



New South Wales

First Home Buyer Legislation Amendment Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are—

- (a) to amend the *Duties Act 1997*—
 - (i) to require a person to reside in a home as the person’s principal place of residence for a continuous period of at least 12 months to be eligible for a duty exemption or concession, and
 - (ii) to revise values for property to be eligible for the purposes of the First Home Buyers Assistance Scheme, and
- (b) to amend the *Property Tax (First Home Buyer Choice) Act 2022* to prevent a person making an election to pay property tax rather than stamp duty on a transfer of land occurring on or after 1 July 2023, and
- (c) to amend the *First Home Owner Grant and Shared Equity Act 2000* to require first home buyers to reside in the home as their principal place of residence for a continuous period of at least 12 months to be eligible for a First Home Owner Grant.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Duties Act 1997 No 123

Schedule 1[1] amends various residence requirements under the *Duties Act 1997* to require a person to reside in a home as the person's principal place of residence for a continuous period of at least 12 months to be eligible for a duty exemption or concession.

Schedule 1[2] provides that to be an eligible agreement or transfer for the purposes of the First Home Buyers Assistance Scheme, a property having a private dwelling built on it must have a dutiable value of less than \$1,000,000, rather than \$800,000 as is currently the case. **Schedule 1[4] and [6]** make consequential amendments.

Schedule 1[3] provides that to be exempt from the payment of duty under the First Home Buyers Assistance Scheme in relation to an eligible agreement or transfer, a property having a private dwelling built on it must have a dutiable value of less than \$800,000, rather than \$650,000 as is currently the case. **Schedule 1[5]** makes a consequential amendment.

Schedule 1[7] inserts a transitional provision to make clear to which agreements or transfers the proposed amendments to the *Duties Act 1997* apply.

Schedule 2 Property Tax (First Home Buyer Choice) Act 2022 No 60

Schedule 2 prevents a person making an election to pay property tax rather than stamp duty on a transfer of land occurring on or after 1 July 2023, unless the transfer conforms with an agreement for sale or transfer entered into before 1 July 2023.

Schedule 3 First Home Owner Grant and Shared Equity Act 2000 No 21

Schedule 3 requires first home buyers to reside in the home as their principal place of residence for a continuous period of at least 12 months to be eligible for a First Home Owner Grant.