New South Wales

Home Building Amendment (Forms) 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

Section 96A of the *Home Building Act 1989* provides that a contract of sale is voidable at the option of a purchaser in certain circumstances if the vendor, being a developer, fails to attach a certificate in relation to building work insurance to the contract. The *Home Building Amendment Act 2004* amends section 96A so that a contract is not voidable if the appropriate certificate of insurance is obtained before entering into the contract and is served on the purchaser, in the prescribed form, before completion of the contract. The object of this Regulation is to amend the *Home Building Regulation 2004* to prescribe the form for that certificate of insurance. The form is the same as the form of certificate that may be attached to the contract.

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

Home Building Amendment (Forms) Regulation 2005

under the

Home Building Act 1989

1   Name of Regulation

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

2   Commencement

This Regulation commences on 7 November 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 66 Certificates evidencing insurance

Insert at the end of the clause:

(5)   For the purposes of section 96A of the Act, the prescribed form of the certificate of insurance is the form set out in Form 1.

[2]   Schedule 1 Forms

Omit "(Clause 66 (1) and (4))" from Form 1.

Insert instead "(Clause 66 (1), (4) and (5))".

[3]   Schedule 1, Form 1

Omit "Section 92/96*". Insert instead "Section 92/96/96A*".