

Act No. 59

## BUILDING SERVICES CORPORATION BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill:

Builders Licensing (Amendment) Bill 1987;

Plumbers, Gasfitters and Drainers (Amendment) Bill 1987.

The objects of this Bill are—

- (a) to constitute the Building Services Corporation and to define its objects which include the promotion and protection of the interests of home owners, home purchasers and the users of building services; and
- (b) to confer and impose on the Corporation the functions at present exercised by the Builders Licensing Board and the Plumbers, Gasfitters and Drainers Board, both of which it is proposed to abolish by the operation of the cognate Bills.

The Builders Licensing Act 1971 and the Plumbers, Gasfitters and Drainers Act 1979, as amended by the cognate Bills, are to continue in force, but the present references in them to the Boards proposed to be abolished are to be replaced by references to the new Corporation which will be a continuation of the abolished Boards.

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#### PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

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Clause 3 contains definitions for use in interpreting the proposed Act.

PART 2—THE BUILDING SERVICES CORPORATION

Clause 4 constitutes a corporation with the name “Building Services Corporation”, specifies its objects and refers to its functions under the proposed Act, the Builders Licensing Act 1971 and the Plumbers, Gasfitters and Drainers Act 1979.

Clause 5 provides for the Corporation to consist of—

- (a) a General Manager and 8 part-time members (including the Chairperson) except for the purpose of exercising a function referred to in clause 7; and
- (b) when exercising a function referred to in clause 7—the General Manager only.

Clause 6 provides for associate members of the Corporation who would be persons with expertise in matters associated with the administration of the proposed Act and the other Acts administered by the Corporation. Associate members would attend and take part in relevant meetings of the members of the Corporation or its committees but would not be able to vote or preside.

Clause 7 specifies the functions of the Corporation that are exclusive to the General Manager.

Clause 8 provides for the management of the affairs of the Corporation by the General Manager subject to any directions given by the Corporation otherwise than in relation to such of its functions the exercise of which is exclusively a matter for the General Manager.

Clause 9 provides for the employment under the Public Service Act 1979 of the General Manager and other staff of the Corporation.

Clause 10 enables the Corporation to establish committees to assist it.

PART 3—MISCELLANEOUS

Clause 11 deals with the financial arrangements relating to the Corporation.

Clause 12 imposes restrictions on the disclosure of information.

Clause 13 provides for delegations by the Corporation and the General Manager.

Clause 14 provides for the manner of service of documents on the Corporation.

Clause 15 prescribes the manner of authentication of documents on behalf of the Corporation.

Clause 16 enables the Corporation to recover as a debt any charge, fee or money due to it.

Clause 17 provides for a rebuttable presumption of, among other things, the due constitution of the Corporation, its resolutions and the signature of the General Manager.

Clause 18 requires an offence against the proposed Act or regulations to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Clause 19 gives effect to Schedule 3 containing savings and transitional provisions.

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Clause 20 provides for the making of regulations for the purposes of the proposed Act.

Clauses 21–23 make amendments to other Acts consequential on the constitution of the new Corporation in the place of the abolished Boards.

Schedule 1 contains provisions relating to the members and associate members of the Corporation.

Schedule 2 contains provisions relating to the procedure of the Corporation.

Schedule 3 contains savings and transitional provisions.

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