
INDUSTRY REGULATION

IS301

Home Building Contracts Act 1991

Home Building Contracts Amendment Regulations 2020

SL 2020/66

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Home Building Contracts Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Home Building Contracts Regulations 1992*.

4. Regulation 3A inserted

After regulation 3 insert:

3A. Prescribed payment for cabinetry work (section 10(1)(a)(ii))

- (1) In this regulation —
cabinetry work means —

- (a) the manufacture and installation of kitchen, bathroom, laundry and other custom-made cabinets and fitments; and

- (b) the refurbishment or repair of kitchen, bathroom, laundry and other fitted cabinets and fitments; but
- (c) does not include the purchase and installation of off-the-shelf cabinets;

off-site work, in respect of home building work, means work performed at a place that is not the place at which the home building work is to be finally installed or constructed under the contract.

- (2) This regulation applies only if —
 - (a) a builder enters into a home building work contract in respect of cabinetry work; and
 - (b) the value of the off-site work to be performed under the contract is more than 50% of the total amount payable under the contract.
- (3) For the purposes of section 10(1)(a)(ii), the builder may, before the commencement of the home building work, demand payment of a deposit of not more than 20% of the total amount payable to the builder under the contract.

5. Schedule 1 amended

In Schedule 1 under the heading “**Provisions that are not allowed**” delete paragraph (a) and insert:

- (a) a deposit before the work begins of —
 - (i) if the *Home Building Contracts Regulations 1992* regulation 3A applies to the contract — no more than 20% of the contract price; or
 - (ii) otherwise — no more than 6.5% of the contract price;
- and

R. NEILSON, Clerk of the Executive Council.