

TASMANIA

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**TAXATION AND GRANTS LEGISLATION  
(HOUSING CONSTRUCTION AMENDMENTS)  
BILL 2017**

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**TAXATION AND GRANTS LEGISLATION  
(HOUSING CONSTRUCTION AMENDMENTS)  
BILL 2017**

*(Brought in by the Treasurer, the Honourable Peter Carl  
Gutwein)*

**A BILL FOR**

**An Act to amend the *Duties Act 2001* and the *First Home  
Owner Grant Act 2000***

Be it enacted by Her 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:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Taxation and  
Grants Legislation (Housing Construction  
Amendments) Act 2017*.

**2. Commencement**

This Act –

- (a) commences on 1 July 2017 if it receives  
the Royal Assent on or before that day;  
or

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Part 1 – Preliminary

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- (b) is taken to have commenced on 1 July 2017 if it receives the Royal Assent after that day.

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**PART 2 – DUTIES ACT 2001 AMENDED**

**3. Principal Act**

In this Part, the *Duties Act 2001*\* is referred to  
as the Principal Act.

**4. Section 19 amended (What is the consideration for  
the transfer of dutiable property?)**

Section 19 of the Principal Act is amended by  
omitting subsection (2) and substituting the  
following subsections:

- (2) If, as part of an arrangement involving a  
dutiable transaction over dutiable  
property agreed by an agreement for sale  
(the *relevant agreement*) –
  - (a) the transferor or an associated  
person of the transferor effects  
improvements (the *relevant  
improvements*) to the dutiable  
property after the relevant  
agreement was entered into; and
  - (b) the relevant improvements –
    - (i) involve the construction  
on the dutiable property  
of a single home (other  
than a flat, home unit or

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\*No. 15 of 2001

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Part 2 – Duties Act 2001 Amended

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other similar building)  
that –

(A) may be lawfully  
occupied as a  
place of residence;  
and

(B) is intended for  
occupation as a  
place of residence;  
and

(ii) are, or will be, work  
within the meaning of the  
*Building Act 2016*; and

(c) there is not, at the time of the  
relevant agreement, a building on  
the dutiable property that may be  
lawfully occupied as a place of  
residence –

the consideration for the dutiable  
transaction does not include the  
consideration relating to the relevant  
improvements performed on the dutiable  
property after the relevant agreement but  
before the dutiable transaction.

(3) For the purposes of subsection (2), the  
following do not constitute  
improvements in relation to a dutiable  
property:

(a) works that are –

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(i) necessary for, or related to, preparation of the site, on which a single home is to be constructed on the dutiable property, to enable the construction to occur; and

(ii) preliminary to the construction of the single home –

including but not limited to works consisting of excavation (other than excavation for the purposes of enabling footings for the single home to be established), levelling of land or the removal of vegetation;

(b) underground infrastructure, and the installation of underground infrastructure, on the dutiable property, including but not limited to underground infrastructure for the purposes of the provision of electricity, water, sewerage or telecommunications services.

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Part 3 – First Home Owner Grant Act 2000 Amended

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**PART 3 – FIRST HOME OWNER GRANT ACT 2000  
AMENDED**

**5. Principal Act**

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

**6. Section 18 amended (Amount of grant)**

Section 18(2) of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (ad):
  - (ae) if the first home owner grant relates to an eligible transaction that satisfies section 18E, the amount is \$20 000; or
- (b) by omitting from paragraph (b) “section 18A, 18B, 18C or 18D” and substituting “section 18A, 18B, 18C, 18D or 18E”.

**7. Section 18E inserted**

After section 18D of the Principal Act, the following section is inserted in Division 5:

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\*No. 19 of 2000



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Amendments) Act 2017*  
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Part 3 – First Home Owner Grant Act 2000 Amended

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**18E. Conditions on increase in grant**

- (1) An eligible transaction satisfies this section if –
  - (a) the commencement date of the eligible transaction is on or after 1 July 2017 but before 1 July 2018; and
  - (b) the eligible transaction is completed in accordance with section 13(5) within 24 months after the commencement date of the eligible transaction.
- (2) If satisfied there are good reasons to do so and if a request by the applicant is made before a decision on the application has been varied or reversed under section 23, the Commissioner may extend the period referred to in subsection (1) for the eligible transaction to be completed, even though the period has expired.
- (3) Despite subsection (1), an eligible transaction does not satisfy this section if the Commissioner considers that the eligible transaction replaces a transaction, entered into before 1 July 2017, that is for the same property and that is between substantially, or that benefits substantially, the same parties.

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Part 3 – First Home Owner Grant Act 2000 Amended

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(4) For the avoidance of doubt, a payment of \$20 000 that –

(a) was made in anticipation of the *Taxation and Grants Legislation (Housing Construction Amendments) Act 2017* commencing; and

(b) was made on or after 1 July 2017 but before the *Taxation and Grants Legislation (Housing Construction Amendments) Act 2017* commenced –

is taken to be a first home owner grant payment, for the purposes of this Act, made in relation to an eligible transaction to which this section, as amended by that Act, applies.

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Amendments) Act 2017*  
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Part 4 – Concluding Provision

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**PART 4 – CONCLUDING PROVISION**

**8. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which this Act commences or is taken to commence.