



New South Wales

# Building Amendment (Mechanical Services and Medical Gas Work) Bill 2020

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to provide for the licensing of contractors, and the certifying of supervisors and tradespersons, who carry out mechanical services work including medical gas systems work.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the day that is 6 months after the date of assent to the proposed Act (other than Schedule 1[2] which is to commence 2 years after that date of assent).

**Schedule 1** gives effect to the object set out in the Overview. Specifically, **Schedule 1[4]** amends a definition to provide that mechanical services work is *specialist work* for the purposes of the *Home Building Act 1989* (the **HB Act**). Part 2 of the HB Act, amongst other things, provides that individuals, partnerships and corporations who contract to do specialist work must be licensed under that Act. Section 3D of the HB Act provides that, in its application to specialist work, the HB Act is not limited to specialist work that is residential building work and extends to other specialist work (for example, commercial and industrial specialist work).

**Schedule 1[3]** inserts a definition of *mechanical services work* into the HB Act. It includes work that is the construction, installation, replacement, repair, alteration, maintenance, testing or commissioning of any fixed component used in a reticulation system for the supply or removal of medical gases from the gas source to the wall outlet. The term *medical gases* is also defined.

**Schedule 1[1]** makes it an offence for an individual to do any mechanical services work, except—

- (a) as a qualified supervisor (meaning the holder of an endorsed contractor licence, or a supervisor certificate, authorising its holder to do mechanical services work), or
- (b) as the holder of a tradesperson certificate authorising its holder to do mechanical services 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.

Certain exceptions for other supervised work is also provided for.

The offence will carry a maximum penalty of 1,000 penalty units in the case of a corporation and 200 penalty units in any other case.

**Schedule 1[2]** inserts proposed section 33E into the HB Act to provide that, subject to certain exceptions, a supervisor or tradesperson certificate must not be issued, and a contractor licence must not be endorsed to show that it is equivalent to a supervisor or tradesperson certificate, that authorises its holder to do mechanical services work under that Act unless the applicant—

- (a) has successfully completed the Certificate III in Plumbing (Mechanical Services) course, being part of the Construction, Plumbing and Services Training Package, which includes the unit of competency known as “Install medical gas pipeline systems”, or any course with a unit of competency that replaces that course and unit, and
- (b) has—
  - (i) successfully completed an apprenticeship under the supervision of the holder of an endorsed contractor licence, or a supervisor certificate, authorising its holder to do mechanical services work, or
  - (ii) had at least 4 years’ experience in mechanical services work that has included work relating to medical gas of a kind and nature that the Secretary considers would enable the applicant to do, or to supervise, the work for which the certificate or licence is required.