

1995—No. 68

CONSUMER CLAIMS TRIBUNALS ACT 1987—REGULATION

(Relating to rectification orders in building disputes)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Consumer Claims Tribunals Act 1987, has been pleased to make the Regulation set forth hereunder.

Wendy Machin, MP
Minister for Consumer Affairs.

Commencement

1. This Regulation commences on 6 March 1995.

Amendment

2. The Consumer Claims Tribunals Regulation 1988 is amended by inserting after clause 6C the following clause:

Rectification orders

6D. (1) The manner of making, hearing, determining and otherwise dealing with applications for rectification orders and the procedure to be adopted with respect to rectification orders after they have been made is to be the same as for building claims (within the meaning of Part 3A of the Act) and orders made in relation to those claims, except as provided by this clause.

(2) No fee is payable for the making of an application by the BSC for a rectification order.

(3) Section 10 (3) of the Act does not apply in respect of rectification orders.

(4) An application for a rectification order is to be made in the form approved for the time being by the senior referee.

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EXPLANATORY NOTE

The object of this Regulation is to provide that, with certain exceptions, the manner of making, hearing, determining and otherwise dealing with applications for building work rectification orders and the procedure to be adopted with respect to those orders after they have been made is to be the same as for building claims made to a consumer claims tribunal. Building work rectification orders are applied for by the Building Services Corporation to a building disputes tribunal (a form of consumer claims tribunal which hears and determines building claims). The exceptions provided for are that no fee is payable by the Building Services Corporation for such an application, the 3-year limitation period applicable to the jurisdiction of a consumer claims tribunal is not applicable in the case of a rectification order, and the form of an application for a rectification order is to be as determined by the senior referee of consumer claims tribunals.

The Regulation is made under sections 12K (9) and 48 (the general regulation making power) of the Consumer Claims Tribunals Act 1987.
