



New South Wales

# Gas Legislation Amendment (Medical Gas Systems) Act 2020 No 17

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New South Wales

# Gas Legislation Amendment (Medical Gas Systems) Act 2020 No 17

Act No 17, 2020

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An Act to amend the *Gas and Electricity (Consumer Safety) Act 2017* and *Home Building Act 1989* to provide for a regulatory scheme for persons and other entities involved in medical gas systems in health and medical facilities and in mechanical services and medical gas work; and for related purposes. [Assented to 11 August 2020]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Gas Legislation Amendment (Medical Gas Systems) Act 2020*.

**2 Commencement**

This Act commences on 1 November 2020.

## Schedule 1 Amendment of Gas and Electricity (Consumer Safety) Act 2017 No 15

### [1] Section 4 Definitions

Omit “this Act.” from the definition of *gas* in section 4(1). Insert instead—  
this Act,  
but does not include a medical gas.

### [2] Section 4(1), definition of “gas appliance”

Omit “not include an internal combustion engine that is installed in, or forms part of, a vehicle, vessel or machine.”.

Insert instead—

not include—

- (a) an internal combustion engine that is installed in, or forms part of, a vehicle, vessel or machine, or
- (b) an appliance used in a medical facility for the supply or removal of a medical gas.

### [3] Section 4(1), definition of “gas installation”

Omit “not include an autogas installation.” Insert instead—  
not include—

- (c) an autogas installation, or
- (d) a medical gas installation.

### [4] Section 4(1)

Insert in alphabetical order—

*mechanical services and medical gas work* has the same meaning as in the *Home Building Act 1989*.

*medical facility* means the following—

- (a) a hospital within the meaning of the *Public Health Act 2010*,
- (b) an aged care facility,
- (c) a veterinary hospital within the meaning of the *Veterinary Practice Act 2003*,
- (d) another place where medical gas is supplied or removed (except as prescribed by the regulations).

*medical gas* means a substance used for medical purposes and prescribed by the regulations as a medical gas.

*medical gas installation* means a reticulated system of pipes, hoses or lines that conveys or controls the supply or removal of medical gases, including associated fixtures or fittings and any other thing prescribed by the regulations, but not including anything connected to and extending or situated beyond a wall outlet or NIST fitting.

*medical gas technician work* means the commissioning, testing, verification or certification of a medical gas installation.

*medical gasfitting work* means the construction, installation, replacement, repair, alteration, maintenance, testing or commissioning of a medical gas installation and includes incidental design work.

**[5] Section 5A**

Insert after section 5—

**5A Parts 6 and 7 of Act extend to medical gasfitting work and medical gas technician work**

- (1) Parts 6 (Accident reporting and investigations) and 7 (Enforcement) extend, with any necessary modifications, to medical gasfitting work and medical gas technician work and for that purpose a reference in those Parts to—
  - (a) *gas* is taken to include a reference to *medical gas*, and
  - (b) a *gas installation* is taken to include a reference to a *medical gas installation*, and
  - (c) *gasfitting work* is taken to include a reference to *medical gasfitting work* and *medical gas technician work*, and
  - (d) an *authorised gasfitter* is taken to include a reference to a person who is authorised under this Act to carry out medical gasfitting work or medical gas technician work, and
  - (e) a *serious gas accident* is taken to include a reference to a *serious medical gas accident*.
- (2) In this section—

*serious medical gas accident* means an accident—

  - (a) caused by the use of a medical gas installation or by work carried out on a medical gas installation, and
  - (b) as a consequence of which a person dies or suffers permanent disability, is hospitalised, receives treatment from a registered health practitioner or is unable to attend work for any period of time.

**[6] Part 5A**

Insert after section 38—

**Part 5A Medical gas**

**Division 1 Medical gasfitting work and medical gas technician work**

**38A Work to comply with regulations**

- (1) A person must not carry out medical gasfitting work, medical gas technician work or mechanical services and medical gas work otherwise than in accordance with the following—
    - (a) the relevant Australian standards or, if a particular Australian standard is prescribed by the regulations in relation to the work, that Australian standard,
    - (b) any relevant standards of the International Organization for Standardization that are prescribed by the regulations in relation to the work,
    - (c) any standards or requirements specified by the Health Secretary by order in writing and published on the website of the Ministry of Health.
- Maximum penalty—
- (a) in the case of an individual—
    - (i) 500 penalty units for a first offence, or

- (ii) 750 penalty units or imprisonment for 2 years, or both, for a second or subsequent offence, or
  - (b) in the case of a corporation—
    - (i) 5,000 penalty units for a first offence, or
    - (ii) 7,500 penalty units for a second or subsequent offence.
- Note.** An offence against this section committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 63.
- (2) To avoid doubt, a standard or requirement under subsection (1) may—
    - (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
    - (b) apply differently according to different factors of a specified kind, or both.
  - (3) In this section—  
**Health Secretary** means the Secretary of the Ministry of Health.

## **Division 2 Medical gas installations**

### **38B Responsibilities of persons concerning the safety of medical gas installations**

- (1) A person responsible for a medical gas installation at a place must, to the best of the person's ability and knowledge, ensure that the installation is, while it is connected to the source of the supply of medical gas, maintained in accordance with—
  - (a) the relevant Australian standards or, if a particular Australian standard is prescribed by the regulations in relation to the installation, that Australian standard, and
  - (b) any relevant standards of the International Organization for Standardization that are prescribed by the regulations in relation to the installation.

Maximum penalty—500 penalty units in the case of a corporation and 150 penalty units in the case of an individual.
- (2) In this section—  
**person responsible** for a medical gas installation at a place means—
  - (a) the occupier of the place, or
  - (b) if there is no occupier, any owner of the place.

### **38C Offence of interfering with medical gas installations**

- (1) A person who carries out any type of work for fee or reward at or near a place where a medical gas installation is located must ensure that the carrying out of the work, and the work, do not interfere with the installation in a way that adversely affects the safety of the installation.  

Maximum penalty—500 penalty units in the case of a corporation and 200 penalty units in the case of an individual.
- (2) A person who—
  - (a) carries out any type of work at or near a place where a medical gas installation is located, and
  - (b) carries out the work in a way that adversely affects the safety of the installation, and

- (c) knows, or ought to have known, that the installation has been adversely affected,

must, as soon as is reasonably practicable after becoming aware that the installation has been adversely affected, notify the person responsible for the installation (within the meaning of section 38B) of that fact.

Maximum penalty—500 penalty units in the case of a corporation and 200 penalty units in the case of an individual.

### **38D Notice of defective medical gas installation**

- (1) The responsible person for medical gasfitting work or medical gas technician work carried out on land must give the following persons written notice of any defective medical gas installation on the land discovered in the course of carrying out the medical gasfitting work—

- (a) the owner of the land,
- (b) the occupier of the land (if the owner does not occupy the land).

Maximum penalty—100 penalty units.

- (2) The responsible person for medical gasfitting work, medical gas technician work or mechanical services and medical gas work carried out on land must give the Secretary written notice of any defective medical gas installation on the land discovered in the course of carrying out the medical gasfitting work that poses an imminent threat to public health or safety.

Maximum penalty—100 penalty units.

- (3) Notice of a defective gas installation required to be given under this section must be given—

- (a) in relation to notice referred to in subclause (1)—as soon as practicable after the defective gas installation is discovered, and
- (b) in relation to notice referred to in subclause (2)—within 24 hours after the defective gas installation is discovered.

- (4) A defective medical gas installation is discovered if the responsible person, or a person carrying out the medical gasfitting work, medical gas technician work or mechanical services and medical gas work under the responsible person's supervision, becomes aware that the installation concerned is defective.

- (5) In this section—

**responsible person** for medical gasfitting work, medical gas technician work or mechanical services and medical gas work means—

- (a) in the case of work carried out or proposed to be carried out by the holder of an endorsed contractor licence or a supervisor certificate under the *Home Building Act 1989* authorising the holder to do the work, the holder of that licence or certificate, or
- (b) in the case of work carried out or proposed to be carried out under the immediate or general supervision of the holder of an endorsed contractor licence or a supervisor certificate under the *Home Building Act 1989* authorising the holder to supervise the work, the holder of the endorsed contractor licence or supervisor certificate.

### **38E Regulation of installations**

The regulations may make provision for or with respect to the following matters—

- (a) testing, inspection and compliance requirements that must be carried out on completion of medical gasfitting work or mechanical services and medical gas work,
- (b) the use and maintenance of medical gas installations,
- (c) the connection of containers, regulators or appliances to medical gas installations.

**[7] Section 39 Meanings of “serious electrical accident” and “serious gas accident”**

Insert after the definition of *serious gas accident*—

**Note.** For the purposes of Parts 6 and 7, *serious gas accident* is taken to include *serious medical gas accident*. See section 5A.

**[8] Section 40 Notification of serious electrical and gas accidents**

Omit section 40(1)(a). Insert instead—

- (a) in relation to a serious medical gas accident—within 24 hours after the accident, and
- (a1) in any other case—within 7 days after the accident, and

**[9] Section 44**

Omit the section. Insert instead—

**44 Arrangements with other public authorities regarding certain investigable incidents**

- (1) The Secretary, SafeWork NSW, the Energy Secretary and the Health Secretary may enter into arrangements regarding any one or more of the following—
  - (a) the referral of investigable incidents—
    - (i) to SafeWork NSW for investigation or other action under the *Work Health and Safety Act 2011*, or
    - (ii) to the Secretary for investigation or other action under this Act, or
    - (iii) to the Energy Secretary for investigation or other action under the *Electricity Supply Act 1995* or the *Gas Supply Act 1996*, or
    - (iv) to the Health Secretary for investigation or other action under any legislation administered by the Health Minister,
  - (b) matters concerning an investigable incident that is the subject of investigation or other action by more than one of those persons at the same time,
  - (c) the co-operative exercise of the respective functions of those persons in respect of investigable incidents,
  - (d) the sharing of information relevant to, and for the purposes of, enabling or assisting any of them to carry out their functions under this Part.
- (2) The Secretary, SafeWork NSW, the Energy Secretary and the Health Secretary are jointly to cause notice of any arrangements entered into under this section to be published in the Gazette as soon as is practicable after they are entered into. However, a failure to publish any such arrangements does not affect their validity.
- (3) A party to an arrangement entered into under this section—
  - (a) may decline, discontinue or defer an investigation or other action in relation to an investigable incident to give effect to the arrangement, and



- (b) may disclose any information concerning a matter involving an investigable incident that was duly obtained by that party to another party to the arrangement to which the matter is referred so as to give effect to the arrangement.
- (4) A party to which a matter is referred under an arrangement entered into under this section may investigate or deal with information obtained in respect of the matter referred in order to give effect to the arrangement.
- (5) In this section—
  - Energy Secretary* means the Secretary of the Department of Planning, Industry and Environment.
  - Health Minister* means the minister administering the *Public Health Act 2010*.
  - Health Secretary* means the Secretary of the Ministry of Health.
  - investigable incident* means an accident or other incident—
    - (a) in which electricity, gas or medical gas is involved, and
    - (b) as a consequence of which a person dies or suffers permanent disability, is hospitalised, receives treatment from a registered health practitioner or is unable to attend work for any period of time.
  - SafeWork NSW* means SafeWork NSW as referred to in clause 1 of Schedule 2 to the *Work Health and Safety Act 2011*.

**[10] Section 53 Investigation of serious electrical or gas accidents**

Insert after section 53(b)—

- (b1) seize, detain or remove, for the purpose of examination or testing, any part of a medical gas installation,

**[11] Section 53(c)**

Insert “or other recordings” after “photographs” in section 53(c).

**[12] Section 53(2)**

Insert at the end of the section—

- (2) An authorised officer who is investigating an accident under Part 6 may be accompanied by a police officer or another person who the authorised officer believes will assist in the investigation, or both.

**[13] Section 63 Liability of directors etc for offences by corporation—offences attracting executive liability**

Insert after section 63(1)(e)—

- (e1) section 38A,

**[14] Section 68A**

Insert after section 68—

**68A Continuing offences**

- (1) A person who is guilty of an offence because the person contravenes a requirement made by or under this Act or the regulations (whether the requirement is imposed by a notice or in another way) to do or cease to do something (whether or not within a specified period or before a particular time)—

- (a) continues, until the requirement is complied with and despite the fact that any specified period has expired or time has passed, to be liable to comply with the requirement, and
  - (b) is guilty of a continuing offence for each day the contravention continues.
- (2) This section does not apply to an offence if the relevant provision of this Act or the regulations does not provide for a penalty for a continuing offence.
- (3) This section does not apply to the extent that a requirement of a notice is revoked.

**[15] Section 70 Disclosure of information**

Insert “, medical gas installations” after “gas installations” in section 70(3).

**[16] Section 75 Regulations**

Insert “, medical gas installations” after “gas installations” in section 75(2)(m).

**[17] Section 75(2)(n)**

Insert “, medical gasfitting work, medical gas technician work” after “gasfitting work”.

**[18] Section 75(3A)**

Insert after section 75(3)—

- (3A) Despite subsection (3), the regulations cannot exempt, or provide for the exemption, of a person from the requirements of Part 5A.

## Schedule 2 Amendment of Home Building Act 1989 No 147

### [1] Sections 15A–15C

Insert after section 15—

#### 15A Unqualified mechanical services and medical gas work

- (1) An individual must not do any mechanical services and medical gas work (whether or not it is also residential building work) except—
- as a qualified supervisor in respect of that work, or
  - as the holder of a tradesperson certificate authorising its holder to do that work under supervision, but only if the work is done under the supervision and in accordance with the directions, if any, of a qualified supervisor.

Maximum penalty—1,000 penalty units in the case of a corporation and 200 penalty units in any other case.

- (2) Despite subsection (1), an apprentice or trainee may do mechanical services and medical gas services work even though the apprentice or trainee is not a qualified supervisor or holder, but only if a qualified supervisor—
- is present at all times where the work is being done by the apprentice or trainee, and
  - is available to be consulted by, and to give directions relating to how the work is to be done to, the apprentice or trainee.
- (3) A qualified supervisor who is supervising any mechanical services and medical gas work being done by an apprentice or trainee as referred to in subsection (1)(b) must—
- give directions that are adequate to enable the work to be done correctly by the apprentice or trainee performing it, and
  - personally ensure that the work is correctly done.

Maximum penalty—1,000 penalty units in the case of a corporation and 200 penalty units in any other case.

- (4) A qualified supervisor who is supervising any mechanical services and medical gas work being done by an apprentice or trainee as referred to in subsection (2) must—
- give directions that are adequate to enable the work to be done correctly by the apprentice or trainee performing it (which, unless the qualified supervisor considers it unnecessary, must include directions requiring the apprentice or trainee to advise in detail on progress with the work), and
  - be present when the work is being done and be available to be consulted by, and to give directions relating to how the work is to be done to, the apprentice or trainee, and
  - personally ensure that the work is correctly done.

Maximum penalty—1,000 penalty units in the case of a corporation and 200 penalty units in any other case.

- (5) Despite subsection (1), a person may do mechanical services and medical gas work that is also the following—
- plumbing and drainage work within the meaning of the *Plumbing and Drainage Act 2011*,

- (b) work declared to be refrigeration work or air-conditioning work by the regulations under the *Home Building Act 1989*,
  - (c) roof plumbing work within the meaning of the *Home Building Act 1989*,
  - (d) specialist work within the meaning of section 34 of the *Design and Building Practitioners Act 2020* in relation to a medical gas installation,
- if the person is—
- (e) the holder of an endorsed contractor licence, or of a supervisor or tradesperson certificate, authorising its holder to do that work, or
  - (f) under the immediate supervision of the holder of a contractor licence or supervisor certificate that is endorsed with respect to that work.
- (6) This section applies to an individual acting in the course of his or her employment by the Crown.
- (7) In this section—
- apprentice** has the same meaning as in the *Apprenticeship and Traineeship Act 2001*.
- qualified supervisor**, in respect of a class of work, means the holder of an endorsed contractor licence, or a supervisor certificate, authorising its holder to do that work.
- trainee** has the same meaning as in the *Apprenticeship and Traineeship Act 2001*.

#### **15B Unqualified medical gasfitting work**

- (1) An individual must not do any medical gasfitting work (whether or not it is also residential building work) except—
- (a) as a qualified supervisor in respect of that work, or
  - (b) as the holder of a tradesperson certificate authorising its holder to do that work under supervision, but only if the work is done under the supervision and in accordance with the directions, if any, of a qualified supervisor.
- Maximum penalty—1,000 penalty units in the case of a corporation and 200 penalty units in any other case.
- (2) Despite subsection (1), an apprentice or trainee may do medical gasfitting work even though the apprentice or trainee is not a qualified supervisor or holder, but only if a qualified supervisor—
- (a) is present at all times where the work is being done by the apprentice or trainee, and
  - (b) is available to be consulted by, and to give directions relating to how the work is to be done to, the apprentice or trainee.
- (3) A qualified supervisor who is supervising medical gasfitting work being done by an apprentice or trainee as referred to in subsection (1)(b) must—
- (a) give directions that are adequate to enable the work to be done correctly by the apprentice or trainee performing it, and
  - (b) personally ensure that the work is correctly done.
- Maximum penalty—1,000 penalty units in the case of a corporation and 200 penalty units in any other case.
- (4) A qualified supervisor who is supervising medical gasfitting work being done by an apprentice or trainee as referred to in subsection (2) must—

- (a) give directions that are adequate to enable the work to be done correctly by the apprentice or trainee performing it (which, unless the qualified supervisor considers it unnecessary, must include directions requiring the apprentice or trainee to advise in detail on progress with the work), and
- (b) be present when the work is being done and be available to be consulted by, and to give directions relating to how the work is to be done to, the apprentice or trainee, and
- (c) personally ensure that the work is correctly done.

Maximum penalty—1,000 penalty units in the case of a corporation and 200 penalty units in any other case.

- (5) Despite subsection (1), a person may do medical gasfitting work that is also mechanical services and medical gas work, if the person is—
  - (a) the holder of an endorsed contractor licence, or of a supervisor or tradesperson certificate, authorising its holder to do that work, or
  - (b) under the immediate supervision of the holder of a contractor licence or supervisor certificate that is endorsed with respect to that work.
- (6) This section applies to an individual acting in the course of his or her employment by the Crown.
- (7) In this section—

***apprentice*** has the same meaning as in the *Apprenticeship and Traineeship Act 2001*.

***qualified supervisor***, in respect of a class of work, means the holder of an endorsed contractor licence, or a supervisor certificate, authorising its holder to do that work.

***trainee*** has the same meaning as in the *Apprenticeship and Traineeship Act 2001*.

### **15C Unqualified medical gas technician work**

- (1) An individual must not do any medical gas technician work (whether or not it is also residential building work) except—
    - (a) as a qualified supervisor in respect of that work, or
    - (b) as the holder of a tradesperson certificate authorising its holder to do that work under supervision, but only if the work is done under the supervision and in accordance with the directions, if any, of a qualified supervisor.
- Maximum penalty—1,000 penalty units in the case of a corporation and 200 penalty units in any other case.
- (2) Despite subsection (1), an apprentice or trainee may do medical gas technician work even though the apprentice or trainee is not a qualified supervisor or holder, but only if a qualified supervisor—
    - (a) is present at all times where the work is being done by the apprentice or trainee, and
    - (b) is available to be consulted by, and to give directions relating to how the work is to be done to, the apprentice or trainee.
  - (3) A qualified supervisor who is supervising medical gas technician work being done by an apprentice or trainee as referred to in subsection (1)(b) must—

- (a) give directions that are adequate to enable the work to be done correctly by the apprentice or trainee performing it, and
  - (b) personally ensure that the work is correctly done.
- Maximum penalty—1,000 penalty units in the case of a corporation and 200 penalty units in any other case.
- (4) A qualified supervisor who is supervising medical gas technician work being done by an apprentice or trainee as referred to in subsection (2) must—
- (a) give directions that are adequate to enable the work to be done correctly by the apprentice or trainee performing it (which, unless the qualified supervisor considers it unnecessary, must include directions requiring the apprentice or trainee to advise in detail on progress with the work), and
  - (b) be present when the work is being done and be available to be consulted by, and to give directions relating to how the work is to be done to, the apprentice or trainee, and
  - (c) personally ensure that the work is correctly done.
- Maximum penalty—1,000 penalty units in the case of a corporation and 200 penalty units in any other case.
- (5) This section applies to an individual acting in the course of his or her employment by the Crown.
- (6) In this section—
- apprentice*** has the same meaning as in the *Apprenticeship and Traineeship Act 2001*.
- qualified supervisor***, in respect of a class of work, means the holder of an endorsed contractor licence, or a supervisor certificate, authorising its holder to do that work.
- trainee*** has the same meaning as in the *Apprenticeship and Traineeship Act 2001*.

**[2] Sections 33E–33G**

Insert after section 33D—

**33E Additional requirements for obtaining endorsed contractor licenses and supervisor and tradesperson certificates relating to mechanical services and medical gas work**

- (1) A supervisor or tradesperson certificate must not be issued, and a contractor licence must not be endorsed to show that it is the equivalent to a supervisor certificate, that authorises its holder to do mechanical services and medical gas work unless the Secretary is satisfied that the applicant—
- (a) has successfully completed one of the following VET qualifications—
    - (i) Certificate III in Plumbing (Mechanical Services),
    - (ii) Certificate III in Plumbing, and
  - (b) has successfully completed the following units of competency in the Construction, Plumbing and Services Training Package—
    - (i) Install medical gas pipeline systems,
    - (ii) Carry out WHS requirements, and
  - (c) has not less than 2 years of experience in mechanical services and medical gas work after the completion of that qualification.

(2) A reference in this section to a VET qualification or a unit of competency includes a reference to a qualification or unit that replaces that qualification or unit.

(3) In this section—

*VET qualification* has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

**33F Additional requirements for obtaining endorsed contractor licenses and supervisor and tradesperson certificates relating to medical gasfitting work**

(1) A supervisor or tradesperson certificate must not be issued, and a contractor licence must not be endorsed to show that it is the equivalent to a supervisor certificate, that authorises its holder to do medical gasfitting work unless the Secretary is satisfied that the applicant—

(a) has successfully completed one of the following VET qualifications—

- (i) Certificate III in Plumbing (Mechanical Services),
- (ii) Certificate III in Plumbing,
- (iii) Certificate III in Gas Fitting, and

(b) has successfully completed the following units of competency in the Construction, Plumbing and Services Training Package—

- (i) Install medical gas pipeline systems, and
- (ii) Carry out WHS requirements, and

(c) has not less than 2 years of experience in medical gasfitting work after the completion of that qualification.

(2) A reference in this section to a VET qualification or a unit of competency includes a reference to a qualification or unit that replaces that qualification or unit.

(3) In this section—

*VET qualification* has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

**33G Additional requirements for obtaining endorsed contractor licenses and supervisor and tradesperson certificates relating to medical gas technician work**

(1) A supervisor or tradesperson certificate must not be issued, and a contractor licence must not be endorsed to show that it is the equivalent to a supervisor certificate, that authorises its holder to do medical gas technician work unless the Secretary is satisfied that the applicant—

(a) has successfully completed one of the following relevant VET qualifications—

- (i) Certificate III in Plumbing (Mechanical Services),
- (ii) Certificate III in Plumbing,
- (iii) Certificate III in Gas Fitting,
- (iv) Certificate IV in Engineering, and

(b) has successfully completed the following units of competency in the Construction, Plumbing and Services Training Package—

- (i) Install medical gas pipeline systems,
- (ii) Carry out WHS requirements, and

- (c) has not less than 2 years of experience in medical gas technician work after the completion of that qualification.
- (2) A person is taken to have satisfactorily completed a relevant VET qualification if the person has a degree in engineering or another discipline that, in the opinion of the Secretary, is suitable for a person to do medical gas technician work.
- (3) A reference in this section to a VET qualification or a unit of competency includes a reference to a qualification or unit that replaces that qualification or unit.
- (4) In this section—  
*VET qualification* has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

**[3] Section 47 Production of authority**

Insert after section 47(d)—

- (d1) in the case of a person performing medical gas technician work—a chief executive officer, or a person nominated in writing by a chief executive officer, of a medical facility, or

**[4] Section 47(2)**

Insert at the end of the section—

- (2) For the purposes of this section—  
*chief executive officer* of a medical facility means the person responsible for the day to day administration of the affairs of the medical facility.  
*medical facility* has the same meaning as in the *Gas and Electricity (Consumer Safety) Act 2017*.

**[5] Section 140(2A)**

Insert after section 140(2)—

- (2A) Despite subsection (2)(k), regulations cannot be made for or with respect to—
  - (a) the exemption of a person from the requirements of sections 15A–15C, or
  - (b) the exemption of work from the definition of *mechanical services and medical gas work*.

**[6] Schedule 1 Definitions and other interpretative provisions**

Insert in alphabetical order in clause 1(1)—

*mechanical services and medical gas work* means—

- (a) the construction, installation, replacement, repair, alteration, maintenance, testing or commissioning of a mechanical heating, cooling or ventilation system in a building, which is associated with the heating, cooling or ventilation of that building, and includes the following—
  - (i) any valve, regulator, register, pipe, duct, flue, tank, heating or cooling pipe or surface, boiler, burner, solid fuel heater, coil or other item that is used in the system,
  - (ii) in the case of a cooling tower, any water pipe, valve, pump, automated dosing device or automated bleeding device or any



- other mechanical component that affects the cooling tower's cooling water flow rate or wastewater disposal,
- (iii) roof sheeting and roof flashing that is necessary for the purpose of any work described in this paragraph or paragraphs (b)–(d), and
  - (b) medical gasfitting work, and
  - (c) the installation, commissioning and any incidental design work that is associated with the installation and commissioning of—
    - (i) any part of a single head split system, or
    - (ii) a ceiling cassette system, or
    - (iii) an add-on condenser unit for a ducted system, that is associated with the heating and cooling of a building, and
  - (d) any design work that is incidental to, or associated with, any work described in paragraphs (a) and (b),
- but does not include the following—
- (e) gasfitting work,
  - (f) any work on a cooling tower drift eliminator,
  - (g) any treatment of cooling or heating water,
  - (h) any cleaning of a cooling tower,
  - (i) disassembly or reassembly of a flue terminal for the purposes of cleaning a solid fuel heater,
  - (j) the connection or disconnection of a system referred to in paragraphs (a)–(d) from a water supply other than disconnection of the system from a water supply at an isolating valve adjacent to a mechanical component of that system.

*medical gas technician work* has the same meaning as in the *Gas and Electricity (Consumer Safety) Act 2017*.

*medical gasfitting work* has the same meaning as in the *Gas and Electricity (Consumer Safety) Act 2017*.

**[7] Schedule 1, clause 1(1), definition of “specialist work”**

Insert after paragraph (a)—

- (a1) mechanical services and medical gas work,
- (a2) medical gasfitting work,
- (a3) medical gas technician work,

**[8] Schedule 4 Savings and transitional provisions**

Insert at the end of the Schedule—

**Part 26 Provisions consequent on enactment of Gas Legislation Amendment (Medical Gas Systems) Act 2020**

**158 Transitional exemption from certain offences relating to medical gas related work**

- (1) Sections 4, 5, 12, 15A–15C and 16 do not have effect during the transitional period in relation to specialist work that is medical gasfitting work, mechanical services and medical gas work or medical gas technician work.

- (2) In this clause, *transitional period* means the period commencing on 1 November 2020 and ending—
- (a) in relation to medical gasfitting work and medical gas technician work—at the end of 30 April 2021, and
  - (b) in relation to mechanical services and medical gas work—at the end of 30 April 2022.

[Second reading speech made in—  
Legislative Assembly on 4 August 2020  
Legislative Council on 6 August 2020]