

South Australia

First Home and Housing Construction Grants (Miscellaneous) Amendment Act 2020

An Act to amend the *First Home and Housing Construction Grants Act 2000*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *First Home and Housing Construction Grants (Miscellaneous) Amendment Act 2020*.

2—Commencement

- (1) Subject to this section, this Act comes into operation on the day on which it is assented to by the Governor.
- (2) Section 4 is taken to have come into operation on 4 June 2020.
- (3) Sections 5 and 6 and Schedule 1 come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *First Home and Housing Construction Grants Act 2000*

4—Insertion of section 6A

After section 6 insert:

6A—Extension of Act to HomeBuilder grants

- (1) This Act applies to, and in relation to, an application for a HomeBuilder grant as if it were an application for a first home owner grant (and as if references in this Act to a first homeowner grant were references to a HomeBuilder grant and references to the first home owner grant scheme were references to the HomeBuilder scheme) subject to the following:
 - (a) Part 2 Divisions 1, 2 and 3 do not apply to a HomeBuilder grant and instead entitlement to the grant and the eligibility criteria will be determined by the Commissioner (and published on a website determined by the Commissioner) in accordance with the terms of the National Partnership Agreement (and subject to subsection (2));
 - (b) sections 18 to 18C (inclusive) do not apply to a HomeBuilder grant and the amount of the grant is the amount specified by the National Partnership Agreement;
 - (c) the remaining provisions of this Act apply subject to modifications and exclusions prescribed by the regulations.
- (2) The Commissioner may determine that a person is not entitled to a HomeBuilder grant in respect of a transaction if the Commissioner is satisfied that the transaction—
 - (a) forms part of a scheme to circumvent limitations on, or requirements affecting, eligibility or entitlement to the grant; or
 - (b) replaces a previous transaction, entered into before 4 June 2020, that is for the same home or the same renovation.
- (3) In this section—

HomeBuilder grant means a grant provided for by the National Partnership Agreement;

National Partnership Agreement means the National Partnership Agreement on HomeBuilder executed on behalf of the Commonwealth on 12 June 2020 (as varied or substituted from time to time with the agreement of the State of South Australia).

5—Amendment of section 25—Objections

Section 25(1)—after "the application" insert:

, or an applicant or former applicant who is dissatisfied with a decision of the Commissioner to impose a penalty under section 39(2) or (3),

6—Amendment of section 40—Power to recover amount paid in error etc

Section 40(3)—delete subsection (3) and substitute:

- (3) If an applicant who is liable to pay an amount to which this section applies has, in relation to a home for which the first home owner grant was sought, an interest in the land on which the home was built or was to be built, the liability is a first charge on the applicant's interest in that land.

Schedule 1—Transitional provisions

1—Transitional provision

An objection may only be lodged under section 25 of the *First Home and Housing Construction Grants Act 2000* in relation to a decision of the Commissioner to impose a penalty under section 39(2) or (3) if the decision of the Commissioner was made after the commencement of section 5.