

Western Australia

## **First Home Owner Grant Amendment Act 2001**

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As at 14 Aug 2001

No. 14 of 2001

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Western Australia

## First Home Owner Grant Amendment Act 2001

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Western Australia

# **First Home Owner Grant Amendment Act 2001**

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**No. 14 of 2001**

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**An Act to amend the *First Home Owner Grant Act 2000* and for related purposes.**

*[Assented to 14 August 2001]*

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *First Home Owner Grant Amendment Act 2001*.

**s. 2**

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**2. Commencement**

This Act is to be taken to have come into operation on 9 March 2001.

**3. The Act amended**

The amendments in this Act are to the *First Home Owner Grant Act 2000*\*.

[\* *Act No. 16 of 2000.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia Table 1, p. 166.]*

**4. Subdivision heading inserted**

Before section 14 the following Subdivision heading is inserted in Part 2 Division 3 —

“ **Subdivision 1 — Eligible transactions** ”.

**5. Part 2 Division 3 Subdivision 2 inserted**

After section 14 the following Subdivision is inserted in Part 2 Division 3 —

“

**Subdivision 2 — Special eligible transactions**

**14A. Meaning of “new home”**

In this Subdivision, a “**new home**” is a home that has not been previously occupied or sold as a place of residence.

**14B. Special eligible transactions**

(1) A “**special eligible transaction**” is an eligible transaction the commencement date of which is not before 9 March 2001 and not after 31 December 2001 that is —

(a) a contract for the purchase of a new home or a substantially renovated home;

- (b) a comprehensive home building contract for a new home if —
    - (i) the building work begins within 16 weeks after the commencement date, or any longer period that the Commissioner allows for delay caused by circumstances beyond the control of the parties; and
    - (ii) the contract provides to the effect that the building work must be completed within 12 months after it begins or, if the contract does not provide for a completion date for the building work, it is completed within 12 months after it begins;

or

  - (c) the building of a new home by an owner builder if the eligible transaction is completed before 1 May 2003.
- (2) For the purposes of paragraph (a) of subsection (1), a home is a substantially renovated home if —
- (a) the sale of the home under the contract referred to in that paragraph is, under the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth, a taxable supply as a sale of new residential premises within the meaning of section 40-75(1)(b) of that Act; and
  - (b) the home, as so renovated, has not been previously occupied or sold as a place of residence.
- (3) However, an eligible transaction mentioned in subsection (1)(a) that is a contract to purchase a home on a proposed lot on a proposed plan of subdivision of land (including a proposed strata plan or survey-strata

plan within the meaning of the *Strata Titles Act 1985*) is a special eligible transaction only if the contract provides to the effect that the building work must be completed before 1 May 2003 or, if the contract does not provide for a completion date for the building work, it is completed before that date.

- (4) Also, an eligible transaction that is a contract is not a special eligible transaction if the Commissioner is satisfied that the contract replaces a contract made before 9 March 2001 that was a contract to purchase the same home or a comprehensive home building contract to build the same or a substantially similar home.
- (5) For the purposes of this section, building work —
  - (a) begins when laying the foundations for the home begins; and
  - (b) is completed when the building is ready for occupation as a home.

”.

**6. Section 19 amended**

- (1) Section 19 is amended before “The” by inserting the subsection designation “(1)”.
- (2) At the end of section 19 the following subsection is inserted —
  - “
  - (2) Despite subsection (1), the amount of a first home owner grant for an eligible transaction that is a special eligible transaction within the meaning of section 14B is the lesser of the following —
    - (a) the consideration for the special eligible transaction;
    - (b) \$14 000.

”.



**7. Saving of right to object**

- (1) Section 28 of the *First Home Owner Grant Act 2000* applies in relation to an application for a first home owner grant for an eligible transaction that is a special eligible transaction as if subsection (1) of that section were repealed and the following subsection were inserted instead —

“

- (1) An objection to a decision on the application is to be lodged within 60 days after the later of —
- (a) the date on which notice of the decision is given to the objector; or
  - (b) the day on which the *First Home Owner Grant Amendment Act 2001* received the Royal Assent.

”.

- (2) In subsection (1) —

**“eligible transaction”, “first home owner grant” and “special eligible transaction”** each has the same meaning as it has in the *First Home Owner Grant Act 2000*, as amended by this Act.

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