



New South Wales

First Home Owner Grant Amendment Act 2001 No 25

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of First Home Owner Grant Act 2000 No 21	2
Schedule 1 Amendments	3



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First Home Owner Grant Amendment Act 2001 No 25

Act No 25, 2001

An Act to amend the *First Home Owner Grant Act 2000* to make further provision with respect to eligibility and objections and to provide for an increase in the maximum grant under that Act in certain cases; and for other purposes. [Assented to 19 June 2001]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *First Home Owner Grant Amendment Act 2001*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of First Home Owner Grant Act 2000 No 21

The *First Home Owner Grant Act 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 7 Entitlement to grant

Omit “9 (2) or 12 (2) or both” from section 7 (2).

Insert instead “8A (2), 9 (2) or 12 (2)”.

[2] Section 8A

Insert after section 8:

8A Criterion 1A—Applicant to be at least 16 years of age

- (1) An applicant for a first home owner grant must be at least 16 years of age.
- (2) The Chief Commissioner may exempt an applicant from the requirement to be at least 16 years of age if the Chief Commissioner is satisfied that:
 - (a) the home to which the application relates will be occupied by the applicant as his or her principal place of residence within 12 months after completion of the eligible transaction or a longer period approved by the Chief Commissioner, and
 - (b) the application does not form part of a scheme to circumvent limitations on, or requirements affecting, eligibility for or entitlement to a first home owner grant.

[3] Section 13 Eligible transactions

Omit section 13 (5) (a). Insert instead:

- (a) in the case of a contract for the purchase of a home:
 - (i) the purchaser becomes entitled to possession of the home under the contract, and
 - (ii) if the purchaser acquires an interest in land under the contract that is registrable under a law of the State—the purchaser’s interest is registered under that law, or

[4] Section 13A

Insert after section 13:

13A Special eligible transactions

- (1) A *special eligible transaction* is an eligible transaction the commencement date for which is between 9 March 2001 and 31 December 2001, both dates inclusive, that is:
 - (a) a contract for the purchase of a new home, or
 - (b) a comprehensive home building contract for a new home if:
 - (i) the building work starts within 16 weeks after the commencement date, or such longer period as the Chief Commissioner may allow for delay caused by circumstances beyond the control of the parties, and
 - (ii) the contract states the building work must be completed within 12 months after it is started or, if the contract does not state a completion date for the building work, it is completed within 12 months after it is started, or
 - (c) the building of a new home by an owner builder if the eligible transaction is completed before 1 May 2003.
- (2) However, an eligible transaction mentioned in subsection (1) (a) that is a contract for the purchase of a new home on a proposed lot in an unregistered plan of subdivision of land is a special eligible transaction only if the contract states the building work must be completed before 1 May 2003 or, if the contract does not state a completion date for the building work, it is completed before that date.
- (3) Also, an eligible transaction that is a contract is not a special eligible transaction if the Chief Commissioner is satisfied that the contract replaces a contract made before 9 March 2001 that was a contract to purchase the same home or a comprehensive home building contract to build the same or a substantially similar home.
- (4) For the purposes of this section, building work:
 - (a) starts when laying the foundations for the home starts, and

(b) is completed when the building is ready for occupation as a home.

(5) In this section:

new home means a home that has not been previously occupied or sold as a place of residence.

[5] Section 18 Amount of grant

Insert at the end of section 18:

(2) Despite subsection (1), the amount of a first home owner grant for an eligible transaction that is a special eligible transaction (within the meaning of section 13A) is the lesser of the following:

- (a) the consideration for the special eligible transaction,
- (b) \$14000.

[6] Section 25 Objections

Insert “(including a decision to reverse or vary an earlier decision)” after “decision on the application” in section 25 (1).

[7] Section 27 Decision not made within 90 days

Omit the section.

[8] Section 28 Reviews by Administrative Decisions Tribunal

Omit section 28 (1). Insert instead:

(1) An objector may apply to the Administrative Decisions Tribunal for a review of the decision (the *original decision*) to which the objection was made if:

- (a) the objector is dissatisfied with the Chief Commissioner’s determination of the objection, or
- (b) 90 days have passed since the objection was lodged with the Chief Commissioner and the Chief Commissioner has not determined the objection.

[9] Section 28 (4)

Omit the subsection. Insert instead:

- (4) An application for review:
 - (a) following a determination by the Chief Commissioner of an objection—must be made not later than 60 days after the date of issue of the notice of the Chief Commissioner’s determination of the objection, or
 - (b) following a failure of the Chief Commissioner to determine an objection within the relevant 90-day period—may be made at any time after the end of that period (but must be made as required by paragraph (a) following a subsequent determination of the objection by the Chief Commissioner).

[10] Section 52A

Insert after section 52:

52A Savings, transitional and other provisions

Schedule 1 has effect.

[11] Schedule 1

Insert after section 54:

Schedule 1 Savings, transitional and other provisions

(Section 52A)

Part 1 Preliminary

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

First Home Owner Grant Amendment Act 2001

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions consequent on enactment of First Home Owner Grant Amendment Act 2001

2 Completion date for eligible transactions

The amendment made to section 13 by the *First Home Owner Grant Amendment Act 2001* extends to eligible transactions entered into before the commencement of that amendment if a first home owner grant has not been paid in respect of the transaction concerned.

3 Applicants to be at least 16 years of age

Section 8A extends to an application under this Act made before the commencement of that section but only if:

- (a) the application was made on or after the day on which the Bill for the *First Home Owner Grant Amendment Act 2001* was first introduced into Parliament (whether or not that Act was enacted in the form of the Bill as introduced), and
- (b) a first home owner grant had not been paid in respect of the application before the commencement of section 8A.

4 Validation of payment of increased grants

The payment of an amount as a first home owner grant before the commencement of section 13A is validated to the extent that the payment would have been valid had section 13A been in force at the time it was made.

[Minister's second reading speech made in—
Legislative Assembly on 11 April 2001
Legislative Council on 6 June 2001]