

Western Australia

## **First Home Owner Grant Amendment Bill 2002**

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Western Australia

LEGISLATIVE ASSEMBLY

## **First Home Owner Grant Amendment Bill 2002**

**A Bill for**

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

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *First Home Owner Grant Amendment Act 2002*.

**2. Commencement**

- (1) Subject to subsections (2) and (3), this Act comes into operation on the day on which it receives the Royal Assent.
- (2) Section 4 (except section 4(5)) and section 5 are to be taken to have come into operation on 9 October 2001.
- (3) Section 4(5) is to be taken to have come into operation on 9 March 2001.

**3. The Act amended**

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

[\* *Act No. 16 of 2000.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 166, and Act No. 14 of 2001.]*

**4. Section 14B amended**

- (1) Section 14B(1) is amended as follows:
- (a) by deleting “special eligible transaction” and inserting instead —  
“ **class 1 eligible transaction** ”;
- (b) by deleting “31 December 2001” and inserting instead —  
“ 8 October 2001 ”.
- (2) After section 14B(1) the following subsections are inserted —
- “
- (1a) A “**class 2 eligible transaction**” is an eligible transaction the commencement date of which is not before 9 October 2001 and not after 31 December 2001 that is —
- (a) a contract for the purchase of a new home or a substantially renovated home;

- 
- 5
- 10
- 15
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- 30
- (b) a comprehensive home building contract for a new home if —
    - (i) the building work begins within 26 weeks after the commencement date, or any longer period that the Commissioner allows for delay caused by circumstances beyond the control of the parties; and
    - (ii) the contract provides to the effect that the building work must be completed within 18 months after it begins or, if the contract does not provide for a completion date for the building work, it is completed within 18 months after it begins;

or

  - (c) the building of a new home by an owner builder if the eligible transaction is completed before 1 January 2004.
- (1b) A “**class 3 eligible transaction**” is an eligible transaction the commencement date of which is not before 1 January 2002 and not after 30 June 2002 that is —
- (a) a contract for the purchase of a new home or a substantially renovated home;
  - (b) a comprehensive home building contract for a new home if —
    - (i) the building work begins within 26 weeks after the commencement date, or any longer period that the Commissioner allows for delay caused by circumstances beyond the control of the parties; and

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- 5 (ii) the contract provides to the effect that the building work must be completed within 18 months after it begins or, if the contract does not provide for a completion date for the building work, it is completed within 18 months after it begins;
- or
- 10 (c) the building of a new home by an owner builder if the eligible transaction is completed before 1 July 2004.
- ”.
- (3) Section 14B(2) is amended after “subsection (1),” by inserting —
- “ (1a) or (1b), ”.
- 15 (4) Section 14B(3) is amended as follows:
- (a) after “subsection (1)(a)” by inserting —
- “ , (1a)(a) or (1b)(a) ”;
- (b) by deleting “1 May 2003” and inserting instead —
- “ the relevant date ”;
- 20 (c) by deleting “that date.” and inserting instead —
- “ the relevant date. ”.
- (5) Section 14B(5) is amended by deleting paragraph (a) and “and” after it and inserting instead —
- “
- 25 (a) begins on —
- (i) the date when laying the foundations for the home begins; or
- (ii) another date the Commissioner considers appropriate in the
- 30 circumstances of the case;
- and
- ”.

(6) After section 14B(5) the following subsection is inserted —

“

(6) In this section —

“**relevant date**” means —

- 5 (a) in relation to a class 1 eligible transaction —  
1 May 2003;
- (b) in relation to a class 2 eligible transaction —  
1 January 2004; or
- 10 (c) in relation to a class 3 eligible transaction —  
1 July 2004;

“**special eligible transaction**” means a class 1, class 2  
or class 3 eligible transaction.

”.

**5. Section 19 amended**

15 (1) Section 19(2)(b) is deleted and the following paragraph is  
inserted instead —

“ (b) the relevant amount. ”.

(2) After section 19(2) the following subsection is inserted —

“

20 (3) In subsection (2) —

“**relevant amount**” means —

- (a) in the case of a class 1 or class 2 eligible  
transaction within the meaning of  
section 14B — \$14 000; or
- 25 (b) in the case of a class 3 eligible transaction  
within the meaning of section 14B — \$10 000.

”.

**6. Section 21 amended**

Section 21(5) is repealed and the following subsections are inserted instead —

“

5 (5) If an applicant does not pay the amount of a first home  
owner grant required to be repaid under subsection (2)  
within the period mentioned in that subsection, the  
Commissioner may, by written notice, impose a  
penalty of not more than the amount the applicant is  
10 required to pay.

(6) Subject to section 52, the amount of a penalty imposed  
under subsection (5) must be paid by the applicant  
within 28 days after the date on which notice of the  
penalty is given to the applicant.

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”.

**7. Section 26 amended**

Section 26 is amended after “section” in paragraph (c) of the  
definition of “decision on the application” by inserting —

“ 21 or ”.

20 **8. Section 52 amended**

Section 52(1)(a) is amended after “section” by inserting —

“ 21 or ”.

**9. Saving of right to object**

25 (1) Section 28 (the “**relevant section**”) of the *First Home Owner  
Grant Act 2000* applies in relation to an application for a first  
home owner grant for an eligible transaction that is —

- (a) a class 1 eligible transaction, but only to the extent that  
the objection referred to in the relevant section relates to  
a date referred to in section 14B(5)(a) of that Act;



(b) a class 2 eligible transaction, but only to the extent that the objection referred to in the relevant section relates to —

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(i) a period referred to in section 14B(1a)(b) of that Act; or

(ii) a date referred to in section 14B(5)(a) of that Act;

or

(c) a class 3 eligible transaction,

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as if subsection (1) of the relevant section were repealed and the following subsection were inserted instead —

“

(1) An objection to a decision on the application is to be lodged within 60 days after the later of —

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(a) the date on which notice of the decision is given to the objector; or

(b) the day on which the *First Home Owner Grant Amendment Act 2002* received the Royal Assent.

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”.

(2) In subsection (1) —

“**class 1 eligible transaction**”, “**class 2 eligible transaction**”, “**class 3 eligible transaction**”, “**eligible transaction**” and “**first home owner grant**” each has the same meaning as it has in the *First Home Owner Grant Act 2000*;

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“*First Home Owner Grant Act 2000*” means that Act as amended by this Act.

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