

TR301

First Home Owner Grant Act 2000

First Home Owner Grant Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *First Home Owner Grant Amendment Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *First Home Owner Grant Regulations 2000*.

4. Regulation 6 deleted

Delete regulation 6.

5. Regulation 7 amended

- (1) Delete regulation 7(2) and insert:
 - (2) If an application for a first home owner grant is in respect of a non-strata home unit, then a person who is an interested person is excluded from the operation of section 16(1) of the Act if the person is not, or will not be, on completion of the transaction to which the application relates, lawfully entitled to the exclusive right to occupy that non-strata home unit.

- (2) After regulation 7(2b) insert:
 - (2C) A person is excluded from the operation of section 16(1) of the Act if —
 - (a) the person is a guardian of a person under a legal disability; and
 - (b) the person holds, or will hold, on completion of the transaction to which the application for a first home owner grant relates, the relevant interest as a trustee for the person under a legal disability.
 - (2D) A person (the *co-owner*) is excluded from the operation of section 16(1) of the Act if —
 - (a) there is at least one other interested person in relation to the application for a first home owner grant; and
 - (b) the co-owner is an interested person in relation to the application only because of a requirement by a financial institution for a guarantee by the co-owner of money advanced to the applicant on the security of the land in which the co-owner has, or will have, the relevant interest.

- (3) In regulation 7(4) delete the definition of *relevant owner of land*.

- (4) In regulation 7(4) insert in alphabetical order:

non-strata home unit means a part of a building, being a building that —

- (a) contains 2 or more such parts, each of which is designed for use as a self-contained unit for living purposes; and

- (b) is erected on land that is owned by 2 or more persons as tenants in common, each of whom is —
 - (i) the registered proprietor under the *Transfer of Land Act 1893* of one or more undivided shares in the whole of the land; and
 - (ii) lawfully entitled to the exclusive right to occupy a specified part of the building;
- (5) After regulation 7(4) insert:
 - (5) For the purposes of subregulation (2) and paragraph (b)(ii) of the definition of *non-strata home unit* in subregulation (4), a person is lawfully entitled to the exclusive right to occupy a specified part of a building erected on land if —
 - (a) that person or their predecessor in title has entered into an agreement with all other owners of undivided shares in the land or their predecessors in title; and
 - (b) that agreement provides for them or their predecessor in title to have exclusive rights of occupation in relation to that specified part of the building (whether or not those rights are immediately exercisable).

6. Regulation 8 amended

- (1) In regulation 8(1) delete “section 30(3), (4)(d) and (5)(c)” and insert:

section 30(3), (4)(d), (5)(c) and (6)(c)
- (2) In regulation 8(2) delete “section 32(2), (3)(d) and (4)(c)” and insert:

section 32(2), (3)(d), (4)(c) and (5)(c)

7. Regulation 10A inserted

After regulation 10 insert:

10A. Prescribed service times (s. 62(3))

For the purposes of section 62(3) of the Act, if a notice or other document is not served personally, the document is taken to be served —

- (a) if sent by post to an address within the State, on the 4th business day following the day on which the document is sent to the person to whom it is addressed;
- (b) if sent by post to an address outside the State but within Australia, on the 6th business day following the day on which the document is sent to the person to whom it is addressed;
- (c) if sent by post to an address outside Australia, on the 14th business day following the day on which the document is sent to the person to whom it is addressed;
- (d) in any other case, on the business day following the day on which the document is sent to, left for, or otherwise communicated to, the person to whom it is addressed.

R. KENNEDY, Clerk of the Executive Council.