

Queensland



**FIRST HOME OWNER GRANT
AND OTHER LEGISLATION
AMENDMENT ACT 2001**

Act No. 21 of 2001

Queensland



**FIRST HOME OWNER GRANT AND
OTHER LEGISLATION AMENDMENT
ACT 2001**

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Queensland



**First Home Owner Grant and Other
Legislation Amendment Act 2001**

Act No. 21 of 2001

**An Act to amend the *First Home Owner Grant Act 2000*, and for other
purposes**

[Assented to 17 May 2001]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *First Home Owner Grant and Other Legislation Amendment Act 2001*.

2 Commencement

This part, part 2 and the schedule are taken to have commenced on 9 March 2001.

PART 2—AMENDMENT OF FIRST HOME OWNER GRANT ACT 2000

3 Act amended in pt 2

This part amends the *First Home Owner Grant Act 2000*.

4 Insertion of new pt 3, div 5

After section 25—

insert—

‘Division 5—Special eligible transactions

‘25A Meaning of “new home” for div 5

‘(1) A “new home” is a home that—

- (a) has not been previously occupied or sold as a place of residence;
or
- (b) is a substantially renovated home.

- ‘(2) For subsection (1)(b), a home is a substantially renovated home if—
- (a) the home is the subject of a contract for the purchase of the home; and
 - (b) the sale of the home under the contract is, under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), a taxable supply as a sale of new residential premises as defined under section 40-75(1)(b) of that Act; and
 - (c) the home, as renovated, has not been previously occupied or sold as a place of residence.

‘25B Meaning of “special eligible transaction” for div 5

‘(1) A “special eligible transaction” is an eligible transaction the commencement date for which is between 9 March 2001 and 31 December 2001, both dates inclusive, that is—

- (a) a contract for the purchase of a new home; or
- (b) a comprehensive home building contract for a new home if—
 - (i) the building work starts within 16 weeks after the commencement date, or within the longer period the commissioner allows in particular circumstances; and
 - (ii) the contract states the building work must be completed within 1 year after it is started or, if the contract does not state a completion date for the building work, it is completed within 1 year after it is started; or
- (c) the building of a new home by an owner builder if the eligible transaction is completed before 1 May 2003.

‘(2) However, an eligible transaction mentioned in subsection (1)(a) that is a contract to purchase a new home on a proposed lot on an unregistered plan of subdivision of land is a special eligible transaction only if the contract states the building work must be completed before 1 May 2003 or, if the contract does not state a completion date for the building work, it is completed before that date.

‘(3) Also, an eligible transaction that is a contract is not a special eligible transaction if the commissioner is satisfied the contract forms part of a scheme to circumvent limitations on, or requirements affecting, eligibility or entitlement to a first home owner grant for a special eligible transaction.

‘(4) Unless satisfied to the contrary, the commissioner must presume the existence of a scheme mentioned in subsection (3) if the contract replaces a contract made before 9 March 2001 that is a contract to purchase the same or substantially similar home or a comprehensive home building contract to build the same or a substantially similar home.

‘(5) For this section, building work—

- (a) starts when laying the foundations for the home starts; and
- (b) is completed when the building is ready for occupation as a home and any completion requirements prescribed under a regulation for this paragraph are complied with.

‘25C Amount of grant

‘Despite section 20, the amount of a first home owner grant for an eligible transaction that is a special eligible transaction is the lesser of the following—

- (a) the consideration for the transaction;
- (b) \$14 000.

‘25D Expiry of div 5

‘This division expires on 31 December 2001.’.

5 Insertion of new pt 7

After section 71—

insert—

‘PART 7—TRANSITIONAL PROVISIONS FOR FIRST HOME OWNER GRANT AMENDMENT ACT 2001

‘72 Saving of operation of pt 3, div 5

‘(1) Despite the expiry of part 3, division 5, this Act, as in force immediately before the expiry, continues to apply in relation to an eligible transaction that is, or would be apart from the expiry, a special eligible transaction as defined for the division.

‘(2) Subsection (1) does not limit the *Acts Interpretation Act 1954*, section 20.¹’.

PART 3—AMENDMENT OF GAS PIPELINES ACCESS (QUEENSLAND) ACT 1998

6 Act amended in pt 3

This part amends the *Gas Pipelines Access (Queensland) Act 1998*.

7 Amendment of s 59 (Access principles for the Queensland part of the PNG to Queensland pipeline)

Section 59(1)(a), ‘within 1 year after the commencement of this Act’—
omit, insert—

‘before 1 December 2002’.

¹ *Acts Interpretation Act 1954*, section 20 (Saving of operation of repealed Act etc.)

SCHEDULE

MINOR AMENDMENTS

section 3

1 Section 3, ‘schedule 1’—

omit, insert—

‘the schedule’.

2 Schedule 1, heading—

omit, insert—

‘SCHEDULE’.