may predispose to the development of acute bronchitis and pneumonia.
Skin	Highly corrosive. Severe irritant. Evaporating liquid may cause low temperatures of piping and equipment which could lead to cold burns.
Ingestion	Ingestion is considered unlikely due to product form.
Toxicity Data	AMMONIA (7664-41-7) LC50 (Inhalation): 2000 ppm/4 hours (rat) LD50 (Ingestion): 350 mg/kg (rat)

12. ECOLOGICAL INFORMATION

Environment	When ammonia is dissolved in water the pH increases. Very toxic to plants and aquatic organisms.
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13. DISPOSAL CONSIDERATIONS

Waste Disposal	Cylinders should be returned to the manufacturer or supplier for disposal of contents.
Legislation	Dispose of in accordance with relevant local legislation.

14. TRANSPORT INFORMATION

Transport	Ensure cylinder is separated from driver. Refer to the ADG Code for regulations on transport of dangerous goods.
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CLASSIFIED AS A DANGEROUS GOOD BY THE CRITERIA OF THE ADG CODE

Shipping Name	AMMONIA, ANHYDROUS			
UN No.	1005	DG Class	2.3	Subsidiary Risk(s) 8
Pkg Group	None Allocated	Hazchem Code	2RE	EPG 2B3

15. REGULATORY INFORMATION

Poison Schedule	Classified as a Schedule 6 (S6) Poison using the criteria in the Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP).
AICS	All chemicals listed on the Australian Inventory of Chemical Substances (AICS).

16. OTHER INFORMATION

Additional Information	Application method: Gas withdrawal: regulator of suitable pressure and flow rating fitted to cylinder or manifold with low pressure gas distribution to equipment. Liquid withdrawal: appropriate refrigeration equipment or appropriate heat exchanger to vaporise the liquid.
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ABBREVIATIONS:
 ADB - Air-Dry Basis.
 BEI - Biological Exposure Indice(s)
 CAS# - Chemical Abstract Service number - used to uniquely identify chemical compounds.
 CNS - Central Nervous System.
 EINECS - European INventory of Existing Commercial chemical Substances.

PRODUCT NAME AMMONIA

IARC - International Agency for Research on Cancer.
M - moles per litre, a unit of concentration.
mg/m3 - Milligrams per cubic metre.
NOS - Not Otherwise Specified.
NTP - National Toxicology Program.
OSHA - Occupational Safety and Health Administration.
pH - relates to hydrogen ion concentration using a scale of 0 (high acidic) to 14 (highly alkaline).
ppm - Parts Per Million.
RTECS - Registry of Toxic Effects of Chemical Substances.
TWA/ES - Time Weighted Average or Exposure Standard.

HEALTH EFFECTS FROM EXPOSURE:

It should be noted that the effects from exposure to this product will depend on several factors including: frequency and duration of use; quantity used; effectiveness of control measures; protective equipment used and method of application. Given that it is impractical to prepare a Chem Alert report which would encompass all possible scenarios, it is anticipated that users will assess the risks and apply control methods where appropriate.

PERSONAL PROTECTIVE EQUIPMENT GUIDELINES:

The recommendation for protective equipment contained within this Chem Alert report is provided as a guide only. Factors such as method of application, working environment, quantity used, product concentration and the availability of engineering controls should be considered before final selection of personal protective equipment is made.

Report Status

This document has been compiled by RMT on behalf of the manufacturer of the product and serves as the manufacturer's Material Safety Data Sheet ('MSDS').

It is based on information concerning the product which has been provided to RMT by the manufacturer or obtained from third party sources and is believed to represent the current state of knowledge as to the appropriate safety and handling precautions for the product at the time of issue. Further clarification regarding any aspect of the product should be obtained directly from the manufacturer.

While RMT has taken all due care to include accurate and up-to-date information in this MSDS, it does not provide any warranty as to accuracy or completeness. As far as lawfully possible, RMT accepts no liability for any loss, injury or damage (including consequential loss) which may be suffered or incurred by any person as a consequence of their reliance on the information contained in this MSDS.

Prepared By

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Web: www.rmt.com.au

MSDS Date: 03 September 2008

End of Report

Material Safety Data Sheet

Genetron® 12

1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NAME: Genetron® 12
OTHER/GENERIC NAMES: R-12, CFC-12
PRODUCT USE: Refrigerant and for Metered Dose Inhalers
MANUFACTURER: Honeywell
101 Columbia Road
Box 1053
Morristown, New Jersey 07962-1053

FOR MORE INFORMATION CALL:

(Monday-Friday, 9:00am-5:00pm)
1-800-522-8001

IN CASE OF EMERGENCY CALL:

(24 Hours/Day, 7 Days/Week)
Chemtrec 1-800-424-9300 or 703-527-3887

2. COMPOSITION/INFORMATION ON INGREDIENTS

<u>INGREDIENT NAME</u>	<u>CAS NUMBER</u>	<u>WEIGHT %</u>
Dichlorodifluoromethane	75-71-8	100

Trace impurities and additional material names not listed above may also appear in Section 15 toward the end of the MSDS. These materials may be listed for local "Right-To-Know" compliance and for other reasons.

3. HAZARDS IDENTIFICATION

EMERGENCY OVERVIEW: Colorless, volatile liquid with ethereal and faint sweetish odor. Non-flammable material. Overexposure may cause dizziness and loss of concentration. At higher levels, CNS depression and cardiac arrhythmia may result from exposure. Vapors displace air and can cause asphyxiation in confined spaces. At higher temperatures, (>250°C), decomposition products may include Hydrochloric Acid (HCl), Hydrofluoric Acid (HF) and carbonyl halides.

POTENTIAL HEALTH HAZARDS

SKIN: Irritation would result from a defatting action on tissue. Liquid contact could cause frostbite.

EYES: Liquid contact can cause severe irritation and frostbite. Mist may irritate.

INHALATION: Genetron 12 is low in acute toxicity in animals even at a concentrations of 5% (50,000ppm). However, when oxygen levels in air are reduced to 12–14% by displacement, symptoms of asphyxiation, loss of coordination, increased pulse rate and deeper respiration will occur. At high levels, cardiac arrhythmia may occur.

MATERIAL SAFETY DATA SHEET

Genetron[®] 12

INGESTION: Ingestion is unlikely because of the low boiling point of the material. Should it occur, discomfort in the gastrointestinal tract from rapid evaporation of the material and consequent evolution of gas would result. Some effects of inhalation and skin exposure would be expected.

DELAYED EFFECTS: None known

Ingredients found on one of the OSHA designated carcinogen lists are listed below.

<u>INGREDIENT NAME</u>	<u>NTP STATUS</u>	<u>IARC STATUS</u>	<u>OSHA LIST</u>
No ingredients listed in this section			

4. FIRST AID MEASURES

SKIN: Promptly flush skin with water until all chemical is removed. If there is evidence of frostbite, bathe (do not rub) with lukewarm (not hot) water. If water is not available, cover with a clean, soft cloth or similar covering. Get medical attention if symptoms persist.

EYES: Immediately flush eyes with large amounts of water for at least 15 minutes (in case of frostbite water should be lukewarm, not hot) lifting eyelids occasionally to facilitate irrigation. Get medical attention if symptoms persist.

INHALATION: Immediately remove to fresh air. If breathing has stopped, give artificial respiration. Use oxygen as required, provided a qualified operator is available. Get medical attention. Do not give epinephrine (adrenaline).

INGESTION: Ingestion is unlikely because of the physical properties and is not expected to be hazardous. Do not induce vomiting unless instructed to do so by a physician.

ADVICE TO PHYSICIAN: Because of the possible disturbances of cardiac rhythm, catecholamine drugs, such as epinephrine, should be used with special caution and only in situations of emergency life support. Treatment of overexposure should be directed at the control of symptoms and the clinical conditions.

5. FIRE FIGHTING MEASURES

FLAMMABLE PROPERTIES

FLASH POINT: Gas, not applicable per DOT regulations

FLASH POINT METHOD: Not applicable

AUTOIGNITION TEMPERATURE: Unknown

UPPER FLAME LIMIT (volume % in air): None*

LOWER FLAME LIMIT (volume % in air): None*

*Based on ASHRAE Standard 34 with match ignition

FLAME PROPAGATION RATE (solids): Not applicable

OSHA FLAMMABILITY CLASS: Not applicable

EXTINGUISHING MEDIA:

Use any standard agent – choose the one most appropriate for type of surrounding fire (material itself is not flammable)

MATERIAL SAFETY DATA SHEET

Genetron[®] 12

UNUSUAL FIRE AND EXPLOSION HAZARDS:

Contact with certain reactive metals may result in formation of explosive or exothermic reactions under specific conditions (e.g. very high temperatures and/or appropriate pressures).

SPECIAL FIRE FIGHTING PRECAUTIONS/INSTRUCTIONS:

Firefighters should wear self-contained, NIOSH-approved breathing apparatus for protection against possible toxic decomposition products. Proper eye and skin protection should be provided. Use water spray to keep fire-exposed containers cool.

6. ACCIDENTAL RELEASE MEASURES

IN CASE OF SPILL OR OTHER RELEASE:

(Always wear recommended personal protective equipment.)

Evacuate unprotected personnel. Protected personnel should remove ignition sources and shut off leak, if without risk, and provide ventilation. Unprotected personnel should not return until air has been tested and determined safe, including low-lying areas.

Spills and releases may have to be reported to Federal and/or local authorities. See Section 15 regarding reporting requirements.

7. HANDLING AND STORAGE

NORMAL HANDLING:

(Always wear recommended personal protective equipment.)

Avoid breathing vapors and liquid contact with eyes, skin or clothing. Do not puncture or drop cylinders, expose them to open flame or excessive heat. Use authorized cylinders only. Follow standard safety precautions for handling and use of compressed gas cylinders.

STORAGE RECOMMENDATIONS:

Store in a cool, well-ventilated area of low fire risk and out of direct sunlight. Protect cylinder and its fittings from physical damage. Storage in subsurface locations should be avoided. Close valve tightly after use and when empty.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION

ENGINEERING CONTROLS:

Provide local ventilation at filling zones and areas where leakage is probable. Mechanical (general) ventilation may be adequate for other operating and storage areas.

PERSONAL PROTECTIVE EQUIPMENT

SKIN PROTECTION:

Skin contact with refrigerant may cause frostbite. General work clothing and gloves (leather) should provide adequate protection. If prolonged contact with the liquid or gas is anticipated, insulated gloves constructed of PVA, neoprene or butyl rubber should be used. Any contaminated clothing should be promptly removed and washed before reuse.

EYE PROTECTION:

For normal conditions, wear safety glasses. Where there is reasonable probability of liquid contact, wear chemical safety goggles.

MATERIAL SAFETY DATA SHEET

Genetron[®] 12

RESPIRATORY PROTECTION:

None generally required for adequately ventilated work situations. For accidental release or non-ventilated situations, or release into confined space, where the concentration may be above the PEL of 1,000 ppm, use a self-contained, NIOSH - approved breathing apparatus or supplied air respirator. For escape: use the former or a NIOSH-approved gas mask with organic vapor canister.

ADDITIONAL RECOMMENDATIONS:

Where contact with liquid is likely, such as in a spill or leak, impervious boots and clothing should be worn. High dose-level warning signs are recommended for areas of principle exposure. Provide eyewash stations and quick-drench shower facilities at convenient locations. For tank cleaning operations, see OSHA regulations, 29 CFR 1910.132 and 29 CFR 1910.133.

EXPOSURE GUIDELINES

INGREDIENT NAME
Dichlorodifluoromethane

ACGIH TLV
None

OSHA PEL
1000 ppm (8hr)

OTHER LIMIT
None

* = Limit established by AlliedSignal.

** = Workplace Environmental Exposure Level (AIHA).

*** = Biological Exposure Index (ACGIH).

OTHER EXPOSURE LIMITS FOR POTENTIAL DECOMPOSITION PRODUCTS:

Hydrogen Fluoride: ACGIH TLV = 3 ppm ceiling

9. PHYSICAL AND CHEMICAL PROPERTIES

APPEARANCE: Clear, colorless liquid and vapor

PHYSICAL STATE: Gas at ambient temperatures

MOLECULAR WEIGHT: 120.9

CHEMICAL FORMULA: CCl₂F₂

ODOR: Faint ethereal odor

SPECIFIC GRAVITY (water = 1.0): 1.34 @ 30°C (86°F)

SOLUBILITY IN WATER (weight %): Unknown

pH: Neutral

BOILING POINT: -29.8°C (-21.6°F)

FREEZING POINT: -157.7°C (-252°F)

VAPOR PRESSURE: 94.9 psia @ 70°F
195.6 psia @ 130°F

VAPOR DENSITY (air = 1.0): 4.2

EVAPORATION RATE: >1

COMPARED TO: CCl₄ = 1

% VOLATILES: 100

FLASH POINT: Not applicable

(Flash point method and additional flammability data are found in Section 5.)

MATERIAL SAFETY DATA SHEET

Genetron[®] 12

10. STABILITY AND REACTIVITY

NORMALLY STABLE? (CONDITIONS TO AVOID):

The product is stable.

Do not mix with oxygen or air above atmospheric pressure. Any source of high temperature, such as lighted cigarettes, flames, hot spots or welding may yield toxic and/or corrosive decomposition products.

INCOMPATIBILITIES:

(Under specific conditions: e.g. very high temperatures and/or appropriate pressures) – Freshly abraded aluminum surfaces (may cause strong exothermic reaction). Chemically active metals: potassium, calcium, powdered aluminum, magnesium and zinc.

HAZARDOUS DECOMPOSITION PRODUCTS:

Halogens, halogen acids and possibly carbonyl halides.

HAZARDOUS POLYMERIZATION:

Will not occur.

11. TOXICOLOGICAL INFORMATION

IMMEDIATE (ACUTE) EFFECTS:

LC₅₀ : 4 hr. (rat) - > 760,000 ppm

Cardiac Sensitization threshold (dog) – 50,000 ppm

10 min EC₅₀ – 254,000 ppm

DELAYED (SUBCHRONIC AND CHRONIC) EFFECTS:

Subchronic: NOEL - 10,000 ppm

OTHER DATA:

Teratology: Not a teratogen

12. ECOLOGICAL INFORMATION

Degradability (BOD): Genetron 12 is a gas at room temperature; therefore, it is unlikely to remain in water.

Octanol Water Partition Coefficient: Unknown

13. DISPOSAL CONSIDERATIONS

RCRA

Is the unused product a RCRA hazardous waste if discarded?

Not a hazardous waste

If yes, the RCRA ID number is: Not applicable

OTHER DISPOSAL CONSIDERATIONS:

Disposal must comply with federal, state, and local disposal or discharge laws. Genetron 12 is subject to U.S. Environmental Protection Agency Clean Air Act Regulations Section 608 in 40 CFR Part 82 regarding refrigerant recycling.

MATERIAL SAFETY DATA SHEET

Genetron[®] 12

The information offered here is for the product as shipped. Use and/or alterations to the product such as mixing with other materials may significantly change the characteristics of the material and alter the RCRA classification and the proper disposal method.

14. TRANSPORT INFORMATION

US DOT HAZARD CLASS: US DOT PROPER SHIPPING NAME: Dichlorodifluoromethane
US DOT HAZARD CLASS: 2.2
US DOT PACKING GROUP: Not applicable

US DOT ID NUMBER: UN1028

For additional information on shipping regulations affecting this material, contact the information number found in Section 1.

15. REGULATORY INFORMATION

TOXIC SUBSTANCES CONTROL ACT (TSCA)

TSCA INVENTORY STATUS: Listed on the TSCA inventory

OTHER TSCA ISSUES: None

SARA TITLE III/CERCLA

"Reportable Quantities" (RQs) and/or "Threshold Planning Quantities" (TPQs) exist for the following ingredients.

<u>INGREDIENT NAME</u>	<u>SARA/CERCLA RQ (lb.)</u>	<u>SARA EHS TPQ (lb.)</u>
Dichlorodifluoromethane	5000	None

Spills or releases resulting in the loss of any ingredient at or above its RQ requires immediate notification to the National Response Center [(800) 424-8802] and to your Local Emergency Planning Committee.

SECTION 311 HAZARD CLASS: IMMEDIATE
PRESSURE

SARA 313 TOXIC CHEMICALS:

The following ingredients are SARA 313 "Toxic Chemicals". CAS numbers and weight percents are found in Section 2.

<u>INGREDIENT NAME</u>	<u>COMMENT</u>
Dichlorodifluoromethane	None

STATE RIGHT-TO-KNOW

In addition to the ingredients found in Section 2, the following are listed for state right-to-know purposes.

<u>INGREDIENT NAME</u>	<u>WEIGHT %</u>	<u>COMMENT</u>
No ingredients listed in this section		

MATERIAL SAFETY DATA SHEET

Genetron[®] 12

ADDITIONAL REGULATORY INFORMATION:

Genetron 12 is subject to U.S. Environmental Protection Agency Clean Air Act Regulations at 40 CFR Part 82.

WARNING:

Do not vent to the atmosphere. To comply with provisions of the U.S. Clean Air Act, any residual must be recovered. Contains Dichlorodifluoromethane (CFC-12), a substance which harms public health and environment by destroying ozone in the upper atmosphere. Destruction of the ozone layer can lead to increased ultraviolet radiation which, with excess exposure to sunlight, can lead to an increase in skin cancer and eye cataracts.

WHMIS CLASSIFICATION (CANADA):

This product has been evaluated in accordance with the hazard criteria of the CPR and the MSDS contains all the information required by the CPR.

FOREIGN INVENTORY STATUS:

Canada – Listed on DSL

EU – EINECS # 2206926

16. OTHER INFORMATION

CURRENT ISSUE DATE: January, 2004

PREVIOUS ISSUE DATE: February, 2003

CHANGES TO MSDS FROM PREVIOUS ISSUE DATE ARE DUE TO THE FOLLOWING:

Section 3: Revised decomposition products

OTHER INFORMATION: HMIS Classification: Health – 1, Flammability – 0, Reactivity – 0
NFPA Classification: Health – 2, Flammability – 0, Reactivity – 0
ANSI/ASHRAE 34 Safety Group – A1

Regulatory Standards:

1. OSHA regulations for compressed gases: 29 CFR 1910.101
2. DOT classification per 49 CFR 172.101
3. Clean Air Act Class I Substance

General

- a) CGA pamphlet P-1, *Safe Handling of Compressed Gases in Containers*, 1984, Compressed Gas Association (1980 Printing)
- b) Bretherick, L., *Handbook of Reactive Chemical Hazards*, 4th ed., 1992, Butterworths, Boston, MA



BOC Limited
10 Julius Avenue
NORTH RYDE NSW 2113
Tel + 61 131 262
Fax + 61 132 427

MATERIAL SAFETY DATA SHEET

133

PRODUCT NAME **R134A (BOC LIMITED - AUS)**

1. IDENTIFICATION OF THE MATERIAL AND SUPPLIER

Supplier Name BOC LIMITED (AUSTRALIA)
Address 10 Julius Avenue, North Ryde, NSW, AUSTRALIA, 2113
Telephone +61 131 262, (02) 8874 4400
Fax +61 132 427 (24 hours)
Emergency 1800 653 572 (24/7) (Australia only)
Web Site <http://www.boc.com.au/>
Synonym(s) PRODUCT CODE: 155 • HFC134A • FORANE 134A • 1,1,1,2 TETRAFLUOROETHANE
Use(s) AIR CONDITIONING • REFRIGERANT • REFRIGERATION SYSTEMS
MSDS Date 01 January 2006

2. HAZARDS IDENTIFICATION

NOT CLASSIFIED AS HAZARDOUS ACCORDING TO NOHSC CRITERIA

CLASSIFIED AS A DANGEROUS GOOD BY THE CRITERIA OF THE ADG CODE

UN No.	3159	DG Class	2.2	Subsidiary Risk(s)	None Allocated
Pkg Group	None Allocated	Hazchem Code	2RE	EPG	2C2

3. COMPOSITION / INFORMATION ON INGREDIENTS

Ingredient	Formula	CAS No.	Content
1,1,1,2-TETRAFLUOROETHANE (HFC 134A)	C2-H2-F4	811-97-2	>99.9%

4. FIRST AID MEASURES

Eye Treatment for cold burns: Immediately flush with tepid water or with sterile saline solution. Hold eyelids apart and irrigate for 15 minutes. Seek medical attention.

Inhalation Remove from area of exposure immediately. If assisting a victim avoid becoming a casualty, wear an Air-line respirator or Self Contained Breathing Apparatus (SCBA). Be aware of possible explosive atmospheres. If victim is not breathing apply artificial respiration and seek urgent medical attention. Give oxygen if available. Keep warm and rested.

Skin Cold burns: Remove contaminated clothing and gently flush affected areas with warm water (30 C) for 15 minutes. Apply sterile dressing and treat as for a thermal burn. For large burns, immerse in warm water for 15 minutes. DO NOT apply any form of direct heat. Seek immediate medical attention.

Ingestion Ingestion is considered unlikely. However, should ingestion occur, contact a Poison Information Centre on 13 11 26 (Australia Wide) or a doctor.

Advice to Doctor Treat symptomatically

5. FIRE FIGHTING MEASURES

Flammability	Non flammable liquid. May evolve toxic gases (carbon oxides, hydrogen fluoride, fluorides, hydrocarbons) when heated to decomposition. Will evolve highly corrosive - toxic hydrogen fluoride gas at very high temperatures.
Fire and Explosion	Non flammable. Temperatures in a fire may cause cylinders to rupture. Call fire brigade. Cool cylinders exposed to fire by applying water from a protected location. Do not approach cylinders suspected of being hot.
Extinguishing	Non flammable. Use water fog to cool containers from protected area.
Hazchem Code	2RE

6. ACCIDENTAL RELEASE MEASURES

Spillage	GAS CYLINDERS: If the cylinder is leaking, eliminate all potential ignition sources and evacuate area of personnel. Inform manufacturer/supplier of leak. Wear appropriate PPE and carefully move it to a well ventilated remote area, then allow to discharge. Do not attempt to repair leaking valve or cylinder safety devices.
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7. STORAGE AND HANDLING

Storage	Do not store near sources of ignition or incompatible materials. Cylinders should be stored below 45 C in a secure area, upright and restrained to prevent cylinders from falling. Cylinders should also be stored in a dry, well ventilated area constructed of non-combustible material with firm level floor (preferably concrete), away from areas of heavy traffic and emergency exits.
Handling	Before use carefully read the product label. Use of safe work practices are recommended to avoid eye or skin contact and inhalation. Observe good personal hygiene, including washing hands before eating. Prohibit eating, drinking and smoking in contaminated areas.

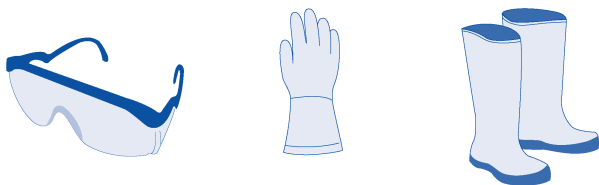
8. EXPOSURE CONTROLS / PERSONAL PROTECTION

Exposure Standards	Ingredient	Reference	TWA		STEL	
			ppm	mg/m3	ppm	mg/m3
	1,1,1,2-Tetrafluoroethane	NOHSC (AUS)	1000	4240	--	--

Biological Limit Values No biological limit allocated.

Engineering Controls Use with adequate natural ventilation. Open windows and doors where possible. In poorly ventilated areas, mechanical extraction ventilation is recommended. Maintain vapour levels below the recommended exposure standard.

PPE Wear safety boots, leather gloves and safety glasses. When using large quantities or where heavy contamination is likely, wear coveralls. Where an inhalation risk exists, wear an Air-line respirator or self Contained Breathing Apparatus (SCBA).



9. PHYSICAL AND CHEMICAL PROPERTIES

Appearance	CLEAR LIQUID	Solubility (water)	NOT AVAILABLE
Odour	SLIGHT ETHEREAL ODOUR	Specific Gravity	NOT AVAILABLE
pH	NOT AVAILABLE	% Volatiles	NOT AVAILABLE
Vapour Pressure	665 kPa @ 25°C	Flammability	NON FLAMMABLE
Vapour Density	3.5 (Air = 1)	Flash Point	NOT RELEVANT
Boiling Point	-26.4°C	Upper Explosion Limit	NOT RELEVANT
Melting Point	NOT AVAILABLE	Lower Explosion Limit	NOT RELEVANT
Evaporation Rate	NOT AVAILABLE	Autoignition Temperature	NOT AVAILABLE
Critical Pressure	4,060 kPa	Critical Temperature	100.6°C

10. STABILITY AND REACTIVITY

Material to Avoid	Incompatible with oxidising agents (eg. hypochlorite), alkalis/ alkali earth metals and finely divided metal powders (eg. aluminium, barium, lithium). Compounding ingredients in natural rubber can be extracted during rapid liquid withdrawal and will swell.
Decomposition	May evolve toxic gases (carbon oxides, hydrogen fluoride, fluorides, hydrocarbons) when heated to decomposition.

11. TOXICOLOGICAL INFORMATION

Health Hazard Summary	Asphyxiant. Symptoms of exposure are directly related to displacement of oxygen from air. As the amount of oxygen inhaled is reduced from 21-14% volume, the pulse rate will accelerate and the rate and volume of breathing will increase. The ability to maintain attention and think clearly is diminished, muscular co-ordination is somewhat disturbed. As oxygen decreases from 14-10% volume, judgement becomes faulty, severe injuries may cause no pain. Muscular effort lead to rapid fatigue. Further reduction to 6% may cause nausea and vomiting. Ability to move may be lost. Permanent brain damage may result even after resuscitation from exposure to this low level of oxygen. Below 6% breathing is in gasps and convulsions may occur. Inhalation of a mixture containing no oxygen may result in unconsciousness from the first breath and death will follow in minutes. Mild narcotic properties. Induces dizziness at 1,1,1,2 tetrafluoroethane concentrations of 5 % and loss of consciousness can result at 15 %. At high concentrations cardiac arrhythmia may occur. Prolonged exposure may result in sensitisation to the effects of adrenals on the heart. Not carcinogenic, mutagenic and no specific reproductive effects.
Eye	Irritating vapour. Low temperature evaporating liquid can cause cold burns.
Inhalation	Asphyxiant. Effects are proportional to oxygen displacement.
Skin	Irritating vapour. Low temperature evaporating liquid can cause cold burns.
Ingestion	Due to product form, ingestion is considered highly unlikely. However, if swallowed it would result in discomfort in the gastrointestinal tract from rapid evaporation of liquid and consequent evolution of gas. Some of the effects of inhalation would be expected. Necrosis from freezing of tissue could occur.
Toxicity Data	1,1,1,2-TETRAFLUOROETHANE (HFC 134A) (811-97-2) LC50 (Inhalation): 1500 g/m ³ /4 hour (rat)

12. ECOLOGICAL INFORMATION

Environment	Limited ecotoxicity data was available for this product at the time this report was prepared. Ensure appropriate measures are taken to prevent this product from entering the environment.
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13. DISPOSAL CONSIDERATIONS

Waste Disposal	Cylinders should be returned to the manufacturer or supplier for disposal of contents.
Legislation	Dispose of in accordance with relevant local legislation.

14. TRANSPORT INFORMATION

Transport	Ensure cylinder is separated from driver and that outlet of relief device is not obstructed. Refer to Commonwealth, State and Territory Dangerous Goods Legislation which contain requirements which affect gas storage and transport. Keep locked up and out of reach of children.
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CLASSIFIED AS A DANGEROUS GOOD BY THE CRITERIA OF THE ADG CODE

Shipping Name	1,1,1,2-TETRAFLUOROETHANE (REFRIGERANT GAS R 134a)			Subsidiary Risk(s)	None Allocated
UN No.	3159	DG Class	2.2		
Pkg Group	None Allocated	Hazchem Code	2RE	EPG	2C2

15. REGULATORY INFORMATION

Poison Schedule	A poison schedule number has not been allocated to this product using the criteria in the Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP).
AICS	All chemicals listed on the Australian Inventory of Chemical Substances (AICS).

16. OTHER INFORMATION

Additional Information	APPLICATION METHOD: Transferred as a liquid into and out of refrigeration equipment by controlled pressure decanting through flexible pipework.
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ABBREVIATIONS:

mg/m³ - Milligrams per cubic metre

ppm - Parts Per Million

TWA/ES - Time Weighted Average or Exposure Standard.

CNS - Central Nervous System

NOS - Not Otherwise Specified

pH - relates to hydrogen ion concentration - this value will relate to a scale of 0 - 14, where 0 is highly acidic and 14 is highly alkaline.

CAS# - Chemical Abstract Service number - used to uniquely identify chemical compounds.

M - moles per litre, a unit of concentration.

IARC - International Agency for Research on Cancer.

PERSONAL PROTECTIVE EQUIPMENT GUIDELINES:

The recommendation for protective equipment contained within this Chem Alert report is provided as a guide only. Factors such as method of application, working environment, quantity used, product concentration and the availability of engineering controls should be considered before final selection of personal protective equipment is made.

HEALTH EFFECTS FROM EXPOSURE:

It should be noted that the effects from exposure to this product will depend on several factors including: frequency and duration of use; quantity used; effectiveness of control measures; protective equipment used and method of application. Given that it is impractical to prepare a Chem Alert report which would encompass all possible scenarios, it is anticipated that users will assess the risks and apply control methods where appropriate.

Report Status	This document has been compiled by RMT on behalf of the manufacturer of the product and serves as the manufacturer's Material Safety Data Sheet ('MSDS').
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It is based on information concerning the product which has been provided to RMT by the manufacturer or obtained from third party sources and is believed to represent the current state of knowledge as to the appropriate safety and handling precautions for the product at the time of issue. Further clarification regarding any aspect of the product should be obtained directly from the manufacturer.

While RMT has taken all due care to include accurate and up-to-date information in this MSDS, it does not provide any warranty as to accuracy or completeness. As far as lawfully possible, RMT accepts no liability for any loss, injury or damage (including consequential loss) which may be suffered or incurred by any person as a consequence of their reliance on the information contained in this MSDS.

Prepared By	Risk Management Technologies 5 Ventnor Ave, West Perth Western Australia 6005 Phone: +61 8 9322 1711 Fax: +61 8 9322 1794 Email: info@rmt.com.au Web: www.rmt.com.au
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MSDS Date: 01 January 2006

End of Report

BOC Limited
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10 Julius Avenue
NORTH RYDE NSW 2113
Tel + 61 131 262
Fax + 61 132 427

Product Name **R22**

1. IDENTIFICATION OF THE MATERIAL AND SUPPLIER

Supplier Name BOC LIMITED (AUSTRALIA)
Address 10 Julius Avenue, North Ryde NSW, 2113, AUSTRALIA
Telephone +61 131 262, (02) 8874 4400
Fax +61 132 427 (24 hours)
Emergency 1800 653 572 (A/H) (Australia only)
Synonyms CHLORODIFLUOROMETHANE, PRODUCT CODES: 158, 813, REFRIGERANT GAS HCFC22.
Uses AIR CONDITIONING, REFRIGERATION.

2. HAZARDS IDENTIFICATION

CLASSIFIED AS HAZARDOUS ACCORDING TO NOHSC CRITERIA
CLASSIFIED AS A DANGEROUS GOOD BY THE CRITERIA OF THE ADG CODE

Risk And Safety Phrases Risk and Safety Phrases are standardised phrases allocated to Hazardous Substances. Risk phrases convey a general description of the physicochemical, environmental and health hazards of a substance. Safety phrases provide information on safe storage, handling, disposal, personal protection and first aid.

RISK PHRASES
R59 Dangerous for the ozone layer.

SAFETY PHRASES
S7 Keep container tightly closed.

3. COMPOSITION / INFORMATION ON INGREDIENTS

Ingredient	Formula	Conc.	CAS No.
CHLORODIFLUOROMETHANE (HCFC-22)	C-H-Cl-F2	>99.9%	75-45-6

4. FIRST AID MEASURES

Eye Treatment for cold burns: Immediately flush with tepid water or with sterile saline solution. Hold eyelids apart and irrigate for 15 minutes. Seek medical attention.

Inhalation Remove from area of exposure immediately. If assisting a victim avoid becoming a casualty, wear an Air-line respirator or Self Contained Breathing Apparatus (SCBA). Be aware of possible explosive atmospheres. If victim is not breathing apply artificial respiration and seek urgent medical attention. Give oxygen if available. Keep warm and rested.

Skin Cold burns: Remove contaminated clothing and gently flush affected areas with warm water (30 C) for 15 minutes. Apply sterile dressing and treat as for a thermal burn. For large burns, immerse in warm water for 15 minutes. DO NOT apply any form of direct heat. Seek immediate medical attention.

Ingestion For advice, contact a Poisons Information Centre on 13 11 26 (Australia Wide) or a doctor. If swallowed, do not induce vomiting. Ingestion is considered unlikely due to product form.

**Colour
Rating
AMBER**

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Product Name R22

4. FIRST AID MEASURES cont.

Advice To Doctor Use of adrenaline and other catecholamines may be contraindicated due to possible cardiac sensitisation. Treatment for asphyxia.

5. FIRE FIGHTING MEASURES

Flammability Non flammable. May evolve toxic gases (eg. chlorides, fluorides, carbon oxides, hydrogen chloride/fluoride, phosgene) when heated to decomposition.

Fire and Explosion Non flammable. Temperatures in a fire may cause cylinders to rupture. Call fire brigade. Cool cylinders exposed to fire by applying water from a protected location. Do not approach cylinders suspected of being hot.

Extinguishing Non flammable. Use water fog to cool containers from protected area.

Hazchem Code 2RE

6. ACCIDENTAL RELEASE MEASURES

Spillage Always ensure cylinder pressure is below equipment pressure rating and any relief valve setting. Remove sources of ignition. Contact manufacturer for guidance. Leak checking may be done by pressure drop test or by using soapy water on outlets and outlets. Shut cylinder valve to stop gas leaks from equipment if possible and safe to do so. If cylinder or cylinder valve is leaking then shut the cylinder valve, depressurise the equipment, disconnect cylinder from equipment and move the cylinder to a well ventilated area, preferably outdoors. Never attempt to repair a leaking or damaged cylinder valve.

7. HANDLING AND STORAGE

Handling Use of safe work practices are recommended to avoid eye or skin contact and inhalation. Observe good personal hygiene, including washing hands before eating. Prohibit eating, drinking and smoking in contaminated areas (eg. if container is damaged).

Storage Do not store near sources of ignition or incompatible materials. Cylinders should be stored below 45 C in a secure area and upright to prevented cylinders from falling. Cylinders should also be stored in a dry, well ventilated area constructed of non-combustible material with firm level floor (preferably concrete), away from areas of heavy traffic and emergency exits.

8. EXPOSURE CONTROLS / PERSONAL PROTECTION

Ventilation Use with adequate natural ventilation. Open windows and doors where possible. In poorly ventilated areas, mechanical extraction ventilation is recommended. Maintain vapour levels below the recommended exposure standard.

Exposure Standards CHLORODIFLUOROMETHANE (HCFC-22) (75-45-6)
ES-TWA : 1000 ppm (3540 mg/m3)
WES-TWA : 1000 ppm (3540 mg/m3)

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Product Name R22

8. EXPOSURE CONTROLS / PERSONAL PROTECTION cont.

PPE Wear coveralls, safety glasses, safety boots and leather gloves. Where an inhalation risk exists, wear an Air-line respirator.



9. PHYSICAL AND CHEMICAL PROPERTIES

Appearance: CLEAR COLOURLESS LIQUID
Odour: SLIGHT ETHEREAL ODOUR
pH: NOT AVAILABLE
Vapour Pressure: 1040 kPa @ 25 C
Vapour Density: NOT AVAILABLE
Boiling Point: -40.7 C
Melting Point: NOT AVAILABLE
Evaporation Rate: NOT AVAILABLE
Solubility (water): 0.3 cm³/cm³
Specific Gravity: NOT AVAILABLE
% Volatiles: NOT AVAILABLE
Flammability: NON FLAMMABLE
Flash Point: NOT RELEVANT
Upper Explosion Limit: NOT RELEVANT
Lower Explosion Limit: NOT RELEVANT
Autoignition Temperature: NOT AVAILABLE
Density: 3.1 (Air = 1)
Critical Temperature: 96 C
Critical Pressure: 4978 kPa

10. STABILITY AND REACTIVITY

Reactivity Incompatible with oxidising agents (eg. hypochlorite), alkalis/ alkali earth metals and finely divided metal powders (eg. aluminium, barium, lithium). May also react violently with sodium, potassium, barium and other alkali or alkaline earth metals and finely divided metals. Compounding ingredients in natural rubber can be extracted during rapid liquid withdrawal and will swell.

Decomposition Products chlorides, fluorides, carbon oxides, hydrogen chloride/fluoride, phosgene) when heated to decomposition.

11. TOXICOLOGICAL INFORMATION

Health Hazard Summary Asphyxiant. Symptoms of exposure are directly related to displacement of oxygen from air. As the amount of oxygen inhaled is reduced from 21-14% volume, the pulse rate will accelerate and the rate and volume of breathing will increase. The ability to maintain attention and think clearly is diminished, muscular co-ordination is somewhat disturbed. As oxygen decreases from 14-10% volume, judgement becomes faulty, severe injuries may cause no pain. Muscular effort lead to rapid fatigue. Further reduction to 6% may cause nausea and vomiting. Ability to move may be lost. Permanent brain damage may result even after resuscitation from exposure to this low level of oxygen. Below 6% breathing is in gasps and convulsions may occur. Inhalation of a mixture containing no oxygen may result

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 AMBER**

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Product Name **R22**

11. TOXICOLOGICAL INFORMATION cont.

in unconsciousness from the first breath and death will follow in minutes.

Eye Irritating vapour. Low temperature evaporating liquid can cause cold burns.

Inhalation Irritant - asphyxiant. Effects are proportional to oxygen displacement.

Skin Irritating vapour. Low temperature evaporating liquid can cause cold burns.

Ingestion Due to product form, ingestion is considered highly unlikely. However, if swallowed it would result in discomfort in the gastrointestinal tract from rapid evaporation of liquid and consequent evolution of gas. Some of the effects of inhalation would be expected. Necrosis from freezing of tissue could occur.

Toxicity Data CHLORODIFLUOROMETHANE (HCFC-22) (75-45-6)
LC50 (Inhalation) : 35 pph/15 minutes (rat)
Carcinogenicity : Unclassifiable carcinogenicity in humans (IARC Group 3)

12. ECOLOGICAL INFORMATION

Environment OZONE DEPLETING SUBSTANCE: Hydrogenated chlorofluorocarbon compounds (HCFC's) do not persist in the stratosphere to the same degree as chlorofluorocarbons (CFC's). Although ozone depleting, they have a lower ozone depleting effect than CFC's. Release of HCFCs into the environment should be minimised and where possible, recycling of HCFCs is recommended.
Dangerous for the ozone layer.

13. DISPOSAL CONSIDERATIONS

Waste Disposal It is an offence under Federal law to knowingly exhaust this product to atmosphere whether by intent or negligence. Recover and recycle using appropriate techniques and equipment. Notify the manufacturer that you will be returning a faulty cylinder. Residual product will be disposed of when the cylinder is returned.

Legislation Dispose of in accordance with relevant local legislation.

14. TRANSPORT INFORMATION

Transport Ensure cylinder is separated from driver and that outlet of relief device is not obstructed. Refer to Commonwealth, State and Territory Dangerous Goods Legislation which contain requirements which affect gas storage and transport. Keep locked up and out of reach of children.

UN Number 1018
Shipping Name CHLORODIFLUOROMETHANE (REFRIGERANT GAS R 22)
DG Class 2.2
Subsidiary Risk(s) None Allocated
Packing Group None Allocated
Hazchem Code 2RE

**Colour
Rating
AMBER**

BOC Limited
ABN 95 000 029 729
10 Julius Avenue
NORTH RYDE NSW 2113
Tel + 61 131 262
Fax + 61 132 427

Product Name **R22**

15. REGULATORY INFORMATION

AICS All chemicals listed on the Australian Inventory of Chemical Substances (AICS).

Poison Schedule A poison schedule number has not been allocated to this product using the criteria in the Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP).

16. OTHER INFORMATION

Additional Information APPLICATION METHOD: Transferred as a liquid into and out of refrigeration equipment by controlled pressure decanting through flexible pipework.

COLOUR RATING SYSTEM: Chem Alert reports are assigned a colour rating of Green, Amber or Red for the purpose of providing users with a quick and easy means of determining the hazardous nature of a product. Safe handling recommendations are provided in all Chem Alert reports so as to clearly identify how users can control the hazards and thereby reduce the risk (or likelihood) of adverse effects. As a general guideline a Green colour rating indicates a low hazard, an Amber colour rating indicates a moderate hazard and a Red colour rating indicates a high hazard.

PERSONAL PROTECTIVE EQUIPMENT GUIDELINES:

The recommendation for protective equipment contained within this Chem Alert report is provided as a guide only. Factors such as method of application, working environment, quantity used, product concentration and the availability of engineering controls should be considered before final selection of personal protective equipment is made.

HEALTH EFFECTS FROM EXPOSURE:

It should be noted that the effects from exposure to this product will depend on several factors including: frequency and duration of use; quantity used; effectiveness of control measures; protective equipment used and method of application. Given that it is impractical to prepare a Chem Alert report which would encompass all possible scenarios, it is anticipated that users will assess the risks and apply control methods where appropriate.

ABBREVIATIONS:

mg/m³ - Milligrams per cubic metre

ppm - Parts Per Million

TWA/ES - Time Weighted Average or Exposure Standard.

pH - relates to hydrogen ion concentration - this value will relate to a scale of 0 - 14, where 0 is highly acidic and 14 is highly alkaline.

CAS# - Chemical Abstract Service number - used to uniquely identify chemical compounds.

M - moles per litre, a unit of concentration.

IARC - International Agency for Research on Cancer.

Report Reviewed 3rd August 2005

Date Printed 3rd August 2005

Report Status Chem Alert reports are compiled as an independent source of information by RMT's scientific department. The information is based on the latest chemical and toxicological research, and in compliance with relevant standards, guidance notes and legislation (where applicable). The Chem Alert report is not intended as a replacement to the manufacturer's original MSDS that is provided to Chem Alert subscribers for convenience. In many instances, Chem Alert reports are compiled on behalf of manufacturers, in which case they serve as the "Manufacturer's MSDS" and

**Colour
Rating
AMBER**



BOC Limited
ABN 95 000 029 729
10 Julius Avenue
NORTH RYDE NSW 2113
Tel + 61 131 262
Fax + 61 132 427

Product Name R22

16. OTHER INFORMATION cont.

are clearly identified as such on the relevant reports.

Prepared By Risk Management Technologies
5 Ventnor Avenue, West Perth
Western Australia 6005
Phone: +61 8 9322 1711
Fax: +61 8 9322 1794
Web: www.rmt.com.au

**Colour
Rating
AMBER**



**Queensland
Government**

Our Ref: ESI36707
Contact: Michael Gibson
Telephone: (07)32370277
Facsimile: (07) 32379890

Department of
Employment and Industrial Relations

02/02/2009

Matthew Coates
Maton Air Conditioning Pty Ltd
25-27 Holyrood Road
Murrumbidgee QLD 4125

Dear Mr Coates,

The Electrical Safety Office administers the provisions of the *Electrical Safety Act 2002*. The Electrical Safety Office is investigating a matter involving an allegation of unlicensed electrical contracting at the Claremont Resort, Park Ridge. On the 30th of October 2008 an Infringement Notice numbered 39200 was issued to Maton Air Conditioning for breaching the requirements of section 56(1) of the *Electrical Safety Act 2002*.

Subsequent to the issuing of the infringement notice the Electrical Safety Office has received information in relation to other matters that now warrant a comprehensive investigation. As a result Infringement Notice 39200 will be withdrawn.

Thank you for your assistance in this electrical safety matter. If you require any further information please contact myself on the numbers provided.

Yours sincerely

**Michael Gibson
Regional Manager Compliance
Brisbane South Gold Coast
Electrical Safety Office**

Block B Neville Bonner Building
75 William Street Brisbane
Queensland 4000 Australia
GPO Box 69 Brisbane
Queensland 4001 Australia
Telephone +61 7 3225 2000
Website www.dir.qld.gov.au
ABN 52 293 849 579

INDUSTRIAL COURT OF QUEENSLAND

Industrial Relations Act 1999 - s. 335 - application for costs

**Peter Charles Stratton AND Maton Airconditioning and Refrigeration Pty Ltd
and Matthew John Coates (C/2010/23)(No. 2)**

PRESIDENT HALL

14 September 2010

DECISION

- [1] The Court's decision in the substantive matter was given on 13 August 2010. The citation is *Peter Charles Stratton AND Maton Airconditioning and Refrigeration Pty Ltd and Matthew John Coates (C/2010/23) - Decision* <http://www.qirc.qld.gov.au>. For present purposes it is sufficient to recount that an appeal against an Industrial Magistrate's verdict favouring Mr Coates was withdrawn. The Appeal against the verdicts favouring Maton Airconditioning and Refrigeration Pty Ltd (hereafter Maton), were dismissed. All issues as to costs were reserved. Maton subsequently sought costs. Mr Coates has not sought costs. The Application for Costs by Maton has been dealt with by written submissions.
- [2] It is common ground that the source of the power to award costs is s. 335(1)(a) of the *Industrial Relations Act 1999* (the Act). In my view, that power was been triggered. Each of the two verdicts favouring Maton was sustained because Maton had led sufficient evidence to raise a statutory exculpation provision, and because it was open to the Industrial Magistrate to conclude that the Appellant had not led evidence which established beyond reasonable doubt that the exclusionary provision had been excluded. It follows from those findings that it was objectively recognisable that the Appeal against the verdicts had no reasonable prospect of success. An appeal made in such circumstances is made "without reasonable cause".
- [3] Because of the language of s. 335(1)(a) of the Act, there is a residual statutory discretion. However, the finding that the Appeal was instituted without reasonable cause is not irrelevant to the exercise of the discretion. There is the further consideration that the matters below were criminal prosecutions. On an appeal by way of rehearing on the record, Maton was again put in jeopardy. There was an open offer by Maton (admittedly on the cusp of the hearing) not to seek costs if the Appeal was withdrawn. In my view, the case for the award of costs is overwhelming.
- [4] The Appellant seeks an order for the assessment of costs (if not agreed) viz., "... the form of the orders should be that the costs be paid as agreed between the parties, and failing agreement, are to be assessed by the Industrial Registrar as if the matters were matters heard in the Supreme Court of Queensland". Such orders would impose something of a burden on a lay Industrial Registrar who lacks exposure to the taxation of costs, and impose a related burden on Maton's solicitors who would have to work through the process. The global figure of \$4,500 nominated by Maton is entirely reasonable. I adopt that figure.
- [5] The Order of the Court is that the Appellant pay \$4,500 to Maton Airconditioning and Refrigeration Pty Ltd within 28 days of the release of this Decision.

Dated 14 September 2010.

D.R. HALL, President.

Appearances:

Mr P. Matthews of Legal and Prosecution Services, Department of Justice and Attorney-General for the Appellant.

Mr D. MacKenzie instructed by Howden Saggars Lawyers for the Respondent.

Released: 14 September 2010

INDUSTRIAL COURT OF QUEENSLAND

Electrical Safety Act 2002 - s. 186(2) - appeal against decision of industrial magistrate

Peter Charles Stratton AND Maton Airconditioning and Refrigeration Pty Ltd and Matthew John Coates
(C/2010/23)

PRESIDENT HALL

13 August 2010

DECISION

- [1] On 9 July 2009, a complaint was made to a Justice of the Peace that between 1 April 2008 and 31 July 2008, Maton Airconditioning and Refrigeration Pty Ltd (hereafter Maton) breached s. 56(1) of the *Electrical Safety Act 2002* (the Act) by conducting a business or undertaking which included the performance of electrical work. Particulars were given as follows:

- "1. The defendant conducted the business or undertaking from its registered business address, namely, 25-27 Holyrood Court, Muruben in the State of Queensland.
2. The business or undertaking included the performance of electrical work.
3. Whilst carrying out its air conditioning business the defendant permitted or caused allowed Matthew John Coates and Jason James Kelly to perform electrical work for or on its behalf.
4. The defendant carried out electrical work at the 'Claremont Resort' at 431 Park Ridge Road, Park Ridge, in the State of Queensland.
5. The defendant undertook the electrical work from on or about 1st April 2008 to on or about 30th July 2008.
6. The electrical work comprised installation of low voltage electrical equipment, including installation and termination of conductors into electrical equipment including power points, lights, switchboards and air conditioners.
7. At all material times, the defendant did not hold an electrical contractor licence as required by section 56 of the *Electrical Safety Act 2002*."

It was averred that the commission of the complaint did not come to the Complainant's knowledge before 30 January 2009.

- [2] A complaint was also made that between 1 April 2008 and 31 July 2008, Maton breached s. 57AA of the Act by failing to ensure its workers were the holders of electrical work licences authorising performance of the electrical work which Maton performed whilst conducting its business or undertaking. Particulars were given as follows:

- "1. The defendant conducted the business or undertaking from its registered business address, namely, 25-27 Holyrood Court, Muruben in the State of Queensland.
2. The defendant permitted or caused Matthew John Coates and Jason James Kelly to perform electrical work.
3. Matthew John Coates and Jason James Kelly were not holders of electrical work licences in force under the *Electrical Safety Act 2002*.
4. The electrical work was carried out at the 'Claremont Resort' situated at 431 Park ridge Road, Park Ridge, in the State of Queensland.
5. The defendant undertook the electrical work from on or about 1st April 2008 to on or about 30th July 2008.
6. The electrical work comprised installation of low voltage electrical equipment, including installation and termination of conductors into electrical equipment including power points, lights, switchboards and air conditioners."

Again, it was averred that the offence did not come to the Complainant's knowledge before 30 January 2009.

- [3] A day earlier, viz., on 8 July 2009, a complaint had been made to a Justice of the Peace that Matthew John Coates who, I should interpolate, was the Director of Maton, had breached s. 55(1) of the Act by performing electrical work between 1 April 2008 and 31 July 2008, while not being the holder of an electrical work licence.
- [4] The matters were heard together by the Industrial Magistrate at Beenleigh on 19 and 20 April 2010. By a decision given on transcript on 20 April 2010, the Industrial Magistrate found Maton to be not guilty of either charge and found Mr Coates to be not guilty of the charge brought against him. By an Application to Appeal filed on 6 May 2010, the Complainant appealed against all three verdicts. The Appeal against the verdict on the

charge against Mr Coates has been abandoned. (Mr Coates has yet to be heard on the matter of costs.) This Decision concerns the Appeals on the verdicts relating to Maton.

- [5] Maton was engaged in the activities of air conditioning and refrigeration. The prosecutions concerned the conduct of the company's air conditioning activities at an over-55's gated residential complex known as, the Claremont Resort, located at 431 Park Ridge Road, Park Ridge.
- [6] The air-conditioning units installed by Maton in new dwellings at the Claremont Resort were received pre-wired from the supplier. However, after installation of the units it was necessary to wire the system to the electricity supply. It is common ground that performance of that task involved the performance of electrical work. It is also common ground that air-conditioning businesses find it convenient to subcontract the electrical work to the holder of an electrical contractor licence and to invoice the customer for the cost. Such a practice does not involve breach of s. 56(1) of the Act because of the exclusionary effect of s. 56(3) of the Act which provides [emphasis added]:

"(3) However, a person does not conduct a business or undertaking that includes the performance of electrical work only because the person -

(a) is a licensed electrical mechanic who -

(i) performs electrical work for the person or a relative of the person at premises owned or occupied by the person or relative; or

(ii) makes minor emergency repairs to make electrical equipment electrically safe; or

(b) 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."

- [7] At one time, Maton adopted the industry practice described at [6]. From 2004 to the end of 2007 the electrical contractor engaged was Willy Peck Electrical. Thereafter, the function of working the air-conditioners to the electric supply was entrusted to an Ipswich business, Scott Freeman Electrical. Over a period of time, Maton's relationship with Scott Freeman Electrical became problematic. The apprentice, *viz.*, Jason James Kelly, indentured to Mr Scott Freeman, who in fact wired the air-conditioning systems to the supply, was very keen to work at Claremont Resort. Mr Freeman, who in fact did not physically attend at Claremont Resort, wished to concentrate on electrical work in Ipswich and its environs. Ultimately, immediately prior to Easter 2008, a meeting was convened by Mr Coates with Mr Kelly and a Mr Kerr. Mr Kerr was licensed to perform electrical work. He had previously performed much electrical work at Claremont Resort, but had fallen out with a Mr Richardson who made the decision about to whom it was that work in connection with new dwellings was entrusted. Mr Kerr was restricted to maintenance calls to existing dwellings initiated by the resident. He was a bankrupt and under financial pressure. He was employed by C.A Kerr Pty Ltd trading as Carnea Electrical which held an electrical contractor's licence. His wife was the Director of C.A Kerr Pty Ltd (as a bankrupt person he might not be a Director), and at times she attended at the meeting and had some input.
- [8] It seems tolerably clear that the preferred solution of each of Messrs Coates and Kelly was for Mr Kelly to transfer his apprenticeship from Mr Freeman to Mr Kerr. The sticking point was Mr Kelly's insistence that he be paid \$1,000 per week after tax. That was beyond the capacity of C.A. Kerr Pty Ltd and the Kerr's said so in no uncertain terms. The evidence of Mr Coates is that the arrangement entered into in lieu of the transfer of Mr Kelly's indentures was:
 - (a) Kerr would indenture Kelly as soon as possible;
 - (b) Kelly would terminate his apprenticeship with Freeman and would be temporarily employed by Maton at \$1,000 per week after tax;
 - (c) Kelly would work on Maton's contracts at the Claremont Resort;
 - (d) Maton and Coates, who at the time were held in high esteem by Richardson, would use their best endeavours to restore Mr Kerr's fortunes at Clermont Resort; and
 - (e) Mr Kerr would supervise Mr Kelly.
- [9] The "agreement" was a little bizarre. To begin with there was the point developed by the Industrial Magistrate:

"Its seems to me that if the parties to that agreement had thought a little longer, they might have come up with the idea that Maton might have, by some undertaking or contract, contracted with Kerr to use Kelly at a

gross fee that would have resulted in Kerr being able to afford to employ Kelly at no cost to Kerr, therefore enabling Kelly to be immediately indentured and in those circumstances as a result of later findings, not to have breached the Act."

- [10] Additionally, it is not immediately clear from the transcript how Mr Kerr was to benefit from the "agreement". At one point there was some reference by Mr Coates to "paying money" to Mr Kerr and providing "payment in kind" to Mr Kerr. There is some evidence of "payment in kind" in that Mr Kerr was provided with electrical supplies paid for by Maton. However, there appears no evidence of money being paid, and at a later stage of his evidence Mr Coates volunteered that the money to be received by Mr Kerr was to be derived from the additional work e.g. by way of maintenance of existing dwellings and maintenance of common facilities, which would come his way with the resurrection of his relationship with Claremont Resort. (The limited expenditure required of Maton may, of course, be the reason that the "agreement" was seen as more beneficial to Maton than the arrangement outlined by the Industrial Magistrate.)
- [11] The "agreement" leaves uncertain what was to be done by Mr Kelly. I can understand in the case of a genuine subcontractor s. 56(3)(b) of the Act will operate, notwithstanding that an employee of the air conditioning business holds a ladder whilst an electrician mounts it or assists the electrician to carry a toolbox or coils of wire. However, if an unlicensed employee of the air conditioning business works with the electrician upon the performance of electrical work, one may doubt the efficacy of the protection afforded by s. 56(1)(b) of the Act. Additionally, it is unclear what was to be involved in Mr Kerr's "supervision" of Mr Kelly. At first blush, one might have thought that Maton's interest would be served if Mr Kerr signed off on work performed by Mr Kelly and C.A. Kerr Pty Ltd certified the work. However, it is not clear that Mr Kerr would have been prepared to participate in such an arrangement (which on Mr Kerr's evidence was unlawful). Further, if no more than the certification process was to be required of Mr Kerr, "supervise" does not have its natural meaning. Moreover, if Mr Kerr was not physically present at the Claremont Resort actively supervising Mr Kelly, it is difficult to understand how his relationship with Mr Richardson might be improved and difficult to see how he would attract maintenance work from residents.
- [12] In short, I doubt that Maton has made out the case based on s. 56(3)(b) of the Act which it has raised. However, Maton did not have a case to make. Maton's responsibility was to put in sufficient evidence to raise the issue of s. 56(3)(b) of the Act. Once Maton crossed that threshold, it was for the Complainant to establish beyond reasonable doubt that the exclusion at s. 546(3)(b) of the Act had no application. In my view, the Complainant did not negative the operation of s. 56(3)(b) of the Act.
- [13] There was evidence upon which the Industrial Magistrate might find that the "agreement" asserted by Mr Coates had been made. It was the evidence of Mr Coates and it was the evidence of Mr Kelly. (Though, I hasten to add, that Mr Kelly asserted that the "agreement" which had been made was not descriptive of that which in fact happened, after he terminated his indentures and entered the employment of Maton.) Even Mr Kerr seems to have conceded that the "agreement" was the proposal by the end of the meeting prior to Easter "though nothing was set in concrete".
- [14] There was the evidence of Messrs Coates and Richardson to the effect that from Easter onwards, Mr Kerr spent an increasing amount of time at Claremont Resort. There is evidence that in the certification process, Mr Kerr, who held a licence to perform electrical work, did sign off on jobs which had been undertaken and C.A. Kerr Pty Ltd certified the work. It was simply not open to the Industrial Magistrate to be satisfied, beyond a reasonable doubt that the operation of s. 56(3)(b) of the Act had been negated.
- [15] The alleged breach of s. 57AA of the Act may be more briefly dealt with. Mr Coates was on and off the premises of Claremont Resort to attend to the business interests of Maton, including fetching electrical supplies to be used (he thought) by Messrs Kelly and Kerr, and attending to the affairs of the Refrigeration and Air Conditioning Contractors Association, Queensland Branch, of which he was the President. His evidence was that post-Easter 2008, he very frequently saw Mr Kerr on the premises. However, he was not in a position to make a detailed assessment of the supervision of Mr Kelly in which Mr Kerr was engaged. Messrs Kelly and Kerr gave evidence that it was Mr Kelly who performed the electrical work and that Mr Kerr did not supervise him. (Oddly, Mr Kelly had earlier told an Inspector under the Act that he was not involved in wiring work.) There is some evidence that Mr Kerr was seldom on the site.
- [16] There are dangers in acting on the evidence of Messrs Kelly and Kerr. On the view of the facts contended for by the Complainant, Messrs Kelly and Kerr were accomplices. Further, they were not indemnified accomplices. Although the time limit on a prosecution imposed by the *Justices Act 1886* had expired, if evidence had emerged for the first time in the proceedings, the right to prosecute might have revived. So concerned was His Honour about that matter, that he expressly warned Messrs Kelly and Kerr that they were not required to answer questions where the answer might incriminate them. I accept the submission of Mr MacKenzie for the Respondent that it would have been dangerous to convict on such evidence.

- [17] However, the Industrial Magistrate did not get to that point. It was contended for Maton that Mr Coates, who was its alter-ego, had laboured under an honest and reasonable mistake of fact that Mr Kelly was doing no more than assist Mr Kerr to perform electrical work under the direct supervision of Mr Kerr, without directly contacting live electrical equipment. Given the "agreement" said to have been made, the frequency of Mr Kerr's presence at Claremont Resort and the circumstance that Mr Kerr was signing off on Maton's electrical work, the question whether Mr Coates was labouring under a "honest and reasonable mistake of fact" was squarely raised. At that point, s. 24 of the *Criminal Code* was raised. Again, the onus was upon the Complainant to prove the negative. The Industrial Magistrate's conclusion that the Complainant had not done so was plainly open to His Honour.
- [18] The path which I have taken at paragraphs [1] to [17] does not entirely correspond with the way in which the case was argued. Neither have I dealt in detail with the reasons of the Industrial Magistrate. The attraction of an extempore judgment is expedition. The attraction of a reserved judgment is felicity of expression. Here, with respect to the Industrial Magistrate, the way in which reasons are formulated (on occasion) leaves a little to be desired. It is, however, quite plain that His Honour was correct in the result.
- [19] I dismiss each of the Appeals pressed by the Complainant. I reserve all questions as to costs. My Associate will endeavour to make arrangements to deal with issues about costs by way of written submissions.

Dated 13 August 2010.

D.R. HALL, President.

Appearances:

Mr P. Matthews of Legal and Prosecution Services, Department of Justice and Attorney-General for the Appellant.

Mr D. MacKenzie instructed by Howden Saggars Lawyers for the Respondent.

Released: 13 August 2010



RECLAIM OUR TRADE

**Refrigeration & Air Conditioning
Tradespeople & Apprentices**

**Brief
September 2008**

Arctick Licensing:

The licensing system was introduced to help in reducing greenhouse emissions and to regulate the industry nationally. The “Open Slather” attitude adopted by Governments has guaranteed a substantially flawed licensing system including impacting negatively on sectors such as public safety, environment, industry tradespeople and small business.

Refrigeration & Air Conditioning Technicians

Tradespeople are now challenged within the marketplace by retailers preferring to contract Cert11 qualified, including electricians.

According to Industry representatives of the electrical industry, “Fridgies” cannot sub contract electricians as it would be a breach of the Safety Act in Qld. Electricians can however sub contract Fridgies.

To do so Fridgies are required to also hold an electrical contractors licence.

Consumers seek a one stop shop, purchase unit, installation and electrical, according to the electrical representatives it is also illegal for anyone other than electrical tradespeople to advertise “Complete air conditioning installations”. Fridgies therefore cannot advertise their own trade.

Loss of income includes small business closing, loss of apprenticeship positions and reduced qualified technicians within the industry. Some are choosing to retrain themselves in other industries.

Electrical work represents around 20% of the work associated to Air Conditioning; the electrical trade is incidental to this industry.

Fridgies hold a restricted electrical license in QLD comprising approximately 80% of the electrical apprenticeship requirements. Completing an Electrical tradesperson’s qualifications requires time attending, rather than recognition of prior learning. This system is seriously flawed.

Electricians who have no training in refrigeration are walking out the door with a cert11 in 3 days.

Governments have failed the industry with their lack of support to industry and it’s tradespeople. Governments failed to ensure appropriate incentives for placement of apprentices, teachers advising apprentices to be prepared to fight for their jobs as a direct result of national licensing. A lack of available funding and public awareness exists within governments.

The industry’s impact on the environment is significant and requires legislation to ensure quality and knowledge of all works carried out is completed by adequately trained persons. Governments have failed to acknowledge the trade is specialised and requires a realistic learning process for licensing to be granted.

Federal government’s introduction of Cert11 domestic split system installation has ensured an increase in greenhouse emissions.

Arctick licensing and the BSA provide no benefits to the qualified tradespeople and it is a privilege Fridgies are expected to pay for in a number of ways.

Table

Broad impact as a direct result of the National Licensing System

Group/Organisation	Impact Negative/Positive	Comments	
Refrigeration & Air Conditioning Tradespeople	Negative	<ul style="list-style-type: none"> • Increased costs • Loss of income high for many tradespeople specialising in Air Conditioning Installations • Trade value decreased • Reduced apprenticeship positions • Cannot split Invoices • Cannot sub-contract electrician • Poor representation from Industry Related Groups • No Political support within industry, actions indicate a strong bias toward electrical trade (Including a significant lack of funding initiatives) 	
Electrical Trade	Positive	<ul style="list-style-type: none"> • Monopoly on market place, specifically installation of domestic split system units • BSA licensing not required • Licenses granted with little/no experience in refrigerants. • 3 day course available to achieve license status • Strong representation from Electrical Industry Groups • Allegations of false and misleading documentation of incident reporting • Invoice Splitting • Can sub-contract Refrigeration Air Conditioning Technician • Strong political support (Including Funding) 	<ul style="list-style-type: none"> • Excludes New South Wales <i>(Home Building Regulation 2004)</i> Only Qualified Refrigeration & Air Conditioning Tradespeople can install split system domestic units

Environment	Negative	<ul style="list-style-type: none"> • Anticipated high increase of greenhouse emissions 	
(QBSA) QLD BUILDING SERVICES AUTHORITY	N/A	<ul style="list-style-type: none"> • Confusing Regulations/ Legislation • Bias toward Electrical Trade 	
Public	Negative <ul style="list-style-type: none"> • Poor quality Installations • Hydrocarbons if used in units place public at risk (Explosive gases) • Non qualified tradespeople cannot warrant installations adequately (in case of emissions, requires qualified tradesperson) • Health risks associated with undiagnosed gas leaks, poor quality installations including piping. Positive <ul style="list-style-type: none"> • Cheap Installation Pricing 		
Retailers	Positive	<ul style="list-style-type: none"> • Reduced costs associated with installations • Allegations include one major retailer having only (2) qualified tradespeople on the books, the remainder of 300 on the list are Cert11 qualified 	
Fire Fighters	Negative	<ul style="list-style-type: none"> • Increased risk exposure when installations are carried out by inadequately trained persons (Includes explosions & exposure to gases) 	

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.



Mr Andrew Dettmer
President
MERS ITAB - Queensland
PO Box 128
SPRING HILL QLD 4004

Dear Mr Dettmer

I am writing to you with respect to your letter on behalf of MERS ITAB to the Honourable Gordon Nuttall, Minister for Industrial Relations, regarding the establishment of an advisory committee to consider specific issues regarding restricted electrical licenses.

This matter was referred to the Electrical Safety Board by the Minister and was discussed at the Board's inaugural meeting on 11 December 2002.

The Board determined that if relevant issues arose then the MERS ITAB would be consulted and if appropriate consideration would be given to the formation of a committee in which MERS ITAB would be invited to participate.

If possible, I would also like the opportunity to visit MERS ITAB early in 2003 and have the opportunity to discuss this and any other issues with you.

Also, may I take the opportunity to wish you a very happy Christmas and a great New Year.

Looking forward to your response.

Yours sincerely

JACK CAMP

Commissioner for Electrical Safety

18/12/02

Neville Bonner Building
75 William Street
Brisbane Qld 4000

GPO Box 69
Brisbane Qld 4001

Ph: 3235 4588
Fax: 3872 0729
Email: jack.camp@dir.qld.gov.au



Hon. G. R Nuttall MP
Minister for Industrial Relations
GPO Box 69
BRISBANE QLD 4001

Dear Minister Nuttall

In relation to the Electricity Safety Act 2002 and in accordance with the purpose of the act being:

- (1) This Act is directed at eliminating the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity.
- (2) Accordingly, the purpose of this Act is to establish a legislative framework for:
 - (a) preventing persons from being killed or injured by electricity; and
 - (b) preventing property from being destroyed or damaged by electricity.

The Manufacturing, Engineering & Related Services Industry Training Advisory Board (MERS ITAB) on behalf of Industry Sectors it represents, respectfully request you consider the following application for the establishment of an "advisory committee" with the charter of addressing specific issues surrounding restricted electrical work the MERS ITAB believes that a restricted electrical advisory committee would provide valuable support to the board if established in accordance with Division 5 – Advisory Committees of the Electrical Safety Act 2002.

Thank you for considering this request, attached are a number of specific industry examples which highlight the imperative for a restricted electrical advisory committee.

Should you or your advisors require further details please contact Brett Lee on (07) 3244 1760.

Yours sincerely

Andrew Dettmer
President

Steve Ghost
Vice-President

INDEX TO ATTACHMENTS IN SUPPORT OF
MERS ITAB - QLD LETTER

SUBJECT - RESTRICTED ELECTRICAL ADVISORY COMMITTEE.

Following letters of support are representative of a wide range of Queensland Industries and Specialized Trade Applications that support the need for representation in regards to the essential capability accorded them by the Restricted Electrical License.

- | | |
|----------|---|
| Folio 1 | Pneumatics Industry
CHAMPION COMPRESSORS Ltd. |
| Folio 2 | Water Supply Industry
McCRACKEN'S WATER SERVICES. |
| Folio 3 | Water Leisure Industry
SWIMMING POOL AND SPA ASSOCIATION Qld. |
| Folio 4 | Construction Industry (General)
BUILDING INDUSTRY SUBCONTRACTORS AND
CONSULTANTS ORGANISATION OF QUEENSLAND Inc. |
| Folio 5 | Food Manufacturing Industry
HOME ICE CREAM Pty. Ltd. |
| Folio 6 | Appliance Manufacturing & Repair Industry
APPLIANCE INDUSTRY ASSOCIATION. |
| Folio 7 | Training Industry
FIRST CHOICE INSTITUTE OF TECHNOLOGY. |
| Folio 8 | Transport And Container Repair Industry
ICEMAN TRANSPORT REFRIGERATION REPAIRS Pty.
Ltd. |
| Folio 9 | Truck, Bus & Train Refrigeration & A/C Manufacturing & Repair
Industry
THERMO KING
SPECTRA TRANSPORT REFRIGERATION SERVICES Pty.
Ltd. |
| Folio 10 | Queensland Refrigeration & Air Conditioning Technicians
IRASE |
| Folio 11 | Queensland Refrigeration & Air Conditioning Contractors
RACCA |
| Folio 12 | Control Industry
ACTROL PARTS. |



17th October 2002

Hon. G. R. Nuttall MP
Minister for Industrial Relations

Subject: Attachment to MERS ITAB – Qld. Letter Re: Application for establishment of an “advisory committee”.

Contact: Ian Tessmann
Company/Organisation: Champion Compressors Ltd
Address: 14 Parkview Drive, Archerfield, Brisbane.
Contact Phone: (07) 3277 7111
Contact Fax: (07) 3277 7775
E-mail: itessmann@champcom.com.au

Champion Compressors Ltd
A subsidiary of Austrim Nylex Ltd
ABN 68 006 732 332

South Queensland
14 Parkview Drive, Archerfield
QLD 4108, Australia
Telephone (+61 7) 3277 7111
Facsimile (+61 7) 3277 7775
E-mail qldsales@champcom.com.au

www.championcompressors.com.au

INDUSTRY SPECIALIZATION:

Repair/Service/Overhaul of electric and diesel driven air compressors.

Dear Sir,

We also would like to add support to the formation of a specialist “Advisory Committee” as proposed within the covering letter from MERS ITAB – Qld.

As an ISO 9001 accredited Australian manufacturer and service provider in the compressed air industry, safety for all our staff is a driving force behind Champion.

Champion agrees with the Premier with regard to the appalling electrical safety record in Queensland and how action needs to be taken to deal with this matter. To this end it would be extremely important that all views are considered so as to ensure the baby is not thrown out with the bath water for the sake of change.

Champion provides service to clients all over Queensland from the major cities and towns to remote mine sites and so it is important that our service technicians are fully trained not only technically but also understand the safety requirements when working on the specific equipment and the clients sites.

It would be impossible for our technicians to perform all the safety checks and tests required on equipment at client sites if they could not perform technically simple electrical checks, tests and component replacements, not to mention the additional cost and charges to the client if others had to be involved.

Yours faithfully
CHAMPION COMPRESSORS LTD

Ian Tessmann
QUEENSLAND STATE MANAGER





McCRACKEN'S

WATER SERVICES

PUMPS AND IRRIGATION

30 October 2002

Attachment to MERS ITAB – QLD Letter Re: Application For Establishment

INDUSTRY SPECIALISATION – (Place here your specialisation)

Contact: Jim Wedge

Company/Organisation: McCracken's Water Services Pty Ltd

Address: 56 Bolsover Street Rockhampton QLD 4700

Contact Phone: 07 49223 680

Contact Fax: 07 49222 124

E-mail: jwedge@mccrackens.com.au

We wish to add our support to the formation of a specialist "Advisory Committee" as proposed within the covering letter from MERS ITAB – Qld.

It is our industries field experience which indicates that safety, both personnel and equipment, has been and is being jeopardised by the inability of fully licensed electrical workers to understand and comprehend not only the immediate component being electrically worked on but the total equipment package, it's processes, operational methodology and interlinking dependent systems. One person cannot be master of all industrial systems!

It is not matter of just more training but rather a matter of the wide field of applications, equipment's and industrial systems. For a single person cannot know every and all specific fields but rather it is the personnel that are constantly involved within that specific application that must, for safety reasons, be given and maintain the right to work thereon if only in a restrictive capacity. One trade cannot know and master all aspects of all industry!

It is logical engineering to allow those with the greatest expertise and specific equipment knowledge to carry out maintenance, repair and commissioning tasks on multi layered engineering systems as each component part interacts with other thus failure or inefficiency of one part effects total system. An expert in one trade without the knowledge of the total system package is inherently unsafe to that system. Repair the effect leaves the cause!

We would like to bring to your attention just a few examples where we believe the Restrictive Electrical Licensing is critical within out field of expertise:

- Electricians have asked us how to wire up pressure switches. They then do not know how to adjust the switches and how much air pressure has to be in the pump pressure tanks to make the pumps operate at their designed performance. You need to know the hydraulics of the system when changing pressure switches to adjust them to their correct setting.
- Electrician phoned me after he could not get a three wire single phase motor with control box to start. After discussion with this electrician I went out the following day (two hour turn around time) to find that the electrician had failed to follow the wiring code and had the wires around the wrong way. He did not know how to find the start, main and common windings to follow the wiring diagram.
- Three phase electric motors wired in reverse. Customers abuse us for the wrong pump selection, but in fact when we check the pumps performance we found the motor was wired up in reverse.
- Waterproof termination joins are not being fitted properly by electricians, and water is tracking into the joint causing motor to throw earth leakages and sometimes cause the motor to burn out. To fix the problem, pumps have had to be pulled out of bores at the owners' expense.
- We have new motors that have electronics and diverters in them which cannot have insulation tests, resistance tests and high voltage tests conducted. The problem is that electricians do conduct these tests and are blowing these motors up when there is originally nothing wrong with these motors. In a bore hole situation where we use these motors, they have sensors built in to them so that when the water level drops to a certain pressure in the bore these motors shut themselves down to protect them from burn out. In this instance the symptom that the customers give to the electrician is that the motor is stopping and starting. The electrician then conducts the above tests on the motors causing damage to the electronic boards, costing their customers money. The moment these motors are replaced the same symptoms will occur and the electrician repeats the same tests on them, with the same end result. After the second time this occurs we are called by the irate customer wanting warranty on the new motor, and after discussion with the customer it becomes apparent that there has been no problem with the motor; it is a case of the bore water level dropping.

We receive all our training from the motor companies in order to keep up with changing technology. Electricians do not access this information. This is a specialised field where specialised personnel should be carrying out repairs.

REGARD,

Jim Wedge

Tuesday, 22 October 2002

Page 1. of 1. Pages

Hon. G.R. Nuttall MP
Minister for Industrial Relations
GPO Box 69
Brisbane Qld 4001

Dear Minister,

In relation to the Electrical Safety Act 2002, and in accordance with the purposes of the Act being:

- The elimination of the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity, and

To establish a legislative framework for:

- Preventing persons from being killed or injured by electricity, and
- Preventing property from being destroyed or damaged by electricity.

We would like to join with the Manufacturing, Engineering and Related Services Industry Training Advisory Board (MERS ITAB-Qld) on behalf of our Members, and respectfully request you consider the establishment of an "Advisory Committee" with the charter of addressing specific issues surrounding restricted electrical work in "wet areas" associated with Swimming Pool Construction and Maintenance.

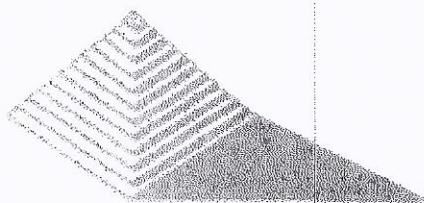
SPASA believes that a restricted electrical Advisory Committee would provide valueable support to the Board when established in accordance with Division 5 of the Act.

Yours faithfully
Swimming Pool & Spa Association
of Queensland Inc.

Secretary

*Building Industry Subcontractors and Consultants Organisation
of Queensland Inc*

•ABN 22 487 428 569 •IA 10931



BISCO Q

"equity in contracting"

Honourable G.R Nuttall MP
Minister For Industrial Relations
GPO Box 69
BRISBANE QLD 4001

P. O. Box 669
SUMNER PARK Q. 4074
72 Neon Street
SUMNER PARK Q. 4074
Phone: (07) 3279 4044
Fax: (07) 3279 6061

22 November 2002

Dear Minister Nuttall,

Re Restricted Electrical Licences Advisory Board

BISCO Q wishes to add it's support for the formation of a specialist ADVISORY committee as proposed within the covering letter from the MERS ITAB Qld

A number of our affiliated association members have expressed their dismay at the time and lack of action when it comes to processing restricted electrical licences when all the required criteria is met.

The construction and building industry has a number of specialist trades that require trainee and apprentices to undertake national accepted accreditation for restricted electrical licences so that they can complete their courses to carry out their choosen career path in a safe and professional manner

It has come to our attention that personnel and equipment safety has regularly been put in jeopardy, by fully qualified licenced electrical workers who do not comprehend nor understand the methodology and interlinking processes involved with the componentry of the equipment they are working on.

The construction industry now has a number of specific fields that require specialist training, particularly in air conditioning and plumbing industries with regard to electronic applications, tradespeople in these areas are given specialist training to service and maintain this equipment, and it is for this reason that a restricted electrical licence is a necessity for these fully qualified tradespeople

It is for this reason that BISCO Q supports the formation of an advisory committee to the Electrical Safety Board which comes under your portfolio as we believe this the only way in which we can have positive input and offer communication link to all trade associations that are effected by this legislation. We are aware of numerous occasions where the ombudsman had to intervene on behalf of trainees within the construction industry.

We look forward to a favourable response to our request and if you require any further information please contact the under signed.

Yours Truly

Doug Foggo, President

"The peak representative body for trade contracting associations"



20th November 2002

Attachment to MERS ITAB – QLD Letter Re: Application For Establishment of Advisory Committee.

INDUSTRY SPECIALISATION – Queensland Based Australia Wide Frozen Food Manufacturing, Storage and Distribution.

Contact: Wayne Reisinger
Company/Organisation: Home Ice Cream Pty Ltd
Address: 173 – 181 McDougall Street, Toowoomba QLD 4350
Contact Phone: (07) 4699 9988
Contact Fax: (07) 4633 1830
E-mail: homeice@bigpond.com.au

We wish to add our support to the formation of a specialist “Advisory Committee” as proposed with the covering letter for MERS ITAB – QLD.

We are a medium sized Ice Cream Manufacturer. Our Factory Production Facility combines a mix of the Engineering Trades, Refrigeration Trades, and the Electrical Trades. It is our Factory experience that a Fully Licensed Electrician with the inability to properly understand and comprehend the equipment being worked on can jeopardise both safety of personnel and also the integrity of the engineering system. With rapidly changing technologies it is impossible for one person to know all the facets of Industrial Systems in the 21st Century.

Further and better training is not the answer but it is rather a matter of wide Engineering Applications relating to Equipment and Industrial Systems. It is the Personnel that are currently involved with that specific engineering application that must for safety reasons have the right to maintain and work on the particular piece of equipment all be it only in restrictive capacity. It is impossible for one trade to know and master all aspects of all Industry.

It is logical engineering to allow those with the greatest expertise and specific equipment knowledge to carry out maintenance, repair and commissioning tasks on multi-functional engineering systems as each component part interacts with the other thus failure or inefficiency of one part effects the total system. An expert in one trade without the knowledge of the total system package is inherently unsafe to that system.

HEAD OFFICE
173 - 181 McDougall Street
Toowoomba QLD 4350
P.O. Box 6368
Toowoomba West
QLD 4350
Ph: (07) 4699 9988
Fax: (07) 4633 1830

HOME
ice cream

20th November 2002

Attachment to MERS ITAB – QLD Letter Re: Application For Establishment of
Advisory Committee.

INDUSTRY SPECIALISATION – Queensland Based Australia Wide Frozen
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Contact: Wayne Reisinger
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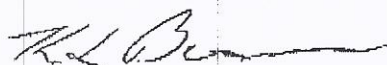
HEAD OFFICE
173 - 181 McDougall Street
Toowoomba QLD 4350
P.O. Box 6368
Toowoomba West
QLD 4350
Ph: (07) 4699 9988
Fax: (07) 4633 1830

You can repair the effect with out diagnosing the cause of the effect. It is a combination of mechanical and electrical knowledge that solves the problem.

We would like to bring to your attention just a few examples where we believe the restrictive Electrical Licensing is critical within our field of expertise:

- The testing repair modification replacement of special refrigeration components that operate on more than one source e.g. Electricity as well as refrigerant pressure (gas) or temperature. Without correct training and knowledge of these components, incorrect installation and adjustment can seriously damage our equipment or worse endanger Human Life.
- Incorrect testing of specialized equipment in our field can seriously damage our equipment and standard test procedures used by Electricians are not suitable for some of our equipment.
- Inability of Qualified Electricians to follow and understand Refrigeration control circuits has also become very evident due to the problems encountered while setting up our 25 plus Depot Freezer Sites Australian wide. Direct supervision from our Refrigeration Mechanic has in the past rectified the problem.
- Then there is also the cost factor our equipment runs 24hrs per day 7 days per week and can fail at any time day or night and if needed a qualified refrigeration Mechanic with a restricted electrical License can repair or replace the faulty parts and return the equipment to service without having to call in a second person e.g. Electrician. This is something an electrician cannot do with out specialized training, as it not his field of Expertise.
- Our experience a, fleet of 140 vehicles, has found that the Electrical Industry has no understanding or capability within this very specialised field.

Yours sincerely



KEN BURROWS
REFRIGERATION DEPT. SUPERVISOR

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Yours sincerely



KEN BURROWS
REFRIGERATION DEPT. SUPERVISOR

Industry Specialization :- REFRIGERATION & AIR CONDITIONING TRAINING

Contact :- Douglas Braund
Company :- First Choice Institute Of Technology
Address :- P.O.Box 4012, Eight Mile Plains, P/c 4012
Contact Phone :- 07 3364 0763
Contact Fax 07 3364 0796
E – mail www.firstchoicetraining.com.au

We wish to add our support to the formation of a specialist “ Advisory Committee” as proposed with in the covering letter from MERSITAB – Qld.

Employers of Apprentices (finishing their Training Period) are having untold problems in gaining the Restricted Electrical Certification. It appears there are delaying tactics being employed for no other reason than lack of staff and this can be up to 18 months with repetition of paperwork done and frustration with “ The Authority “ to the highest level.

After nearly 30 years of training in TAFE and with First Choice Institute of Technology , electricians working in the Industry as well as TAFE Electrical Teachers admit that the electrical work carried out by the Refrigeration & Air Conditioning Industry is of a greater level of skill than identified in the band of training in the ‘A’ Grade Electrical Training Package.

This is because of their training and experience on the mechanical side as well as the corresponding electrical functioning of the components. This sets them apart from the general house wiring skills etc. of the Electrician.

We would like to bring to your attention of one notable example where the Restricted Electrical Licensing is critical with in our field of expertise :-

A large air conditioning system had the main motor burnout. An electrician replaced the motor but did not check direction or did not know the correct direction and switched the motor on and left it running for a time. The alarm was sounded and he was told to shut down the system. Because the air was reversed, dust was blown through out the complex which resulted in a number of people being taken to hospital with respiratory problems , others with asthma attacks and the complex closed down until the complete removal of dust was carried out.



Queensland Manufacturing Institute
Cnr Miles Platting & Logan Roads, Eight Mile Plains, Queensland 4113
PO Box 4012, Eight Mile Plains, Queensland 4113
Tel: 07 3364 0742 & 07 3364 0763 Fax: 07 3364 0796
Email: admin@firstchoicetraining.com.au Website: www.firstchoicetraining.com.au



NATIONALLY RECOGNISED
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ICEMAN

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EMAIL: icemantpt@ozemail.com.au

WEB SITE: www.iceman.com.au

A.C.N. 010 599 729

A.B.N. 86 764 020 858

HON. G.R. NUTTALL MP
MINISTER FOR INDUSTRIAL RELATIONS

SUBJECT: Attachment to MERS ITAB -- Qld. Letter Re: Application for
Establishment of an " advisory committee "

Contact :	Cynthia Marshall / Terry Cubit
Company :	Iceman Transport Refrigeration Repairs
Address :	197 Murarrie Rd. Murarrie Brisbane
Contact Phone :	07 3390 7800.
Contact Fax :	07 3390 7141
E-mail :	icemantpt@ozemail.com.au

INDUSTRY SPECIALIZATION

Repair , Maintenance and Overhaul of Transport Refrigeration Equipment

Dear Sir

We wish to add our support to the formation of a " Advisory Committee " as proposed in the covering letter from MERS ITAB – Qld.


Having been a service provider to the transport industry for 18 years, our company is well aware of the necessity for safety in the work place.

Over this period it has also become obvious the inability of electricians to understand the complexities and operations of transport refrigeration equipment. This is understandable given that one person cannot know and understand the specifics of every field involving the use of electricity.

We do not expect our people to be fully qualified electricians, any more than electricians can be refrigeration repairers, and we believe that there is a place within all industries for people to have some form of training to allow restricted access to other areas.

Yours Sincerely


Cynthia Marshall
Director


Terry Cubit
Director



A.B.N. 51 671 521 957

A.C.N. 010 343 192

19th November 2002



THERMO KING

Hon G.R.Nuttall MP
Minister for Industrial Relations

Attachment To MERS ITAB - Qld Letter Re:
"Application for establishment of an advisory committee"

Contact : Pat Milliken
Company: Spectra Thermo King
Address: 2506 Ipswich Rd ,Darra Queensland
Phone: 07 3375 1955
Fax: 07 3375 1956
Email: pmilliken@spectratk.com.au
Industry: Sales, & Service, transport refrigeration and air conditioning systems.

Dear Sir,

We would like to add our support for the formation of a specialist advisory committee as proposed within the covering letter from MERS ITAB-Qld.

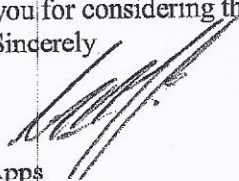
Spectra Thermo King is the Queensland and Northern Territory Dealer for Thermo King Truck and Trailer refrigeration and the National Dealer for Thermo King Bus air conditioning systems. As such we provide sales, service and warranty back up to these industries.

Our truck refrigeration systems are run by diesel or vehicle engines with a 3 phase electrical standby facilities. Our technicians perform services and repairs on these units at client sites all over southeast Queensland as well as on our premises.

It would be virtually impossible for our technicians to perform these services if they could not perform technically simple electrical checks and component replacements. Our refrigeration systems are interlinked, so our technicians are trained in all aspects of diesel, refrigeration and limited electrical systems. If we were unable to work on all aspects of these units downtime to equipment and cost to customers would increase dramatically, not to mention the safety aspects of not knowing the interlinking dependant systems.

We therefore need to maintain the right to work on all aspects of our equipment if only in a restricted capacity.

Thank you for considering this request.
Yours Sincerely


Colin Apps
Sales Manager-Qld, NT
Spectra Thermo King

PO Box 500
Richlands 4077
2506 Ipswich Rd
Darra Qld. 4076

A DIVISION OF SPECTRA (OPERATIONS) PTY. LTD.

Inc in Qld.

Ph: (07) 3375 1955
Fax: (07) 3375 1956
A/Hrs Service: 1800 800 532

RACCA Queensland Inc.

PO Box 2052, Logan City DC 4114 Queensland

Website Address: <http://www.refrigqld.asn.au>



Telephone/Fax +61 7 3803 5797

e-mail: enau@bigpond.com

20 November 2002

The Hon. G.R. Nuttall MP
Minister for Industrial Relations
GPO Box 69
Brisbane Queensland 4001

Dear Minister Nuttall

We wish to add our support to the formation of a specialist "Advisory Committee" as proposed by MERS ITAB Queensland to your ministerial office. We would like to indicate to you through the following our reason for this support of MERS ITAB Queensland.

The majority of electrician's, with all due respect, cannot understand the new procedures in place today regarding commercial refrigeration. With the advent of computers, monitors, probes and alarm system installed and used for the safety of product, which is most essential it has become a very specialised and unique field within industry.

There is a total lack of understanding of the principles of refrigeration and its applications to both commercial and light refrigeration, within the electrical industry as a whole. This has and does lead to unsafe practice relative to refrigeration standards for electrical application for the specific type of electrical work found in refrigeration systems, endangering the lives and health, the public, and the personnel carrying out this type of work with limited or no knowledge of refrigeration principles.

This lack of or inadequate knowledge of the total refrigeration system regularly leads to failures within the equipment that serves the general public. This has the potential for food poisoning (The Garabaldi Incident in South Australia), blood and blood product spoilage, lost scientific data etc. hence with the potential to affect our whole lifestyle. Another area is the dairy industry who are totally dependant on reliable and good refrigeration systems and the timely maintenance of these systems to ensure the safety of the general public on a daily basis.

We could go on ad infinitum, however from the examples outlined above you will see the importance and uniqueness of our industry, hence the support for the proposal made to you by MERS ITAB.

We respectfully ask for your consideration in this matter. Thank you for your time in hearing us.

Yours faithfully

Don Anderson
President
RACCA Queensland Inc.

QUEENSLAND

32 PERRIN PLACE, SALISBURY,
QUEENSLAND 4107, AUSTRALIA

Telephone: (07) 3875 0400 Facsimile: (07) 3277 7608

Website: www.actrol.com.au

Postal Address:

P.O. BOX 426, SALISBURY, QUEENSLAND 4107, AUSTRALIA

19 November 2002

MIKE GILMORE
National Refrigeration & Air Conditioning Council
PO Box 1370
CAPALABA QLD 4157

Dear Mike

Re: Warranty Returns

Further to our discussion regarding warranty failures, I have checked our records in relation to Electronic Controllers. It shows that the majority of controls returned for warranty come back from the manufacture stating "Incorrect Installation".

Our warranty returns from regular customers however is negligible, this demonstrates that the majority of our customer base is competent to install these products.

Regards



Greg Brooker
STATE SALES MANAGER - QLD/NT