

LEGISLATIVE COUNCIL

Home Building Legislation Amendment Bill

Schedule of the amendments agreed to in Committee of the Whole
on 4 July 2001.

- Govt** No. 1 Page 2. Insert after line 14:
- 6 Review of certain amendments**
The Minister must review the operation of those amendments made by Schedules 2 that create cooling-off periods. That review must be conducted as soon as possible after the first anniversary of the commencement of the amendments.
- Govt** No. 2 Page 4, Schedule 1 [6], line 9. Omit “may”. Insert instead “must, subject to the regulations,”.
- Govt** No. 3 Page 5, Schedule 1 [6], line 10. Omit “may”. Insert instead “must, subject to the regulations,”.
- Govt** No. 4 Page 9, Schedule 1. Insert after line 6:
- [13] Section 39 Applications for renewal or restoration**
Omit “1 year” from section 39 (2). Insert instead “3 months”.
- Govt** No. 5 Page 9, Schedule 1 [13], line 30. Omit “five”. Insert instead “3”.
- Govt** No. 6 Page 14, Schedule 2 [5], lines 8-11. Omit all words on those lines. Insert instead:
- contract:
- (a) in the case of a person who has been given a copy of the signed contract - at any time before the expiration of 5 clear business days after the person is given a copy of the contract, or
 - (b) in the case of a person who has not been given a copy of the signed contract within 5 days after the contract has been signed - at any time before the expiration of 5 clear business days after the person becomes aware that he or she is entitled to be given a copy of the signed contract.
- Govt** No. 7 Page 14, Schedule 2 [5], line 25. Insert “reasonable” after “any”.
- Govt** No. 8 Page 18, Schedule 2 [10], lines 19-22. Omit all words on those lines. Insert instead:

contract:

- (a) in the case of a person who has been given a copy of the signed contract - at any time before the expiration of 5 clear business days after the person is given a copy of the contract, or
- (b) in the case of a person who has not been given a copy of the signed contract within 5 days after the contract has been signed - at any time before the expiration of 5 clear business days after the person becomes aware that he or she is entitled to be given a copy of the signed contract.

- Govt** No. 9 Page 19, Schedule 2 [10], line 3. Insert “reasonable” after “any”.
- Govt** No. 10 Page 31, Schedule 3 [7], line 26. Omit “may”. Insert instead “must, subject to the regulations,”.
- Govt** No. 11 Page 45, Schedule 4 [1], line 9. Insert “, unless the agreement or arrangement was arrived at through collusion or other fraudulent conduct on the part of that person” after “arrangement”.
- Govt** No. 12 Page 57, Schedule 5 [8], line 11. Insert “(in the case of an individual) or \$22,000 (in the case of a corporation)” before “within”.
- Govt** No. 13 Page 64, Schedule 6. Insert after line 10:

[10] Section 94 (4)

Insert after section 94 (3):

- (4) If a person commenced residential building work before 30 July 1999 and entered into a contract of insurance that complies with this Act in relation to that work after the contract for the residential building work was entered into, that contract of insurance is, for the purposes of this section or any previous version of this section, taken to have been in force in relation to the residential building work done under the contract for the residential building work whether that work was done before or after the contract of insurance was entered into.

R Jones No. 14 Page 69, Schedule 6. Insert after line 29:

- (4) The annual report prepared for the Department of Fair Trading under the *Annual Reports (Departments) Act 1985*:
 - (a) must identify all occasions on which information is provided to insurers under this section during the period to which the report relates, and
 - (b) must describe the nature of the information so provided (leaving out particulars that identify, or could lead to the identification of, any particular claimants or insured persons).

R Jones No. 15 Page 72, Schedule 7. Insert after line 21:

[11] Section 145

Insert after section 144:

145 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken 3 years after the date of assent to the *Home Building Legislation Amendment Act 2001*.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament as soon as possible after the review is completed and, in any case, within 6 months after the end of the 3-year period referred to in subsection (2).