

First Home Owner Grant Amendment Bill 2017

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Western Australia

LEGISLATIVE ASSEMBLY

First Home Owner Grant Amendment Bill 2017

A Bill for

An Act to amend the *First Home Owner Grant Act 2000*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *First Home Owner Grant Amendment Act 2017*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 come into operation on the day on
6 which this Act receives the Royal Assent (*assent day*);
7 (b) sections 8 to 13 are deemed to have come into operation
8 on 1 January 2017;
9 (c) the rest of the Act comes into operation on the day after
10 assent day.

11 **3. Act amended**

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

13 **4. Section 6 amended**

14 Delete section 6(2)(a) and (b).

15 **5. Section 12 amended**

16 (1) In section 12(1)(a) delete “the State; or” and insert:

17

18 the State, other than a relevant interest held subject to a trust; or

19

20 (2) In section 12(3)(a) delete “the State” and insert:

21

22 the State, other than a relevant interest held subject to a trust,

23

1 **6. Section 13B inserted**

2 At the end of Part 2 Division 2 insert:

3

4 **13B. Criterion 7 — applicant must not hold relevant**
5 **interest as trustee**

6 An applicant is ineligible in relation to a transaction if
7 the applicant owns or will, on completion of the
8 transaction, own the home in circumstances where the
9 applicant holds the relevant interest as a trustee.

10

11 **7. Section 14AA amended**

12 Delete section 14AA(2)(a) and insert:

13

- 14 (a) in the case of a contract for the purchase of a
15 home — the purchaser acquires the relevant
16 interest in land on which the home is built; or

17

18 **8. Section 14A amended**

19 In section 14A in the definition of *relevant date*:

- 20 (a) in paragraph (d) delete “transaction;” and insert:

21

22 transaction; or

23

- 24 (b) after paragraph (d) insert:

25

- 26 (e) in relation to a class 8 eligible transaction —
27 1 July 2019;

28

1 **9. Section 14B amended**

2 (1) After section 14B(4B) insert:

3
4 (4C) A *class 8 eligible transaction* is an eligible transaction
5 the commencement date of which is not before
6 1 January 2017 and not after 30 June 2017 that is —

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

9 (b) a comprehensive home building contract for a
10 new home if —

11 (i) the building work begins within
12 26 weeks after the commencement date;
13 and

14 (ii) the contract provides to the effect that
15 the building work must be completed
16 within 18 months after it begins or, if
17 the contract does not provide for a
18 completion date for the building work, it
19 is completed within 18 months after it
20 begins;

21 or

22 (c) the building of a new home by an owner builder
23 if the eligible transaction is completed before
24 the relevant date.

25
26 (2) Delete section 14B(4) and insert:

27
28 (4) If the Commissioner is satisfied that a delay in building
29 work is caused by circumstances beyond the control of
30 the parties, the Commissioner may extend —

31 (a) the period within which the building work is to
32 begin under subsection (3)(b)(i), (4B)(b)(i) or
33 (4C)(b)(i); or

1 (b) the period within which the building work is to
2 be completed under subsection (3)(b)(ii), (3)(c),
3 (4B)(b)(ii), (4B)(c), (4C)(b)(ii), (4C)(c) or
4 (6)(a).
5

6 (3) In section 14B(6):

7 (a) in paragraph (b)(ii) delete “transaction.” and insert:

8
9 transaction; or

10

11 (b) after paragraph (b)(ii) insert:

12

13 (iii) before 1 January 2017, in respect of a
14 class 8 eligible transaction.
15

16 **10. Section 19 amended**

17 In section 19(3) in the definition of *relevant amount*:

18 (a) in paragraph (f) delete “\$14 000.” and insert:

19

20 \$14 000; or

21

22 (b) after paragraph (f) insert:

23

24 (g) in the case of a class 8 eligible transaction
25 within the meaning of section 14B — \$15 000.
26

27 **11. Section 22 amended**

28 In section 22(2)(b) after “repay” insert:

29

30 the whole or part of
31

s. 12

1 **12. Section 28 amended**

2 In section 28(1):

3 (a) in paragraph (b)(ii) delete “Assent.” and insert:

4

5 Assent;

6

7 (b) after paragraph (b) insert:

8

9 or

10 (c) in the case of a class 8 eligible transaction
11 within the meaning of section 14B, within
12 60 days after the later of —

13 (i) the date on which notice of the decision
14 is given to the objector; or

15 (ii) the day on which the *First Home Owner*
16 *Grant Amendment Act 2017* receives the
17 Royal Assent.
18

19 **13. Section 51 amended**

20 (1) In section 51(1):

21 (a) in paragraph (c) delete “condition.” and insert:

22

23 condition; or

24

25 (b) after paragraph (c) insert:

26

27 (d) the amount was paid on the basis that the
28 eligible transaction was of a class referred to in
29 section 14B but the eligible transaction is not of
30 such a class.
31

- 1 (2) After section 51(1) insert:
2
- 3 (1A) For the purposes of subsection (1)(d), the amount that
4 the Commissioner may require an applicant to repay
5 is —
- 6 (a) if the amount paid on the application was more
7 than the standard grant amount — the
8 difference between those amounts; or
- 9 (b) if the amount paid on the application was equal
10 to or less than the standard grant amount — nil.
- 11 (1B) In subsection (1A) —
12 ***standard grant amount***, in relation to an eligible
13 transaction, means the amount of the first home owner
14 grant payable in respect of the transaction under
15 section 19(2A) to (2C).
16
- 17 (3) In section 51(1) after paragraph (a) insert:
18
- 19 or
20
- 21 **14. Section 52 amended**
- 22 (1) Before section 52(1) insert:
23
- 24 (1A) In this section —
25 ***required repayment*** means any of the following —
- 26 (a) a repayment required, or a penalty imposed,
27 under section 18, 21 or 51;

s. 15

1 (b) a payment required under section 52A(1) or
2 60(1).
3

4 (2) In section 52(1)(a) delete “repayment required, or a penalty
5 imposed, under section 18, 21 or 51 (a *required repayment*); or”
6 and insert:
7

8 required repayment; or
9

10 **15. Section 52A inserted**

11 After section 52 insert:
12

13 **52A. Commissioner may recover legal costs**

14 (1) The Commissioner may, by written notice, require an
15 applicant to pay the legal costs incurred by the
16 Commissioner in relation to proceedings for the
17 recovery of an amount referred to in section 53(1)(a)
18 to (d).

19 (2) Subject to any arrangement made under section 52, a
20 payment required under subsection (1) must be paid by
21 the applicant within 28 days after the date on which
22 notice of the requirement is given to the applicant.
23

24 **16. Section 53 amended**

25 (1) In section 53(1):

26 (a) delete “to —” and insert:
27

28 to the following amounts —
29

- 1 (b) in paragraph (d) delete “section 60.” and insert:
2
3 section 60;
4
- 5 (c) after paragraph (d) insert:
6
7 (e) the amount of legal costs referred to in a notice
8 given by the Commissioner under
9 section 52A(1).
10
- 11 (2) In section 53(1) after paragraph (c) delete “and”.
- 12 **17. Section 62 amended**
- 13 (1) In section 62(3) delete “on the business day following the day
14 on which the document is sent to, or left for, the person to
15 whom it is addressed, subject to the exceptions in
16 subsection (4).” and insert:
17
18 on a day prescribed by the regulations.
19
- 20 (2) Delete section 62(4) and insert:
21
22 (4) For the purposes of subsection (3), the regulations may
23 prescribe different days for documents served by
24 different methods and in different circumstances.
25
- 26 **18. Section 69 amended**
- 27 After section 69(2) insert:
28
29 (3) Regulations may be expressed to apply to or in relation
30 to a transaction the commencement date of which is
31 before the day on which the regulations come into

s. 18

1 operation if the application of the regulations to or in
2 relation to the transaction will not adversely affect a
3 party to the transaction.

4

5

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