

## **Statement of Regulatory Intent – Medical gas scheme under the *Home Building Act 1989* and *Gas and Electricity (Consumer Safety) Act 2017***

### **Purpose**

This statement of regulatory intent sets out the compliance and enforcement approach of NSW Fair Trading for licensing and standards of work obligations for those carrying out medical gasfitting work (within the meaning of the *Gas and Electricity (Consumer Safety) Act 2017*, in relation to diving operations).

This statement was approved by the Commissioner for Fair Trading on 27 February 2023.

### **Background**

A person must not carry out medical gasfitting work unless they hold a licence under the *Home Building Act 1989* and other 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.

The *Gas and Electricity (Consumer Safety) Regulation 2018* prescribes the following Australian standards as mandatory for the purposes of medical gasfitting work:

- (a) AS 2896:2021, *Medical gas systems—Installation and testing of non-flammable medical gas pipeline systems*,
- (b) AS/NZS 4774.2:2019, *Work in compressed air and hyperbaric facilities—Hyperbaric oxygen facilities*.

Hyperbaric chambers may be used in conjunction with, and support of, underwater diving operations, on site, at sea or on land, to provide:

- surface decompression;
- therapeutic treatment of decompression illnesses;
- training of medical staff in hyperbaric medicine and treatment;
- training of divers (including divers under training and qualified operators);
- deep dive work-ups and maintenance of proficiencies.

Where a hyperbaric chamber uses a medical gas within the meaning of section 3A of the *Gas and Electricity (Consumer Safety) Regulation 2018* it will be treated as a medical gas installation for the purposes of the medical gas scheme.

### **Alternative arrangements for hyperbaric chambers used for a military or law enforcement purpose**

Where a hyperbaric chamber is a medical gas installation and is only used for a military or law enforcement purpose, Fair Trading will not enforce the requirement for a person to:

- (a) hold a licence to do medical gasfitting work under the *Home Building Act 1989*, or
- (b) do work, or maintain a medical gas installation in accordance with the prescribed standards under the section 69A of the *Gas and Electricity (Consumer Safety) Regulation 2018*,

where all of the following conditions are met:

1. the medical gasfitting work on the hyperbaric chamber is being carried out in relation to diving operations by the Australian Defence Force (**ADF**) to carry out its functions (where the work is carried out by a civilian contractor for the ADF, or by the ADF itself), or by the NSW Police Force to carry out its functions, including a hyperbaric chamber on a vessel or on land.
2. the medical gasfitting work on the hyperbaric chamber:
  - i. complies with the *Defence High Risk Diving Work Standard* approved under sub-clause 183(2) of the Work Health and Safety Regulations 2011 (Cth) for high risk diving work undertaken by the ADF,
  - ii. complies with AS/NZS 2299.1:2015 (*Occupational diving operations—Standard operational practice*) for high risk diving work undertaken by NSW Police Force, in accordance with section 183 of the Work Health and Safety Regulations 2017 (NSW).
3. the person carrying out the medical gasfitting work on the hyperbaric chamber has satisfied a responsible person for the Department of Defence or NSW Police Force that they are competent to carry out the medical gasfitting work in relation to the hyperbaric chamber in a compliant and safe way.