



New South Wales

Home Building Amendment (Information) Regulation 2021

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The object of this Regulation is to require contracts to do residential building work to which section 7 of the *Home Building Act 1989* applies to include information, in a form approved by the Secretary, that explains the operation of the *Building and Construction Industry Security of Payment Act 1999* and the *Building and Construction Industry Security of Payment Regulation 2020*.

This Regulation is made under the *Home Building Act 1989*, including sections 7(2)(j) and 140 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Home Building Amendment (Information) Regulation 2021*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Home Building Regulation 2014

(1) Clause 8

Omit the clause. Insert instead—

8 Matters for inclusion in contracts to do residential building work

- (1) A contract to do residential building work to which section 7 of the Act applies must include the following—
 - (a) a checklist in the approved form,
 - (b) information, in the approved form, that explains the operation of the *Building and Construction Industry Security of Payment Act 1999* and the *Building and Construction Industry Security of Payment Regulation 2020*.
- (2) In this clause—
approved form means the form approved by the Secretary.

(2) Clause 77

Insert after clause 76—

77 Transitional—Home Building Amendment (Information) Regulation 2021

For the purposes of section 7B of the Act, a holder of a contractor licence is not required to comply with clause 8, as substituted by the *Home Building Amendment (Information) Regulation 2021*, in relation to a contract entered into during the period of 3 months after the commencement of that Regulation.