



Queensland

# First Home Owner Grant and Other Home Owner Grants Regulation 2021

## Subordinate Legislation 2021 No. 18

made under the

*First Home Owner Grant and Other Home Owner Grants Act 2000*

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## 1 Short title

This regulation may be cited as the *First Home Owner Grant and Other Home Owner Grants Regulation 2021*.

## 2 Declared relevant interests—Act, s 8

- (1) For section 8(1)(i) of the Act, each of the following interests is declared to be a relevant interest—
  - (a) a person's right, given by a relative of the person, to occupy a home that is a detached dwelling built or to be built under a contract entered into by the person on land that is a part of land owned by the relative;
  - (b) a person's right, given by a relative of the person, to occupy a home that is a detached dwelling built or to be built by an owner builder on land that is a part of land owned by the relative;
  - (c) a person's right to occupy a mobile home under a relevant agreement;
  - (d) a manufactured home owner's interest in a site agreement for a site on which a manufactured home is positioned;
  - (e) a sublessee's interest under a lease mentioned in section 8(1)(d) of the Act that is for a term of at least 10 years;
  - (f) an interest in a lease granted under—
    - (i) the *Aboriginal Land Act 1991*, section 120(2)(a); or
    - (ii) the *Torres Strait Islander Land Act 1991*, section 85(2)(a).
- (2) The interest is a relevant interest—
  - (a) for an interest mentioned in subsection (1)(a) or (b)—in the land on which the home is built; and
  - (b) for an interest mentioned in subsection (1)(c)—in the land on which the mobile home is situated; and

- (c) for an interest mentioned in subsection (1)(d)—in the land on which the manufactured home is positioned.

- (3) In this section—

**manufactured home** see the *Manufactured Homes (Residential Parks) Act 2003*, section 10.

**manufactured home owner** means a home owner under the *Manufactured Homes (Residential Parks) Act 2003*, section 8.

**mobile home** see the repealed *Mobile Homes Act 1989*, section 3.

**relative**, of a person, means—

- (a) a parent, grandparent, child, stepchild, brother or sister of the person or the person's spouse; or
- (b) the spouse of anyone mentioned in paragraph (a).

**relevant agreement** see the repealed *Mobile Homes Act 1989*, section 3.

**site** see the *Manufactured Homes (Residential Parks) Act 2003*, section 13.

**site agreement** see the *Manufactured Homes (Residential Parks) Act 2003*, section 14.

**sublessee** includes a sub-sublessee.

### 3 Persons who are not interested persons—Act, s 17

- (1) For section 17(2) of the Act, the following persons are prescribed—
- (a) if a person is the holder of a relevant interest in land mentioned in section 2(1)—a person who is the holder of another relevant interest in the land;
- (b) the housing chief executive if, under the scheme operated by the housing department and known as the 'Pathways Shared Equity Loan' scheme—
- (i) the housing chief executive holds, or will hold, not more than 40% of the estate in fee simple in the land on which the relevant home is built; and

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- (ii) the eligible transaction to which the application relates is financed by the housing department; and
- (iii) the applicant is a tenant of the relevant home.

(2) In this section—

*housing chief executive* means the chief executive of the housing department.

*housing department* means the department in which the *Housing Act 2003* is administered.

#### 4 Interest for arrangements for payment by instalments

(1) This section applies to an arrangement for payment of a liability outstanding under section 48 of the Act by instalments.

(2) If the arrangement includes provision for the payment of interest, the interest is payable at an annual rate equal to the sum of the bank bill yield rate, rounded to the nearest second decimal place, and 8%.

(3) In this section—

*bank bill yield rate*, for a particular day, means the monthly average yield of 90-day bank accepted bills published by the Reserve Bank of Australia for the month of May in the financial year immediately before the financial year in which the day occurs.

*Editor's note—*

The monthly average yield of 90-day bank accepted bills can be accessed on the Reserve Bank of Australia's website.

#### 5 Methods of payment

(1) An amount payable to the commissioner under the Act must be paid by bank draft, cash, cheque or using an electronic payment method.

(2) In this section—

***approved credit card*** means a credit card approved by the commissioner by a notice published on the department's website.

***BPAY facility*** means a facility by that name offered by BPAY Pty Limited ACN 079 137 518.

***electronic payment method*** means—

- (a) electronic funds transfer; or
- (b) direct debit; or
- (c) BPAY facility; or
- (d) if the amount mentioned in subsection (1) is at least \$10 but not more than \$50,000—Visa or MasterCard credit card or approved credit card.

## **6 Prescribed completion requirement—Act, schedule, definition *prescribed completion requirements***

For the schedule of the Act, definition *prescribed completion requirements*, the requirement is that a final inspection certificate under the *Building Act 1975* has been issued in relation to the building to which the eligible transaction relates.

*Note—*

See also the schedule of the Act, definition *completed*.

## **7 Repeal**

The First Home Owner Grant and Other Home Owner Grants Regulation 2010, SL No. 208 is repealed.

ENDNOTES

- 1 Made by the Governor in Council on 18 March 2021.
- 2 Notified on the Queensland legislation website on 19 March 2021.
- 3 The administering agency is Queensland Treasury.

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