

1992—No. 376

**BUILDING SERVICES CORPORATION ACT 1989—  
REGULATION**

(Relating to liability under BSC insurance schemes)

NEW SOUTH WALES



*[Published in Gazette No. 89 of 17 July 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Building Services Corporation Act 1989, has been pleased to make the Regulation set forth hereunder.

ROBERT WEBSTER, MLC  
Minister for Housing.

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**Commencement**

1. This Regulation commences on 17th day of July, 1992.

**Amendments**

2. The Building Services Corporation Regulation 1990 is amended:

(a) by inserting after clause 38 the following clause:

**Transitional—variation liability under schemes of insurance**

38A. (1) Any amendment of Form 4 resulting from an amendment of this Regulation applies only in respect of:

(a) insured building work contracted to be done or (if not done under contract) commenced on or after the date on which the amendment commences; and

(b) I.O.B. work done under the authority of a permit issued on or after that date; and

(c) kit homes supplied or to be supplied under a contract entered into on or after that date or supplied (otherwise than under a contract) on or after that date.

(2) Any amendment of Form 5 resulting from an amendment of this Regulation lies only in respect of:

- (a) insured building work contracted to be done or (if not done under contract) commenced on or after the date on which the amendment commences; and
- (b) owner-builder work done under the authority of a permit issued on or after that date; and
- (c) deposits paid on or after that date in relation to an offer to construct a single dwelling.

(3) Words and expressions used in this clause have the same meanings as in Form 4 or 5, as appropriate.

(b) by omitting clause 6 of Form 5 in Schedule 1 and by inserting instead the following clause:

**Maximum payments**

6. (1) Subject to this clause, the aggregate liability of the Corporation under this Scheme in respect of a claim made under any combination of heads in clause 5 (1) is limited to \$10,000.

(2) The liability of the Corporation in respect of a claim under clause 5 (1) (g) is limited to \$1,000.

(3) The liability of the Corporation in respect of a claim under clause 5 (1) (a) or (f) is limited to \$10,000 or the maximum amount of deposit that may lawfully be received in the circumstances of the case under section 8 of the Act, whichever is less.

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**EXPLANATORY NOTE**

The purpose of this Regulation is to amend the Building Services Corporation Regulation 1990 so as:

- (a) to make it clear that an amendment of the conditions, set out in Forms 4 and 5, on which BSC comprehensive protection and BSC special protection respectively are provided (such as, for example, an amendment to the limits on the liability of the Building Service Corporation under the BSC Comprehensive Insurance Scheme or the BSC Special Insurance Scheme) apply only to matters arising after the date on which the amendment commences; and
- (b) to increase (from \$5,000 to \$10,000) the maximum amount for which the Building Services Corporation is liable under the BSC Special Insurance Scheme subject to any claim relating to a deposit being limited to the maximum amount (but not exceeding \$10,000) that a person may lawfully receive in accordance with section 8 of the Act.