



New South Wales

Home Building Amendment (Consequential) Regulation 1999

under the

Home Building Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

JOHN WATKINS, M.P.,

Minister for Fair Trading

Explanatory note

The *Home Building Amendment Act 1999* makes amendments to the *Home Building Act 1989* in relation to the compulsory insurance of residential building work and kit home supply.

The object of this Regulation is to make minor amendments to provisions of the *Home Building Regulation 1997* to reflect the changes made by those amendments.

This Regulation also updates the names of certain Acts and a Regulation that are referred to in the *Home Building Regulation 1997*.

This Regulation is made under the *Home Building Act 1989*, including sections 3, 92, 96 and 140 (the general regulation-making power).

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Clause 1 Home Building Amendment (Consequential) Regulation 1999

Home Building Amendment (Consequential) Regulation 1999

1 Name of Regulation

This Regulation is the *Home Building Amendment (Consequential) Regulation 1999*.

2 Amendment of Home Building Regulation 1997

The *Home Building Regulation 1997* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 9 “Relevant law” regulating gasfitting or plumbing work

Omit “1982” from clause 9 (a). Insert instead “1998”.

[2] Clause 9 (b)

Omit:

Water Board (Corporatisation) Act 1994

Hunter Water Board (Corporatisation) Act 1991

Insert instead:

Sydney Water Act 1994

Hunter Water Act 1991

[3] Clause 55 Insurance appeals

Omit “or under the *Consumer Claims Tribunals Act 1987*”.

Insert instead “or a consumer claim under the *Consumer Claims Act 1998*”.

[4] Clause 56 Certificates evidencing insurance

Omit “Form 4” from clause 56 (4). Insert instead “Form 1”.

[5] Clause 66 Exemption from certificate requirement where no builder yet engaged

Omit “96 (2)”. Insert instead “96 (2A)”.

[6] Clause 66 (b) (ii)

Omit the subparagraph. Insert instead:

(ii) informing the purchaser that the Act requires residential building work (whether or not done under a contract) to be insured, and

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Schedule 1 Amendments

[7] Clause 66 (b) (iii)

Omit “96 (1)”. Insert instead “96 (2A)”.

[8] Schedule 1 Forms

Insert “/96*” after “92” wherever occurring in Form 1.

[9] Schedule 1, Form 1

Insert “/WORK BY DEVELOPERS AND OTHERS*” after “CONTRACT WORK”.

[10] Schedule 1, Form 1

Insert “/developer*” after “name of contractor”.

[11] Schedule 1, Form 1

Insert “/developer*” after “address of contractor”.

[12] Schedule 1, Form 1

Omit “to a beneficiary described in the contract and successors in title to the beneficiary.”.

Insert instead:

to:

* a beneficiary described in the contract and successors in title to the beneficiary,

OR

* the immediate successor in title to the contractor or developer who did the work and subsequent successors in title.

[13] Schedule 1, Form 4

Omit the Form.

BY AUTHORITY