



New South Wales

# Home Building Amendment (Authorities) Regulation 2007

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*.

LINDA BURNEY, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2004* to make it clear that:

- (a) certain authorities cannot be issued unless the Commissioner for Fair Trading is satisfied that the applicant (and any other relevant person) was not a director of, a partner of, or a person concerned in the management of, a body corporate or partnership that was disqualified from holding an authority within 3 years before the date of the application (unless the Commissioner for Fair Trading is satisfied that the applicant took all reasonable steps to prevent the conduct that led to the disqualification)—Schedule 1 [1], and
- (b) certain authorities cannot be issued, renewed or restored unless the Commissioner for Fair Trading is satisfied that the applicant (and any other relevant person) is not, and was not within the period of 3 years before the date of the application, an undischarged bankrupt or a director of, or a person concerned in the management of, an externally-administered body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) except in a case of a voluntary winding up of the body corporate—Schedule 1 [2] and [3].

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

## **2007 No 325**

Clause 1 Home Building Amendment (Authorities) Regulation 2007

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# **Home Building Amendment (Authorities) Regulation 2007**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Authorities) Regulation 2007*.

### **2 Amendment of Home Building Regulation 2004**

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

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 25 General requirements for obtaining certain authorities under the Act**

Omit “a director, partner or person concerned in the management of a company or partnership” from clause 25 (1) (a) (xi).

Insert instead “a director of, a partner of, or a person concerned in the management of, a body corporate or partnership”.

**[2] Clause 25 (1) (a) (xii) and (xiii)**

Omit the subparagraphs. Insert instead:

(xii) except in relation to an application for a tradesperson certificate—is not an undischarged bankrupt and is not a director of, or a person concerned in the management of, an externally-administered body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) except in a case of a voluntary winding up of the body corporate, and

(xiii) except in relation to an application for a tradesperson certificate—within the period of 3 years before the date of the application, was not an undischarged bankrupt and was not a director of, or a person concerned in the management of, an externally-administered body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) except in a case of a voluntary winding up of the body corporate, and

**[3] Clause 39A General requirements for renewal or restoration of authorities**

Omit clause 39A (1) (c) and (d). Insert instead:

(c) is not an undischarged bankrupt and is not a director of, or a person concerned in the management of, an externally-administered body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) except in a case of a voluntary winding up of the body corporate, and

(d) within the period of 3 years before the date of the application, was not an undischarged bankrupt and was not a director of, or a person concerned in the management of,

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Schedule 1      Amendments

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an externally-administered body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) except in a case of a voluntary winding up of the body corporate, and

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