

2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

First Home Owner Grant Amendment Bill 2003

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First Home Owner Grant Amendment Bill 2003

A Bill for

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

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *First Home Owner Grant Amendment Act 2003*.

2 Commencement

- (1) Sections 3 and 4 commence on the day after this Act's notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) The remaining provisions commence on 1 January 2004.

3 Legislation amended

This Act amends the *First Home Owner Grant Act 2000*.

4 New section 8A

insert

8A Criterion 1A—Applicant to be at least 18 years old

- (1) An applicant for a first home owner grant must be at least 18 years old.
- (2) However, if the commissioner is satisfied there are good reasons to do so, the commissioner may exempt the applicant from the requirement to be at least 18 years old.
- (3) This section also applies to an application for a first home owner grant made before the commencement of this section if—
- (a) the application was made on or after 14 October 2003; and
 - (b) a first home owner grant had not been paid in relation to the application before the commencement of this section.
- (4) Subsection (3) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- 1 (5) Subsections (3) and (4) and this subsection expire 1 year after the
2 day this section commences.

3 **5 Criterion 4—Applicant (or applicant’s partner) must not**
4 **have had relevant interest in residential property**
5 **Section 11 (3)**

- 6 *omit*
7 relevant transaction
8 *substitute*
9 eligible transaction to which the application relates

10 **6 Section 11 (4)**

- 11 *renumber as subsection (5)*

12 **7 New section 11 (4)**

- 13 *insert*
14 (4) However, for subsection (3), the applicant or the applicant’s partner
15 is taken not to have used the property as the residence of the
16 applicant or the applicant’s partner if—
17 (a) the property was the subject of an earlier application under this
18 Act by the applicant; and
19 (b) a first home owner grant was paid under the earlier application;
20 and
21 (c) the applicant repaid the grant because of a failure to comply
22 with section 12 in relation to the earlier application.

1 **8 Section 12**

2 *substitute*

3 **12 Criterion 5—Residence requirements**

- 4 (1) An applicant for a first home owner grant must occupy the home to
5 which the application relates as the applicant's principal place of
6 residence for a continuous period of at least 6 months.
- 7 (2) However, if the commissioner is satisfied there are good reasons to
8 do so, the commissioner may—
- 9 (a) approve a shorter period; or
- 10 (b) exempt the applicant from the requirement to comply with
11 subsection (1).
- 12 (3) The period of occupation required under subsection (1), or the
13 shorter period approved under subsection (2) (a), must start within 1
14 year after completion of the eligible transaction to which the
15 application relates or a longer period approved by the commissioner.
- 16 (4) The commissioner may exempt the applicant (the ***noncomplying***
17 ***applicant***) from the requirement to comply with subsection (3) if—
- 18 (a) the applicant is 1 of 2 or more joint applicants for a first home
19 owner grant; and
- 20 (b) at least 1 of the applicants complies with the requirement; and
- 21 (c) there are, in the commissioner's opinion, good reasons to
22 exempt the noncomplying applicant from the requirement.

-
- 1 **9 Section 20 heading**
- 2 *substitute*
- 3 **20 Payment in anticipation of compliance with residence**
- 4 **requirements**
- 5 **10 Section 20 (1) to (3)**
- 6 *substitute*
- 7 (1) The commissioner may authorise payment of a first home owner
- 8 grant in anticipation of compliance with the residence requirements
- 9 if the commissioner is satisfied that each applicant intends to
- 10 comply with the residence requirements.
- 11 (2) If a first home owner grant is paid in anticipation of compliance
- 12 with the residence requirements, the payment is made on condition
- 13 that, if the residence requirements are not complied with, the
- 14 applicant must within 14 days after the relevant date—
- 15 (a) give written notice of that fact to the commissioner; and
- 16 (b) repay the amount of the grant.
- 17 (3) The ***relevant date*** is the earlier of the following:
- 18 (a) the end of the period allowed for compliance with the
- 19 residence requirements;
- 20 (b) the date it first becomes apparent that the residence
- 21 requirements will not be complied with during the period
- 22 allowed for compliance.

**11 Death of applicant
Section 22 (3)**

substitute

(3) A deceased applicant for a first home owner grant is taken to have complied with section 12 (Criterion 5—Residence requirements) if—

(a) the applicant had not, when the applicant died, complied with that section; and

(b) the commissioner is satisfied the applicant intended to comply with that section.

12 New part 5

insert

Part 5 Transitional

57 Amendments by First Home Owner Grant Amendment Act 2003—continuing operation of Act for certain eligible transactions

(1) This Act continues to apply in relation to a relevant application as if the Act had not been amended by the relevant provisions of the amending Act.

(2) In this section:

amending Act means the *First Home Owner Grant Amendment Act 2003*.

relevant application means an application for a first home owner grant if the commencement date for the eligible transaction to which the application relates is earlier than 1 January 2004.

1 *relevant provisions*, of the amending Act, means the provisions of
2 the amending Act commencing on 1 January 2004.

3 (3) This part expires on 1 January 2005.

4 **13 Dictionary, definition of *residence requirement***

5 *substitute*

6 *residence requirements* means—

7 (a) the requirement—

8 (i) under section 12 (1), that an applicant for a first home
9 owner grant must occupy the home to which the
10 application relates as the applicant's principal place of
11 residence for a continuous period of at least 6 months; or

12 (ii) under section 12 (1) and (2) (a), that an applicant for a
13 first home owner grant must occupy the home to which
14 the application relates as the applicant's principal place
15 of residence for a shorter period approved by the
16 commissioner; and

17 (b) the requirement under section 12 (3) that the period of
18 occupation required under section 12 (1), or section 12 (1) and
19 (2) (a), must start within 1 year after completion of the eligible
20 transaction or a longer period approved by the commissioner.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2003.

2 Notification

Notified under the Legislation Act on 2003.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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