

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 16
Issue No. 3
TUESDAY, 7 NOVEMBER 2017

FIRST HOME OWNER GRANT AMENDMENT BILL 2017 [16-1B]

When in committee on the *First Home Owner Grant Amendment Bill 2017*:

New Clause 11A

Minister for Environment representing the Minister for Finance: To move —

1/NC11A Page 5, after line 30 — To insert:

11A. Section 26 amended

In section 26 in the definition of *decision on the application*:

(a) in paragraph (d) delete “(3);” and insert:

(3); and

(b) after paragraph (d) insert:

(e) a requirement under section 52A(1) to pay an amount of legal costs incurred by the Commissioner.

New Clause 12A**Minister for Environment representing the Minister for Finance:** To move —

2/NC12A Page 6, after line 17 — To insert:

12A. Section 30 amended

After section 30(5) insert:

- (6) If, as the result of a decision on an objection, an amount of legal costs paid by an applicant is to be repaid to the applicant, the following amounts are payable to the applicant —
- (a) the amount of legal costs to be repaid;
 - (b) any interest paid by the applicant in respect of a written arrangement approved by the Commissioner under section 52 that relates to an amount referred to in paragraph (a);
 - (c) interest at the prescribed rate on the amounts payable to the applicant under paragraphs (a) and (b) from the date the amount was paid by the applicant to the date approved for the repayment.

New Clause 12B**Minister for Environment representing the Minister for Finance:** To move —

3/NC12B Page 6, after line 17 — To insert:

12B. Section 32 amended

After section 32(4) insert:

- (5) If, as the result of an application for a review of a decision, an amount of legal costs paid by an applicant is to be repaid to the applicant, the following amounts are payable to the applicant —
- (a) the amount of legal costs to be repaid;
 - (b) any interest paid by the applicant in respect of a written arrangement approved by the Commissioner under section 52 that relates to an amount referred to in paragraph (a);
 - (c) interest at the prescribed rate on the amounts payable to the applicant under paragraphs (a) and (b) from the date the amount was paid by the applicant to the date approved for the repayment.

Clause 15**Minister for Environment representing the Minister for Finance:** To move —

4/15 Page 8, line 15 — To insert after “pay the”:

reasonable

Minister for Environment representing the Minister for Finance: To move —

5/15 Page 8, after line 22 — To insert:

- (3) A third party payer, as defined in the *Legal Profession Act 2008* section 252, cannot apply for a costs assessment under Part 10 Division 8 of that Act in relation to the legal costs.

Hon Nick Goiran: To move —

6/15 Page 8, after line 22 — To insert:

- (3) If the notice covers legal costs as defined in the *Legal Profession Act 2008* section 3 —
 - (a) the notice must include or be accompanied by a written statement setting out the applicant's right under the *Legal Profession Act 2008* to apply for an assessment of those costs; and
 - (b) the Commissioner must not commence proceedings to recover those costs until at least 30 days after the date on which the notice is given to the applicant.

