

South Australia

# First Home and Housing Construction Grants Regulations 2015

under the *First Home and Housing Construction Grants Act 2000*

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Schedule 1—Offices and bodies

Legislative history

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### 1—Short title

These regulations may be cited as the *First Home and Housing Construction Grants Regulations 2015*.

### 3—Interpretation

In these regulations—

*Act* means the *First Home and Housing Construction Grants Act 2000*;

*Australia's Foreign Investment Policy* means the document issued by the Commonwealth Treasurer known as *Australia's Foreign Investment Policy* as in force from time to time.

### 4—Recognition of non-conforming interest as relevant interest (section 5(4) of Act)

- (1) A licence or right of occupancy over land given to a person by a relative is to be recognised, for the purposes of section 5(4) of the Act, as a relevant interest if—
  - (a) the person has—
    - (i) entered into a comprehensive home building contract for the construction of a home on the land; or
    - (ii) commenced building a home or having a home built on the land without entering into a comprehensive home building contract; and
  - (b) the person has, in the Commissioner's opinion, reasonable security of tenure.

- (2) For the purposes of section 18BB(3)(b)(ii) of the Act, if a licence or right of occupancy over land given to a person by a relative is recognised under subregulation (1) as a relevant interest because the person has commenced building a home or is having a home built on the land without entering into a comprehensive home building contract, the market value of the home will be taken to be the actual costs to build the home as determined by the Commissioner.
- (3) In this regulation—
- relative**, in relation to a person, means—
- (a) a child or remoter lineal descendant of the person or of the spouse or domestic partner of the person;
  - (b) a parent or remoter lineal ancestor of the person or of the spouse or domestic partner of the person;
  - (c) a brother or sister of the person or of the spouse or domestic partner of the person;
  - (d) a child or remoter lineal descendant of the brother or sister of the person or of the spouse or domestic partner of the person;
  - (e) the spouse or domestic partner of the person or the spouse or domestic partner of any person referred to in paragraph (a), (b) or (c).

### **5—Persons excluded from application of section 15**

The following persons are excluded from the application of section 15 of the Act:

- (a) the South Australian Housing Trust;
- (b) if the holder of an interest referred to in regulation 4 is the applicant for a first home owner grant—a registered proprietor of the land.

### **6—Interest rate on repayment of grant by instalments (section 40 of Act)**

- (1) For the purposes of section 40(5) of the Act, the interest rate applicable to the repayment by instalments of an amount to which section 40 of the Act applies under an arrangement entered into by the Commissioner is the interest rate from time to time applying under subregulation (2).
- (2) The interest rate that applies under this subregulation is the sum of—
- (a) the market rate; and
  - (b) 8% per annum.
- (3) The **market rate** is—
- (a) unless an order is in force under paragraph (b), in relation to interest accruing at any time during a particular financial year, the average rate of the daily 90-day Bank Accepted Bill Rate prescribed by the Reserve Bank of Australia for the month of May preceding the financial year (rounding up 0.005 to 2 decimal places); or
  - (b) the rate specified from time to time by order of the Minister published in the Gazette.

## 7—Disclosure of confidential information (section 41)

For the purposes of section 41(3)(d) of the Act, protected information may be disclosed—

- (a) in connection with the administration or enforcement of any of the following:
  - (i) the *Emergency Services Funding Act 1998*;
  - (ii) the *First Home Saver Accounts Act 2008* of the Commonwealth;
  - (iii) the *South Australian Housing Trust Act 1995*;
- (b) to the Child Support Registrar under the *Child Support (Registration and Collection) Act 1988* of the Commonwealth for the purposes of administering that Act or the *Child Support (Assessment) Act 1989* of the Commonwealth; or
- (c) to the Chief Executive of Centrelink (within the meaning of the *Human Services (Centrelink) Act 1997* of the Commonwealth) for the purposes of administering the social security law within the meaning of the *Social Security Act 1991* of the Commonwealth; or
- (d) to the Commonwealth Treasurer in relation to a decision that the Commonwealth Treasurer may make under the *Foreign Acquisitions and Takeovers Act 1975* of the Commonwealth or in accordance with Australia's Foreign Investment Policy; or
- (e) to a member of the Foreign Investment Review Board or the Secretary of the Department of the Treasury of the Commonwealth for the purposes of the member or Secretary briefing the Commonwealth Treasurer in relation to a decision that the Commonwealth Treasurer may make under the *Foreign Acquisitions and Takeovers Act 1975* of the Commonwealth or in accordance with Australia's Foreign Investment Policy; or
- (f) to the Official Receiver in Bankruptcy for the purposes of the administration and execution of the *Bankruptcy Act 1966* of the Commonwealth; or
- (g) to the Legal Profession Conduct Commissioner or the Law Society within the meaning of the *Legal Practitioners Act 1981* for the purposes of carrying out the Commissioner's or Society's functions under that Act; or
- (ga) to a council (within the meaning of the *Local Government Act 1999*) for the purposes of assisting the council to determine whether an application for a HomeBuilder grant (within the meaning of section 6A of the Act) has been made in relation to particular development on land within the area of the council; or
- (h) to the holder of an office or a body set out in Schedule 1 established under a law of this State, or of another State, a Territory, or of the Commonwealth.

## Schedule 1—Offices and bodies

Attorney-General

Auditor-General

Australian Statistician

Chairperson of the Australian Securities and Investments Commission  
Chief Executive Officer of the Australian Crime Commission  
Chief Executive Officer of the Australian Transaction Reports and Analysis Centre  
Chief Executive Officer of the Return to Work Corporation of South Australia  
Commissioner for Consumer Affairs  
Commissioner for Public Employment  
Director of Public Prosecutions  
Independent Commissioner Against Corruption  
Inspector-General of the Australian Defence Force  
Office for Public Integrity  
Offices in the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Work Health and Safety Act 2012*  
Offices in the Attorney-General's Department  
Offices in the Australian Federal Police  
Offices of another State, a Territory, or of the Commonwealth, the holders of which are employed in the administration of laws relating to taxation or customs  
Ombudsman  
Police officers  
Registrar-General  
Registrar of the Australian Business Register  
Registrar of Motor Vehicles  
Solicitor-General  
Valuer-General

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *First Home and Housing Construction Grants Regulations 2015* revoked the following:

*First Home Owner Grant Regulations 2000*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2015	61	<i>Gazette 11.6.2015 p2548</i>	11.6.2015: r 2
2017	82	<i>Gazette 14.6.2017 p2131</i>	1.7.2017: r 2
<b>2021</b>	<b>30</b>	<b><i>Gazette 11.3.2021 p911</i></b>	<b>11.3.2021: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2017</i>
r 3	Australia's Foreign Investment Policy inserted by 82/2017 r 4	1.7.2017
r 7	varied by 82/2017 r 5 <b>varied by 30/2021 r 4</b>	1.7.2017 <b>11.3.2021</b>
Sch 1	substituted by 82/2017 r 6	1.7.2017

### Historical versions

1.7.2017