



New South Wales

Home Building Amendment (Insurance Claims) Regulation 2005

under the

Home Building Act 1989

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

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2004* as follows:

- (a) to generally require a home building insurance contract entered into on or after 1 September 2005 to provide that the insurer is taken to have accepted liability for an insurance claim if written notice of the insurer's decision is not given to the beneficiary within 90 days of the claim being lodged,
- (b) to make a consequential amendment.

This Regulation is made under the *Home Building Act 1989*, including sections 102 and 140 (the general regulation-making power).

2005 No 484

Clause 1 Home Building Amendment (Insurance Claims) Regulation 2005

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1 Name of Regulation

This Regulation is the *Home Building Amendment (Insurance Claims) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

3 Amendment of Home Building Regulation 2004

The *Home Building Regulation 2004* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 62A

Insert after clause 62:

62A Time within which insurer taken to have accepted claim

(1) Provision to be contained in insurance contract

An insurance contract entered into on or after 1 September 2005 must contain a provision to the effect that an insurer is taken to have accepted liability for an insurance claim if written notice of the insurer's decision in relation to the claim is not given to the beneficiary within:

- (a) 90 days of the lodging of the claim with the insurer, or
- (b) such further time as may be agreed between the beneficiary and the insurer.

(2) Existing stock

Despite subclause (1), an insurance contract that does not contain the provision referred to in that subclause may be entered into on or after 1 September 2005 if the form on which that contract is printed was in existence before 1 September 2005.

- (3) Such a contract is taken to contain the provision referred to in subclause (1).

[2] Clause 64 Refusal of insurance claims

Insert at the end of the clause:

- (2) This clause does not apply to an insurance claim made in relation to an insurance contract entered into on or after 1 September 2005.