



Home Building Amendment (Insurance Exemptions) Regulation 2003

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*.

JOHN DELLA BOSCA, M.L.C.,

Minister for Commerce

Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 1997* to:

- (a) extend for a further 12 months (until December 2004) the period of the temporary exemption from the extension of insurance to all work done at an address specified in the building contract and insurance certificate concerned, and
- (b) exempt from insurance requirements under the *Home Building Act 1989* residential building work carried out on multi-storey buildings and land sold by developers on which residential building work for that purpose has been or is to be done.

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

2003 No 948

Clause 1 Home Building Amendment (Insurance Exemptions) Regulation 2003

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Home Building Act 1989

1 Name of Regulation

This Regulation is the *Home Building Amendment (Insurance Exemptions) Regulation 2003*.

2 Commencement

This Regulation commences on 31 December 2003.

3 Amendment of Home Building Regulation 1997

The *Home Building Regulation 1997* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 57BB Temporary exemption from section 92B and 93B requirements

Omit “at the end of December 2003” wherever occurring.

Insert instead “on 31 December 2004”.

[2] Clause 57BC

Insert after clause 57BB:

57BC Exemptions from insurance for multi-storey buildings

- (1) A person who does, or enters into a contract to do, residential building work relating to the construction of a multi-storey building is exempt from the requirements of Part 6 of the Act in respect of that residential building work.
- (2) A developer who enters into a contract for the sale of land on which residential building work relating to the construction of a multi-storey building has been done, or is to be done, is exempt from the requirements of section 96A of the Act in relation to that residential building work.
- (3) This clause does not apply in respect of residential building work commenced before the commencement of this clause.
- (4) If a developer entered into a contract for the sale of land on which residential building work in relation to a multi-storey building was proposed to be carried out but was not commenced before the commencement of this clause and the developer complied with clause 66 in relation to that contract:
 - (a) the provisions of the contract complying with clause 66 (1) (b) (ii) and (iii) cease to have effect, and
 - (b) the developer must notify the purchaser of the land in writing that they no longer have effect and of the exemption from the requirements of Part 6 of the Act in relation to the residential building work conferred by this clause.

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Schedule 1 Amendments

(5) In this clause:

multi-storey building means a building:

- (a) that has a rise in storeys of more than 3, and
- (b) that contains 2 or more separate dwellings.

rise in storeys has the same meaning as it has in the *Building Code of Australia*.

storey does not include a space within a building if the space includes accommodation only intended for vehicles.

BY AUTHORITY
