

Western Australia

First Home Owner Grant Amendment Act 2003

As at 17 Apr 2003

No. 13 of 2003

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Western Australia

First Home Owner Grant Amendment Act 2003

No. 13 of 2003

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

[Assented to 17 April 2003]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *First Home Owner Grant Amendment Act 2003*.

2. Commencement

- (1) Subject to subsections (2) and (3), this Act comes into operation on the day on which it receives the Royal Assent.
- (2) Section 5 (except section 5(5)) and section 6 are to be taken to have come into operation on 9 October 2001.
- (3) Section 5(5) 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, and Act No. 14 of 2001.]

4. Section 12 amended

Section 12(3) is repealed and the following subsection is inserted instead —

“

- (3) An applicant is also ineligible if, before the commencement date of the eligible transaction to which the application relates, the applicant or the applicant's spouse —
 - (a) held a relevant interest in residential property in the State or an interest in residential property in another State or a Territory that is a relevant interest under the corresponding law of that State or Territory; and
 - (b) occupied the property as a place of residence.

”.

5. Section 14B amended

- (1) Section 14B(1) is amended as follows:
- (a) by deleting “ “special eligible transaction” ” and inserting instead —
“ **“class 1 eligible transaction”** ”;
 - (b) by deleting “31 December 2001” and inserting instead —
“ 8 October 2001 ”.
- (2) After section 14B(1) the following subsections are inserted —
- “
- (1a) A **“class 2 eligible transaction”** is an eligible transaction the commencement date of which is not before 9 October 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 26 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 18 months after it begins or, if the contract does not provide for a completion date for the building work, it is completed within 18 months after it begins;
- or

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- (c) the building of a new home by an owner builder if the eligible transaction is completed before 1 January 2004.
- (1b) A “**class 3 eligible transaction**” is an eligible transaction the commencement date of which is not before 1 January 2002 and not after 30 June 2002 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 26 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 18 months after it begins or, if the contract does not provide for a completion date for the building work, it is completed within 18 months after it begins;
- or
- (c) the building of a new home by an owner builder if the eligible transaction is completed before 1 July 2004.
- ”.
- (3) Section 14B(2) is amended after “subsection (1),” by inserting —
- “ (1a) or (1b), ”.

- (4) Section 14B(3) is amended as follows:
- (a) after “subsection (1)(a)” by inserting —
“ , (1a)(a) or (1b)(a) ”;
 - (b) by deleting “1 May 2003” and inserting instead —
“ the relevant date ”;
 - (c) by deleting “that date.” and inserting instead —
“ the relevant date. ”.
- (5) Section 14B(5) is amended by deleting paragraph (a) and “and” after it and inserting instead —
“
(a) begins on —
(i) the date when laying the foundations for the home begins; or
(ii) another date the Commissioner considers appropriate in the circumstances of the case;
and
”.
- (6) After section 14B(5) the following subsection is inserted —
“
(6) In this section —
“**relevant date**” means —
(a) in relation to a class 1 eligible transaction —
1 May 2003;
(b) in relation to a class 2 eligible transaction —
1 January 2004; or
(c) in relation to a class 3 eligible transaction —
1 July 2004;
“**special eligible transaction**” means a class 1, class 2 or class 3 eligible transaction.
”.

6. Section 19 amended

- (1) Section 19(2)(b) is deleted and the following paragraph is inserted instead —

“ (b) the relevant amount. ”.

- (2) After section 19(2) the following subsection is inserted —

“

- (3) In subsection (2) —

“**relevant amount**” means —

- (a) in the case of a class 1 or class 2 eligible transaction within the meaning of section 14B — \$14 000; or
- (b) in the case of a class 3 eligible transaction within the meaning of section 14B — \$10 000.

”.

7. Section 21 amended

Section 21(5) is repealed and the following subsections are inserted instead —

“

- (5) If an applicant does not pay the amount of a first home owner grant required to be repaid under subsection (2) within the period mentioned in that subsection, the Commissioner may, by written notice, impose a penalty of not more than the amount the applicant is required to pay.

- (6) Subject to section 52, the amount of a penalty imposed under subsection (5) must be paid by the applicant within 28 days after the date on which notice of the penalty is given to the applicant.

”.

8. Section 26 amended

Section 26 is amended after “section” in paragraph (c) of the definition of “decision on the application” by inserting —

“ 21 or ”.

9. Section 52 amended

Section 52(1)(a) is amended after “section” by inserting —

“ 21 or ”.

10. Saving of right to object

(1) Section 28 (the “**relevant section**”) 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) a class 1 eligible transaction, but only to the extent that the objection referred to in the relevant section relates to a date referred to in section 14B(5)(a) of that Act;

(b) a class 2 eligible transaction, but only to the extent that the objection referred to in the relevant section relates to —

(i) a period referred to in section 14B(1a)(b) of that Act; or

(ii) a date referred to in section 14B(5)(a) of that Act;

or

(c) a class 3 eligible transaction,

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as if subsection (1) of the relevant 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 2003* received the Royal Assent.

”.

- (2) In subsection (1) —

“class 1 eligible transaction”, “class 2 eligible transaction”, “class 3 eligible transaction”, “eligible transaction” and **“first home owner grant”** each has the same meaning as it has in the *First Home Owner Grant Act 2000*;

“First Home Owner Grant Act 2000” means that Act as amended by this Act.

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