

# Duties Amendment (First Home—New Home) Act 2011 No 43

[2011-43]



New South Wales

## Status Information

### Currency of version

Repealed version for 20 September 2011 to 1 January 2012 (accessed 27 December 2024 at 15:48)

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The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.1.2012.

### 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 2 January 2012

# Duties Amendment (First Home—New Home) Act 2011 No 43



New South Wales

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# Duties Amendment (First Home—New Home) Act 2011 No 43



New South Wales

An Act to amend the *Duties Act 1997* in relation to the duty exemptions and concessions available to first home buyers.

## 1 Name of Act

This Act is the *Duties Amendment (First Home—New Home) Act 2011*.

## 2 Commencement

This Act commences on 1 January 2012.

## Schedule 1 Amendment of *Duties Act 1997* No 123

### [1] Chapter 2 (except sections 87A, 87D and 92)

Omit “First Home Plus” wherever occurring.

Insert instead “First Home—New Home”.

### [2] Chapter 2, Part 8, heading

Omit the heading. Insert instead:

Part 8 **Exemption and concession schemes for home transactions**

### [3] Chapter 2, Part 8, Division 1, Subdivision 1, heading

Omit the heading.

### [4] Section 69 The nature of the scheme

Insert “a new home that is” after “acquiring”.

### [5] Section 69

Omit “and any mortgage given to assist the financing of the acquisition”.

**[6] Section 70 Commencement**

Omit “4 April 2004” wherever occurring. Insert instead “1 January 2012”.

**[7] Section 70 (c)**

Omit the paragraph.

**[8] Section 74 Eligible agreements or transfers**

Insert “new home that is a” after “acquisition of a” where firstly occurring in section 74 (1).

**[9] Section 77 Eligible mortgages**

Omit the section.

**[10] Sections 78B (3) and (5) and 80A**

Omit “Subdivision” wherever occurring. Insert instead “Division”.

**[11] Section 80A Definitions**

Insert in alphabetical order:

**home** means a building (affixed to land) that:

- (a) may lawfully be used as a place of residence, and
- (b) is, in the Chief Commissioner’s opinion, a suitable building for use as a place of residence.

**new home** means a home that has not been previously occupied or sold as a place of residence, and includes a substantially renovated home.

**substantially renovated home** means a home that:

- (a) is new residential premises within the meaning of section 40-75 (1) (b) of the [A New Tax System \(Goods and Services Tax\) Act 1999](#) of the Commonwealth, and
- (b) as renovated, has not been previously occupied or sold as a place of residence.

**[12] Chapter 2, Part 8, Division 1, Subdivisions 1A and 2**

Omit the Subdivisions.

**[13] Chapter 2, Part 8, Divisions 1A and 2**

Omit the Divisions.

**[14] Section 221 Eligible mortgages under First Home Plus**

Omit the section.

**[15] Schedule 1 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Duties Amendment (First Home—New Home) Act 2011*

**[16] Schedule 1**

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provisions consequent on enactment of Duties  
Amendment (First Home—New Home) Act 2011**

**First Home Plus scheme**

A provision of Division 1 of Part 8 of Chapter 2 that, immediately before 1 January 2012, applied in respect of the following transactions and instruments continues to apply in respect of those transactions and instruments in the same way as it applied before the amendment of that Division by the *Duties Amendment (First Home—New Home) Act 2011*:

- (a) agreements for sale or transfer entered into on or after 4 April 2004 but before 1 January 2012,
- (b) transfers that occur on or after 4 April 2004 but before 1 January 2012,
- (c) transfers that occur on or after 1 January 2012 that are made in conformity with an agreement for sale or transfer referred to in paragraph (a).

**NSW Housing Construction Acceleration Plan**

Division 1A of Part 8 of Chapter 2, as in force immediately before its repeal by the *Duties Amendment (First Home—New Home) Act 2011*, continues to apply in respect of agreements for sale or transfer, and transfers, to which that Division applied immediately before its repeal.