



Western Australia

Finance Legislation Amendment (Housing Affordability) Act 2026

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Western Australia

Finance Legislation Amendment (Housing Affordability) Act 2026

No. 18 of 2026

An Act to amend:

- the *Duties Act 2008*; and
- the *First Home Owner Grant Act 2000*; and
- the *Rates and Charges (Rebates and Deferments) Act 1992*.

[Assented to 21 October 2026]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Finance Legislation Amendment (Housing Affordability) Act 2026*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

Part 2 — Duties Act 2008 amended

3. Act amended

This Part amends the *Duties Act 2008*.

4. Section 9 amended

In section 9 in the definition of ***concessional rate*** delete “Division 2;” and insert:

Division 2 or provided for in regulations under section 146A(1)(b);

5. Section 42 amended

In section 42(2)(b) delete “(that is, under Schedule 2 Division 1 or 2); and” and insert:

(that is, at a rate set out in Schedule 2 Division 1 or 2 or provided for in regulations under section 146A(1)(b)); and

6. Section 141 amended

In section 141(1) delete the definitions of:

metropolitan region

Peel region

7. Section 142A amended

(1) In section 142A(1)(b) after “payable” insert:

for a transaction

s. 8. Section 142 amended

(2) Delete section 142A(2)(b) and insert:

- (b) the transaction referred to in subsection (1)(b) was not excluded from being an eligible transaction because of either or both of the FHOG Act section 14(1)(b) and (5A).

(3) In section 142A(3) delete “described in subsection (2)(b) is a terms contract” and insert:

referred to in subsection (1)(b) is a terms contract for the purchase of an established home

8. Section 142 amended

(1) Delete section 142(1)(b) and insert:

- (b) the unencumbered value of the dutiable property the subject of the transaction does not exceed the applicable maximum amount.

(2) After section 142(1) insert:

(1A) Subject to subsection (1B), the maximum amount that applies for the purposes of subsection (1)(b) is —

- (a) if the property is land that does not include a home — \$550 000; or
- (b) if the property is land that includes a home — \$800 000.

(3) Before section 142(2) insert:

- (1B) If regulations under section 146A(1)(a) apply, the maximum amount that applies for the purposes of subsection (1)(b) is the amount provided for under those regulations.

9. Section 143 amended

Delete section 143(1) and insert:

- (1) Duty is chargeable on a first home owner concessional transaction at —
- (a) if paragraph (b) does not apply — the applicable concessional rate of duty under Schedule 2 Division 2; or
 - (b) if regulations under section 146A(1)(b) apply — the applicable concessional rate of duty provided for under those regulations.

10. Section 146A inserted

At the end of Chapter 2 Part 6 Division 3 insert:

146A. Regulations prescribing maximum amounts and rates for first home owner concessions

- (1) The regulations may provide for the following —
- (a) the maximum amount that applies for the purposes of section 142(1)(b) in determining whether a transaction is a first home owner concessional transaction;

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- (b) the rate of duty (which may be nil) that applies for the purposes of section 143(1)(b) to a first home owner concessional transaction.
- (2) Regulations under subsection (1), including regulations that amend or repeal regulations under subsection (1), cannot be made if they would have the effect that more duty is payable on a dutiable transaction than would be payable if the regulations were not made.
- (3) The regulations may make provision for matters of a transitional nature arising in connection with regulations under subsection (1), including by providing for —
 - (a) the transactions to which maximum amounts and rates under the regulations apply; and
 - (b) reassessment of duty in a case where, under section 285(4), regulations are expressed to apply to transactions that took place before the day on which the regulations come into operation.

11. Section 205A amended

- (1) In section 205A(1) delete the definition of ***dwelling***.
- (2) In section 205A(1) insert in alphabetical order:

dwelling means a building, or part of a building,
that —

- (a) may lawfully be used as a place of residence;
and

(b) in the Commissioner's opinion, is suitable to be used as a place of residence; and

(c) is intended to be used as a place of residence;

lot means —

(a) a lot as defined in the *Planning and Development Act 2005* section 4(1); or

(b) a lot in a strata scheme as defined in the *Strata Titles Act 1985* section 3(1); or

(c) a lot in a survey-strata scheme as defined in the *Strata Titles Act 1985* section 3(1); or

(d) a lot as defined in the *Community Titles Act 2018* section 3(1);

non-residential building means a building, or part of a building, that is not lawfully able to be used as a place of residence;

substantial refurbishment does not include minor works to a building or part of a building.

(3) In section 205A(1) in the definition of **parcel of land**:

(a) delete paragraph (a) and insert:

(a) a lot; or

(b) in paragraph (b) delete “Chapter.” and insert:

Chapter;

12. Chapter 3A Part 2 Division 6 Subdivision 2 replaced

Delete Chapter 3A Part 2 Division 6 Subdivision 2 and insert:

**Subdivision 2 — Exemptions relating to construction,
refurbishment and subdivision**

**205ZA. Exemption relating to construction or
refurbishment of 10 or more dwellings**

- (1) Foreign transfer duty is not chargeable on a foreign dutiable transaction to the extent to which it relates to a parcel of land if —
 - (a) the requirements under subsection (2) are satisfied in relation to the land within the period of 5 years beginning on the day on which the transaction is completed; or
 - (b) the Commissioner is satisfied that the requirements under subsection (2) will be satisfied in relation to the land within that 5-year period.
- (2) The requirements are as follows —
 - (a) the person liable to pay duty on the foreign dutiable transaction carries out or arranges for —
 - (i) the construction, or the completion of the construction, of 10 or more dwellings (the **new dwellings**) on the land; or
 - (ii) the creation of 10 or more dwellings (the **new dwellings**) on the land by the substantial refurbishment, or the completion of the substantial refurbishment, of a non-residential building;

- (b) all of the new dwellings become lawfully able to be used as places of residence.
- (3) The reference in subsection (2)(a) to the person liable to pay duty on the foreign dutiable transaction includes a reference to —
 - (a) if the transaction is a residential trust acquisition — any linked entity in respect of the trustee; and
 - (b) if the transaction is a residential partnership acquisition — each other partner and any linked entity in respect of the partnership.
- (4) An application for assessment or reassessment under this section must be made in the approved form.

205ZB. Exemption relating to subdivision for purpose of constructing 10 or more dwellings

- (1) Foreign transfer duty is not chargeable on a foreign dutiable transaction to the extent to which it relates to a parcel of land if —
 - (a) the requirements under subsection (2) are satisfied in relation to the land within the period of 3 years beginning on the day on which the transaction is completed; or
 - (b) the Commissioner is satisfied that the requirements under subsection (2) will be satisfied in relation to the land within that 3-year period.
- (2) The requirements are as follows —
 - (a) the land is subdivided for the purpose of a person constructing 10 or more dwellings on the land;

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- (b) the person liable to pay duty on the foreign dutiable transaction does not dispose of the residential property the subject of the transaction before the land is subdivided.
- (3) For the purposes of subsection (2), the land is subdivided when the certificates of title created for the lots resulting from the subdivision are registered.
- (4) Subsection (2)(b) does not apply if the disposal results from a relevant transaction (as defined in section 257(1)).
- (5) The reference in subsection (2)(b) to the person liable to pay duty on the foreign dutiable transaction disposing of the residential property the subject of the transaction includes a reference to —
 - (a) if the transaction is a residential trust acquisition — the trust ceasing to hold the residential property or an indirect interest in the residential property; and
 - (b) if the transaction is a residential partnership acquisition — the partnership ceasing to hold the residential property or an indirect interest in the residential property.
- (6) An application for assessment or reassessment under this section must be made in the approved form.

205ZBA. Exemption relating to construction or refurbishment of dwellings for purpose of sale

- (1) Foreign transfer duty is not chargeable on a foreign dutiable transaction in relation to land (the **relevant land**) if —
 - (a) the foreign dutiable transaction is of a kind referred to in section 205H(1)(a), (b), (c), (d) or (i); and

- (b) either —
 - (i) the requirements of subsection (2) are satisfied in relation to the relevant land within the period of 2 years beginning on the day on which the transaction is completed; or
 - (ii) the Commissioner is satisfied that the requirements under subsection (2) will be satisfied in relation to the relevant land within that 2-year period.
- (2) The requirements are as follows —
 - (a) the person liable to pay duty on the foreign dutiable transaction carries out or arranges for —
 - (i) the construction, or the completion of the construction, of 1 or more dwellings (the ***new dwellings***) on the relevant land; or
 - (ii) the creation of 1 or more dwellings (the ***new dwellings***) on the relevant land by the substantial refurbishment, or the completion of the substantial refurbishment, of a non-residential building;
 - (b) the new dwellings are constructed or created for the purpose of being offered for sale;
 - (c) all of the new dwellings become lawfully able to be used as places of residence;
 - (d) after all of the new dwellings have become lawfully able to be used as places of residence, the number of dwellings on the relevant land is greater than the original number of dwellings determined under subsection (3);

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- (e) the following are transferred to a purchaser —
 - (i) each lot (a **new dwelling lot**) on the relevant land on which there is a new dwelling;
 - (ii) each other lot (if any) on the relevant land after all of the new dwellings have become lawfully able to be used as places of residence (including any other lot on which there is a dwelling at that time);
 - (f) each transfer referred to in paragraph (e) is registered under the *Transfer of Land Act 1893*;
 - (g) when each of the new dwelling lots is transferred to a purchaser as referred to in paragraph (e)(i), the new dwelling on the lot has not been used as a place of residence or for any other purpose;
 - (h) after the transfers referred to in paragraph (e), none of the relevant land is held by the person liable to pay duty on the foreign dutiable transaction.
- (3) The original number of dwellings for the purposes of subsection (2)(d) is the greater of the following —
- (a) the number of dwellings on the relevant land on the day on which liability for duty on the foreign dutiable transaction arises;
 - (b) the number of dwellings on the relevant land on the day on which the foreign dutiable transaction is completed.
- (4) If the foreign dutiable transaction is a residential partnership acquisition —
- (a) the reference in subsection (2)(a) to the person liable to pay duty on the transaction includes a

reference to each other partner and any linked entity in respect of the partnership; and

- (b) the reference in subsection (2)(h) to the land being held by the person liable to pay duty on the transaction includes a reference to the partnership holding the land or an indirect interest in the land.

- (5) An application for assessment or reassessment under this section must be made in the approved form.
- (6) This section does not apply in relation to a foreign dutiable transaction to the extent that it is exempt from foreign transfer duty under section 205ZA or 205ZB.

205ZBB. Exemptions not applicable if requirements not satisfied within required period

- (1) In this section —

exemption requirements means —

- (a) in relation to section 205ZA(1)(b) — the requirements under section 205ZA(2); or
- (b) in relation to section 205ZB(1)(b) — the requirements under section 205ZB(2); or
- (c) in relation to section 205ZBA(1)(b)(ii) — the requirements under section 205ZBA(2);

original time period means —

- (a) in relation to section 205ZA(1)(b) — the 5-year period referred to in that provision; or
- (b) in relation to section 205ZB(1)(b) — the 3-year period referred to in that provision; or
- (c) in relation to section 205ZBA(1)(b)(ii) — the 2-year period referred to in that provision;

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required period, in relation to section 205ZA(1)(b), 205ZB(1)(b) or 205ZBA(1)(b)(ii), means —

- (a) the original time period for that provision; or
 - (b) if the Commissioner has extended the original time period under subsection (3) — the extended period.
- (2) Despite anything else in this Subdivision, a foreign dutiable transaction is not exempt from foreign transfer duty, to any extent, under section 205ZA(1)(b), 205ZB(1)(b) or 205ZBA(1)(b)(ii) if any of the exemption requirements for that provision are not satisfied within the required period.
- (3) The Commissioner may, on application by the person liable to pay duty on a foreign dutiable transaction that has been assessed as exempt from foreign transfer duty, to any extent, under section 205ZA(1)(b), 205ZB(1)(b) or 205ZBA(1)(b)(ii), extend the original time period by a further period of no more than 1 year if the Commissioner is satisfied that —
 - (a) there has been a delay in the exemption requirements being satisfied; and
 - (b) the delay is primarily due to exceptional circumstances beyond the control of the person; and
 - (c) the delay could not reasonably have been avoided by the person.
- (4) An application under subsection (3) must be made before the expiry of the original time period.
- (5) No more than 1 extension can be granted under subsection (3) in relation to a transaction.

- (6) A person liable to pay duty on a foreign dutiable transaction that has been assessed as exempt from foreign transfer duty, to any extent, under section 205ZA(1)(b), 205ZB(1)(b) or 205ZBA(1)(b)(ii) must lodge a notice in the approved form no later than 2 months after the last day of the required period if —
- (a) any of the exemption requirements are not satisfied within the required period; or
 - (b) the person becomes aware that any of the exemption requirements will not be satisfied within the required period.

Penalty for this subsection: a fine of \$20 000.

13. Section 205ZC amended

- (1) In section 205ZC(2) delete “section 205Z, 205ZA or 205ZB.” and insert:

section 205Z.

- (2) After section 205ZC(2) insert:

- (2A) The Commissioner must make any reassessment necessary as a result of the operation of section 205ZBB.

- (3) In section 205ZC(3) delete “because of section 205ZA or 205ZB.” and insert:

as a result of the operation of section 205ZBB.

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- (4) After section 205ZC(4) insert:
- (5) For the purposes of a reassessment of a foreign dutiable transaction because of section 205ZA, 205ZB or 205ZBA, the Taxation Administration Act section 17 applies as if —
- (a) in subsection (1) of that section, the reference to 5 years after the original assessment was made were a reference to the later of the following —
 - (i) 5 years after the day on which the original assessment was made;
 - (ii) 12 months after the day on which the requirements of section 205ZA(2), 205ZB(2) or 205ZBA(2) (as the case requires) were satisfied in relation to the transaction;
- and
- (b) despite subsection (4) of that section, the Commissioner can only make a reassessment on an application if the application was made within that time.

14. Sections 205ZO and 205ZP replaced

Delete sections 205ZO and 205ZP and insert:

205ZO. Exemption relating to construction or refurbishment of 10 or more dwellings

- (1) An acquisition is exempt if —
- (a) immediately before the acquisition, the residential landholder or a linked entity in

respect of the landholder is entitled to a parcel of land; and

(b) either —

- (i) the requirements under subsection (2) are satisfied in relation to the land within the period of 5 years beginning on the day on which the acquisition occurs; or
- (ii) the Commissioner is satisfied that the requirements under subsection (2) will be satisfied in relation to the land within that 5-year period.

(2) The requirements are as follows —

- (a) the residential landholder or a linked entity in respect of the landholder carries out or arranges for —
 - (i) the construction, or the completion of the construction, of 10 or more dwellings (the **new dwellings**) on the land; or
 - (ii) the creation of 10 or more dwellings (the **new dwellings**) on the land by the substantial refurbishment, or the completion of the substantial refurbishment, of a non-residential building;
- (b) all of the new dwellings become lawfully able to be used as places of residence;
- (c) the interest the subject of the acquisition is not disposed of by the acquirer before all of the new dwellings have become lawfully able to be used as places of residence.

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- (3) Subsection (2)(c) does not apply if the disposal results from —
 - (a) a relevant transaction (as defined in section 257(1)); or
 - (b) an acquisition that would be a relevant transaction (as defined in section 257(1)) if landholder duty were chargeable on the acquisition.
- (4) An application for assessment or reassessment under this section must be made in the approved form.
- (5) This section has effect subject to section 205ZQ.

205ZP. Exemption relating to subdivision for purpose of constructing 10 or more dwellings

- (1) An acquisition is exempt if —
 - (a) immediately before the acquisition, the residential landholder or a linked entity in respect of the landholder is entitled to a parcel of land; and
 - (b) either —
 - (i) the requirements under subsection (2) are satisfied in relation to the land within the period of 3 years beginning on the day on which the acquisition occurs; or
 - (ii) the Commissioner is satisfied that the requirements under subsection (2) will be satisfied in relation to the land within that 3-year period.

- (2) The requirements are as follows —
 - (a) the land is subdivided for the purpose of a person constructing 10 or more dwellings on the land;
 - (b) the interest the subject of the acquisition is not disposed of by the acquirer before the subdivision;
 - (c) immediately before the subdivision, the residential landholder or a linked entity in respect of the landholder is entitled to the land.
- (3) For the purposes of subsection (2), the land is subdivided when the certificates of title created for the lots resulting from the subdivision are registered.
- (4) Subsection (2)(b) does not apply if the disposal results from —
 - (a) a relevant transaction (as defined in section 257(1)); or
 - (b) an acquisition that would be a relevant transaction (as defined in section 257(1)) if landholder duty were chargeable on the acquisition.
- (5) An application for assessment or reassessment under this section must be made in the approved form.
- (6) This section has effect subject to section 205ZQ.

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15. Section 205ZQ amended

In section 205ZQ(1):

- (a) delete “referred to in section 205ZO or 205ZP”
(1st occurrence) and insert:

of an interest in a residential landholder

- (b) in paragraph (a) delete “referred to in section 205ZO
or 205ZP; and” and insert:

to which section 205ZO(1)(b) or 205ZP(1)(b) applies;
and

Note: The heading to amended section 205ZQ is to read:

**Calculation of duty where some land of landholder does not meet
exemption requirements**

16. Section 205ZQA inserted

At the end of Chapter 3A Part 3 Division 8 Subdivision 2 insert:

**205ZQA. Exemptions under this Subdivision not
applicable if requirements not satisfied within
required period**

- (1) In this section —

exemption requirements means —

- (a) in relation to section 205ZO(1)(b)(ii) — the
requirements under section 205ZO(2); or
(b) in relation to section 205ZP(1)(b)(ii) — the
requirements under section 205ZP(2);

original time period means —

- (a) in relation to section 205ZO(1)(b)(ii) — the
5-year period referred to in that provision; or

- (b) in relation to section 205ZP(1)(b)(ii) — the 3-year period referred to in that provision;
required period, in relation to section 205ZO(1)(b)(ii) or 205ZP(1)(b)(ii), means —
 - (a) the original time period for that provision; or
 - (b) if the original time period has been extended under subsection (3) — the extended period.
- (2) Despite anything else in this Subdivision —
 - (a) an acquisition is not exempt under section 205ZO(1)(b)(ii) or 205ZP(1)(b)(ii) if any of the exemption requirements for that provision are not satisfied within the required period; and
 - (b) the duty chargeable on an acquisition is not calculated under section 205ZQ because of the application of section 205ZO(1)(b)(ii) or 205ZP(1)(b)(ii) to a parcel of land if any of the exemption requirements for that provision are not satisfied in relation to the parcel of land within the required period.
- (3) The Commissioner may, on application by the person liable to pay duty on an acquisition that has been assessed as exempt under section 205ZO(1)(b)(ii) or 205ZP(1)(b)(ii), extend the original time period by a further period of no more than 1 year if the Commissioner is satisfied that —
 - (a) there has been a delay in the exemption requirements being satisfied; and
 - (b) the delay is primarily due to exceptional circumstances beyond the control of the person; and
 - (c) the delay could not reasonably have been avoided by the person.

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- (4) An application under subsection (3) must be made before the expiry of the original time period.
- (5) No more than 1 extension can be granted under subsection (3) in relation to an acquisition.
- (6) A person liable to pay duty on an acquisition that has been assessed as exempt under section 205ZO(1)(b)(ii) or 205ZP(1)(b)(ii) must lodge a notice in the approved form no later than 2 months after the last day of the required period if —
 - (a) any of the exemption requirements are not satisfied within the required period; or
 - (b) the person becomes aware that any of the exemption requirements will not be satisfied within the required period.

Penalty for this subsection: a fine of \$20 000.

- (7) In subsections (3) and (6), a reference to an acquisition that has been assessed as exempt under section 205ZO(1)(b)(ii) or 205ZP(1)(b)(ii) includes a reference to an acquisition that has been assessed under section 205ZQ on the basis that section 205ZO(1)(b)(ii) or 205ZP(1)(b)(ii) applies to a parcel of land.

17. Section 205ZR amended

- (1) In section 205ZR(1) delete “section 205ZN, 205ZO or 205ZP.” and insert:

section 205ZN.

- (2) In section 205ZR(2) delete “this section” and insert:

subsection (1)

- (3) After section 205ZR(2) insert:

- (2A) The Commissioner must make any reassessment necessary as a result of the operation of section 205ZQA.

- (4) In section 205ZR(3) delete “because of section 205ZO or 205ZP.” and insert:

as a result of the operation of section 205ZQA.

- (5) After section 205ZR(3) insert:

- (4) For the purposes of a reassessment of an acquisition because of section 205ZO, 205ZP or 205ZQ the Taxation Administration Act section 17 applies as if —

- (a) in subsection (1) of that section, the reference to 5 years after the original assessment was made were a reference to the later of the following —

- (i) 5 years after the day on which the original assessment was made;
- (ii) 12 months after the day referred to in subsection (5);

and

- (b) despite subsection (4) of that section, the Commissioner can only make a reassessment

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on an application if the application was made within that time.

- (5) For the purposes of subsection (4)(a)(ii), the day is —
- (a) for a reassessment because of section 205ZO — the day on which the requirements of section 205ZO(2) were satisfied; or
 - (b) for a reassessment because of section 205ZP — the day on which the requirements of section 205ZP(2) were satisfied; or
 - (c) for a reassessment because of section 205ZQ — the day on which the requirements of section 205ZO(2) or 205ZP(2) (as the case requires) were satisfied in relation to the parcel of land referred to in section 205ZQ(1)(a).

18. Section 266E amended

- (1) In section 266E delete the definitions of:
- concessional pre-construction agreement***
 - concessional under construction agreement***
 - eligible scheme***
 - lot***

- (2) In section 266E insert in alphabetical order:

community titles (land) scheme has the meaning given in the *Community Titles Act 2018* section 11(8);

concessional pre-construction agreement means —

- (a) a concessional pre-construction (building scheme) agreement; or
- (b) a concessional pre-construction (land scheme) agreement;

concessional pre-construction (building scheme) agreement has the meaning given in section 266F;

concessional pre-construction (land scheme) agreement has the meaning given in section 266FAA;

concessional under construction agreement means —

- (a) a concessional under construction (building scheme) agreement; or
- (b) a concessional under construction (land scheme) agreement;

concessional under construction (building scheme) agreement has the meaning given in section 266FA;

concessional under construction (land scheme) agreement has the meaning given in section 266FB;

dwelling means a building, or part of a building, that —

- (a) may lawfully be used as a place of residence; and
- (b) in the Commissioner's opinion, is suitable to be used as a place of residence; and
- (c) is intended to be used as a place of residence;

eligible building scheme means a strata scheme or a community titles (building) scheme;

eligible land scheme means a survey-strata scheme or a community titles (land) scheme;

eligible scheme means an eligible building scheme or an eligible land scheme;

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lot means —

- (a) a lot in a strata scheme as defined in the *Strata Titles Act 1985* section 3(1); or
- (b) a lot in a survey-strata scheme as defined in the *Strata Titles Act 1985* section 3(1); or
- (c) a lot as defined in the *Community Titles Act 2018* section 3(1);

survey-strata scheme has the meaning given in the *Strata Titles Act 1985* section 9;

- (3) In section 266E in the definitions of **multi-tiered scheme** and **single-tiered scheme** after “eligible” insert:

building

19. Section 266F amended

- (1) In section 266F(1):

- (a) after “**pre-construction**” insert:

(building scheme)

- (b) in paragraph (a) delete “scheme or an amendment of an eligible” and insert:

building scheme or an amendment of an eligible
building

- (c) in paragraph (b) delete “development for the subdivision” and insert:

the relevant development

- (d) delete paragraph (c)(i) and (ii) and insert:

(i) if the eligible building scheme is a multi-tiered scheme — beginning on 23 October 2019 and ending on 30 June 2028; or

(ii) if the eligible building scheme is a single-tiered scheme — beginning on 21 March 2025 and ending on 30 June 2028.

- (2) In section 266F(2):

- (a) after “***pre-construction***” insert:

(building scheme)

- (b) in paragraph (a) delete “scheme or an amendment of an eligible” and insert:

building scheme or an amendment of an eligible building

- (c) in paragraph (b)(i) after “pre-construction” insert:

(building scheme)

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- (d) in paragraph (c) delete “development for the subdivision” (each occurrence) and insert:

the relevant development

- (3) In section 266F(3):

- (a) after “**pre-construction**” insert:

(building scheme)

- (b) in paragraph (b)(ia) after “eligible” insert:

building

- (c) in paragraph (d) after “pre-construction” insert:

(building scheme)

- (d) in paragraph (f)(ii) after “eligible” (each occurrence) insert:

building

Notes:

1. The heading to amended section 266F is to read:
Concessional pre-construction (building scheme) agreement
2. At the end of section 266F(1) the following note is to be inserted:

Note for this subsection:

Section 266J(2) provides for when the relevant development commences.

3. At the end of section 266F(2) the following note is to be inserted:

Note for this subsection:

Section 266J(2) provides for when the relevant development commences and is completed.

20. Section 266FAA inserted

After section 266F insert:

266FAA. Concessional pre-construction (land scheme) agreement

- (1) An agreement for the transfer of dutiable property is a ***concessional pre-construction (land scheme) agreement*** if the agreement is —
- (a) an agreement for the purchase, from the owner of land that has been, or is to be, subdivided by the registration of an eligible land scheme or an amendment of an eligible land scheme, of a lot in the scheme on which there will be a new dwelling when the agreement is completed; and
 - (b) entered into before the relevant development commences; and
 - (c) entered into in the period beginning on 12 March 2026 and ending on 30 June 2028.

Notes for this subsection:

- 1. Section 266JA provides for when an agreement for the purchase of a lot is completed.
 - 2. Section 266J(3) provides for when the relevant development commences.
- (2) If the agreement is for the purchase of land that has been subdivided by the registration of an eligible land scheme, or an amendment of an eligible land scheme, subsection (1)(a) applies to the agreement only if the owner referred to in that subsection owned the land on

the day on which the scheme or amendment was registered.

- (3) An agreement (the ***new agreement***) for the transfer of dutiable property is also a ***concessional pre-construction (land scheme) agreement*** if the new agreement is —
- (a) an agreement for the purchase, from the owner of land that has been, or is to be, subdivided by the registration of an eligible land scheme or an amendment of an eligible land scheme, of a lot in the scheme on which there will be a new dwelling when the agreement is completed; and
 - (b) substantially similar in effect to an earlier cancelled transaction that —
 - (i) was a concessional pre-construction (land scheme) agreement under subsection (1); and
 - (ii) was between all of the same parties as the parties to the new agreement, except that the seller was different;
- and
- (c) entered into after the relevant development commences, but before the relevant development is completed.

Notes for this subsection:

- 1. Section 266JA provides for when an agreement for the purchase of a lot is completed.
 - 2. Section 266J(3) and (4) provide for when the relevant development commences and is completed.
- (4) Despite subsections (1) and (3), an agreement (the ***relevant agreement***) to which either of those subsections applies is not a ***concessional***

pre-construction (land scheme) agreement if the relevant agreement is —

- (a) a replacement transaction in relation to a cancelled transaction; or
- (b) a subsale transaction in relation to a cancelled transaction that was a concessional pre-construction (land scheme) agreement; or
- (c) substantially similar in effect to an earlier cancelled transaction that —
 - (i) was between all of the same parties as the parties to the relevant agreement, except that the seller was different; and
 - (ii) was entered into before 12 March 2026.

21. Section 266FA amended

- (1) In section 266FA(1):

- (a) after “***construction***” insert:

(building scheme)

- (b) in paragraph (a) delete “scheme or an amendment of an eligible” and insert:

building scheme or an amendment of an eligible
building

- (c) in paragraph (b) delete “development for the subdivision” (each occurrence) and insert:

the relevant development

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(d) delete paragraph (c)(i) and (ii) and insert:

- (i) if the eligible building scheme is a multi-tiered scheme — beginning on 31 August 2023 and ending on 30 June 2028; or
- (ii) if the eligible building scheme is a single-tiered scheme — beginning on 21 March 2025 and ending on 30 June 2028.

(2) In section 266FA(2):

(a) after “**construction**” insert:

(building scheme)

(b) in paragraph (b)(i) after “construction” insert:

(building scheme)

(3) In section 266FA(3):

(a) after “**construction**” insert:

(building scheme)

(b) in paragraph (a) after “pre-construction” insert:

(building scheme)

(c) in paragraph (c) delete “off-the-plan” and insert:

pre-construction (building scheme) agreement or
concessional under construction (building scheme)

(d) in paragraph (d)(ii) after “eligible” (each occurrence)
insert:

building

Notes:

1. The heading to amended section 266FA is to read:
Concessional under construction (building scheme) agreement
2. At the end of section 266FA(1) the following note is to be inserted:

Note for this subsection:

Section 266J(2) provides for when the relevant
development commences and is completed.

22. Section 266FB inserted

After section 266FA insert:

266FB. Concessional under construction (land scheme) agreement

- (1) An agreement for the transfer of dutiable property is a **concessional under construction (land scheme) agreement** if the agreement is —
 - (a) an agreement for the purchase, from the owner of land that has been, or is to be, subdivided by the registration of an eligible land scheme or an amendment of an eligible land scheme, of a lot in the scheme on which there will be a new dwelling when the agreement is completed; and

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- (b) entered into after the relevant development commences, but before the relevant development is completed; and
- (c) entered into in the period beginning on 12 March 2026 and ending on 30 June 2028.

Notes for this subsection:

1. Section 266JA provides for when an agreement for the purchase of a lot is completed.
 2. Section 266J(3) and (4) provide for when the relevant development commences and is completed.
- (2) If the agreement is for the purchase of land that has been subdivided by the registration of an eligible land scheme, or an amendment of an eligible land scheme, subsection (1)(a) applies to the agreement only if the owner referred to in that subsection owned the land on the day on which the scheme or amendment was registered.
- (3) An agreement (the **new agreement**) for the transfer of dutiable property is also a **concessional under construction (land scheme) agreement** if the new agreement is —
- (a) an agreement for the purchase, from the owner of land that has been, or is to be, subdivided by the registration of an eligible land scheme or an amendment of an eligible land scheme, of a lot in the scheme on which there will be a new dwelling when the agreement is completed; and
 - (b) entered into after the relevant development commences, but before the relevant development is completed; and
 - (c) substantially similar in effect to an earlier cancelled transaction that —
 - (i) was a concessional under construction (land scheme) agreement under subsection (1); and

- (ii) was between all of the same parties as the parties to the new agreement, except that the seller was different.

Notes for this subsection:

1. Section 266JA provides for when an agreement for the purchase of a lot is completed.
 2. Section 266J(3) and (4) provide for when the relevant development commences and is completed.
- (4) Despite subsections (1) and (3), an agreement (the **relevant agreement**) to which either of those subsections applies is not a **concessional under construction (land scheme) agreement** if the relevant agreement is —
- (a) a concessional pre-construction (land scheme) agreement to which section 266FAA(3) applies; or
 - (b) a replacement transaction in relation to a cancelled transaction; or
 - (c) a subsale transaction in relation to a cancelled transaction that was a concessional pre-construction (land scheme) agreement or a concessional under construction (land scheme) agreement; or
 - (d) substantially similar in effect to an earlier cancelled transaction that —
 - (i) was between all of the same parties as the parties to the relevant agreement, except that the seller was different; and
 - (ii) was entered into before 12 March 2026.

23. Section 266G amended

(1) Delete section 266G(1) and insert:

(1A) This section applies in determining what is a new dwelling for the purposes of any of the following provisions (the **concessional agreement provision**) —

- (a) section 266F(1) or (2);
- (b) section 266FAA(1) or (3);
- (c) section 266FA(1);
- (d) section 266FB(1) or (3).

(1) A **new dwelling** is a dwelling that is not an existing building or part of an existing building.

(2) In section 266G(3):

(a) delete “subsection (1)(d),” and insert:

subsection (1),

(b) delete “development for the subdivision referred to in section 266F(1)(a) or (2)(a) or 266FA(1)(a) (as the case requires) commences,” and insert:

the relevant development referred to in the concessional agreement provision commences,

Note:

At the end of section 266G(3) the following note is to be inserted:

Note for this subsection:

Section 266J(2) and (3) provide for when the relevant development commences.

24. Section 266H amended

Delete section 266H(2)(a) and insert:

- (a) was —
 - (i) if the new agreement is a concessional pre-construction (building scheme) agreement — a concessional pre-construction (building scheme) agreement under section 266F(1); or
 - (ii) if the new agreement is a concessional pre-construction (land scheme) agreement — a concessional pre-construction (land scheme) agreement under section 266FAA(1); or
 - (iii) if the new agreement is a concessional under construction (building scheme) agreement — a concessional under construction (building scheme) agreement under section 266FA(1); or
 - (iv) if the new agreement is a concessional under construction (land scheme) agreement — a concessional under construction (land scheme) agreement under section 266FB(1);

and

25. Section 266J replaced

Delete section 266J and insert:

266J. When relevant development commences and is completed

(1) In this section —

building permit has the meaning given in the *Building Act 2011* section 3;

relevant construction works —

- (a) means works associated with the construction of a building or structure; but
- (b) does not include works consisting of —
 - (i) demolishing an existing building or structure; or
 - (ii) clearing a site for development; or
 - (iii) installing temporary fencing or structures, transportable buildings or advertising materials;

subdivision site works means works that —

- (a) either —
 - (i) consist of the installation of 1 or more retaining walls; or
 - (ii) change the ground level (whether by excavation or filling);and
- (b) are undertaken for the purpose of subdividing land by the registration of an eligible land scheme or the amendment of an eligible land scheme;

works includes excavation.

- (2) For the purposes of sections 266F(1) and (2) and 266FA(1), the relevant development —
- (a) commences when relevant construction works necessary for the subdivision of land referred to in that provision commence on the land; and
 - (b) is completed when the land referred to in that provision is subdivided by the registration of an eligible building scheme, or an amendment of an eligible building scheme, under the *Strata Titles Act 1985* section 11 or the *Community Titles Act 2018* section 14 (as the case requires).
- (3) For the purposes of sections 266FAA(1) and (3) and 266FB(1) and (3), the relevant development commences —
- (a) if a building permit is granted for the construction of the new dwelling (the **relevant new dwelling**) referred to in that provision — when relevant construction works (other than subdivision site works) necessary for the construction of a dwelling under the permit commence on the land referred to in that provision (whether it is the relevant new dwelling or another new dwelling); or
 - (b) otherwise —
 - (i) when relevant construction works necessary for the construction of a building or structure on the land referred to in that provision commence on that land; or

- (ii) if the Commissioner considers that it is appropriate in the circumstances to treat the development as commencing at another time — at the time decided by the Commissioner.
- (4) For the purposes of sections 266FAA(3) and 266FB(1) and (3), the relevant development is completed —
 - (a) if a building permit is granted for the construction of the new dwelling referred to in that provision — when notice of completion is required to be given under the *Building Act 2011* section 33 in relation to the permit; or
 - (b) otherwise —
 - (i) when all of the dwellings to be constructed on the land referred to in that provision have been constructed and have become lawfully able to be used as places of residence; or
 - (ii) if the Commissioner considers that it is appropriate in the circumstances to treat the development as being completed at another time — at the time decided by the Commissioner.

266JA. When agreement for purchase of lot is completed

For the purposes of this Chapter, an agreement for the purchase of a lot is completed on the day on which the purchaser of the lot the subject of the agreement becomes the owner (as defined in the *Strata Titles Act 1985* section 3(1) or the *Community Titles Act 2018* section 3(1), as the case requires) of the lot.

26. Section 266L amended

(1) In section 266L(1) in the Table:

- (a) in item 7 delete “Y calculated under subsection (3)” and insert:

X calculated under subsection (2)

- (b) in items 9 and 10 delete “30 June 2026” and insert:

11 March 2026

- (c) in item 10 delete “Z calculated under subsection (3A)” and insert:

X calculated under subsection (2)

- (d) in item 11 delete “30 June 2026” and insert:

11 March 2026

- (e) after item 11 insert:

12.	12 March 2026 to 30 June 2028	\$800 000 or less	100
13.	12 March 2026 to 30 June 2028	More than \$800 000 but less than \$900 000	X calculated under subsection (2)
14.	12 March 2026 to 30 June 2028	\$900 000 or more	50

(2) Delete section 266L(2) to (3A) and insert:

(2) The calculation for the purposes of items 4, 7, 10 and 13 in the Table to subsection (1) is as follows —

$$X = 100 - \left(\frac{V - T}{100} \times 0.05 \right)$$

where —

V is the dutiable value of the agreement;

T is —

- (a) for item 4 — 500 000; or
- (b) for item 7 — 650 000; or
- (c) for item 10 — 750 000; or
- (d) for item 13 — 800 000.

(3) In section 266L(4) in the Table:

(a) in items 4 and 5 delete “30 June 2026” and insert:

11 March 2026

(b) in item 5 delete “B calculated under subsection (6)” and insert:

A calculated under subsection (5)

(c) in item 6 delete “30 June 2026” and insert:

11 March 2026

(d) after item 6 insert:

7.	12 March 2026 to 30 June 2028	\$800 000 or less	75
8.	12 March 2026 to 30 June 2028	More than \$800 000 but less than \$900 000	A calculated under subsection (5)
9.	12 March 2026 to 30 June 2028	\$900 000 or more	37.5

(4) Delete section 266L(5) and (6) and insert:

(5) The calculation for the purposes of items 2, 5 and 8 in the Table to subsection (4) is as follows —

$$A = 75 - \left(\frac{V - T}{100} \times 0.0375 \right)$$

where —

V is the dutiable value of the agreement;

T is —

- (a) for item 2 — 650 000; or
- (b) for item 5 — 750 000; or
- (c) for item 8 — 800 000.

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27. Section 266O amended

Delete section 266O(3).

Note:

At the end of section 266O the following note is to be inserted:

Note for this section:

Section 266JA provides for when a concessional off-the-plan agreement is completed.

28. Schedule 2 amended

- (1) Delete the reference after the heading to Schedule 2 and insert:

[s. 3, 9, 26(2), 143(1)(a) and 184(1)]

- (2) In Schedule 2 Division 2 delete:

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First home
owners

If the property does not include a home	\$0 — \$350 000	Nil
	\$350 001 — \$450 000	\$15.39 per \$100 or part of \$100 above \$350 000
If the property is in the metropolitan region or the Peel region and includes a home	\$0 — \$500 000	Nil
	\$500 001 — \$700 000	\$13.63 per \$100 or part of \$100 above \$500 000

If the property is outside the metropolitan region and the Peel region and includes a home	\$0 — \$500 000	Nil
	\$500 001 — \$750 000	\$11.89 per \$100 or part of \$100 above \$500 000

and insert:

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First home owners

If the property does not include a home	\$0 — \$450 000	Nil
	\$450 001 — \$550 000	\$20.14 per \$100 or part of \$100 above \$450 000
If the property includes a home	\$0 — \$600 000	Nil
	\$600 001 — \$800 000	\$16.15 per \$100 or part of \$100 above \$600 000

29. Schedule 3 Division 15 inserted

After Schedule 3 Division 14 insert:

Division 15 — Provisions for *Finance Legislation Amendment (Housing Affordability) Act 2026*

85. Term used: commencement day

In this Division —

commencement day means the day on which the *Finance Legislation Amendment (Housing Affordability) Act 2026* section 3 comes into operation.

86. Relevant first home owner concessional transaction

- (1) A **relevant first home owner concessional transaction** is a transaction that —
- (a) is a first home owner concessional transaction under the amended first home owner concession provisions (as defined in clause 87(1)); and
 - (b) occurs on or after 7 May 2026.
- (2) An agreement (a **pre-7 May 2026 agreement**) for the transfer of dutiable property entered into before 7 May 2026 is not a **relevant first home owner concessional transaction** even if the subsequent transfer of the property occurs on or after 7 May 2026.

87. Provisions relating to amendments to first home owner concession provisions

- (1) In this clause —
- amended first home owner concession provisions** means sections 141, 142A and 142 and Schedule 2 Division 2, as amended by the *Finance Legislation Amendment (Housing Affordability) Act 2026* sections 6, 7, 8(1) and (2) and 28(2);
- pre-7 May 2026 agreement** has the meaning given in clause 86(2);
- relevant first home owner concessional transaction** has the meaning given in clause 86;
- substituted transferee** has the meaning given in section 141(3).
- (2) The amended first home owner concession provisions apply in relation to the imposition of duty on a relevant first home owner concessional transaction, even if the transaction occurred before commencement day.

- (3) Despite subclause (2), the amended first home owner concession provisions do not apply in relation to the imposition of duty on a relevant first home owner concessional transaction that is a further concessional transaction if the first concessional transaction to which it relates is —
- (a) a pre-7 May 2026 agreement; or
 - (b) a transfer of dutiable property that is —
 - (i) in conformity with a pre-7 May 2026 agreement; or
 - (ii) a transfer of dutiable property the subject of a pre-7 May 2026 agreement to a substituted transferee in relation to the agreement.
- (4) If subclause (3) applies, duty is chargeable on the further concessional transaction at the same rate and using the same thresholds that applied to the pre-7 May 2026 agreement referred to in whichever of subclause (3)(a) or (b)(i) or (ii) is applicable.
- (5) If an assessment of duty payable on a relevant first home owner concessional transaction to which the amended first home owner concession provisions apply was made before commencement day, the Commissioner may, on application or on the Commissioner's own initiative, reassess the duty payable on the transaction in accordance with the amended first home owner concession provisions.
- (6) Despite section 144(2), an application for reassessment referred to in subclause (5) may be made in the approved form on or before the later of the following —
- (a) the last day of the period that applies under section 144(2);
 - (b) the last day of the period of 12 months beginning on commencement day.
- (7) Subclauses (5) and (6) apply despite the Taxation Administration Act section 17.

88. Provisions relating to amendments to Chapter 6A

- (1) In this clause —

amended Chapter 6A means Chapter 6A as amended by the *Finance Legislation Amendment (Housing Affordability) Act 2026* sections 18 to 26;

relevant concessional off-the-plan agreement means an agreement that is —

- (a) a concessional off-the-plan agreement under amended Chapter 6A; and
 - (b) entered into on or after 12 March 2026.
- (2) Amended Chapter 6A applies in relation to the imposition of duty on a relevant concessional off-the-plan agreement, even if the relevant concessional off-the-plan agreement was entered into before commencement day.
- (3) If an assessment of duty payable on a relevant concessional off-the-plan agreement was made before commencement day, the Commissioner may, on application or on the Commissioner's own initiative, reassess the duty payable on the agreement in accordance with amended Chapter 6A.
- (4) Despite section 266O, an application for reassessment referred to in subclause (3) may be made in the approved form on or before the later of the following —
- (a) the last day of the period that applies under section 266O(1);
 - (b) the last day of the period of 12 months beginning on commencement day.
- (5) Subclauses (3) and (4) apply despite the Taxation Administration Act section 17.

30. Schedule 3 clause 89 inserted

In Schedule 3 after clause 88 (as inserted by section 29 of this Act) insert:

89. Provisions relating to amendments to Chapter 3A

(1) In this clause —

amended Chapter 3A exemption provisions means the following provisions as amended by the *Finance Legislation Amendment (Housing Affordability) Act 2026* sections 11 to 17 —

- (a) section 205A;
 - (b) Chapter 3A Part 2 Division 6 Subdivisions 2 and 3;
 - (c) Chapter 3A Part 3 Division 8 Subdivisions 2 and 3.
- (2) The amended Chapter 3A exemption provisions apply in relation to the imposition of duty on a transaction or acquisition that occurs on or after 7 May 2026, even if the transaction or acquisition occurred before commencement day.
- (3) If an assessment of duty payable on a transaction or acquisition to which the amended Chapter 3A exemption provisions apply was made before commencement day, the Commissioner may, on application or on the Commissioner's own initiative, reassess the duty payable on the transaction or acquisition in accordance with the amended Chapter 3A exemption provisions.
- (4) Despite the amendments made by the *Finance Legislation Amendment (Housing Affordability) Act 2026* sections 11 to 17, Chapter 3A continues to apply on and after commencement day to a transaction or acquisition that occurred before 7 May 2026 as if those amendments had not been made.

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- (5) For the purposes of this clause, when an acquisition of an interest in an entity for the purposes of Chapter 3A Part 3 occurs is to be determined under section 176 as applied by section 205ZE(1).
- (6) Subclause (4) does not limit the effect of the *Interpretation Act 1984* section 37.

Part 3 — *First Home Owner Grant Act 2000* amended

31. Act amended

This Part amends the *First Home Owner Grant Act 2000*.

32. Section 3 amended

- (1) In section 3(1) delete the definition of ***new home*** and insert:

new home means —

- (a) a home that has not been previously occupied or sold as a place of residence; or
- (b) a home that is prescribed by the regulations to be a new home;

- (2) In section 3(1) in the definition of ***total value*** delete “section 14AC(1);” and insert

section 14AC;

33. Section 14AC replaced

Delete section 14AC and insert:

14AC. Term used: total value

- (1) In this section —

relevant land acquisition date, in relation to land on which a home is or is to be built, means —

- (a) if the owner of the land acquired the relevant interest in the land under a contract of sale — the day on which the contract was made; or

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- (b) otherwise — the day on which the owner acquired the relevant interest in the land.
- (2) The **total value** of a transaction that is a contract for the purchase of a home is the greater of —
 - (a) the consideration for the transaction; and
 - (b) the unencumbered value, at the commencement date of the transaction, of the property the subject of the transaction.
- (3) The **total value** of a transaction that is a comprehensive home building contract is —
 - (a) if the commencement date of the transaction is within the period of 12 months beginning on the day after the relevant land acquisition date — the amount calculated by adding —
 - (i) the consideration for the transaction; and
 - (ii) the value, at the relevant land acquisition date, of the relevant interest in the land on which the home is to be built;
 - or
 - (b) otherwise — the amount calculated by adding —
 - (i) the consideration for the transaction; and
 - (ii) the value, at the commencement date of the transaction, of the relevant interest in the land on which the home is to be built.

- (4) The **total value** of a transaction that is the building of a home by an owner builder is —
- (a) if the transaction is completed within the period of 12 months beginning on the day after the day on which the owner builder acquired the relevant interest in the land on which the home is built — the amount calculated by adding —
 - (i) the unencumbered value, at the date the transaction is completed, of the home; and
 - (ii) the value, at the relevant land acquisition date, of the relevant interest in the land on which the home is built;or
 - (b) otherwise — the amount calculated by adding —
 - (i) the unencumbered value, at the date the transaction is completed, of the home; and
 - (ii) the value, at the date the transaction is completed, of the relevant interest in the land on which the home is built.
- (5) For the purposes of subsections (3)(a)(ii) and (b)(ii) and (4)(a)(ii) and (b)(ii), the value of a relevant interest in land is the greater of —
- (a) the consideration paid for the interest; and
 - (b) the unencumbered value of the interest.

**Part 4 — *Rates and Charges (Rebates and Deferments)*
Act 1992 amended**

34. Act amended

This Part amends the *Rates and Charges (Rebates and Deferments) Act 1992*.

35. Section 6 amended

In section 6(3):

- (a) delete “pension or allowance” (1st occurrence) and insert:

pension, allowance or other amount

- (b) in paragraph (a)(i) delete “receiving a pension to which” and insert:

a person to whom

- (c) after paragraph (a)(iii) insert:

(iia) the person is a person to whom the Additional Disablement Amount referred to in section 23(4A)(ba) is payable; or

- (d) in paragraph (b)(ii) delete “is a person who receives a pension or allowance to which section 23(3) applies or”.

36. Section 23 amended

- (1) Delete section 23(3).

(2) After section 23(4A)(b) insert:

(ba) is a person to whom an Additional Disablement Amount under Chapter 4 Part 7 Division 3A of that Act is payable; or

(3) After section 23(6)(a)(ii) insert:

(iii) a child of the disabled person;

Note: The heading to amended section 23 is to read:

Pensioners etc. eligible to apply for registration

37. Section 26 amended

In section 26(1)(c)(ii) delete “23(3),”.

38. Section 30 amended

Delete section 30(1)(b).

39. Schedule 1 Division 2 inserted

At the end of Schedule 1 insert:

Division 2 — Provisions for *Finance Legislation Amendment (Housing Affordability) Act 2026*

2. Application of amendments to s. 23 relating to Additional Disablement Amount

(1) In this clause —

Additional Disablement Amount means the Additional Disablement Amount under the *Military Rehabilitation and Compensation Act 2004* (Cth) Chapter 4 Part 7 Division 3A;

amending provision means the *Finance Legislation Amendment (Housing Affordability) Act 2026* section 36(2);

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commencement day means the day on which the amending provision comes into operation;

eligibility day has the meaning given in subclause (2)(a);

pre-commencement period means the period beginning on 1 July 2026 and ending immediately before commencement day;

pre-registration period has the meaning given in subclause (3)(a).

- (2) This clause applies if —
- (a) an Additional Disablement Amount is payable to a person on and from a day (the **eligibility day**) in the pre-commencement period; and
 - (b) before the end of the period of 3 months beginning on commencement day, the person applies to an administrative authority to register an entitlement as regards land on which a prescribed charge is payable on the basis that an Additional Disablement Amount is payable to the person; and
 - (c) the administrative authority registers the person's entitlement as regards the land on that basis; and
 - (d) the person's entitlement as regards the land could have been registered on that basis in the pre-commencement period had the amending provision come into operation on 1 July 2026.
- (3) Subject to subclause (5), this Act applies in relation to the person, and the administrative authority must treat the person, as if —
- (a) the person's entitlement as regards the land had been registered in the period (the **pre-registration period**) —
 - (i) beginning on eligibility day; and
 - (ii) ending immediately before the registration referred to in subclause (2)(c) took effect;
- and

- (b) the person had been an eligible pensioner during that period.
- (4) Without limiting subclause (3), if, within the pre-registration period, the person has paid to the administrative authority an amount in excess of a rebated amount in respect of a prescribed charge that the person is authorised to pay as a result of that subclause, the administrative authority must refund, or give credit for, the excess amount to the person under section 40(8).
- (5) If, as a result of the non-payment of a prescribed charge within the pre-registration period, the person's liability for payment of the charge has been deferred under section 44 (as applied under subclause (3)) —
 - (a) the Minister must allow the person an extended period under section 40(3A) within which the person may satisfy the liability for payment of the charge by the payment of a rebated amount; and
 - (b) despite anything else in this Act, the person is authorised to satisfy their liability to pay the charge by paying the rebated amount by the last day of that period.

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