



New South Wales

Home Building Amendment (Exemption) Regulation 2009

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*.

VIRGINIA JUDGE, MP
Minister for Fair Trading

Explanatory note

The object of this Regulation is to exempt home warranty insurance contracts from the requirement that they include provision to enable a claim to be made if a contractor's licence is suspended under section 42A of the Act. The exemption will apply until 1 July 2009.

The requirement to which the exemption applies arises under section 99 (3) of the Act (as inserted by the *Home Building Amendment Act 2008*) which commences on 1 April 2009.

This Regulation is made under the *Home Building Act 1989*, including section 140 (2) (k) and clause 2 of Schedule 4.

2009 No 107

Clause 1 Home Building Amendment (Exemption) Regulation 2009

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1 Name of Regulation

This Regulation is the *Home Building Amendment (Exemption) Regulation 2009*.

2 Commencement

This Regulation commences on 1 April 2009 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Home Building Regulation 2004

[1] Clause 73A

Insert after clause 73:

73A Temporary exemption from section 93 (3) requirements

- (1) A contract of insurance is exempt from a requirement arising under section 93 (3) of the Act that the contract include provision that enables the person on whose behalf work is being done and the person's successors in title to make a claim if the contractor's licence is suspended under section 42A of the Act.
- (2) This exemption applies only in respect of a contract of insurance entered into before 1 July 2009.