

Home Building Amendment Act 2004 No 101

[2004-101]



New South Wales

Status Information

Currency of version

Repealed version for 20 June 2006 to 3 December 2006 (accessed 22 December 2024 at 14:19)

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

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2006 No 120](#) with effect from 4.12.2006.

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](#).

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Home Building Amendment Act 2004 No 101



New South Wales

An Act to amend the *Home Building Act 1989* to make further provision with respect to home warranty insurance and contractor licences and other authorities; and for other purposes.

1 Name of Act

This Act is the *Home Building Amendment Act 2004*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of *Home Building Act 1989 No 147*

The *Home Building Act 1989* is amended as set out in Schedules 1–7.

4 (Repealed)

5 Amendment of other Acts and regulations

The Acts and regulations specified in Schedule 9 are amended as set out in that Schedule.

Schedules 1–4 (Repealed)

Schedule 5 Amendments relating to Home Warranty Insurance Scheme Board and Home Building Advisory Council

(Section 3)

[1], [2] (Repealed)

[3] Part 7B

Insert before the heading to Part 8:

Part 7B Home Building Advisory Council

115B Constitution of Advisory Council

There is constituted by this Act a council called the Home Building Advisory Council.

115C Functions

The functions of the Advisory Council are as follows:

- (a) to advise the Minister on such consumer-related or trader-related issues relating to the home building industry as it thinks fit or as are referred to it by the Minister or the Scheme Board,
- (b) to provide advice to the Minister with respect to any other matter referred to it by the Minister.

115D Membership of Advisory Council

- (1) The Advisory Council is to consist of at least 14 members, being:
 - (a) the Chairperson of the Scheme Board, and
 - (b) the Deputy Chairperson of the Scheme Board, and
 - (c) the Director-General of the Department of Commerce or a nominee of the Director-General, and
 - (d) 2 representatives of the insurance industry appointed by the Minister after consultation with the Insurance Council of Australia, and
 - (e) 2 representatives of the building industry appointed by the Minister after consultation with the Master Builders Association and the Housing Industry Association, and
 - (f) 2 persons appointed by the Minister after consultation with the Labor Council of New South Wales to represent the interests of building industry employees, and
 - (g) 2 persons who are holders of contractor licences and are appointed by the Minister, and
 - (h) 2 persons appointed by the Minister to represent the interests of consumers, and
 - (i) one legal practitioner appointed by the Minister after consultation with the Councils of the Law Society and the Bar Association, and
 - (j) such other persons (if any) as the Minister considers have appropriate qualifications or experience as are appointed by the Minister.
- (2) If, for any reason, consultation with a body referred to in subsection (1) (d), (e), (f) or (i) is not possible or practicable, the Minister may appoint a person to be a member instead of the member required to be appointed, being a person who, in the Minister's opinion, is suitably representative of the persons represented by

the bodies referred to in those paragraphs.

- (3) Schedule 1 has effect with respect to the members and procedure of the Advisory Council.

[4] (Repealed)

Schedules 6-8 (Repealed)

Schedule 9 Amendment of other Acts and regulations

(Section 5)

9.1-9.3

(Repealed)

9.4 Fair Trading Act 1987 No 68

[1] Section 4 Definitions

Omit the definition of **advisory council** from section 4 (1). Insert instead:

advisory council means any of the councils established by Divisions 5-7 or 9 of Part 2.

[2] Part 2, Division 8 Home Building Advisory Council

Omit the Division.

[3] Schedule 5 Savings and transitional provisions

Insert after clause 11E:

11F Home Building Amendment Act 2004

- (1) In this clause, **amending Act** means the *Home Building Amendment Act 2004*.
- (2) A person ceases to hold office as a member or Chairperson of the Home Building Advisory Council constituted under this Act on the repeal of Division 8 of Part 2 by the amending Act. The person is not entitled to any remuneration or compensation by reason of ceasing to hold any such office.

9.5-9.9

(Repealed)