



## COVERSHEET

<b>Minister</b>	Hon Iain Lees-Galloway	<b>Portfolio</b>	Workplace Relations and Safety
<b>Title of Cabinet paper</b>	<i>Minor and technical matters for a licensing regime for refrigeration, heating and air conditioning technicians and minor amendments to the hazardous substances regulations</i>	<b>Date to be published</b>	15 May 2020

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
15 May 2020	<i>Minor and technical matters for a licensing regime for refrigeration, heating and air conditioning technicians and minor amendments to the Hazardous Substances Regulations</i>	<i>Office of the Minister for Workplace Relations and Safety</i>
15 May 2020	<i>DEV-20-MIN-0050</i>	<i>Cabinet Office</i>
15 May 2020	<i>Regulatory Impact Summary – Ensuring effective regulation of health and safety risks associated with work on commercial and industrial refrigeration, heat pump and air conditioning systems</i>  <i>Cost Recovery Impact Statement – A licensing regime for refrigeration technicians</i>	<i>MBIE</i>

### Information redacted

YES / NO (please select)

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reasons of Confidential advice to Government, and Confidential information entrusted to the Government.



# Cabinet Economic Development Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Refrigeration, Heating and Air Conditioning Technicians: Proposed Regulatory Amendments

Portfolio                      Workplace Relations and Safety

On 18 March 2020, the Cabinet Economic Development Committee:

#### Minor and technical decisions

- 1        **noted** that in May 2019, the Cabinet Economic Development Committee (DEV) made the primary decisions for a licensing regime for technicians that work on commercial and industrial refrigeration, heat pump, or air conditioning systems [DEV-19SUB-0105];
- 2        **noted** that the new regulations to introduce a licensing regime are currently being drafted by the Parliamentary Counsel Office (PCO);
- 3        **noted** that DEV agreed that the minor and technical matters to support the new regulations would be decided after consultation with affected stakeholders;
- 4        **noted** that the following minor and technical decisions are required by PCO to draft the new regulations;
- 5        **agreed** to include a definition in the new regulations of:
  - 5.1        ‘domestic and light commercial systems’ that will:
    - 5.1.1        provide clarity that these systems typically contain a factory-assembled, hermetically sealed, vapour-compression refrigeration system with a small refrigerant charge;
    - 5.1.2        include domestic systems (e.g. domestic refrigerators, freezers and heat pumps), as well as light commercial systems such as:
      - 5.1.2.1        refrigerated display cabinets;
      - 5.1.2.2        bottle water coolers and water dispensers for offices, factories, gyms;
      - 5.1.2.3        refrigerated beverage vending machines (e.g. for Coca-Cola, Pepsi);
      - 5.1.2.4        ice makers used in cafes, hotels, bars and food courts;

- 5.1.2.5 post-mix beverage cooling and dispensing equipment;
- 5.1.2.6 drop-in and slide in packaged refrigeration units;
- 5.1.2.7 small packaged liquid chillers used in laboratories;
- 5.1.2.8 small heat pumps;

6 **agreed** that the new regulations for technicians’ work involving commercial and industrial refrigeration, heat pump and air conditioning systems should:

- 6.1 specify that ‘very high operating pressure’ is a refrigerant with a critical temperature below 40 °C or with a liquid phase saturation pressure above 355 psia at 40 degrees Celsius;
- 6.2 specify that a separate transport class is included in the regulations that would enable the holder to work exclusively on transport refrigeration systems mounted in trucks, trailers and shipping containers;
- 6.3 specify that a person conducting a business or undertaking (PCBU) must ensure that a trainee or apprentice is directly supervised by a licence holder, unless the nature of the task makes it impractical or unnecessary, or the reduced level of supervision will not place the supervised person or any other person at risk;
- 6.4 specify that a PCBU may not direct or allow a worker to carry out (or supervise) a class of work unless the PCBU sights written evidence that the worker has the relevant licence for the work;
- 6.5 specify that the licensing fee is \$720, and \$720 for a renewal of a licence, and \$120 for a replacement licence, consistent with the Treasury and the Auditor-General’s guidelines for charging in the public sector;

Confidential advice to Government

9 **noted** that technicians’ working on-farm milk vat refrigeration systems are required to be licenced;

10 **noted** that offences and penalties for the licensing regime will be identified and set in accordance with the framework for offences and penalties for regulations made under the Health and Safety at Work Act 2015;

- 11 **authorised** the Minister for Workplace Relations and Safety to further clarify and develop policy matters relating to the proposals in the Cabinet paper attached under DEV-20-SUB-0050 in a manner that is not inconsistent with the policy recommendations contained in the paper;

**A transitional timeframe to ensure that owners of ammonia-based refrigeration systems comply with the joint AS/NZ standard for commercial refrigeration systems**

- 12 **noted** that in May 2019, DEV agreed to amend the Health and Safety at Work (Hazardous Substances) Regulations 2017 so that a PCBU with management or control of a commercial or industrial refrigeration system that uses anhydrous ammonia as a refrigerant complies with the signage requirements in these regulations [DEV-19-MIN-0105];
- 13 **agreed** to amend the Health and Safety at Work (Hazardous Substances) Regulations 2017 so that a three-month transitional timeframe is included in order for a PCBU with management or control of a commercial or industrial refrigeration system that uses anhydrous ammonia as a refrigerant to be in compliance with the signage requirements in these regulations;

**Minor amendments to the hazardous substances regulations**

- 14 **noted** a number of technical issues have arisen in the Health and Safety at Work (Hazardous Substances) Regulations 2017 that are causing unintended compliance issues for some businesses;
- 15 **agreed** to amendments to the Health and Safety at Work (Hazardous Substances) Regulations 2017 in accordance with the 39 proposals listed in Annex One to the paper under DEV-20-SUB-0050.

Vivien Meek  
Committee Secretary

**Present:**

Rt Hon Winston Peters  
Hon Grant Robertson (Chair)  
Hon Phil Twyford  
Hon Dr Megan Woods  
Hon David Parker  
Hon Nanaia Mahuta (via phone)  
Hon Stuart Nash  
Hon Iain Lees-Galloway  
Hon Jenny Salesa  
Hon Damien O'Connor  
Hon Shane Jones  
Hon James Shaw  
Hon Eugenie Sage

**Officials present from:**

Office of the Prime Minister  
Officials Committee for DEV

**Hard-copy distribution:**

Minister for Workplace Relations and Safety