

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

[2009-76]



New South Wales

## Status Information

### Currency of version

Repealed version for 3 November 2009 to 3 November 2009 (accessed 19 July 2024 at 3:31)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 4.11.2009.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 4 November 2009

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



New South Wales

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.

## 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):

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

## **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*