

Western Australia

First Home Owner Grant Amendment Act 2005

As at 12 Dec 2005

No. 26 of 2005

Extract from www.slp.wa.gov.au, see that website for further information

First Home Owner Grant Amendment Act 2005

CONTENTS

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
Part 2 — Amendments		
3.	The Act amended	3
4.	Section 6 amended	3
Part 3 — Transitional provisions		
Division 1 — First home owner grant		
5.	Terms used in this Division	4
6.	Application of amendments to FHOG Act section 12	4
7.	Application of amendments to FHOG Act section 15	4
8.	Application of amendments to existing first home owner grants	5
Division 2 — Stamp duty		
9.	Terms used in this Division	5
10.	Assessment of duty under <i>Stamp Act 1921</i> section 75AG for transfers relating to certain first home owners	6

Western Australia

First Home Owner Grant Amendment Act 2005

No. 26 of 2005

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

[Assented to 12 December 2005]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *First Home Owner Grant Amendment Act 2005*.

2. Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it receives the Royal Assent.
- (2) Section 4 is deemed to have come into operation on 1 July 2000.

Part 2 — Amendments

3. The Act amended

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

[* *Reprint 1 as at 3 June 2005.*]

4. Section 6 amended

Section 6(1)(f) is amended by deleting “Commonwealth or the State” and inserting instead —

“ Commonwealth, the State or a local government ”.

Part 3 — Transitional provisions

Division 1 — First home owner grant

5. Terms used in this Division

(1) In this Division —

“commencement day” means the day on which this Act receives the Royal Assent;

“FHOG Act” means the *First Home Owner Grant Act 2000*;

“relevant eligible transaction” means an eligible transaction —

- (a) relating to a relevant interest in land that is a licence or right of occupancy granted by a local government, as described in the FHOG Act section 6(1)(f) (as amended by this Act); and
- (b) the commencement date of which is on or before the commencement day.

(2) A term used in this Division that is defined in the FHOG Act has the same meaning in this Division as it has in that Act.

6. Application of amendments to FHOG Act section 12

(1) If, before the commencement day, a person was not ineligible under the FHOG Act section 12 to be an applicant for a first home owner grant, the person does not become ineligible under that section on and after that day to be such an applicant only because of the amendments to that Act effected by section 4.

(2) However, subsection (1) applies only if the commencement date of the eligible transaction to which the application relates is on or before the commencement day.

7. Application of amendments to FHOG Act section 15

(1) If an application for a first home owner grant that relates to a relevant eligible transaction is made under the FHOG Act,

section 15 of that Act applies to the application as if subsection (5) of that section were repealed and the following subsection were inserted instead —

“

- (5) The application may only be made within the period —
- (a) beginning on the commencement date of the relevant eligible transaction; and
 - (b) ending 12 months after the later of —
 - (i) the completion of the relevant eligible transaction; or
 - (ii) the day on which the *First Home Owner Grant Amendment Act 2005* receives the Royal Assent.

”.

- (2) Subject to subsection (1) and section 6, the FHO Act as in force on the commencement date of the relevant eligible transaction applies to and in relation to an application referred to in that subsection.

8. Application of amendments to existing first home owner grants

The amendments to the FHO Act effected by section 4 do not affect the validity of a first home owner grant that has been paid, or authorised to be paid, before the commencement day.

Division 2 — Stamp duty

9. Terms used in this Division

- (1) In this Division —
- “**commencement day**” means the day on which this Act receives the Royal Assent;
- “**relevant instrument of transfer**” means an instrument of transfer —

- (a) relating to a relevant interest in land that is a licence or right of occupancy granted by a local government, as described in the *First Home Owner Grant Act 2000* section 6(1)(f) (as amended by this Act); and
- (b) executed not before 1 July 2004 and not after the commencement day;

“**section 75AG**” means the *Stamp Act 1921* section 75AG.

- (2) A term used in this Division that is defined in section 75AG has the same meaning in this Division as it has in that section.

10. Assessment of duty under *Stamp Act 1921* section 75AG for transfers relating to certain first home owners

If an application is made to the Commissioner under section 75AG for the amount of duty chargeable on a relevant instrument of transfer to be assessed under that section, section 75AG applies to the application as if subsection (4) of that section were repealed and the following subsection were inserted instead —

“

- (4) The application may only be made within the period —
 - (a) beginning on the commencement date of the eligible transaction to which the application relates; and
 - (b) ending 12 months after the later of —
 - (i) the completion of the eligible transaction; or
 - (ii) the day on which the *First Home Owner Grant Amendment Act 2005* receives the Royal Assent.

”.

=====

