

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

First Home Owner Grant Amendment Bill 2013

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First Home Owner Grant Amendment Bill 2013

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 **1 Name of Act**
- 2 This Act is the *First Home Owner Grant Amendment Act 2013*.
- 3 **2 Commencement**
- 4 This Act commences on 1 September 2013.
- 5 *Note* The naming and commencement provisions automatically commence on
- 6 the notification day (see [Legislation Act](#), s 75 (1)).
- 7 **3 Legislation amended**
- 8 This Act amends the *First Home Owner Grant Act 2000*.
- 9 **4 Criterion 5—Residence requirements**
- 10 **Section 12 (1)**
- 11 *omit*
- 12 6 months
- 13 *substitute*
- 14 1 year
- 15 **5 New section 12B**
- 16 *in division 2.3, insert*
- 17 **12B Meaning of *new home*—div 2.3**
- 18 (1) For this division, a *new home* is a home that has not been previously
- 19 occupied or sold as a place of residence, and includes a substantially
- 20 renovated home.

- 1 (2) For this section:
- 2 *substantially renovated home* means a home that—
- 3 (a) has substantial renovations; and
- 4 (b) as renovated, has not previously been occupied or sold as a
- 5 place of residence.
- 6 *substantial renovations*, of a home, means renovations in which all,
- 7 or a substantial part, of the home is removed or replaced.
- 8 **Examples—substantial renovations**
- 9 removal or replacement of foundations, external walls, interior supporting walls,
- 10 floors, roof or staircases
- 11 *Note* An example is part of the Act, is not exhaustive and may extend, but
- 12 does not limit, the meaning of the provision in which it appears (see
- 13 [Legislation Act](#), s 126 and s 132).

14 **6 Meaning of *eligible transaction* etc**

15 **Section 13 (1)**

- 16 *substitute*
- 17 (1) An *eligible transaction* is—
- 18 (a) a contract for the purchase of a new home in the ACT made on
- 19 or after 1 September 2013; or
- 20 (b) a comprehensive home building contract made on or after
- 21 1 September 2013 by the owner of land in the ACT, or a
- 22 person who will on completion of the contract be the owner of
- 23 land in the ACT, to have a new home built on the land; or
- 24 (c) the building of a new home in the ACT by an owner-builder if
- 25 the building work begins on or after 1 September 2013.

1 **7 New section 13 (2) (c)**

2 *insert*

3 (c) for a contract made on or after 1 September 2013 that—

4 (i) the contract replaces a contract made before
5 1 September 2013; and

6 (ii) the replaced contract was—

7 (A) a contract for the purchase of the same home; or

8 (B) a comprehensive home building contract to build
9 the same or a substantially similar home.

10 **8 Amount of grant**
11 **Section 18 (b)**

12 *substitute*

13 (b) \$12 500.

14 **9 Expiry—div 2.5A etc**
15 **Section 24H**

16 *after*

17 This division

18 *insert*

19 , section 13A (1), note

10 **New part 10***insert***Part 10** **Transitional—First Home Owner Grant Amendment Act 2013****100** **Definitions—pt 10**

In this part:

commencement day means the day the *First Home Owner Grant Amendment Act 2013*, section 3 commences.*comprehensive home building contract*—see section 13 (7).*contract for the purchase of a home*—see section 13 (7).*owner-builder*—see section 13 (7).**101** **Pre-1 September 2013 transactions**

Part 2 (First home owner grant), as in force immediately before the commencement day, continues to apply in relation to the following transactions:

- (a) a contract for the purchase of a home in the ACT made before the commencement day;
- (b) a comprehensive home building contract made before the commencement day by the owner of land in the ACT, or a person who will on completion of the contract be the owner of land in the ACT, to have a home built on the land;
- (c) the building of a home in the ACT by an owner-builder if the building work began before the commencement day.

1 **102 Replacement of pre-1 September 2013 contracts**

- 2 (1) This section applies to a contract made on or after 1 September 2013
3 if the commissioner is satisfied that—
- 4 (a) the contract replaces a contract made before 1 September 2013
5 (the *replaced contract*); and
- 6 (b) the replaced contract was—
- 7 (i) a contract for the purchase of the same home; or
- 8 (ii) a comprehensive home building contract to build the
9 same or a substantially similar home.
- 10 (2) The contract is taken—
- 11 (a) to have been made on the date the replaced contract was made;
12 and
- 13 (b) to have a commencement date that is the date the replaced
14 contract was made.
- 15 (3) Part 2 (First home owner grant), as in force immediately before the
16 commencement day, is taken to apply to the contract.

17 *Note* Under s 13 (2) (c), a contract that replaces a contract made before
18 1 September 2013 is not an eligible transaction. However, as a result of
19 this transitional provision the contract may still be eligible for the first
20 home owner grant amount that was payable before 1 September 2013.

21 **103 Transitional regulations**

- 22 (1) A regulation may prescribe transitional matters necessary or
23 convenient to be prescribed because of the enactment of the *First*
24 *Home Owner Grant Amendment Act 2013*.
- 25 (2) A regulation may modify this part (including in relation to another
26 territory law) to make provision in relation to anything that, in the
27 Executive's opinion, is not, or is not adequately or appropriately,
28 dealt with in this part.

1 (3) A regulation under subsection (2) has effect despite anything
2 elsewhere in this Act or another territory law.

3 **104 Expiry—pt 10**

4 This part expires 2 years after the day it commences.

5 *Note* Transitional provisions are kept in the Act for a limited time.
6 A transitional provision is repealed on its expiry but continues to have
7 effect after its repeal (see [Legislation Act](#), s 88).

8 **11 Dictionary, new definition of *new home***

9 *insert*

10 *new home*, for division 2.3 (Eligible transactions)—
11 see section 12B (1).

12 **12 Dictionary, definition of *residence requirements*,**
13 **paragraph (a) (i)**

14 *omit*

15 6 months

16 *substitute*

17 1 year

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 6 June 2013.

2 Notification

Notified under the [Legislation Act](#) on 2013.

3 Republications of amended laws

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

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