



New South Wales

# Building and Construction Industry Security of Payment Amendment Regulation 2011

under the

Building and Construction Industry Security of Payment Act 1999

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Building and Construction Industry Security of Payment Act 1999*.

PAUL LYNCH, MP  
Minister for Commerce

## Explanatory note

The object of this Regulation is to make it clear that the existing general exemption from the operation of the *Building and Construction Industry Security of Payment Act 1999* that applies to construction contracts for the carrying out of residential building works also applies so as to exempt homeowners under those contracts from the new provisions (Division 2A of Part 3) that give unpaid contractors rights against principal contractors. This will ensure that those homeowners will not have the responsibilities of principal contractors under the new provisions.

This Regulation is made as a consequence of the enactment of the *Building and Construction Industry Security of Payment Amendment Act 2010*.

This Regulation is made under the *Building and Construction Industry Security of Payment Act 1999*, including section 35 (the general regulation-making power).

**2011 No 89**

Clause 1

Building and Construction Industry Security of Payment Amendment  
Regulation 2011

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**Building and Construction Industry Security of Payment  
Amendment Regulation 2011**

under the

Building and Construction Industry Security of Payment Act 1999

**1 Name of Regulation**

This Regulation is the *Building and Construction Industry Security of Payment Amendment Regulation 2011*.

**2 Commencement**

This Regulation commences on 28 February 2011 and is required to be published on the NSW legislation website.

**3 Amendment of Building and Construction Industry Security of Payment Regulation 2008**

**Clause 5**

Insert after clause 4:

**5 Exemptions**

A person is exempt from the operation of Division 2A of Part 3 of the Act in the person's capacity as a principal contractor (within the meaning of that Division) under a construction contract of a kind referred to in section 7 (2) (b) of the Act.