



Home Building Amendment (Review of Disciplinary Action) Regulation 2003

under the

Home Building Act 1989

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

JOHN AQUILINA, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 1997* to allow persons aggrieved by certain decisions as to disciplinary action to apply to the Administrative Decisions Tribunal for a review of the decision concerned.

This Regulation is made under the *Home Building Act 1989*, including section 83B and section 140 (the general regulation-making power).

2003 No 132

Clause 1 Home Building Amendment (Review of Disciplinary Action) Regulation 2003

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Home Building Act 1989

1 Name of Regulation

This Regulation is the *Home Building Amendment (Review of Disciplinary Action) Regulation 2003*.

2 Amendment of Home Building Regulation 1997

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

Schedule 1 Amendments

(Clause 2)

Clause 58A

Insert after clause 58:

58A Review by Administrative Decisions Tribunal

- (1) For the purposes of section 83B (3) (b) of the Act, the following decisions of the Director-General under Part 4 of the Act are prescribed:
 - (a) a decision to vary an authority by imposing a condition on the authority,
 - (b) a decision to suspend an authority (other than a contractor licence),
 - (c) a decision to cancel an authority (other than a contractor licence),
 - (d) a decision to disqualify the holder of an authority from being:
 - (i) the holder of an authority, or
 - (ii) a member of a partnership, or an officer of a corporation that is a member of a partnership, that is the holder of an authority, or
 - (iii) an officer of a corporation that is the holder of an authority.

Note. Section 83B (3) (a) of the Act provides for review by the Administrative Decisions Tribunal of a decision to impose a penalty or to cancel or suspend a contractor licence.

- (2) In this clause, *authority* has the same meaning as it has in section 55 of the Act.
- (3) Subclause (1) extends to any such decision made before the commencement of the subclause (but not before the commencement of section 83B (3) of the Act as substituted by the *Home Building Legislation Amendment Act 2001*).