

# Royalty Legislation Amendment Bill 2020

## Explanatory Notes for Amendments to be Moved During Consideration in Detail by the Honourable Cameron Dick MP

### Title of the Bill

Royalty Legislation Amendment Bill 2020

### Objectives of the Amendments

#### Amendments to the *Duties Act 2001*

Amendments are to be made to the *Duties Act 2001* (Duties Act) to give retrospective legislative effect to three beneficial administrative arrangements that extended the family primary production business transfer duty concession to dutiable transactions between a person and their first cousin, or first cousin's spouse. Additionally, the amendments ensure the extension of this concession is continued on a permanent basis. These amendments provide certainty for taxpayers and maintain the currency of the Duties Act.

#### Amendments to the *First Home Owner Grant Act 2000*

Amendments are to be made to the *First Home Owner Grant Act 2000* (FHOG Act) to ensure the necessary legislative provisions are in place to support the proper administration of Queensland's Regional Home Building Boost Grant (RHBBG) and the Australian Government's HomeBuilder Grant (HomeBuilder Grant).

On 4 June 2020, the Prime Minister announced the \$25,000 HomeBuilder Grant, available to eligible owner-occupiers who build a new home or substantially renovate an existing home, where the contract is signed between 4 June 2020 and 31 December 2020. The Australian Government provides funding for the payment of the grant. States and Territories administer the grant on behalf of the Australian Government in accordance with the National Partnership Agreement on HomeBuilder (NPA).

On 16 June 2020, the Queensland Government announced the RHBBG, which provides a one-off \$5,000 grant to eligible owner-occupiers who purchase a new home or commence building a new home in regional Queensland between 4 June 2020 and 31 December 2020.

The Commissioner of State Revenue (Commissioner) administers the grants in accordance with administrative directions, and the NPA in the case of the HomeBuilder Grant. These set out the eligibility criteria, application process and ongoing conditions and obligations for applicants. However, for integrity of administration, legislative administration provisions are also required. In particular the Commissioner requires legislative investigation and enforcement powers and it is appropriate that applicants for these grants are provided with legislative objection and appeal rights.

#### Amendments to the *Petroleum and Gas (Royalty) Regulation 2004*

The Royalty Legislation Amendment Bill 2020 amends the *Petroleum and Gas (Production and Safety) Act 2004* and the *Petroleum and Gas (Royalty) Regulation 2004* (Petroleum and Gas Regulation) to implement a volume model for imposing petroleum royalty from 1 October 2020.

Amendments are to be made to provisions of the Petroleum and Gas Regulation that are included in the Royalty Legislation Amendment Bill 2020 to clarify their operation.

### **Achievement of the Objectives**

#### Amendments to the *Duties Act 2001*

The Duties Act imposes transfer duty on the dutiable value of dutiable transactions, unless an exemption or concession applies. However, a transfer duty concession is available for certain dutiable transactions between specified family members that relate to dutiable property used to carry on particular family businesses of primary production (family farm concession).

Where the family farm concession applies, the dutiable value of the dutiable property to which the transaction relates is taken to be nil. Additionally, if the dutiable property the subject of the dutiable transaction includes residential land adjacent to land used to carry on the business, the dutiable value of the residential land is taken to be nil.

The family farm concession applies to eligible dutiable transactions between a person and a 'defined relative' of the person. The Duties Act definition of 'defined relative' does not currently include a person's cousin nor the cousin's spouse.

From 23 May 2017 to 22 May 2018, an administrative arrangement operated to allow the Duties Act to be administered on the basis that, for the family farm concession, a 'defined relative' includes a person's blood related first cousin and their spouse. From 23 May 2018 to 22 May 2020, two consecutive 12-month administrative arrangements operated to further extend the definition of 'defined relative' to include both blood related first cousins and step cousins (and their spouses). These administrative arrangements were published as Public Rulings DA105.4.1, DA105.4.2 and DA105.4.3 *Extension of concession for dutiable transactions for family business of primary production - defined relative*. The Duties Act will be amended to give retrospective legislative effect to these beneficial administrative arrangements and to ensure continuation of the extended definition of 'defined relative' following the expiry of the latest administrative arrangement.

#### Amendments to the *First Home Owner Grant Act 2000*

The FHOG Act provides for the payment of the first home owner grant in Queensland and is administered by the Commissioner. In addition to setting out the eligibility requirements for the first home owner grant, the FHOG Act contains a range of provisions which provide for administration of the grant. Relevantly, part 4 of the FHOG Act contains provisions relating to authorised officers, investigations and enforcement. Part 5 of the FHOG Act contains provisions relating to objections and reviews. Part 6 of the FHOG Act contains miscellaneous provisions, including delegations, protection from liability for officials, and confidentiality obligations.

Amendments to the FHOG Act will introduce new provisions which will provide for particular matters in relation to the RHBBG and HomeBuilder Grant and will apply particular provisions of parts 4 to 6 as necessary to support administration of the RHBBG and HomeBuilder Grant. As the eligibility period for both grants commenced on 4 June 2020 and applications have already opened, the amendments will generally apply to all applications, including where the application was made before commencement of the amendments. The amendments will also apply to acts or omissions occurring after commencement of the amendments, including where they relate to an application made before commencement. Further, the amendments will provide applicants with objection rights for decisions on applications made prior to the commencement of the amendments.

New provisions of the FHOG Act will provide for payment of a RHBBG or HomeBuilder Grant where the eligibility requirements have been satisfied. New provisions will also provide for particular matters relating to making decisions on applications for a RHBBG or HomeBuilder Grant, including requirements for a notice of decision, authorisation and payment of a grant and the amount of the grant. If a condition is imposed on the payment of a RHBBG or HomeBuilder Grant, it is an offence for a person to fail to comply with the condition and to fail to notify the Commissioner that the condition has not been met and to repay the grant within the stated period.

The amendments to the FHOG Act ensure that the Commissioner, and the Commissioner's delegates, have investigative and enforcement powers similar to those available for first home owner grant administration. In relation to investigations, authorised officers appointed to conduct investigations for the first home owner grant will be authorised to conduct investigations with respect to the RHBBG and the HomeBuilder Grant and they will have the equivalent powers available for first home owner grant investigations. For example, they will have the power to enter premises, to search for things on the premises and to request documents, in connection with administration of the RHBBG and HomeBuilder Grant.

To facilitate enforcement, existing FHOG Act offence provisions will apply for the RHBBG and the HomeBuilder Grant and offences will therefore have the same penalty units. For example, it will be an offence to give the Commissioner or an authorised officer false or misleading documents or statements.

Under the RHBBG and the HomeBuilder Grant administrative directions, applicants are required to satisfy the eligibility criteria and ongoing conditions, such as occupying the home as their principal place of residence for a certain period. Therefore, the grants may be paid to applicants prior to certain conditions, such as occupancy requirements, being satisfied. Accordingly, the administrative directions require applicants to repay the grant where certain conditions of the grant are not complied with, a grant was paid in error or an applicant is later found not to have satisfied the eligibility criteria.

To facilitate enforcement, the amendments to the FHOG Act will provide that a RHBBG or a HomeBuilder Grant is subject to the conditions imposed on the payment of the grant, either by the Commissioner or otherwise under the relevant administrative direction. It will be an offence to fail to comply with the condition and to fail to notify the Commissioner that the condition has not been met and to repay the grant within the stated period.

Where an applicant has failed to repay an amount as required, the Commissioner will have the power to collect amounts from a garnishee and, in relation to the RHBBG, the Commissioner will be able to impose a charge over the land.

The Commissioner will also have the power to impose an administrative penalty where a grant was paid in error because of false or misleading documents or statements provided to the Commissioner, as an alternative to prosecuting for an offence. Similarly, the Commissioner will have the power to impose a penalty where an applicant fails to comply with a requirement to repay a grant paid in error or fails the conditions of the grant.

The offence and penalty provisions will apply prospectively to any act or omission that occurs post-commencement of the amendments, including where an application was made pre-commencement.

For any legal proceedings commenced in relation to a RHBBG or HomeBuilder applicant, the same rules for conducting legal proceedings for the first home owner grant will apply, including that a proceeding for an offence must start within five years after the commission of the offence.

The amendments will also amend the FHOG Act to provide applicants for the RHBBG and HomeBuilder Grant with objection and review rights equivalent to those available to first home owner grant applicants. Therefore, applicants will generally have 60 days after receiving written notice of the Commissioner's decision on their application or requiring repayment of a grant to lodge an objection against the decision. The objection rights will operate retrospectively to ensure that applicants have an opportunity to object to decisions on applications made prior to commencement of the amendments. To ensure these applicants are not disadvantaged, they will have 60 days from commencement of the amendments to object.

Applicants dissatisfied with an objection decision will have the right to seek review by the Queensland Civil and Administrative Tribunal (QCAT). Without these objection and review rights, the only avenue for review for applicants would be to the Supreme Court under the *Judicial Review Act 1991*.

The amendments to the FHOG Act will also ensure that, as appropriate, other miscellaneous administrative provisions in part 6 of the FHOG Act apply to support administration of the RHBBG and HomeBuilder Grant.

For example, provisions of the FHOG Act relating to the use and disclosure of certain information will be amended to ensure they appropriately apply for RHBBG and HomeBuilder Grant administration. Therefore, it will be an offence to disclose confidential information obtained in administering the RHBBG and HomeBuilder Grant, including to the extent it is obtained under an administrative direction, unless the disclosure is permitted. The circumstances in which disclosures are permitted will generally align with permitted disclosures for the first home owner grant. In the case of the HomeBuilder Grant, disclosure of confidential information to the Australian Government for the purposes of the NPA will also be permitted. As is the case for the first home owner grant, the Commissioner will also be allowed to disclose confidential information obtained in the administration and enforcement of the RHBBG and HomeBuilder Grant if the disclosure is in connection with the administration or enforcement of a taxation law (e.g. Duties Act).

Additionally, the Commissioner will have the power to compel an applicant of the RHBBG and HomeBuilder Grant to provide a valuation of the property to which their application relates or the Commissioner may have the property valued and recover the cost from the applicant. This is necessary as eligibility for the RHGGB and the HomeBuilder Grant is dependent on the combined value of the house and land not exceeding certain amounts.

#### Amendments to the *Petroleum and Gas (Royalty) Regulation 2004*

The Royalty Legislation Amendment Bill 2020 amends the Petroleum and Gas Regulation to implement the petroleum royalty volume model.

Under the volume model, gas produced by a petroleum producer during a royalty return period is classified as either domestic gas, supply gas or project gas. Domestic gas is subject to a lower royalty rate than supply gas or project gas.

As all gas produced by a petroleum producer in a royalty return period must be capable of classification for imposing petroleum royalty, the definitions of each type of gas must operate to ensure there can be no overlap or gap between them. However, an issue arises with the drafting of the domestic gas definition in new section 135 of the Petroleum and Gas Regulation as gas that is stored during a royalty return period and then sold to an LNG project may be classified as both domestic gas and supply gas.

The definition of domestic gas therefore requires amendment to clarify that gas that is supply gas under section 136 of the Petroleum and Gas Regulation is not domestic gas, even if it has been stored or kept in the possession of the producer or a reseller during the royalty return period.

A minor amendment is also required to ensure the project gas benchmark price can be properly converted into Australian dollars under new section 148H of the Petroleum and Gas Regulation.

### **Alternative Ways of Achieving Policy Objectives**

As transfer duty in Queensland is administered under legislation, the policy objectives of the amendments relating to the family farm concession can only be achieved by legislative amendment.

Although the RHBBG and Home Builder grants are being administered under administrative directions, and the NPA in the case of the HomeBuilder Grant, primary legislation is required to provide for certain aspects of administration, such as investigation and enforcement powers and review rights. Accordingly, the policy objectives of the amendments relating to these grants can only be achieved by legislative amendment.

### **Estimated Cost for Government Implementation**

The implementation costs for the amendments to the Duties Act are not expected to be significant as the amendments fall within existing frameworks of administration and have been operating under administrative arrangements.

The implementation costs for the amendments to the FHOG Act are expected to be met from within existing budget allocations relating to the RHBBG program and HomeBuilder Grant administration.

### **Consistency with Fundamental Legislative Principles**

The amendments are generally consistent with fundamental legislative principles. Potential inconsistencies are discussed as follows.

***Legislation should have sufficient regard to the rights and liberties of individuals – Legislative Standards Act 1992, section 4(2)(a)***

Amendment 3, clause 4J – amendments to the FHOG Act investigation and enforcement powers

Amendment 3 inserts clause 4J into the Bill, which inserts new section 25N and 25W into the FHOG Act. These new sections, that apply the investigation and enforcement powers in part 4 of the FHOG Act for the RHBBG and HomeBuilder Grant, may affect the rights and liberties of individuals. For example, these provisions apply existing powers under the FHOG Act to enter premises and search for things and they subject applicants of the RHBBG and HomeBuilder Grant to existing offence and penalty provisions under the FHOG Act. However, it is considered that the amendments strike an appropriate balance between maintaining integrity of administration of these beneficial grant programs and protecting the rights and liberties of individuals.

In relation to the powers to enter and search, these powers are necessary to enable effective compliance activities to be conducted and are equivalent to the powers that exist for first home owner grant investigations. In the case of residential premises, power to enter and search can only occur with the occupier's consent or with a warrant. For a place of business, this may only occur without a warrant if the place is open for business or for entry. Additionally, the powers are only permitted in connection with the administration of the RHBBG and HomeBuilder Grant. Accordingly, these limitations on the power to enter, protect individuals from indiscriminate interference with their rights and liberties.

The offence and penalty provisions that RHBBG and HomeBuilder Grant applicants may be subject to are necessary to ensure there are appropriate sanctions in place to disincentivise non-compliance with the eligibility requirements of these beneficial grant programs. This is particularly necessary given the grants may be paid before particular conditions, such as occupancy requirements, are satisfied. Without appropriate sanctions in place, the integrity of these beneficial grant programs may be compromised. However, it is relevant to note that the prosecution would only be reserved for the most serious cases of deliberate non-compliance.



Additionally, the offences and penalties are equivalent to those that currently apply to first home owner grant applicants, ensuring consistent treatment of applicants of home owner grants in Queensland. Further, the existing offence and penalty provisions in the FHOG Act are well-established, having been in place for a number of years and are considered to have sufficient regard to fundamental legislative principles.

***Legislation should not adversely affect rights and liberties, or impose obligations, retrospectively – Legislative Standards Act 1992, sections 4(2)(a) and 4(3)(g)***

Amendment 2, clause 4B – transitional provision for the amendments to the Duties Act

Amendment 2 inserts clause 4B into the Bill, which inserts a transitional provision into the Duties Act which ensures that the amendments to the definition of ‘defined relative’, that give legislative effect to administrative arrangements and continue the extension of the family farm concession, commence retrospectively from 23 May 2017 when the first administrative arrangement took effect. It is not considered that this breaches fundamental legislative principles as the amendments provide a benefit to taxpayers by extending the family farm concession to include eligible dutiable transactions between a person and their first cousin, or first cousin’s spouse. The administrative arrangements were all published as Public Rulings.

Amendment 3, clause 4S – transitional provisions for the amendments to the *First Home Owner Grant Act 2000*

Amendment 3 inserts clause 4S into the Bill, which inserts transitional provisions into the FHOG Act which ensure that RHBBG and HomeBuilder Grant applicants are able to lodge objections against decisions on applications made by the Commissioner prior to commencement of these amendments. Retrospective application ensures that objection and review rights are available in relation to decisions made on applications before commencement, which is beneficial as it ensures that all applicants are afforded procedural fairness, irrespective of when they submitted their application.

Additionally, the transitional provisions ensure that the amendments apply generally to all applications, including where the application was made before commencement. This is necessary given the eligibility period for both grants commenced on 4 June 2020 and applications are already open. The amendments will also apply to acts or omissions occurring on or after commencement of the amendments, including where they relate to an application made before commencement. Importantly, this ensures the offence and penalty

provisions do not operate retrospectively to any conduct arising before commencement.

## **Consultation**

Community consultation on the amendments to the Duties Act was not considered necessary as the amendments have been operating under taxpayer beneficial administrative arrangements.

Community consultation in relation to the amendments to the FHOG Act was not considered necessary or appropriate as the amendments are required to support administration of beneficial grant programs introduced to deliver State and Australian Government policy objectives. The powers and rights being introduced to support administration of the RHBBG and HomeBuilder Grant are generally consistent with those provided in relation to the first home owner grant.

## Notes on Provisions

Amendment 1 amends clause 2 of the Bill which provides for the commencement of the *Royalty Legislation Amendment Act 2020*. This ensures the amendments relating to the Duties Act and the FHOG Act, being introduced during consideration in detail, commence on assent.

Amendment 2 inserts new part 2A into the Bill which amends the Duties Act.

New clause 4A provides that part 2A amends the Duties Act.

New clause 4B inserts new chapter 17, part 26 into the Duties Act which provides a transitional provision for the *Royalty Legislation Amendment Act 2020*. New section 675(1) provides that the definition of 'defined relative' as amended by clause 4C of the Bill, applies, and is taken to have applied, in relation to a dutiable transaction for which a liability for transfer duty arose on or after 23 May 2018.

New sections 675(2) and (3) provide that, if liability for transfer duty on a dutiable transaction arose on or after 23 May 2017 but before 23 May 2018, then the definition of 'defined relative' that was in force during that period is taken to have included a person's blood related first cousin, and their spouse. A 'defined relative' during that period does not include a person's step cousin nor their step cousin's spouse.

New clause 4C amends the Dictionary in schedule 6 to insert new paragraph (g) into the definition of 'defined relative', which is relevant to the transfer duty family farm concession. It also renumbers the paragraphs of the definition as a consequence of new paragraph (g) being inserted. This amendment ensures that a defined relative of a person includes a person's first cousin (both blood related cousin and step cousin) and their spouse.

Amendment 3 inserts new part 2B into the Bill which amends the FHOG Act.

New clause 4D provides that part 2B amends the FHOG Act.

New clause 4E amends the long title of the FHOG Act to reflect the fact the FHOG Act will contain provisions relating to the RHBBG and HomeBuilder Grant in addition to provisions relating to first home owner grants.

New clause 4F amends the short title in section 1 of the FHOG Act to reflect the fact the FHOG Act will contain provisions relating to the RHBBG and the HomeBuilder Grant in addition to provisions relating to first home owner grants.

New clause 4G amends the heading of part 2, division 2 of the FHOG Act, to reflect that the basic concepts set out in that division only apply for first home owner grants.

New clause 4H inserts new section 3A into the FHOG Act which provides that part 2, division 2 applies in relation to first home owner grants.

New clause 4I inserts new division 1A into part 3 of the FHOG Act, which provides that part 3 applies only in relation to first home owner grants.

New clause 4J inserts new parts 3A and 3B into the FHOG Act.

The sections of new part 3A are explained below:

- New section 25F provides that part 3A applies in relation to RHBBGs.
- New section 25G provides that the Commissioner is responsible for administering the RHBBG direction and has the power to do all things necessary and convenient to be done for performing that function.
- New section 25H provides for the making of an application for a RHBBG and sets out when a RHBBG is payable. The RHBBG is payable at different times depending on whether the eligible RHBBG transaction is a contract for the purchase of a new home, a contract to have a home built or the building of a home by an owner builder. Section 25H also clarifies that only one RHBBG is payable for the same eligible RHBBG transaction.
- New section 25I provides for the Commissioner to decide applications for the RHBBG. Section 25I(1) provides that the Commissioner must authorise payment of a RHBBG if satisfied that the grant is payable on an application. Section 25I(2) clarifies that the Commissioner may authorise payment of a RHBBG in anticipation of an applicant complying with particular stated requirements. For example, the Commissioner may authorise payment in anticipation of the applicant complying with occupancy requirements.
- Section 25J sets out the amount of the RHBBG. The amount is the lesser of 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, and \$5,000.

- Section 25K provides that a RHBBG must be paid to the applicant for the grant and in the way stated in the RHBBG direction. The RHBBG direction provides that a grant must be paid by electronic funds transfer, cheque or in any other way the Commissioner considers appropriate.
- Section 25(1) provides that payment of a RHBBG is subject to the conditions stated in the RHBBG direction and any other conditions imposed by the Commissioner. Section 25(2) provides that a person may be required to give notice of non-compliance with a condition and repay the grant. It is an offence for a person to fail to comply with a condition mentioned in section 25(1) or (2) without reasonable excuse. A maximum penalty of 40 penalty units applies to the offence.
- Section 25M requires the Commissioner to give an applicant written notice if the Commissioner decides an application, or decides to vary or reverse an earlier decision on an application for a RHBBG. If the decision is to refuse an application, or to vary or reverse an earlier decision on an application, the written notice must set out the reasons for the decision and information on how to lodge an objection.
- Section 25N(1) enables the Commissioner to carry out authorised investigations to decide particular matters, including for example, whether a condition on which a RHBBG has been paid has been complied with. Section 25N(2) applies part 4 of the FHO Act in relation to the investigation and enforcement of a matter relating to a RHBBG, with necessary modifications.

New part 3B relates to the HomeBuilder Grant. The sections of new part 3B are explained below:

- Section 25O provides that part 3B applies in relation to HomeBuilder Grants.
- Section 25P provides that the Commissioner is responsible for administering the home builder direction and has the power to do all things necessary and convenient to be done for performing that function.
- Section 25Q provides for the making of an application for a HomeBuilder Grant and sets out when a HomeBuilder Grant is payable. The HomeBuilder grant is payable at different times depending on whether the eligible home builder transaction is for the purchase of a new home, a comprehensive home building contract or a contract for a substantial renovation. Section 25Q also clarifies that only one HomeBuilder Grant is payable for the same eligible home builder transaction.

- Section 25R provides for the Commissioner to decide applications for the HomeBuilder Grant. Section 25R(1) provides that the Commissioner must authorise payment of a HomeBuilder Grant if satisfied that the grant is payable on an application. Section 25R(2) clarifies that the Commissioner may authorise payment of a HomeBuilder Grant in anticipation of an applicant complying with particular stated requirements. For example, the Commissioner may authorise payment in anticipation of the applicant complying with occupancy requirements.
- Section 25S provides that the amount of the HomeBuilder Grant is \$25,000.
- Section 25T provides that a HomeBuilder Grant must be paid to an applicant for the grant and in the way stated in the home builder direction. The home builder direction provides that a grant must be paid by electronic funds transfer, cheque or in any other way the Commissioner considers appropriate.
- Section 25U(1) provides that payment of a HomeBuilder Grant is subject to the conditions stated in the home builder direction and any other conditions imposed by the Commissioner. Section 25U(2) provides that a person may be required to give notice of non-compliance with a condition and repay the grant. It is an offence for a person to fail to comply with a condition mentioned in section 25U(1) or (2) without reasonable excuse. A maximum penalty of 40 penalty units applies to the offence.
- Section 25V requires the Commissioner to give an applicant written notice if the Commissioner decides an application, or decides to vary or reverse an earlier decision on an application for a HomeBuilder Grant. If the decision is to refuse an application, or to vary or reverse an earlier decision on an application, the written notice must set out the reasons for the decision and information on how to lodge an objection.
- Section 25W(1) enables the Commissioner to carry out authorised investigations to decide particular matters, including for example, whether a condition on which a HomeBuilder Grant has been paid has been complied with. Section 25W(2) applies part 4 of the FHOG Act in relation to the investigation and enforcement of a matter relating to a HomeBuilder Grant, with necessary modifications.

New clause 4K amends section 27 of the FHOG Act, by inserting new subsection (4), to clarify that authorised officers or employees of an authority responsible for administration of a corresponding law, may exercise powers under the FHOG Act only in relation to a first home owner grant. A corresponding law is an Act of another State corresponding to the FHOG Act to the extent it relates to a first home owner grant. Only authorised officers who are

Queensland public service employees can carry out investigations in relation to the RHBBG and HomeBuilder Grant.

New clause 4L amends section 31 of the FHOG Act, to confirm that the Commissioner can only carry out an investigation for a corresponding law in relation to a first home owner grant.

New clause 4M amends section 56 of the FHOG Act to enable objections to also be lodged against certain decisions by the Commissioner in relation to the RHBBG and HomeBuilder Grant.

New clause 4N amends section 65 of the FHOG Act to clarify that the Commissioner can delegate powers under part 4 to another authority responsible for administering a corresponding law or an appropriately qualified officer or employee of the authority, only in relation to a first home owner grant.

New clause 4O amends section 67 of the FHOG Act so the protection from civil liability afforded to officials under this section extends to an act done or omission made honestly and without negligence under the RHBBG direction or home builder direction.

New clause 4P amends section 68 of the FHOG Act, to extend the offence for disclosing confidential information so that it applies to information obtained in the course of administration of the RHBBG and HomeBuilder Grant. Permitted disclosures of confidential information are extended to include disclosures in connection with the administration and enforcement of the RHBBG and HomeBuilder Grant. For the HomeBuilder Grant, the circumstances in which disclosure is permitted are also extended to include disclosures required to comply with the NPA.

New clause 4Q amends the heading of section 69A of the FHOG Act to clarify that section 69A only applies for first home owner grants. Section 69A relates to disqualifying arrangements which are not relevant for the RHBBG and HomeBuilder Grant.

New clause 4R amends section 69B of the FHOG Act to enable the Commissioner to require property to be valued for the purposes of determining whether a transaction is an eligible RHBBG or eligible home builder transaction.

New clause 4S inserts new part 13 into the FHOG Act which provides transitional provisions for the *Royalty Legislation Amendment Act 2020*. The sections of new part 13 are explained below:

- Section 83(1) provides that the FHOG Act as amended by the Bill applies in relation to a pre-commencement application or relevant decision as if it were an application or decision

made under the FHOG Act. This is necessary given the eligibility period for both grants commenced on 4 June 2020 and applications are already open. Section 83(2) confirms that offence provisions only apply to an act or omission constituting an offence occurring wholly after commencement of the amendments. Section 83(3) provides that, for section 56(3) of the FHOG Act, an objection to a relevant decision made before the commencement must be lodged within 60 days after the commencement. Ordinarily, applicants have 60 days from receiving notice of a decision to lodge an objection. Section 83(4) defines 'pre-commencement application' as an application for a grant made under the RHBBG direction or home builder direction before the commencement. Section 83(4) also defines 'relevant decision' as a decision by the Commissioner on a pre-commencement application for a RHBBG or HomeBuilder Grant, whether the decision is made before or after the commencement.

- Section 84 extends protection from civil liability to an official for an act or omission done under the RHBBG direction or home builder direction before the commencement. An official means the Commissioner or an officer or employee of the department to whom the Commissioner has delegated powers under the RHBBG direction or home builder direction.
- Section 85 provides that the confidentiality provision in section 68 of the FHOG Act applies to information held by the Commissioner, irrespective of whether the information was given before or after the commencement.
- Section 86 provides that a reference in a document to the FHOG Act may be a reference to the renamed *First Home Owner and Other Home Owner Grants Act 2000* if the context permits.

New clause 4T amends the schedule dictionary to insert new definitions relating to the RHBBG and HomeBuilder Grant. It also amends the definition of 'authorised investigation' to reflect the fact that this concept has a different meaning for a first home owner grant, a RHBBG and a HomeBuilder Grant. Additionally, it amends the definition of 'corresponding law' to clarify that is relevant only to first home owner grant administration.

*Amendment 4* amends new section 135 of the Petroleum and Gas Regulation to facilitate the inclusion of new section 135(1)(c).

*Amendment 5* amends new section 135 of the Petroleum and Gas Regulation to insert (1)(c) which clarifies that petroleum that is gas and is produced by a petroleum producer during a royalty return period is not domestic gas if it is supply gas under section 136.



Amendment 6 amends new section 148H of the Petroleum and Gas Regulation to clarify that, for the definition of *SP*, the average for the relevant period for the royalty return period of the daily Europe Brent Spot Price FOB (Dollars per Barrel) is converted into Australian dollars at the average hedge settlement rate for the royalty return period.

Amendment 7 inserts new part 12 and schedule 1 into the Bill, to provide for miscellaneous amendments. Specifically, new schedule 1 contains consequential amendments to the *Building Boost Grant Act 2011* and *First Home Owner Grant Regulation 2010* to reflect renaming of the FHOG Act as the *First Home Owner Grant and Other Home Owner Grants Act 2000*.

Amendment 8 amends the long title of the Bill to reflect the fact the Bill also amends the Duties Act and the FHOG Act.

Amendment 9 makes a consequential grammatical change to the long title of the Bill.

Amendment 10 further amends the long title of the Bill to reflect the fact that the Bill also amends the legislation mentioned in schedule 1.