



New South Wales

Help to Buy (Commonwealth Powers) Bill 2025

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows—

- (a) for the purposes of the Constitution of the Commonwealth, section 51(xxxvii)—
 - (i) to adopt certain provisions of the *Help to Buy Act 2024* of the Commonwealth (the ***Commonwealth Help to Buy Act***), and
 - (ii) to refer matters relating to amendments to that Act to the Parliament of the Commonwealth,
- (b) to make consequential amendments to other Acts.

Outline of provisions

Part 1 Preliminary

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

Clause 2 provides for the commencement of the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Adoption of versions of Commonwealth Help to Buy Act

Clause 4 provides for the adoption, within the meaning of the Constitution of the Commonwealth, section 51(xxxvii), of certain provisions of the Commonwealth Help to Buy Act 2024.

Clause 5 clarifies that it is the intention of the State Parliament that the Commonwealth Help to Buy Act may be amended after the commencement of clause 4 if the amendment is based on legislative power that the Commonwealth Parliament has apart from the referral in clause 6.

Clause 6 refers limited and specific power to the Commonwealth Parliament to enact laws about certain matters relating to the provision of Commonwealth financial assistance under a Help to Buy arrangement.

Clause 7 deals with the termination of an adoption specified in clause 4 and the referral specified in clause 6.

Clause 8 deals with the effect of terminating of the referral specified in clause 6 before the termination of an adoption specified in clause 4.

Part 3 Miscellaneous

Clause 9 sets out matters declared to be excluded matters for the purposes of the Commonwealth Help to Buy Act, section 41A, which deals with circumstances where the Commonwealth Help to Buy program does not apply because of the exclusion of a matter by the law of a State or Territory.

Clause 10 provides that the Minister administering the proposed Act may, for the purposes of the Commonwealth Help to Buy Act, section 46(1), object to regulations or legislative instruments being made under that Act. The Commonwealth Help to Buy Act, section 46 deals with requirements for the approval of States and Territories regulations and other legislative instruments are made under that Act.

Clause 11 enables the Governor to make regulations for the purposes of the proposed Act, including regulations of a savings or transitional nature.

Schedule 1 Amendment of other legislation

Schedule 1.1–1.5 make consequential amendments to the following—

- (a) the *Duties Act 1997*,
- (b) the *Duties Regulation 2022*,
- (c) the *First Home Owner Grant and Shared Equity Act 2000*,
- (d) the *Land Tax Management Act 1956*,
- (e) the *Property Tax (First Home Buyer Choice) Act 2022*.