



New South Wales

State Revenue Legislation Amendment (Defence Force Concessions) Act 2009 No 76

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State Revenue Legislation Amendment (Defence Force Concessions) Act 2009 No 76

Act No 76, 2009

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. [Assented to 3 November 2009]

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.

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

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):

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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):

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[Agreement in principle speech made in Legislative Assembly on 21 October 2009
Second reading speech made in Legislative Council on 28 October 2009]

BY AUTHORITY