

Building Legislation Amendment (Quality of Construction) Act 2002 No 134

[2002-134]



New South Wales

Status Information

Currency of version

Historical version for 1 July 2005 to 3 July 2007 (accessed 1 January 2025 at 18:34)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill 2007](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 8 June 2007

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Building Legislation Amendment (Quality of Construction) Act 2002 No 134



New South Wales

An Act to amend the *Environmental Planning and Assessment Act 1979*, the *Home Building Act 1989* and various other Acts and instruments with respect to the quality of building construction; and for other purposes.

1 Name of Act

This Act is the *Building Legislation Amendment (Quality of Construction) Act 2002*.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 1.1 [14] commences on the date of assent to this Act, or on the commencement of Schedule 2 [6] to the *Land and Environment Court Amendment Act 2002*, whichever is the later.

3 Amendment of environmental planning and assessment legislation

The *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Environmental Planning and Assessment (Savings and Transitional) Regulation 1998* and the *Local Government and Environmental Planning and Assessment Amendment (Transfer of Functions) Act 2001* are amended as set out in Schedule 1.

4 Amendment of home building legislation

The *Home Building Act 1989*, the *Home Building Regulation 1997*, the *Home Building Legislation Amendment Act 2001* and the *Consumer, Trader and Tenancy Tribunal Act 2001* are amended as set out in Schedule 2.

5 Amendment of conveyancing legislation

The *Conveyancing (Sale of Land) Regulation 2000* is amended as set out in Schedule 3.

Schedule 1 (Repealed)

Schedule 2 Amendment of home building legislation

(Section 4)

2.1 Home Building Act 1989 No 147

[1] (Repealed)

[2] Section 20 Issue of licences

Insert after section 20 (3):

- (4) The Director-General must reject an application for a licence if not satisfied that the applicant meets such standards of financial solvency as the Director-General determines to be appropriate to the class of licence to which the application relates.

[3] Section 20 (5)

Insert "or (4)" after "(2)".

[4] Section 40 Renewal or restoration of authorities

Insert after section 40 (4):

- (4A) The Director-General must reject an application for renewal or restoration of a licence if not satisfied that the applicant meets such standards of financial solvency as the Director-General determines to be appropriate to the class of licence to which the application relates.
- (4B) A decision of the Director-General relating to determining standards under subsection (4A) cannot be reviewed by the Administrative Decisions Tribunal in an application for review made under this Act.

[5]-[16] (Repealed)

[17] Part 7A

Insert after Part 7:

Part 7A Home building advisory and advocacy services

115A Home building advisory and advocacy services

- (1) The Minister must engage such persons or bodies as the Minister may determine to provide home building advisory and advocacy services to the public.
- (2) The regulations must make provision with respect to the reports to be furnished

to the Minister by persons and bodies engaged under this section.

(3) In this section, **home building advisory and advocacy services** means:

- (a) the development and provision of education programs in relation to consumer rights concerning home purchase and home construction, or
- (b) the provision to consumers of advisory and advocacy services in relation to home purchase and home construction, or
- (c) the referral of consumers to building consultants and legal practitioners for further advice in relation to the technical and legal aspects of home purchase and home construction, or
- (d) the publication of information as to the programs and services that are available from the Government or from other sources in relation to home purchase and home construction, or
- (e) such other services as are declared by the regulations to be services that are eligible for funding under this section.

[18]-[22] (Repealed)

2.2-2.4

(Repealed)

Schedule 3 (Repealed)