

## TASMANIA

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### HOUSING INDEMNITY AMENDMENT BILL 2008

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#### CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 5 amended (Exclusion of certain building work)
6. Part 2A inserted
  - PART 2A – Consumer Guide
  - 9A. Interpretation
  - 9B. Consumer guide
  - 9C. Replacement of consumer guide
  - 9D. Availability of consumer guide
  - 9E. Offence if builder fails to give owner consumer guide
  - 9F. Status of consumer guide
7. Part 3 repealed
8. Sections 20B and 21 repealed



# **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.

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\*No. 49 of 1992

*Housing Indemnity Amendment Act 2008*  
*Act No. of*

s. 4

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**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 –

*Housing Indemnity Amendment Act 2008*  
*Act No. of*

s. 6

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- (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 –

*Housing Indemnity Amendment Act 2008*  
*Act No. of*

s. 7

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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.