

## Overview of Bill

The object of this Bill is to provide assistance to persons who purchase homes in regional areas, and are doing so as part of a relocation from a metropolitan area. For that purpose, this Bill authorises the payment of a regional relocation grant of \$7,000 in respect of an eligible home relocation.

## Outline of provisions

### Part 1 Preliminary

**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 on the date of assent to the proposed Act.

**Clause 3** defines certain words and expressions used in the proposed Act. A **metropolitan area** is defined as the Sydney metropolitan area, the Newcastle local government area and the Wollongong local government area.

**Clause 4** defines a regional area as any part of the State that does not fall within a metropolitan area. However, a regional area does not include any local government area declared by the regulations to be an area for which the regional relocation grant is not available.

### Part 2 Regional relocation grant

#### Division 1 Regional relocation grant

**Clause 5** provides that a regional relocation grant is payable, on application under the proposed Act, in respect of the purchase of a home if:

- (a) the purchase is an eligible home relocation, and
- (b) the applicant is an eligible applicant.

**Clause 6** provides that the amount of the grant is \$7,000.

**Clause 7** provides for a maximum of one grant per household.

#### Division 2 Eligible home relocation

**Clause 8** explains that Division 2 of Part 2 of the proposed Act sets out the requirements for an eligible home relocation.

**Clause 9** requires the applicant to purchase a regional home (that is, a home in a regional area).

**Clause 10** requires the purchase of the regional home to commence on or after 1 July 2011 and before 1 July 2015. A purchase of a regional home **commences**:

- (a) in the case of a transfer of land that is made pursuant to an agreement for the sale or transfer of land—on the date the agreement is entered into, or
- (b) in the case of a transfer of land that is made otherwise than pursuant to an agreement for the sale or transfer of land—on the date the transfer is first executed.

**Clause 11** requires the purchase of the regional home to be completed. A purchase of a regional home is **completed** when the applicant becomes entitled to possession of the home and, if the interest in the land acquired by the applicant is registrable under a law of the State, the interest is so registered.

**Clause 12** requires the regional home to be ready for use and occupation as a place of residence before the purchase is completed.

**Clause 13** requires the value of the purchase not to exceed \$600,000 and sets out how the purchase is to be valued.

**Clause 14** requires the purchase to comprise the whole of the parcel of land concerned.

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**Clause 15** requires the applicant to relocate from a metropolitan area. An applicant relocates from a metropolitan area if:

- (a) the applicant is, within 12 months before the purchase of the regional home commences, an owner of a metropolitan home that is used and occupied by the

applicant as a principal place of residence, and  
(b) the applicant disposes of the metropolitan home before the purchase of the regional home is completed or within the period allowed for residence relocation.

**Clause 16** requires the applicant to use and occupy the regional home that is purchased as a principal place of residence for a continuous period of at least 12 months, with that occupation starting within 12 months (or such longer period as the Chief Commissioner may approve) after the purchase is completed.

**Clause 17** provides that the regional home, and the land on which it is situated, must not be used or made available for use for any purpose that is not ancillary to use and occupation of the land for residential purposes. However, the purchase of a farming property that includes a home is not excluded.

### **Division 3 Eligible applicant**

**Clause 18** explains that Division 3 of Part 2 of the proposed Act sets out the requirements for an eligible applicant.

**Clause 19** requires the applicant to be a natural person.

**Clause 20** requires the applicant, or at least one of them, to be an Australian citizen or permanent resident.

**Clause 21** excludes an applicant who has previously been paid the grant.

**Clause 22** excludes an applicant who purchases a regional home as trustee.

### **Part 3 Application for grant**

#### **Division 1 Application for grant**

**Clause 23** sets out the rules for making an application for a regional relocation grant to the Chief Commissioner of State Revenue (the **Chief Commissioner**).

**Clause 24** requires all interested persons to be applicants.

**Clause 25** enables the Chief Commissioner to require an applicant to provide information or further information about an application.

#### **Division 2 Decision on application**

**Clause 26** provides that the Chief Commissioner is to decide whether a regional relocation grant is payable in respect of an application.

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**Clause 27** enables the Chief Commissioner to authorise payment of a regional relocation grant in anticipation of compliance with any of the requirements for an eligible home relocation, subject to a defined condition. It is an offence to fail to comply with that condition when the grant is paid in advance.

**Clause 28** enables the Chief Commissioner to impose other conditions on the payment of a regional relocation grant. It is an offence to fail to comply with such conditions.

**Clause 29** provides for the method of payment of a regional relocation grant.

**Clause 30** gives the Chief Commissioner power to vary or reverse a decision to pay the regional relocation grant.

**Clause 31** requires the Chief Commissioner to give notice of a decision to authorise or refuse payment of a regional relocation grant or to vary or reverse a decision on an application.

### **Part 4 Repayment of grant**

**Clause 32** authorises the Chief Commissioner to require an applicant to repay a grant in certain circumstances. The provision also authorises the Chief Commissioner to charge interest on an overdue payment and to charge a penalty for a dishonest claim.

**Clause 33** provides that any liability of an applicant to pay or repay an amount to the Chief Commissioner under the proposed Act is a charge on the applicant's interest in the home that is the subject of the purchase for which the regional relocation grant was sought.

**Clause 34** authorises the Chief Commissioner to require a person (other than the applicant) to whom a grant is paid in error to repay the grant. The provision also authorises the Chief Commissioner to charge interest on an overdue payment.

**Clause 35** authorises the Chief Commissioner to recover from a relevant third party any amount that is payable by a grant recipient but which remains unpaid.

**Clause 36** authorises the Chief Commissioner to enter into an arrangement for the payment of a liability under the proposed Act by instalments.

**Clause 37** authorises the Chief Commissioner to write off liabilities under the proposed Act.

**Clause 38** authorises the Chief Commissioner to remit, in whole or in part, an amount a person is required to pay under the proposed Act.

## **Part 5 Objections and reviews**

### **Division 1 Objections**

**Clause 39** enables objections to be made to decisions made by the Chief Commissioner under the proposed Act.

**Clause 40** sets a time limit for lodging an objection.

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**Clause 41** requires the grounds for an objection to be stated in the objection.

**Clause 42** places the onus of proving the objector's case on the objector.

**Clause 43** provides that the Chief Commissioner may allow or disallow an objection and reverse, vary or confirm the original decision.

**Clause 44** requires the Chief Commissioner to give an objector notice of the determination of an objection.

### **Division 2 Reviews**

**Clause 45** enables an objector who is dissatisfied with the Chief Commissioner's determination of an objection to apply to the Administrative Decisions Tribunal for a review of the Chief Commissioner's original decision.

**Clause 46** provides that the Administrative Decisions Tribunal may confirm, vary or reverse the original decision and make further orders as to costs or otherwise.

## **Part 6 Administration**

### **Division 1 Administration generally**

**Clause 47** provides that the Chief Commissioner is responsible to the Minister for the administration of the scheme provided for by the proposed Act.

**Clause 48** authorises the Chief Commissioner to delegate functions related to the administration of the scheme.

**Clause 49** authorises the Chief Commissioner to appoint persons as authorised officers. A person who is an authorised officer for the purposes of a taxation law (as referred to in section 68 of the *Taxation Administration Act 1996*) is taken to be an authorised officer for the purposes of the proposed Act.

### **Division 2 Powers of investigation**

**Clause 50** authorises the Chief Commissioner to carry out an **authorised investigation** for the purpose of the proposed Act, including in relation to whether an application for a grant has been properly made, whether an applicant who received the grant was eligible for the grant and any other matter reasonably related to the administration of the proposed Act.

**Clause 51** authorises the Chief Commissioner to exercise certain powers in connection with an authorised investigation.

**Clause 52** authorises the Chief Commissioner to require a valuation to be provided, or to have a valuation made, of property for the purpose of determining the value of a purchase.

**Clause 53** gives the Chief Commissioner access to public documents without the payment of fees.

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**Clause 54** authorises the Chief Commissioner or an authorised officer to take possession of a document and to take copies, extracts or notes from it.

**Clause 55** makes it an offence to prevent the Chief Commissioner or an authorised officer from exercising a function under the proposed Part, to hinder or obstruct the Chief Commissioner or an authorised officer in the exercise of such a function, or to refuse or fail to comply with a requirement made by the Chief Commissioner or an authorised officer. The maximum penalty is 100 penalty units (currently \$11,000).

#### **Part 7 Closure of scheme**

**Clause 56** provides that the scheme established by the proposed Act is intended to assist in up to 40,000 eligible home relocations. Accordingly, the **scheme target** is 40,000 regional relocation grants.

**Clause 57** authorises the Minister to appoint a date as the scheme closure date, by order published on the NSW legislation website, if it appears to the Minister that the number of regional relocation grants authorised to be paid under the proposed Act has exceeded or will exceed the scheme target.

**Clause 58** provides that a regional relocation grant is not payable in respect of the purchase of a regional home if the purchase is commenced after the scheme closure date. However, the scheme target, or the appointment of a scheme closure date, does not affect the operation of the proposed Act in respect of purchases commenced on or before the scheme closure date.

#### **Part 8 Miscellaneous**

**Clause 59** makes it an offence to knowingly give false or misleading information to an authorised officer or in relation to an application under the proposed Act. The maximum penalty is 100 penalty units (currently \$11,000).

**Clause 60** protects the confidentiality of certain information obtained in the course of work related to the administration of the proposed Act.

**Clause 61** enables evidence relating to grants or the imposition of penalties to be given by certificate signed by the Chief Commissioner.

**Clause 62** provides that proceedings for offences under the proposed Act are to be dealt with summarily and that proceedings for an offence may be commenced within 3 years of the date on which it is alleged an offence was committed.

**Clause 63** provides for the appropriation of funds from the Consolidated Fund for the payment of grants under the proposed Act.

**Clause 64** protects persons involved in the administration of the proposed Act from personal liability.

**Clause 65** enables the Governor to make regulations for the purposes of the proposed Act.

**Clause 66** provides for the repeal of the proposed Act on 1 January 2019.

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#### **Schedule 1 Savings, transitional and other provisions**

**Schedule 1** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

#### **Schedule 2 Amendment of Acts**

**Schedule 2** makes the following consequential amendments:

(a) an amendment to the *Administrative Decisions Tribunal Act 1997* allocating the exercise of the Administrative Decisions Tribunal's functions under the proposed Act to its Revenue Division,

(b) amendments to the *Taxation Administration Act 1996* that ensure that tax

officers can disclose information obtained under or in relation to the administration of a taxation law in connection with the administration or execution of the proposed Act.