Western Australia

First Home Owner Grant Act 2000

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Defined terms

First Home Owner Grant Regulations 2000

1. Citation

These regulations may be cited as the *First Home Owner Grant Regulations 2000*.

2. Commencement

These regulations come into operation on 1 July 2000.

3. Term used: interested person

In these regulations —

interested person has the same meaning as it has in section 16 of the Act.

4. Interest of disabled person in home prescribed to be relevant interest (s. 6(1)(h))

(1) If —

(a) a person —

(i) enters into a comprehensive home building contract to have a home built; or

(ii) as an owner builder, begins the building of a home,

on land in the State that is not owned by the person; and

(b) the Commissioner is satisfied that —

(i) the person is eligible for financial assistance under a scheme that provides financial assistance to persons with disabilities that is administered by the department of the Public Service

principally assisting the Minister in the administration of the *Housing Act 1980*; and

(ii) the person has been given written permission by the owner of the land to occupy the home when it is completed,

then, for the purposes of section 6(1)(h) of the Act, the interest that the person has in the home is a relevant interest in the land on which the home is built.

(2) A person who is not eligible for financial assistance under a scheme referred to in subregulation (1)(b)(i) is taken to be eligible for that assistance for the purposes of this regulation if the Commissioner is satisfied that it is only because of the person's financial circumstances that the person is not eligible for that assistance.

5. Interest of occupier of home on primary production land prescribed to be relevant interest (s. 6(1)(h))

(1) If —

(a) a person —

(i) enters into a comprehensive home building contract to have a home built; or

(ii) as an owner builder, begins the building of a home,

on land in the State that is not owned by the person; and

(b) the Commissioner is satisfied that —

(i) the land is used solely or principally for a primary production business; and

(ii) the person has been given written permission by the owner of the land to occupy the home when it is completed,

then, for the purposes of section 6(1)(h) of the Act, the interest that the person has in the home is a relevant interest in the land on which the home is built.

(2) In subregulation (1) —

primary production business means —

(a) an agricultural, silvicultural or reafforestation business; or

(b) a grazing, horse-breeding, horticultural, viticultural, apicultural, pig-raising or poultry-farming business.

6. Cap amount (s. 14AD(a))

(1) The cap amount for the purposes of section 14AD(a) of the Act is $800 000.

(2) Subregulation (1) applies in relation to a transaction the commencement date of which is on or after 7 May 2026.

[Regulation 6 inserted: SL 2026/60 r. 4.]

7. Certain owners of land excluded from the operation of s. 16(1)

(1) A person who gives permission for a home to be occupied as mentioned in regulation 4(1)(b)(ii) or 5(1)(b)(ii) is excluded from the operation of section 16(1) of the Act in relation to an application for a first home owner grant in relation to the home.

(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.

(2a) A person who owns land is excluded from the operation of section 16(1) of the Act in relation to an application for a first home owner grant in relation to a new home on the land if the Commissioner is satisfied that —

(a) it is proposed at the commencement date of the eligible transaction that the land on which the home is to be built will be the subject of a strata titles scheme registered under the *Strata Titles Act 1985*; and

(b) the strata titles scheme is, or will be, registered as soon as practicable after the eligible transaction is completed; and

(c) the person is not, or will not become, as a result of the registration of the strata titles scheme, an owner of the home.

(2b) In subregulation (2a) —

new home means a home that is built —

(a) under a comprehensive home building contract; or

(b) by an owner builder.

(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) If the State Housing Commission is an interested person, that Commission is excluded from the operation of section 16(1) of the Act.

(4A) Nyamba Buru Yawuru Ltd is excluded from the operation of section 16(1) of the Act in relation to an application for a first home owner grant if the transaction to which the application relates is pursuant to the Yawuru Home Ownership Project.

(4) In this regulation —

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;

Nyamba Buru Yawuru Ltd means Nyamba Buru Yawuru Ltd ACN 137 306 917 of 55 Reid Road, Cable Beach, Western Australia;

State Housing Commission means the body corporate preserved and continued under section 6 of the *Housing Act 1980*;

Yawuru Home Ownership Project means the project to provide home ownership opportunities for Yawuru members established under a deed entitled the Yawuru Home Ownership Project Agreement between Nyamba Buru Yawuru Ltd and Keystart

Loans Limited ACN 009 427 034 of 2 Brook Street, East Perth, Western Australia as trustee for the Keystart Housing Scheme Trust dated 10 April 2015.

(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).

[Regulation 7 amended: Gazette 22 Oct 2002 p. 5255-6; 11 Aug 2015 p. 3221-2; 29 Dec 2017 p. 6084-5; SL 2020/206 r. 11.]

8. Prescribed rates of interest (s. 30, 32 and 52)

(1) The rate of interest for the purposes of section 30(3), (4)(d), (5)(c) and (6)(c) of the Act is 4.4% per annum.

(2) The rate of interest for the purposes of section 32(2), (3)(d), (4)(c) and (5)(c) of the Act is 4.4% per annum.

(3) The rate of interest for the purposes of section 52(3)(a) and (7) of the Act is 12.4% per annum.

[Regulation 8 inserted: Gazette 26 Jun 2015 p. 2278; amended: Gazette 11 Dec 2015 p. 4961; 29 Dec 2017 p. 6085; 28 Jun 2019 p. 2493; SL 2020/71 r. 4; SL 2023/70 r. 4; SL 2024/82 r. 4.]

9. Conditions to be included in administration agreements (s. 37(2))

(1) The conditions that, under subsection (2) of section 37 of the Act, are to be included in the conditions specified in an administration agreement entered into by a financial institution or other person (a ***delegate***) under that section are the conditions to which subregulations (2) and (3) apply.

(2) This subregulation applies to the conditions that a delegate is to —

(a) maintain the records in relation to an application for a first home owner grant administered by the delegate; and

(b) provide the records or copies of the records to the Commissioner when required by the Commissioner to do so and, subject to reasonable notice, allow the Commissioner to have access to and inspect the records at any reasonable time; and

(c) retain the records for a period of 5 years after the payment of the first home owner grant to which the application relates.

(3) This subregulation applies to the condition that a delegate is entitled to retain any interest that accrues on amounts —

(a) received by the delegate from the Commissioner for the payment of first home owner grants by the delegate on behalf of the Commissioner; and

(b) held in an account used by the delegate solely for the purpose of receiving those amounts and any other amounts approved by the Commissioner.

(4) In subregulation (2) —

records, in relation to an application for a first home owner grant administered by a delegate, means —

(a) the form on which the application for the grant was made; and

(b) any document that the Commissioner notifies the delegate in writing is a record for the purposes of this paragraph; and

(c) any other document given to or created by the delegate that relates to the application.

[Regulation 9 amended: Gazette 11 Aug 2015 p. 3222.]

10. Witness fees and expenses (s. 41(7))

(1) Subject to subregulation (2), a person who is required to attend for examination under section 41 of the Act (a ***witness***) is entitled to be paid —

(a) a fee determined by the Commissioner according to the time taken by the examination and the amount that the Commissioner considers, by reference to an appropriate publication, to be the average weekly earnings in the State; and

(b) if the witness resides more than 7 kilometres from the place where the examination is held — an amount for travelling expenses that the Commissioner considers reasonable and that is not more than the amount paid by the witness.

(2) If an examination under section 41 of the Act is held in relation to an application for a first home owner grant, subregulation (1) does not apply to a witness who is the applicant or the applicant's spouse or de facto partner.

(3) In subregulation (1) —

appropriate publication includes material published by the Australian Bureau of Statistics.

[Regulation 10 amended: Gazette 30 Jun 2003 p. 2602.]

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.

[Regulation 10A inserted: Gazette 29 Dec 2017 p. 6086.]

11. Authorised receipt and permitted disclosure of confidential information (s. 65(3))

(1) The Australian Crime Commission established by the *Australian Crime Commission Act 2002* of the Commonwealth is authorised to receive confidential information under section 65(3)(a) of the Act.

(2) The disclosure of confidential information is permitted under section 65(3)(c) of the Act to the following —

(a) the Minister, if the disclosure is made for the purposes of the administration of the first home owner grant scheme;

(b) the Minister, if the disclosure is made for the purpose of enabling the Minister to respond to a member of the Parliament of the State or of the Commonwealth who

has written to the Minister on behalf of a person about the person's affairs;

(c) an officer of a department of the Public Service that administers a scheme that provides financial assistance in relation to home ownership, if the disclosure is made for the purposes of the administration of the scheme;

(d) the Minister responsible for the administration of a scheme referred to in paragraph (c), if the disclosure is made for the purposes of that administration or the formulation of policy in relation to the scheme;

(da) a person involved in the administration of a relevant scheme, if the disclosure is made for the purposes of the administration of the scheme;

(e) a person performing functions delegated to the person by the Commissioner under an administration agreement entered into under section 37 of the Act, if the disclosure is made for the purposes of an application for a first home owner grant administered by that person;

(f) the Commissioner of Taxation of the Commonwealth, if the disclosure is made for the purposes of the administration of the *First Home Saver Accounts Act 2008* (Commonwealth) [1];

(g) an applicant's agent, if —

(i) the agent has apparent authority to act for the applicant in respect of the application or the home the subject of the application; and

(ii) the disclosure is made in respect of the application;

(h) a person who accesses the information through a protected web site;

(i) an officer of the department of the Public Service principally assisting the Minister in the administration of the Act;

(j) an officer of the department of the Public Service principally assisting the Treasurer.

(3A) Subregulation (2)(b) does not limit the operation of subregulation (2)(a).

(3) In this regulation —

affairs, in relation to a person, means any matter or thing arising under or in relation to the Act that relates to the person;

confidential information has the meaning given in section 65(7) of the Act;

protected web site means a web site provided by the Commissioner through which information about an application can be accessed by the provision of such identifying details about the applicant, or the application, as are approved by the Commissioner;

relevant scheme means a scheme administered by the department of the Public Service principally assisting the Minister in the administration of the Act —

(a) to provide financial assistance by way of the payment of grants, subsidies or rebates; and

(b) under principles approved by the Minister.

[Regulation 11 amended: Gazette 24 Jul 2001 p. 3732; Act No. 74 of 2004 s. 70; Gazette 23 Dec 2008 p. 5480-1; 4 Aug 2009 p. 3104-5; 9 Sep 2011 p. 3684-5; 17 Dec 2013 p. 6239-40; SL 2024/151 r. 4.]

Notes

This is a compilation of the *First Home Owner Grant Regulations 2000* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
First Home Owner Grant Regulations 2000	30 Jun 2000 p. 3433-7	1 Jul 2000 (see r. 2)
First Home Owner Grant Amendment Regulations 2001	24 Jul 2001 p. 3732	24 Jul 2001
First Home Owner Grant Amendment Regulations 2002	22 Oct 2002 p. 5255-6	22 Oct 2002
Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 12	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and *Gazette* 30 Jun 2003 p. 2579)
First Home Owner Grant Amendment Regulations 2004	13 Aug 2004 p. 3251-2	1 Sep 2004 (see r. 2)
Australian Crime Commission (Western Australia) Act 2004 s. 70 assented to 8 Dec 2004		1 Feb 2005 (see s. 2 and *Gazette* 31 Dec 2004 p. 7130)
Reprint 1: The *First Home Owner Grant Regulations 2000* as at 4 Feb 2005 (includes amendments listed above)		
First Home Owner Grant Amendment Regulations 2007	20 Mar 2007 p. 1048	20 Mar 2007
First Home Owner Grant Amendment Regulations 2008	14 Mar 2008 p. 836-7	r. 1 and 2: 14 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Mar 2008 (see r. 2(b))
First Home Owner Grant Amendment Regulations (No. 3) 2008	23 Dec 2008 p. 5480-1	r. 1 and 2: 23 Dec 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Dec 2008 (see r. 2(b))
First Home Owner Grant Amendment Regulations 2009	4 Aug 2009 p. 3104-5	r. 1 and 2: 4 Aug 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Aug 2009 (see r. 2(b))
Reprint 2: The *First Home Owner Grant Regulations 2000* as at 23 Oct 2009 (includes amendments listed above)		

Citation	Published	Commencement
First Home Owner Grant Amendment Regulations 2011	9 Sep 2011 p. 3684-5	r. 1 and 2: 9 Sep 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Sep 2011 (see r. 2(b))
First Home Owner Grant Amendment Regulations 2013	17 May 2013 p. 1986	r. 1 and 2: 17 May 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 18 May 2013 (see r. 2(b))
First Home Owner Grant Amendment Regulations (No. 2) 2013	17 Dec 2013 p. 6239-40	r. 1 and 2: 17 Dec 2013 (see r. 2(a)); Regulations other than r. 1, 2 and 4: 18 Dec 2013 (see r. 2(c)); r. 4: 1 Jan 2014 (see r. 2(b))
First Home Owner Grant Amendment Regulations 2015	26 Jun 2015 p. 2277-8	r. 1 and 2: 26 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
First Home Owner Grant Amendment Regulations (No. 2) 2015	11 Aug 2015 p. 3221-2	r. 1 and 2: 11 Aug 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Aug 2015 (see r. 2(b))
First Home Owner Grant Amendment Regulations (No. 3) 2015	11 Dec 2015 p. 4961	r. 1 and 2: 11 Dec 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2016 (see r. 2(b))
Reprint 3: The *First Home Owner Grant Regulations 2000* as at 3 Mar 2017 (includes amendments listed above)		
First Home Owner Grant Amendment Regulations 2017	29 Dec 2017 p. 6083-6	r. 1 and 2: 29 Dec 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Dec 2017 (see r. 2(b))
Finance Regulations Amendment (Interest Rates) Regulations 2019 Pt. 2	28 Jun 2019 p. 2492-3	1 Jul 2019 (see r. 2(b))
Finance Regulations Amendment (Interest Rates) Regulations 2020 Pt. 2	SL 2020/71 9 Jun 2020	1 Jul 2020 (see r. 2(b))
Finance Regulations Amendment Regulations 2020 Pt. 4	SL 2020/206 23 Oct 2020	24 Oct 2020 (see r. 2(b))
Finance Regulations Amendment (Interest Rates) Regulations 2023 Pt. 2	SL 2023/70 16 Jun 2023	1 Jul 2023 (see r. 2(b))

Citation	Published	Commencement
Finance Regulations Amendment (Interest Rates) Regulations 2024 Pt. 2	SL 2024/82 29 May 2024	1 Jul 2024 (see r. 2(b))
Finance Regulations Amendment (Disclosure of Information) Regulations 2024 Pt. 2	SL 2024/151 24 Jul 2024	25 Jul 2024 (see r. 2(b))
First Home Owner Grant Amendment Regulations 2026	SL 2026/60 13 May 2026	r. 1 and 2: 13 May 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 14 May 2026 (see r. 2(b))

Other notes

[1] Repealed by the *Tax and Superannuation Laws Amendment (2015 Measures No. 1) Act 2015* Sch. 1, Part 1.

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
affairs	11(3)
appropriate publication	10(3)
confidential information	11(3)
co-owner	7(2D)
delegate	9(1)
interested person	3
new home	7(2b)
non-strata home unit	7(4)
Nyamba Buru Yawuru Ltd	7(4)
primary production business	5(2)
protected web site	11(3)
records	9(4)
relevant scheme	11(3)
State Housing Commission	7(4)
witness	10(1)
Yawuru Home Ownership Project	7(4)

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