

NORTHERN TERRITORY OF AUSTRALIA

FIRST HOME OWNER GRANT AMENDMENT ACT 2009

Act No. 8 of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 8 of 2009

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

[Assented to 26 May 2009]
[Second reading 11 February 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *First Home Owner Grant Amendment Act 2009*.

2 Commencement

- (1) The provisions of this Act, other than sections 3, 4, 5 and 6, commence on the day on which the Administrator's assent to this Act is declared.
- (2) Sections 3, 4, 5 and 6 are taken to have commenced on 14 October 2008.

3 Act amended

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

4 New section 3A

After section 3

insert

3A Further definitions for Part 2, Division 3A

Section 13B provides for definitions used in Part 2, Division 3A.

5 New Part 2, Division 3A

After section 13

insert

Division 3A First Home Owner Boost Scheme

13A Purpose of Division 3A

The purpose of this Division is to provide for matters relevant to an extension of the first home owner grant scheme, called the First Home Owner Boost Scheme, and any change to the boost scheme.

13B Definitions

In this Division:

boost scheme amount means:

- (a) an amount prescribed by regulation as the first home owner grant under this Division for a special eligible transaction with a commencement date during a period that is prescribed by regulation and within the boost scheme period; or
- (b) if no amount is prescribed as mentioned in paragraph (a) – \$21 000.

boost scheme period means the period:

- (a) starting on and including 14 October 2008; and
- (b) ending on and including:
 - (i) a date, later than 30 June 2009, prescribed by regulation for this Division; or
 - (ii) if no date is prescribed as mentioned in subparagraph (i) – 30 June 2009.

declare means declare in writing.

new home means a home in the Territory that has not been previously occupied or sold as a place of residence.

off-the-plan contract means a contract for the purchase of a new home on a proposed lot on a plan of subdivision, whether the plan of subdivision is registered or not.

off-the-plan contract completion date means:

- (a) a date, later than 31 December 2010, prescribed by regulation for this Division; or
- (b) if no date is prescribed as mentioned in paragraph (a) – 31 December 2010.

plan of subdivision means any of the following:

- (a) a plan of subdivision as defined in section 4 of the *Land Title Act*;
- (b) a plan of survey as defined in section 4 of the *Land Title Act*;
- (c) a units plan as defined in section 4(1) of the *Unit Titles Act*;
- (d) a subdivision, survey or plan (however described) as defined in another Act that, by regulation, is prescribed as a subdivision, survey or plan for this Division.

registered means recorded in the land register under the *Land Title Act*.

special eligible transaction, see section 13C.

start, in relation to building work for a new home, means start laying the foundations for the new home.

substantially renovated home means a home in the Territory that:

- (a) is the subject of a contract for the purchase of the home and, on being sold under the contract, the sale of the home is, under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth), a taxable supply as a sale of new residential premises as defined under section 40–75(1)(b) of that Act; and
- (b) has not, since being renovated, been occupied or sold as a place of residence.

13C Special eligible transactions

- (1) A **special eligible transaction** is an eligible transaction that is any of the following with a commencement date within the boost scheme period:
 - (a) a contract for the purchase of a new home;
 - (b) a contract for the purchase of a substantially renovated home;

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- (c) a comprehensive home building contract;
 - (d) the building of a new home by an owner builder.
- (2) However, subsection (1) is subject to section 13D.

13D Exclusion of particular transactions as special eligible transactions

- (1) An off-the-plan contract is not a special eligible transaction unless:
- (a) the contract states the contract is to be completed before a date that is on or before the off-the-plan completion date; or
 - (b) the contract does not state a completion date but the contract is completed before the off-the-plan completion date.
- (2) A comprehensive home building contract is not a special eligible transaction unless the building work starts within 26 weeks after the commencement date and either of the following applies:
- (a) the contract states the contract must be completed within 18 months after the building work is started;
 - (b) the contract does not state a completion date but the contract is completed within 18 months after the building work is started.
- (3) The building of a new home by an owner builder is not a special eligible transaction unless the building work is completed within 18 months after the building work is started.
- (4) The Commissioner may allow a longer period for starting or completing building work or completing a contract as mentioned in subsection (1) to (3) if the Commissioner considers there are special reasons to do so.
- (5) A contract for the purchase of a new home or a contract for the purchase of a substantially renovated home is not a special eligible transaction if:
- (a) the contract replaces a contract made before 14 October 2008 to purchase the same or a substantially similar home; or
 - (b) the purchaser had an option to purchase the home granted before 14 October 2008 or the vendor had an option to require the purchaser to purchase the home granted before that date.

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- (6) A comprehensive home building contract is not a special eligible transaction if:
- (a) the contract replaces a contract made before 14 October 2008 to construct the same or a substantially similar home; or
 - (b) a party had a right or option granted before 14 October 2008 to require the other party to enter into the contract.
- (7) The Commissioner may declare a contract mentioned in subsection (5) or (6) to be a special eligible transaction if he or she considers the contract does not have the effect of circumventing limitations on, or requirements affecting, eligibility for or entitlement to the amount mentioned in section 13E.
- (8) The Commissioner's powers under subsections (4) and (7) may be exercised at any time and either on application of a person or on the Commissioner's own initiative.

13E Amount of grant for special eligible transactions

- (1) The amount of a first home owner grant for a special eligible transaction is the lesser of the following:
- (a) the amount of the consideration actually paid for the transaction;
 - (b) the boost scheme amount.
- (2) In determining the amount of a first home owner grant for a special eligible transaction, subsection (1) applies instead of and not in addition to sections 18 and 18A.

6 New section 18A

After section 18

insert

18A Eligible transactions as part of First Home Owner Boost Scheme that attract grant other than under section 18

- (1) The purpose of this section is to provide for matters relevant to the extension of the first home owner grant scheme, called the First Home Owner Boost Scheme, and any change to the boost scheme, in relation to particular contracts for the purchase of a home in the Territory.

Note

Part 2, Division 3A also provides for matters relevant to the extension of the first home owner grant scheme but only in relation to transactions that are special eligible transactions as defined in section 13C. This section does not apply to special eligible transactions.

- (2) This section applies to an eligible transaction that is a contract for the purchase of a home in the Territory unless, subject to a declaration by the Commissioner under subsection (4):
 - (a) the contract replaces a contract made before 14 October 2008 to purchase the same or a substantially similar home; or
 - (b) the purchaser had an option to purchase the home granted before 14 October 2008 or the vendor had an option to require the purchaser to purchase the home granted before that date.
- (3) The amount of a first home owner grant for an eligible transaction with a commencement date during a period within the extended period is the lesser of the following:
 - (a) the amount of consideration actually paid for the transaction;
 - (b) the extended amount.
- (4) The Commissioner may, either on application of a person or on the Commissioner's own initiative, at any time declare this section applies to an eligible transaction mentioned in subsection (2)(b) if he or she considers the contract does not have the effect of circumventing limitations on, or requirements affecting, eligibility for or entitlement to the amount mentioned in subsection (3).
- (5) In determining the amount of the first home owner grant for the eligible transaction, subsection (3) applies instead of and not in addition to section 18.
- (6) In this section:

declare means declare in writing.

extended amount means:

- (a) an amount prescribed by regulation as the first home owner grant, under this section, for an eligible transaction with a commencement date during a period that is prescribed by regulation and within the extended period; or
- (b) if no amount is prescribed as mentioned in paragraph (a) – \$14 000.

extended period means the period:

- (a) starting on and including 14 October 2008; and
- (b) ending on and including:
 - (i) a date, later than 30 June 2009, prescribed by regulation for this section; or
 - (ii) if no date is prescribed as mentioned in subparagraph (i) – 30 June 2009.

home does not include a new home or substantially renovated home.

new home, see section 13B.

substantially renovated home, see section 13B.

7 Further amendments

The Schedule has effect.

Schedule

section 7

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
section 3	Act, unless the contrary intention appears –	Act:
section 4	home	home
section 5(2)	relevant interest	relevant interest