



Australian Capital Territory

# First Home Owner Grant Amendment Act 2003

A2003-60

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Australian Capital Territory

# First Home Owner Grant Amendment Act 2003

**A2003-60**

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

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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.

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

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

*omit*

relevant transaction

*substitute*

eligible transaction to which the application relates

**6 Section 11 (4)**

*renumber as subsection (5)*

**7 New section 11 (4)**

*insert*

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

**8 Section 12**

*substitute*

**12 Criterion 5—Residence requirements**

- (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.
- (2) However, if the commissioner is satisfied there are good reasons to do so, the commissioner may—
  - (a) approve a shorter period; or
  - (b) exempt the applicant from the requirement to comply with subsection (1).
- (3) The period of occupation required under subsection (1), or the shorter period approved under subsection (2) (a), must start within 1 year after completion of the eligible transaction to which the application relates or a longer period approved by the commissioner.
- (4) The commissioner may exempt the applicant (the ***noncomplying applicant***) from the requirement to comply with subsection (3) if—
  - (a) the applicant is 1 of 2 or more joint applicants for a first home owner grant; and
  - (b) at least 1 of the applicants complies with the requirement; and
  - (c) there are, in the commissioner's opinion, good reasons to exempt the noncomplying applicant from the requirement.

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**9 Section 20 heading**

*substitute*

**20 Payment in anticipation of compliance with residence requirements**

**10 Section 20 (1) to (3)**

*substitute*

- (1) The commissioner may authorise payment of a first home owner grant in anticipation of compliance with the residence requirements if the commissioner is satisfied that each applicant intends to comply with the residence requirements.
- (2) If a first home owner grant is paid in anticipation of compliance with the residence requirements, the payment is made on condition that, if the residence requirements are not complied with, the applicant must within 14 days after the relevant date—
  - (a) give written notice of that fact to the commissioner; and
  - (b) repay the amount of the grant.
- (3) The ***relevant date*** is the earlier of the following:
  - (a) the end of the period allowed for compliance with the residence requirements;
  - (b) the date it first becomes apparent that the residence requirements will not be complied with during the period 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.



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

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

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

*substitute*

*residence requirements* means—

- (a) the requirement—
  - (i) under section 12 (1), that 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
  - (ii) under section 12 (1) and (2) (a), that 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 shorter period approved by the commissioner; and
- (b) the requirement under section 12 (3) that the period of occupation required under section 12 (1), or section 12 (1) and (2) (a), must start within 1 year after completion of the eligible transaction or a longer period approved by the commissioner.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 27 November 2003.

**2 Notification**

Notified under the Legislation Act on 18 December 2003.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the First Home Owner Grant Amendment Bill 2003 which was passed by the Legislative Assembly on 9 December 2003.

Clerk of the Legislative Assembly

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