



New South Wales

Home Building Amendment (Digital Authorities) Regulation 2021

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*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The object of this Regulation is to facilitate contractor licences, supervisor certificates, tradesperson certificates and owner-builder permits being issued in a digital form.

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

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1 Name of Regulation

This Regulation is the *Home Building Amendment (Digital Authorities) Regulation 2021*.

2 Commencement

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

3 Amendment of Home Building Regulation 2014

Clause 18A

Insert after clause 18—

18A Authorities may also be issued in digital form

- (1) The Secretary may issue a digital form of an authority to the holder of the authority if the holder—
 - (a) has been issued the authority in a physical form, and
 - (b) applies to the Secretary for it to also be issued in a digital form.
- (2) Provisions of the Act or this Regulation requiring an authority to be physically surrendered, lodged or returned do not apply to the digital form of the authority.
- (3) The holder of an authority who is required to produce the authority for inspection by a person must, if opting to use the digital form of the authority, display the authority in a way—
 - (a) approved by the Secretary, and
 - (b) that enables the person to properly inspect the authority.
- (4) The holder of an authority is not required to hand over any device used to display the digital form of the authority.
- (5) The Secretary may vary the form and content of the digital form of an authority at any time.
- (6) Part 4A of the Act does not apply to a decision of the Secretary to the extent that it relates to the issue of a digital form of an authority.