

1990 - No. 723

**BUILDING SERVICES CORPORATION ACT 1989 -
REGULATION**

(Relating to transitional licences etc.)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Building Services Corporation Act 1989, has been pleased to make the Regulation set forth hereunder.

JOE SCHIPP
Minister for Housing.

The Building Services Corporation (Savings and Transitional) Regulation 1989 is amended by inserting after clause 5 the following clause:

Issue of licences etc. under transitional provisions

6. (1) In this clause:

"**authority**" means a licence, a supervisor or registration certificate, or an owner-builder permit.

(2) If a person is to be taken to hold an authority under the Act because of clause 8, 9 or 10 of Schedule 4 (Savings and transitional provisions) to the Act:

- (a) the authority is for all purposes (including for the purposes of its renewal) to be taken to have been issued to the person under the Act, for the term and subject to the conditions imposed on the authority under that Schedule and

- (b) the Corporation is accordingly empowered to issue the appropriate form of authority to the person.
- (3) The provisions of the Act concerning the issue of authorities do not apply to the deemed issue of an authority pursuant to this clause and, in particular:
 - (a) there is no need for an application for the authority to be made, considered or determined; and
 - (b) there is no need for the prescribed fee that is to accompany an application to be paid.
- (4) The authority remains subject to the provisions of Schedule 4 to the Act.
- (5) This clause takes effect as from the date of assent to the Act.

EXPLANATORY NOTE

The object of this Regulation is to make it clear that a licence, certificate or permit deemed to be held under the Building Services Corporation Act 1989 (because of transitional provisions in that Act) is to be regarded as actually having been issued under that Act, and to empower the formal issue of the appropriate licence etc. document. The Regulation will operate retrospectively (from the date of assent to the Act) and the authority for this is found in clause 2 (2) of Schedule 4 to the Act.
