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A NEW REGISTER FOR HOME WARRANTY INSURANCE

Faiyaz Shafiq
Lawyer
LLB | GDLP
[Email](#) | [LinkedIn](#)

A NEW REGISTER FOR HOME WARRANTY INSURANCE

Introduction

A new register for home owner warranty insurance policies exists in NSW.

On 15 January 2015, the new amendments to the *Home Building Act 1989* introduced a new register for home owner warranty insurance ("HOWI"). The register records home owner warranty insurance contracts entered into after 1 July 2010.

Unfortunately information surrounding HOWI prior to 1 July 2010 will not be kept in the register making it difficult for anyone attempting to find the existence of a HOWI policy issued before then.

To access the register please go to the following website: <https://www.hbcf.nsw.gov.au>

Advantages of the Register

Prior to the introduction of the register, lawyers, owners corporations, and other stakeholders had to invest a lot of time and money in ascertaining the existence of HOWI. In some instances obtaining information about HOWI was nearly impossible.

By having a register, an owners corporation is now able to access information about HOWI for its building by completing either the property address or the certificate number in the respective fields when doing a search in the register. These details once completed will identify the name of the builder, the builder's licence number and other relevant information.

Despite owners corporations in New South Wales now being able to ascertain if they have HOWI or not on their building, owners must still do all of their due diligence in making sure that the HOWI recorded in the register is genuine.

This is because there could be a possibility that the certificate of insurance recorded in the register could have been forged by contractors or developers.

In other words an owners corporation must take steps to confirm that the person or entity who did the residential building work on their building is also a person or entity whose work was insured. Unfortunately the register at this stage does not record who did the work and it is hoped that this information will in the future become available as the register is further developed.

Conclusion

The new register no doubt is a great tool for home owners and owners corporations in New South Wales to obtain information about HOWI. However, the information in the register is not always conclusive. Home owners and owners corporations must still take steps to verify the information or the results that they obtain through the register.

If in any doubt, legal advice should immediately be sought particularly before any limitation period regarding an insurance claim expires.

Faiyaz Shafiq

Lawyer | LLB GDLP

faiyazshafiq@muellers.com.au

About JS Mueller & Co

JS Mueller & Co has been servicing the strata industry across metropolitan and regional NSW for almost 40 years. We are a specialist firm of strata lawyers with in depth and unmatched experience in, and comprehensive knowledge of strata law and levy collection.

02 9562 1266

enquiries@muellers.com.au

www.muellers.com.au



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