

Passed by both Houses



New South Wales

# State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2009*



New South Wales

## **State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009**

Act No , 2009

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An Act to amend the *First Home Owner Grant Act 2000* and the *Duties Act 1997* to make provision for grants and duty concessions in respect of Defence Force personnel.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *State Revenue Legislation Amendment (Defence Force Concessions) Act 2009*.

**2 Commencement**

This Act is taken to have commenced on the day the Bill for this Act was introduced into the Legislative Assembly.

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## Schedule 1      Amendment of First Home Owner Grant Act 2000 No 21

### [1] Section 3 Definitions

Omit “a grant” from the definition of *first home owner grant*.

Insert instead “a first home owner grant”.

### [2] Section 7 Entitlement to grant

Omit section 7 (2) and (3). Insert instead:

- (2) An applicant need not comply with the eligibility criteria to the extent the applicant is exempted from compliance with the eligibility criteria by this Act.
- (3) A first home owner grant is payable before completion of the relevant eligible transaction if payment is authorised under section 20.

### [3] Section 43A

Insert before section 44:

#### **43A Special grant for ADF personnel**

- (1) A grant (an *ADF home buyer's grant*) is payable on an application under this Act if:
  - (a) the applicant or, if there are 2 or more of them, at least one of the applicants is a member of the Defence Force on the commencement date of the eligible transaction, and
  - (b) the applicant or, if there are 2 or more of them, each of the applicants:
    - (i) complies with the eligibility criteria for a first home owner grant (except for the residence requirement), and
    - (ii) is enrolled to vote in State elections (under the *Parliamentary Electorates and Elections Act 1912*) on the commencement date of the eligible transaction, and
  - (c) the transaction for which the grant is sought:
    - (i) is an eligible transaction, and
    - (ii) has been completed.
- (2) Subject to this section, this Act applies in relation to an ADF home buyer's grant in the same way as it applies to a first home owner grant, with any necessary modifications, as if a reference

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Schedule 1      Amendment of First Home Owner Grant Act 2000 No 21

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in this Act to a first home owner grant included a reference to an ADF home buyer's grant.

- (3) The residence requirement does not apply to an ADF home buyer's grant.
- (4) An ADF home buyer's grant is payable in respect of an eligible transaction only if a first home owner grant is not payable in respect of the same eligible transaction.
- (5) In this section, a *member of the Defence Force* means a member of the Permanent Forces of the Australian Defence Force (within the meaning of the *Defence Act 1903* of the Commonwealth).

**[4] Schedule 1 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*State Revenue Legislation Amendment (Defence Force Concessions) Act 2009*

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## **Schedule 2      Amendment of Duties Act 1997 No 123**

### **[1]    Section 76 Residence requirement**

Insert after section 76 (5):

- (6) The residence requirement does not apply to an application under the scheme if, on the date of the agreement or transfer:
  - (a) the applicant or, if there are 2 or more of them, at least one of the applicants is a member of the Permanent Forces of the Australian Defence Force (within the meaning of the *Defence Act 1903* of the Commonwealth), and
  - (b) the applicant or, if there are 2 or more of them, each of the applicants is enrolled to vote in State elections (under the *Parliamentary Electorates and Elections Act 1912*).

### **[2]    Schedule 1 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*State Revenue Legislation Amendment (Defence Force Concessions) Act 2009*