

TASMANIA

**FIRST HOME OWNER GRANT AMENDMENT
BILL 2014**

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FIRST HOME OWNER GRANT AMENDMENT BILL 2014

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
27 May 2014

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

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:

1. Short title

This Act may be cited as the *First Home Owner Grant Amendment Act 2014*.

2. Commencement

- (1) Except as provided in this section, this Act is taken to have commenced on 7 November 2013.
- (2) Section 5 is taken to have commenced on 1 January 2013.

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3. Principal Act

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

4. 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 (a):
 - (ab) if the first home owner grant relates to an eligible transaction that satisfies section 18B, the amount is \$30 000; or
- (b) by omitting from paragraph (b) “section 18A” and substituting “section 18A or 18B”.

5. Section 18A amended (Conditions on increase of grant)

Section 18A of the Principal Act is amended as follows:

- (a) by omitting the definition of *commencement of building* from subsection (1) and substituting the following definition:

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commencement of building means the
date of completion of the laying
of the foundations for the
building or, if no foundations are
to be laid, a date determined by
the Commissioner;

- (b) by omitting from subsection (2)(a)
“1 July 2014” and substituting
“7 November 2013”;
- (c) by omitting from subsection (2)(b)(ii)(A)
“30 June 2014” and substituting
“7 November 2013”;
- (d) by omitting from subsection
(2)(b)(iii)(A) “30 June 2014” and
substituting “7 November 2013”;
- (e) by inserting after subsection (2) the
following subsection:
 - (2A) 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 reversed or varied under
section 23, the Commissioner
may –
 - (a) extend the period referred
to in subsection (2) for the
commencement of
building notwithstanding
that that period has
expired; or

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- (b) extend the period referred to in subsection (2) for the eligible transaction to complete notwithstanding that that period has expired.

6. Section 18B inserted

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

18B. Conditions on further increase of grant

- (1) In this section –

commencement of building means the date of completion of the laying of the foundations for the building or, if no foundations are to be laid, a date determined by the Commissioner;

contract for an off-the-plan purchase, in relation to a new home, means a contract for both –

- (a) the purchase of land, or an interest in land; and
 - (b) the construction of a new home on that land.
- (2) An eligible transaction satisfies this section if –

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- (a) the commencement date of the eligible transaction is on or after 7 November 2013 but before 1 January 2015; and
- (b) where the eligible transaction is –
 - (i) a comprehensive home building contract for a new home –
 - (A) the commencement of building under the comprehensive home building contract occurs within 26 weeks of the date of the contract; and
 - (B) the eligible transaction is completed in accordance with section 13(5) within 24 months after the commencement of building under the comprehensive home building contract; or

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(ii) the building of a new home by an owner builder –

(A) the commencement of building occurs on or after 7 November 2013 but before 1 January 2015; and

(B) the eligible transaction is completed in accordance with section 13(5) within 24 months after the commencement of building; or

(iii) a contract for an off-the-plan purchase of a new home –

(A) the commencement of building occurs on or after 7 November 2013 but before 1 January 2015; and

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- (B) the eligible transaction is completed in accordance with section 13(5) within 24 months after the commencement of building; or
 - (iv) a contract for the purchase of a new home, the eligible transaction is completed in accordance with section 13(5).
- (3) 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 reversed or varied under section 23, the Commissioner may –
 - (a) extend the period referred to in subsection (2) for the commencement of building notwithstanding that that period has expired; or
 - (b) extend the period referred to in subsection (2) for the eligible transaction to complete notwithstanding that that period has expired.
- (4) Despite subsection (2), an eligible transaction does not satisfy this section if

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the Commissioner considers that the eligible transaction replaces a transaction, entered into before 7 November 2013, for the same property between substantially, or that benefits substantially, the same parties.

(5) For the avoidance of doubt, a payment of \$30 000 that –

(a) was made in anticipation of the *First Home Owner Grant Amendment Act 2014* receiving the Royal Assent; and

(b) was made on or after 7 November 2013 but before the *First Home Owner Grant Amendment Act 2014* received the Royal Assent –

is taken to be a first home owner grant payment for the purposes of this Act.

7. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it receives the Royal Assent.