



New South Wales

# Home Building Amendment (Medical Gas Work) Regulation 2020

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

## Explanatory note

The object of this Regulation is to make amendments to the *Home Building Regulation 2014* in connection with the enactment of the *Gas Legislation Amendment (Medical Gas Systems) Act 2020*.

This Regulation is made under the *Home Building Act 1989*, including sections 21(1), 27(1) and (2), 138A and 140 (the general regulation-making power).

## **Home Building Amendment (Medical Gas Work) Regulation 2020**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Medical Gas Work) Regulation 2020*.

### **2 Commencement**

This Regulation commences on 1 November 2020 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Home Building Regulation 2014

**[1] Clause 14 Categories of specialist work**

Insert after clause 14(m)—

- (n) medical gasfitting work,
- (o) medical gas technician work,
- (p) mechanical services and medical gas work.

**[2] Clause 26 Exemptions relating to the doing of specialist work**

Insert after clause 26(2)—

- (3) Subclause (1) does not apply to specialist work that is medical gasfitting work, medical gas technician work or mechanical services and medical gas work.

**[3] Clause 71A Information sharing**

Omit clause 71A(c). Insert instead—

- (c) Department of Customer Service,

**[4] Clause 71A(f) and (g)**

Insert after clause 71A(e)—

- (f) Ministry of Health,
- (g) SafeWork NSW as referred to in clause 1 of Schedule 2 to the *Work Health and Safety Act 2011*.

**[5] Clause 72 Certificate evidence**

Omit “Department of Finance, Services and Innovation” from clause 72(1).

Insert instead “Department of Customer Service”.

**[6] Clause 73 Proceedings for offences under other Acts**

Omit “Department of Finance, Services and Innovation”.

Insert instead “Department of Customer Service”.

**[7] Schedule 4 Extended descriptions of work authorised by contractor licences or certificates**

Omit the following from Column 2 of the Table in the matter relating to Air-conditioning work—

This does not include the following—

- (a) the installation of an air-conditioning system in a railway vehicle by the manufacturer of the vehicle,
- (b) the installation, maintenance or repair of ducting or insulation in premises other than a dwelling.

Insert instead—

This does not include the following—

- (a) the installation of an air-conditioning system in a railway vehicle by the manufacturer of the vehicle,
- (b) the installation, maintenance or repair of ducting or insulation in premises other than a dwelling,
- (c) work required to comply with the requirements of Australian/New Zealand Standard AS/NZS 3666.1:2011, *Air-handling and water systems of buildings—Microbial control*, relating to the treatment of cooling or heating water and the cleaning of cooling towers.

**[8] Schedule 4, Table**

Insert in alphabetical order in Columns 1 and 2 of the Table under the heading “**A. Specialist work**”—

Mechanical services and medical gas work

The following work—

- (a) work involved in 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) a valve, regulator, register, pipe, duct, flue, tank, heating or cooling pipe or surface,
    - (ii) a boiler, burner, solid fuel heater, coil or other item that is used in the system,
    - (iii) in the case of a cooling tower, a 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,
    - (iv) roof sheeting and roof flashing that is necessary for the purpose of work described in this paragraph or paragraphs (b)–(d),
  - (b) medical gasfitting work,
  - (c) installation, commissioning and incidental design work associated with the heating and cooling of a building, of the following—
    - (i) a part of a single head split system,
    - (ii) a ceiling cassette system,
    - (iii) an add-on condenser unit for a ducted system,
  - (d) design work that is incidental to, or associated with, work described in paragraphs (a) or (b),
- but not including the following—
- (e) gasfitting work,
  - (f) work on a cooling tower drift eliminator,
  - (g) treatment of cooling or heating water,
  - (h) cleaning of a cooling tower,
  - (i) disassembly or reassembly of a flue terminal for the purposes of cleaning a solid fuel heater,
  - (j) 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      The following work—
- (a) work required to commission, test, verify or certify a medical gas installation,
  - (b) work required to comply with the requirements of Australian Standard AS 2896—2011, *Medical gas systems—Installation and testing of non-flammable medical gas pipeline systems*, as it relates to work specified in paragraph (a),
  - (c) work required to comply with the requirements of Australian Standard AS/NZS 4774.2:2019, *Work in compressed air and hyperbaric facilities—Hyperbaric oxygen facilities*, as it relates to work specified in paragraph (a).
- Medical gasfitting      The following work—
- (a) work required to construct, install, replace, repair, alter, maintain, test or commission a medical gas installation, including incidental design work,
  - (b) work required to comply with the requirements of Australian Standard AS 2896—2011, *Medical gas systems—Installation and testing of non-flammable medical gas pipeline systems*, as it relates to work specified in paragraph (a),
  - (c) work required to comply with the requirements of Australian Standard AS/NZS 4774.2:2019, *Work in compressed air and hyperbaric facilities—Hyperbaric oxygen facilities*, as it relates to work specified in paragraph (a).

**[9] Schedule 7 Penalty notice offences**

Insert in appropriate order under the heading “**Offences under the Act**”—

Section 15A(1), (3) and (4)	\$500	Nil
Section 15B(1), (3) and (4)	\$500	Nil
Section 15C(1), (3) and (4)	\$500	Nil