



# Home Building Amendment (Exemption) Regulation 2012

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*.

ANTHONY ROBERTS, MP  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to make it clear that the Crown is exempt from certain requirements of the *Home Building Act 1989* and the *Home Building Regulation 2004* in respect of community housing or public housing projects that were undertaken by companies that have since been placed into administration.

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

## 2012 No 363

Clause 1 Home Building Amendment (Exemption) Regulation 2012

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Home Building Act 1989

### 1 Name of Regulation

This Regulation is the *Home Building Amendment (Exemption) Regulation 2012*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

### 3 Amendment of Home Building Regulation 2004

#### Clause 90

Insert after clause 89:

#### 90 Crown exemption

- (1) The Crown (including any statutory body representing the Crown) is exempt from the requirements of the Act and this Regulation, but only in respect of a project for the construction of community housing or public housing that is or was the subject of a contract with a body corporate that has become an externally-administered body corporate.
- (2) Subclause (1) does not apply to the requirements of section 14 of the Act and of section 136 of the Act in their application to contraventions concerning electrical wiring work.
- (3) In this clause:  
*community housing* means housing for people on a very low, low or moderate income or people with additional needs.  
*externally-administered body corporate* has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

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*public housing* has the same meaning as in the *Housing Act 2001*.