TASMANIA

HOUSING INDEMNITY AMENDMENT BILL 2008

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HOUSING INDEMNITY AMENDMENT BILL 2008

(Brought in by the Minister for Justice, the Honourable David Edward Llewellyn)

A BILL FOR

An Act to amend the Housing Indemnity Act 1992

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the Housing Indemnity Amendment Act 2008.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

In this Act, the Housing Indemnity Act 1992 is referred to as the Principal Act.

*No. 49 of 1992
4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

(a) by omitting the definition of “claim”;

(b) by omitting the definitions of “insured” and “insurer”;

(c) by omitting the definition of “owner-builder”;

(d) by omitting the definitions of “policy” and “the prescribed insurance cover”.

5. Section 5 amended (Exclusion of certain building work)

Section 5(1)(a) of the Principal Act is amended by omitting “, an owner-builder”.

6. Part 2A inserted

After section 9 of the Principal Act, the following Part is inserted:

PART 2A – CONSUMER GUIDE

9A. Interpretation

In this Part –
“consumer guide” means a consumer guide prepared under section 9B or 9C;

“Director” means the Director of Consumer Affairs and Fair Trading appointed under section 9 of the Consumer Affairs Act 1988.

9B. Consumer guide

(1) The Director must prepare a consumer guide.

(2) The consumer guide is to –

   (a) contain information about the operation of this Act; and

   (b) if Part 3 is in operation, contain information about the scope and limitations of policies; and

   (c) contain any other information relevant to the operation of this Act that the Director considers necessary.

(3) After preparing the consumer guide, the Director must cause a notice to be published in the Gazette and in 3 newspapers circulating generally in Tasmania specifying –
(a) that the consumer guide has been prepared; and

(b) the purpose of the consumer guide with particular reference to section 9E; and

(c) how and where copies of the consumer guide may be obtained; and

(d) the date on which the consumer guide is to take effect; and

(e) any other information relating to the consumer guide that the Director considers necessary.

9C. Replacement of consumer guide

(1) The Director may rescind a consumer guide and prepare a new consumer guide.

(2) After preparing a new consumer guide, the Director must cause notice of it to be published in the manner specified in section 9B(3).

9D. Availability of consumer guide

The Director must, by electronic means and any other means the Director considers necessary, take all reasonable
steps to ensure that copies of a consumer guide are publicly available.

9E. Offence if builder fails to give owner consumer guide

(1) A builder must, before performing building work to which this Division applies, give the owner a consumer guide.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 20 penalty units; or

(b) an individual, a fine not exceeding 10 penalty units.

(2) A document signed by an owner containing a statement that a builder has given the owner a consumer guide is evidence of that matter and, in the absence of evidence to the contrary, is proof of that matter.

9F. Status of consumer guide

A consumer guide is not –
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(a) a statutory rule for the purposes of the Rules Publication Act 1953; or

(b) subordinate legislation for the purposes of the Subordinate Legislation Act 1992.

7. Part 3 repealed

Part 3 of the Principal Act is repealed.

8. Sections 20B and 21 repealed

Sections 20B and 21 of the Principal Act are repealed.