

LEGISLATIVE ASSEMBLY

Health Legislation (Miscellaneous) Amendment Bill (No 2) 2022

First Print

Proposed amendment

No. 1 **Medical gas related work**

Page 4. Insert after line 22—

Schedule 2A Amendment of Home Building Act 1989 No 147

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

Insert after section 33E(1A)—

(1B) However, if the Secretary is satisfied of either of the following in relation to an applicant for an authority referred to in subsection (1) or (1A), the Secretary may issue the authority subject to a condition that the holder must not do medical gasfitting work—

(a) the applicant has not successfully completed—

(i) for a tradesperson certificate—the units of competency referred to in subsection (1)(b), or

(ii) for a supervisor certificate or endorsed contractor licence—the units of competency referred to in subsection (1A)(b),

(b) the applicant has less than 2 years of experience in medical gasfitting work.

Note— The authority conferred by a supervisor or tradesperson certificate or an endorsed contractor licence is subject to the conditions applicable to the authority. See sections 27 and 28.

(1C) The holder of an authority subject to a condition under subsection (1B) must comply with the condition.

Maximum penalty—

(a) for a corporation—1,000 penalty units, or

(b) otherwise—200 penalty units.

(1D) Subsection (1C) does not affect section 36.

[1] Section 33H

Insert after section 33G—

33H Approved foreign qualifications

- (1) A provision of section 33E, 33F or 33G requiring that an authority referred to in the provision must not be issued or endorsed unless the applicant has successfully completed a specified VET qualification does not apply to an applicant who has successfully completed—
 - (a) a qualification issued outside Australia that the Secretary considers is substantially equivalent, or based on similar competencies, to the specified VET qualification, and
 - (b) a competency assessment conducted by the Secretary, or by a person or body approved by the Secretary, for the purposes of this subsection
- (2) The regulations may make further provision for or in relation to competency assessments for the purposes of this section.
- (3) In this section—

specified VET qualification means—

 - (a) for section 33E(1)—a qualification referred to in section 33E(1)(a), or
 - (b) for section 33E(1A)—a qualification referred to in section 33E(1A)(a), or
 - (c) for section 33F(1)—a qualification referred to in section 33F(1)(a), or
 - (d) for section 33F(1A)—a qualification referred to in section 33F(1A)(a), or
 - (e) for section 33G(1)—a qualification referred to in section 33G(1)(a), or
 - (f) for section 33G(1A)—a qualification referred to in section 33G(1A)(a).

[2] Schedule 4 Savings and transitional provisions

Omit clause 158(2)(b). Insert instead—

- (b) in relation to mechanical services and medical gas work that is medical gasfitting work—at the end of 30 September 2022, and
- (c) in relation to mechanical services and medical gas work that is not medical gas fitting work—28 February 2023.

[3] Schedule 4, clauses 158A and 158B

Insert after clause 158—

158A Issue of authorities for mechanical services and medical gas work to existing authority holders

- (1) Despite section 33E(1), a tradesperson certificate authorising the holder to do mechanical services and medical gas work may be issued to a person who—
 - (a) immediately before 1 March 2023, holds a tradesperson certificate authorising the holder to do plumbing and drainage work, and
 - (b) meets the requirements set out in section 33E(1)(b) and (c), and
 - (c) otherwise meets the requirements for the issue of the certificate.

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- (2) Despite section 33E(1A), an endorsed contractor licence or a supervisor certificate authorising the holder to do and supervise mechanical services and medical gas work may be issued to a person who—
 - (a) immediately before 1 March 2023, holds an endorsed contractor licence or a supervisor certificate authorising the holder to do and supervise plumbing and drainage work, and
 - (b) meets the requirements set out in section 33E(1A)(b) and (c), and
 - (c) otherwise meets the requirements for the issue of the licence or certificate.
 - (3) An authority does not authorise the holder to do, or to do and supervise, plumbing and drainage work for the purposes of subclause (1)(a) or (2)(a) if the authority authorises the holder to do, or to do and supervise, only draining work and no other specialist work.
 - (4) To avoid doubt, section 33E(1B)–(1D), as inserted by the *Health Legislation (Miscellaneous) Amendment Act (No 2) 2022*, extend to an authority to which subclause (1) or (2) applies.
 - (5) In this clause—

draining work has the meaning given by the *Home Building Regulation 2014*, Schedule 4 as in force immediately before the commencement of this clause.

158B Issue of authorities for medical gasfitting work and medical gas technician work to existing authority holders

- (1) Despite sections 33F(1) and 33G(1), a tradesperson certificate authorising the holder to do medical gasfitting work or medical gas technician work may be issued to a person who—
 - (a) immediately before 1 October 2022, holds a tradesperson certificate authorising the holder to do gasfitting work or plumbing and drainage work, and
 - (b) meets the following requirements—
 - (i) for medical gasfitting work—the requirements set out in section 33F(1)(b) and (c),
 - (ii) for medical gas technician work—the requirements set out in section 33G(1)(b) and (c), and
 - (c) otherwise meets the requirements for the issue of the certificate.
- (2) Despite sections 33F(1A) and 33G(1A), an endorsed contractor licence or a supervisor certificate authorising the holder to do and supervise medical gasfitting work or medical gas technician work may be issued to a person who—
 - (a) immediately before 1 October 2022, holds an endorsed contractor licence or a supervisor certificate authorising the holder to do and supervise gasfitting work or plumbing and drainage work, and
 - (b) meets the following requirements—
 - (i) for medical gasfitting work—the requirements set out in section 33F(1A)(b) and (c),
 - (ii) for medical gas technician work—the requirements set out in section 33G(1A)(b) and (c), and
 - (c) otherwise meets the requirements for the issue of the licence or certificate.
- (3) An authority does not authorise the holder to do, or to do and supervise, plumbing and drainage work for the purposes of subclause (1)(a) or (2)(a) if the authority authorises the holder to do, or to do and supervise, only draining work and no other specialist work.

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- (4) In this clause—
draining work has the meaning given by the *Home Building Regulation 2014*, Schedule 4 as in force immediately before the commencement of this clause.