

Royalty Legislation Amendment Bill 2020

Amendments during consideration in detail to be moved by
The Honourable the Treasurer, Minister for Infrastructure and Planning

1 Clause 2 (Commencement)

Page 14, line 7, after ‘Act’—

insert—

, other than parts 2A, 2B and 12 and schedule 1,

2 After clause 4

Page 14, after line 22—

insert—

Part 2A Amendment of Duties Act 2001

4A Act amended

This part amends the *Duties Act 2001*.

4B Insertion of new ch 17, pt 26

Chapter 17—

insert—

Part 26 Transitional provision for Royalty Legislation Amendment Act 2020

675 Retrospective effect of definition *defined relative*

- (1) The new definition applies, and is taken to have applied, in relation to a dutiable transaction for which liability for transfer

duty arose on or after 23 May 2018.

- (2) Subsection (3) applies in relation to a dutiable transaction for which liability for transfer duty arose on or after 23 May 2017 but before 23 May 2018 (the *relevant period*).
- (3) The former definition is, in relation to a person, taken to have included—
- (a) a child of an aunt or uncle of the person; and
 - (b) the spouse of a person mentioned in paragraph (a).
- (4) In this section—

former definition means schedule 6, definition *defined relative* as in force during the relevant period.

new definition means schedule 6, definition *defined relative* as amended by the *Royalty Legislation Amendment Act 2020*.

4C Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definition *defined relative*—
insert—
- (fa) a child of an aunt or uncle of the person or a child of the spouse of an aunt or uncle of the person;
- (2) Schedule 6, definition *defined relative*, paragraph (g), ‘to (f)’—
omit, insert—
to (g)
- (3) Schedule 6, definition *defined relative*, paragraphs (fa) and (g)—
renumber as paragraphs (g) and (h).

3 Before part 3

Page 15, before line 1—

insert—

**Part 2B Amendment of First
Home Owner Grant Act
2000**

4D Act amended

This part amends the *First Home Owner Grant Act 2000*.

4E Amendment of long title

Long title, after ‘owners’—

insert—

, and to provide for a scheme for the payment of other particular grants to home owners

4F Amendment of s 1 (Short title)

Section 1, ‘*First Home Owner Grant Act 2000*’—
omit, insert—

*First Home Owner Grant and Other Home
Owner Grants Act 2000*

**4G Amendment of pt 2, div 2, hdg (Basic
concepts)**

Part 2, division 2, heading, after ‘concepts’—

insert—

for first home owner grants

4H Insertion of new s 3A

Before section 4—

insert—

3A Application of division

This division applies in relation to first home owner grants.

4I Insertion of new pt 3, div 1A

Part 3, before division 1—

insert—

Division 1A Preliminary

9A Application of part

This part applies in relation to first home owner grants.

4J Insertion of new pts 3A and 3B

After section 25E—

insert—

Part 3A Regional home building boost grants

Division 1 Preliminary

25F Application of part

This part applies in relation to regional home building boost grants.

25G Commissioner's functions and powers

- (1) The commissioner is responsible for administering the RHBBG direction.
- (2) The commissioner has the power to do all things necessary or convenient to be done for performing the commissioner's function under subsection (1).

Division 2 Entitlement to grant

25H Application for grant and when grant is payable

- (1) A person who is eligible to apply for a regional home building boost grant under the RHBBG direction may apply for the grant.
- (2) An application for a regional home building boost grant must comply with the RHBBG direction.
- (3) An applicant for a regional home building boost grant is entitled to be paid the grant if—
 - (a) the applicant, or if there are 2 or more of them, each of the applicants, complies with the eligibility criteria for the grant under the RHBBG direction; and
 - (b) the transaction for which the grant is sought—
 - (i) is an eligible RHBBG transaction; and
 - (ii) has been completed within the meaning of the RHBBG direction.

Note—

See also section 25I(2).

- (4) Only 1 regional home building boost grant is payable for the same eligible RHBBG transaction.

Division 3 Decision on application

25I Commissioner to decide applications

- (1) The commissioner must authorise the payment of a regional home building boost grant if the commissioner is satisfied the grant is payable on an application for the grant.
- (2) Also, if the RHBBG direction provides for the commissioner to authorise the payment of a regional home building boost grant in anticipation of the applicant for the grant complying with particular stated requirements, the commissioner may authorise the payment as provided for by the direction.

25J Amount of grant

The amount of a regional home building boost grant is the lesser of the following—

- (a) the consideration for the eligible RHBBG transaction less the amount of a first home owner grant paid to the applicant in relation to the eligible RHBBG transaction;
- (b) \$5,000.

25K Payment of grant

A regional home building boost grant

authorised by the commissioner must be paid—

- (a) to the applicant for the grant; and
- (b) in the way stated in the RHBBG direction.

25L Conditions

- (1) The payment of a regional home building boost grant is subject to—
 - (a) the conditions stated in the RHBBG direction; and
 - (b) any other condition imposed by the commissioner.
- (2) Without limiting subsection (1), a condition may require a person on whose application the grant was made to—
 - (a) give notice of non-compliance with a condition within the period stated in the condition; and
 - (b) repay the amount of the grant within the period stated in the condition for repaying the amount.
- (3) A person must not, without reasonable excuse, fail to comply with a condition mentioned in subsection (1) or (2).

Maximum penalty—40 penalty units.

25M Notice of decision

- (1) If the commissioner decides an application for a regional home building boost grant, or decides to vary or reverse an earlier decision on an application for a regional home building boost grant, the commissioner must give the applicant written notice of the

decision.

- (2) If the decision is to refuse an application for a regional home building boost grant, or to vary or reverse an earlier decision on an application for a regional home building boost grant, the notice must state the following—
- (a) the reasons for the decision;
 - (b) that the person may, within 60 days after receiving the notice, object to the decision;
 - (c) how to object.

Note—

See part 5.

25N Investigations and enforcement

- (1) The commissioner may carry out an investigation (an *authorised investigation*) to decide—
- (a) whether an application under this Act for a regional home building boost grant has been properly made; or
 - (b) whether an objection to a decision made under this Act in relation to a regional home building boost grant should be upheld; or
 - (c) whether an applicant for a regional home building boost grant to whom the grant has been paid was eligible for the grant under the RHBBG direction; or
 - (d) whether a condition on which a regional home building boost grant has been paid has been complied with; or
 - (e) another matter reasonably related to the administration or enforcement of this

Act in relation to a regional home building boost grant.

- (2) Part 4 applies in relation to the investigation and enforcement of a matter relating to a regional home building boost grant as if—
- (a) a reference to a first home owner grant included a reference to a regional home building boost grant; and
 - (b) a reference to an applicant or former applicant included a reference to an applicant or former applicant for a regional home building boost grant; and
 - (c) a reference to an application included a reference to an application for a regional home building boost grant; and
 - (d) a reference to a home included a reference to a home within the meaning of the RHBBG direction; and
 - (e) a reference in section 51A(1)(b) to a contravention of a section included a contravention of section 25L(3).

Part 3B Home builder grants

Division 1 Preliminary

250 Application of part

This part applies in relation to home builder grants.

25P Commissioner's functions and powers

- (1) The commissioner is responsible for administering the home builder direction.
- (2) The commissioner has the power to do all things necessary or convenient to be done for performing the commissioner's function under subsection (1).

Division 2 Entitlement to grant

25Q Application for grant and when grant is payable

- (1) A person who is eligible to apply for a home builder grant under the home builder direction may apply for the grant.
- (2) An application for a home builder grant must comply with the home builder direction.
- (3) An applicant for a home builder grant is entitled to be paid the grant if—
 - (a) the applicant or, for a joint application, each of the applicants, complies with the eligibility criteria for the grant under the home builder direction; and
 - (b) the transaction for which the grant is sought is an eligible home builder transaction; and
 - (c) the relevant requirement in relation to the eligible home builder transaction has been met.

Note—

See also section 25R(2).

- (4) Only 1 home builder grant is payable for the same eligible home builder transaction.
- (5) In this section—

relevant requirement, in relation to an eligible home builder transaction, means—

- (a) if the transaction is a contract for the purchase of a new home within the meaning of the home builder direction—the contract has been completed within the meaning of the home builder direction; or
- (b) if the transaction is a comprehensive home building contract within the meaning of the home builder direction—the foundations have been laid and the first progress payment has been paid to the builder under the contract; or
- (c) if the transaction is a contract for a substantial renovation within the meaning of the home builder direction—construction under the contract has commenced and at least \$150,000 of the contract price has been paid to the builder under the contract.

Division 3 Decision on application

25R Commissioner to decide applications

- (1) The commissioner must authorise the payment of a home builder grant if the commissioner is satisfied the grant is payable on an application for the grant.
- (2) Also, if the home builder direction provides for the commissioner to authorise the payment of a home builder grant in anticipation of the applicant for the grant complying with particular stated

requirements, the commissioner may authorise the payment as provided for by the direction.

25S Amount of grant

The amount of a home builder grant is \$25,000.

25T Payment of grant

A home builder grant authorised by the commissioner must be paid—

- (a) to the applicant for the grant; and
- (b) in the way stated in the home builder direction.

25U Conditions

- (1) The payment of a home builder grant is subject to—
 - (a) the conditions stated in the home builder direction; and
 - (b) any other conditions imposed by the commissioner.
- (2) Without limiting subsection (1), a condition may require a person on whose application the grant was made to—
 - (a) give notice of non-compliance with a condition within the period stated in the condition; and
 - (b) repay the amount of the grant within the period stated in the condition for repaying the amount.
- (3) A person must not, without reasonable excuse, fail to comply with a condition mentioned in subsection (1) or (2).

Maximum penalty—40 penalty units.

25V Notice of decision

- (1) If the commissioner decides an application for a home builder grant, or decides to vary or reverse an earlier decision on an application for a home builder grant, the commissioner must give the applicant written notice of the decision.
- (2) If the decision is to refuse an application for a home builder grant, or to vary or reverse an earlier decision on an application for a home builder grant, the notice must state the following—
 - (a) the reasons for the decision;
 - (b) that the person may, within 60 days after receiving the notice, object to the decision;
 - (c) how to object.

Note—

See part 5.

25W Investigations and enforcement

- (1) The commissioner may carry out an investigation (an *authorised investigation*) to decide—
 - (a) whether an application under this Act for a home builder grant has been properly made; or
 - (b) whether an objection to a decision made under this Act in relation to a home builder grant should be upheld; or
 - (c) whether an applicant for a home builder grant to whom the grant has

- been paid was eligible for the grant under the home builder direction; or
- (d) whether a condition on which a home builder grant has been paid has been complied with; or
 - (e) another matter reasonably related to the administration or enforcement of this Act in relation to a home builder grant.
- (2) Part 4, other than section 49, applies in relation to the investigation and enforcement of a matter relating to a home builder grant as if—
- (a) a reference to a first home owner grant included a reference to a home builder grant; and
 - (b) a reference to an applicant or former applicant included a reference to an applicant or former applicant for a home builder grant; and
 - (c) a reference to an application included a reference to an application for a home builder grant; and
 - (d) a reference to a home included a reference to a home within the meaning of the home builder direction; and
 - (e) a reference in section 51A(1)(b) to a contravention of a section included a contravention of section 25U(3).

4K Amendment of s 27 (Limitation of authorised officer's powers)

Section 27—

insert—

- (4) An authorised officer who is an officer or employee of an authority responsible for the

administration of a corresponding law may exercise the powers of an authorised officer under this Act only in relation to a first home owner grant.

4L Amendment of s 31 (Commissioner may carry out investigations under corresponding laws)

Section 31, after ‘investigation’—

insert—

, to the extent it relates to a first home owner grant,

4M Amendment of s 56 (Lodging objection)

Section 56(1)—

omit, insert—

- (1) This section applies to an applicant or former applicant for a first home owner grant, regional home building boost grant or home builder grant who is dissatisfied with a decision of the commissioner—
 - (a) on the applicant’s or former applicant’s application for the grant; or
 - (b) to require payment of an amount under section 47 in relation to the grant.
- (1A) The applicant or former applicant may lodge a written objection for the decision with the commissioner.

4N Amendment of s 65 (Delegations)

Section 65(2), after ‘part 4’—

insert—

in relation to a first home owner grant

40 Amendment of s 67 (Protection from liability)

Section 67(1), after ‘this Act’—

insert—

, the RHBBG direction or the home builder direction

4P Amendment of s 68 (Offence to disclose confidential information)

(1) Section 68(1)(a), after ‘this Act’—

insert—

, the RHBBG direction or the home builder direction

(2) Section 68(3)(c)(i), after ‘this Act’—

insert—

, the RHBBG direction, the home builder direction

(3) Section 68(3)—

insert—

(e) to the extent required to comply with the agreement between the Commonwealth and the State called ‘National Partnership on HomeBuilder’.

(4) Section 68(4), after ‘administering this Act’—

insert—

, the RHBBG direction or the home builder direction

(5) Section 68(6), after ‘of a law’—

insert—

, the RHBBG direction or the home builder direction

- (6) Section 68(7), definition *confidential information*—
omit, insert—

confidential information means information held by the commissioner, including information given on an application under this Act, that relates to a particular application for a first home owner grant, regional home building boost grant or home builder grant.

4Q Amendment of s 69A (Disqualifying arrangements)

Section 69A, heading, after ‘arrangements’—
insert—

for first home owner grants

4R Amendment of s 69B (Valuation or evidence of value of property)

- (1) Section 69B(1), after ‘eligible transaction’—
insert—

, eligible RHBBG transaction or eligible home builder transaction

- (2) Section 69B(4), definition *property*—
omit, insert—

property means—

- (a) in relation to a first home owner grant—
- (i) a home; or
 - (ii) land; or
 - (iii) a relevant interest in land; or

- (b) in relation to a regional home building boost grant—
 - (i) a home within the meaning of the RHBBG direction; or
 - (ii) land; or
 - (iii) an estate in fee simple in land; or
 - (c) in relation to a home builder grant—
 - (i) a home within the meaning of the home builder direction; or
 - (ii) land; or
 - (iii) an estate in fee simple in land.
- (3) Section 69B, definition *relevant person*, after ‘grant’—
insert—
 , regional home building boost grant or home builder grant

4S Insertion of new pt 13

After section 82—

insert—

Part 13

Transitional provisions for Royalty Legislation Amendment Act 2020

83 Application of Act for pre-commencement applications and relevant decisions

- (1) This Act applies in relation to a pre-commencement application or relevant decision as if it were an application or

decision made under this Act.

- (2) However, if it is an offence for a person to contravene a provision of this Act, the provision applies in relation to a pre-commencement application or relevant decision, or the grant to which the application or decision relates, only if the act or omission constituting the offence occurs wholly after the commencement.
- (3) For section 56(3), an objection to a relevant decision made before the commencement must be lodged within 60 days after the commencement.
- (4) In this section—

pre-commencement application means an application for a grant made under the RHBBG direction or home builder direction before the commencement.

relevant decision means a decision by the commissioner on a pre-commencement application for a regional home building boost grant or home builder grant, whether the decision is made before or after the commencement.

84 Protection from liability for particular officials

- (1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under the RHBBG direction or home builder direction before the commencement.
- (2) In this section—

official means—

 - (a) the commissioner; or

- (b) an officer or employee of the department to whom the commissioner has delegated powers under the RHBBG direction or home builder direction.

85 Application of s 68 to particular information

Section 68 applies to information held by the commissioner, whether the information was given before or after the commencement.

86 References to First Home Owner Grant Act 2000

A reference in a document to the *First Home Owner Grant Act 2000* may, if the context permits, be taken to be a reference to this Act.

4T Amendment of schedule (Dictionary)

- (1) Schedule, definition *authorised investigation*—
omit.
- (2) Schedule—
insert—

authorised investigation means—

- (a) for a first home owner grant—an investigation to decide—
 - (i) whether an application under this Act or a corresponding law for a first home owner grant has been properly made; or
 - (ii) whether an objection to a decision made under this Act or a

corresponding law should be upheld; or

- (iii) whether an applicant to whom, or for whose benefit, a first home owner grant has been paid under this Act or a corresponding law was eligible for the grant; or
 - (iv) whether a condition on which a first home owner grant has been paid under this Act or a corresponding law has been complied with; or
 - (v) another matter reasonably related to the administration or enforcement of this Act or a corresponding law; or
- (b) for a regional home building boost grant—an investigation mentioned in section 25N(1); or
 - (c) for a home builder grant—an investigation mentioned in section 25W(1).

eligible home builder transaction means an eligible transaction within the meaning of the home builder direction.

eligible RHBBG transaction means an eligible transaction within the meaning of the RHBBG direction.

home builder direction means the administrative direction called ‘Australian Government HomeBuilder Grant—Queensland’ made by the Minister and published on the department’s website.

home builder grant means a grant payable under part 3B.

regional home building boost grant means a

grant payable under part 3A.

RHBBG direction means the administrative direction called ‘Regional home building boost grant’ made by the Minister and published on the department’s website.

- (3) Schedule, definition *corresponding law*, after ‘this Act’—

insert—

to the extent it relates to a first home owner grant

4 Clause 97 (Insertion of new ch 6, pts 1–7)

Page 71, line 14, ‘producer.’—

omit, insert—

producer; and

5 Clause 97 (Insertion of new ch 6, pts 1–7)

Page 71, after line 14—

insert—

(c) the petroleum is not supply gas.

6 Clause 97 (Insertion of new ch 6, pts 1–7)

Page 91, line 2, before ‘hedge’—

insert—

average

7 After clause 159

Page 156, after line 10—

insert—

Part 12 Legislation amended

160 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Legislation amended

section 160

Building Boost Grant Act 2011

1 Schedule, definition *First Home Owner Grant Act*, ‘*First Home Owner Grant Act 2000*’—

omit, insert—

First Home Owner Grant and Other Home Owner Grants Act 2000

First Home Owner Grant Regulation 2010

1 Section 1, ‘*First Home Owner Grant Regulation 2010*’—

omit, insert—

First Home Owner Grant and Other Home Owner Grants Regulation 2010

8 Long title

Long title, after ‘2018,’—

insert—

the Duties Act 2001, the First Home Owner Grant Act 2000,

9 Long title

Long title, ‘and the’—

omit, insert—

, the

10 Long title

Long title, before ‘for particular’—

insert—

and the legislation mentioned in schedule 1

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