

TASMANIA

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**FIRST HOME OWNER GRANT AMENDMENT  
BILL 2003**

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# **FIRST HOME OWNER GRANT AMENDMENT BILL 2003**

*(Brought in by the Minister for Education, the Honourable  
Paula Catherine Wriedt)*

## **A BILL FOR**

### **An Act to amend the *First Home Owner Grant Act 2000***

Be it enacted by His Excellency the Governor of Tasmania,  
by and with the advice and consent of the Legislative  
Council and House of Assembly, in Parliament assembled,  
as follows:

#### **Short title**

**1.** This Act may be cited as the *First Home Owner Grant  
Amendment Act 2003*.

#### **Commencement**

**2. (1)** Sections 1, 3, 5 and 10 and this section are taken to  
have commenced on 15 October 2003.

**(2)** The remaining provisions of this Act commence  
on 1 January 2004.

**Principal Act**

3. In this Act, the *First Home Owner Grant Act 2000*\* is referred to as the Principal Act.

**Section 3 amended (Interpretation)**

4. Section 3(1) of the Principal Act is amended by omitting “within 12 months” from the definition of “residence requirement” and substituting “for a continuous period of at least 6 months (or any lesser period approved by the Commissioner under section 12(1A)) commencing within the 12-month period immediately”.

**Section 8 substituted**

5. Section 8 of the Principal Act is repealed and the following section is substituted:

**Criterion 1 – Applicant to be a natural person and at least 18 years of age**

8. (1) An applicant for a first home owner grant must be –

- (a) a natural person; and
- (b) at least 18 years of age.

(2) The Commissioner may exempt an applicant from the requirement in subsection (1)(b) if the 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

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\*No. 19 of 2000

for a continuous period of at least 6 months (or any lesser period approved by the Commissioner under section 12(1A)) commencing within the 12-month period immediately after completion of the eligible transaction or within a longer period approved by the 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.

**Section 10 amended (Criterion 3 – Applicant (or applicant’s spouse) must not have received an earlier grant)**

6. Section 10(2) of the Principal Act is amended by omitting “under the conditions on which the grant was made”.

**Section 12 amended (Criterion 5 – Residence requirement)**

7. Section 12 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

(1) An applicant for a first home owner grant must occupy the home to which the application relates as the applicant’s principal place of residence for a continuous period of at least 6 months (or any lesser period approved by the Commissioner under subsection (1A)) commencing within the 12-month period immediately after completion of the eligible transaction or within a longer period approved by the Commissioner.

**(1A)** The Commissioner may approve a lesser period of occupation under subsection (1) if the Commissioner is satisfied that there are good reasons why the applicant cannot comply with the requirement to occupy the home for 6 months.

**Section 20 amended (Payment in anticipation of compliance with residence requirement)**

**8.** Section 20(1) of the Principal Act is amended by omitting “within 12 months after completion of the eligible transaction or” and substituting “for a continuous period of at least 6 months (or any lesser period approved by the Commissioner under section 12(1A)) commencing within the 12-month period immediately after completion of the eligible transaction or within”.

**Section 22 amended (Death of applicant)**

**9.** Section 22 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

**(3)** If a deceased applicant for a first home owner grant had not, by the date of his or her death, occupied the home to which the application relates as the applicant’s principal place of residence for a continuous period of at least 6 months (or any lesser period approved by the Commissioner under section 12(1A)) commencing within the 12-month period immediately after completion of the eligible transaction or a longer period allowed by the Commissioner, but the Commissioner is satisfied that the applicant intended to do so, the residence requirement is satisfied.

**Application of amendment**

**10.** Section 8 of the Principal Act as substituted by this Act applies to all applications received by the Commissioner under the Principal Act, or any person with whom the Commissioner has entered into an administration agreement under section 31(2) of the Principal Act, on and after 15 October 2003.