

Contents	Page
What this ruling is about	1
Ruling and explanation	1
Date of effect	4
References	4

Public Ruling

First Home Owner Grant and Other Home Owner Grants Act:

ADMINISTRATIVE ARRANGEMENT— INCREASE TO AMOUNT OF FIRST HOME OWNER GRANT

A public ruling, when issued, is the published view of the Commissioner of State Revenue (the Commissioner) on the particular topic to which it relates. It therefore replaces and overrides any existing private rulings, memoranda, manuals and advice provided by the Commissioner in respect of the issue(s) it addresses. Where a change in legislation or case law (the law) affects the content of a public ruling, the change in the law overrides the public ruling—that is, the Commissioner will determine the tax liability or eligibility for a concession, grant or exemption, as the case may be, in accordance with the law.

What this ruling is about

1. This public ruling sets out the terms of an administrative arrangement that allows for the first home owner grant (grant) payable under the *First Home Owner Grant and Other Home Owner Grants Act 2000* (Grants Act) to be increased from \$15,000 to \$30,000 (increased grant) for eligible transactions entered into between 20 November 2023 and 30 June 2025 (both dates inclusive).
2. The grant is available to eligible first home buyers who purchase or build a new home they will occupy as owners. The grant is payable on applications made by home buyers who satisfy certain eligibility criteria and who have entered into an eligible transaction¹ that has been completed.²
3. The grant is only available for eligible transactions where the consideration is less than \$750,000.³ Where the consideration for an eligible transaction is less than \$15,000, the grant amount will be equal to the consideration for the transaction.⁴

Ruling and explanation

4. The following paragraphs apply for the purposes of administering the Grants Act under this administrative arrangement.

¹ Defined in section 5 of the Grants Act

² Section 10(1) of the Grants Act

³ Sections 5(6) – 5(9) and 20(1)(b)(i) of the Grants Act

⁴ Section 20(1)(a) of the Grants Act

FHOGA000.2.1

2 of 4

5. All provisions of the Grants Act continue to apply unless their operation is modified by this administrative arrangement. For example, existing eligibility criteria remain unchanged.⁵
6. For the purposes of paragraphs 9, 11, 12 and 14 of this administrative arrangement, a 'relevant eligible transaction' means any of the following:
 - (a) a contract for the purchase of a new home in Queensland, made between 20 November 2023 and 30 June 2025 (both dates inclusive)
 - (b) a comprehensive home building contract made by the owner of land in Queensland, or a person who will on completion of the contract be the owner of land in Queensland, to have a new home built on the land, if the contract is made between 20 November 2023 and 30 June 2025 (both dates inclusive)
 - (c) the building of a new home in Queensland by an owner-builder if the building work starts between 20 November 2023 and 30 June 2025 (both dates inclusive).
7. For the purposes of paragraphs 6(a) and 6(b) of this administrative arrangement, a contract is a contract for the purchase of a new home if the contract is for the acquisition of a relevant interest in land:
 - (a) on which a new home is builtor
 - (b) on which a new home is to be built, before completion of the contract, by or for the vendor and at the expense of the vendor.
8. For paragraph 6(c) of this administrative arrangement, the building of a home by an owner builder starts on:
 - (a) the date when laying the foundations for the home startsor
 - (b) another date the Commissioner of State Revenue (Commissioner) considers appropriate in the circumstances of the case.
9. For a relevant eligible transaction, the amount of the grant is the lesser of the following:
 - (a) the consideration for the relevant eligible transactionor
 - (b) \$30,000.
10. For the avoidance of doubt, for a transaction under section 5(1) of the Grants Act that is entered into before 20 November 2023, the amount of the grant is the amount specified in section 20 of the Grants Act.⁶

⁵ Part 3, Division 2 of the Grants Act

⁶ Section 20 of the Grants Act provides the first home owner grant amount is \$15,000 or the consideration for the eligible transaction, whichever is the lesser amount.

FHOGA000.2.1

11. A transaction is not a relevant eligible transaction if the Commissioner is satisfied the contract forms part of a scheme to circumvent limitations on, or requirements affecting, eligibility or entitlement to a grant for a relevant eligible transaction.
12. Unless satisfied to the contrary, the Commissioner must presume the existence of a scheme if any of the following occurs:
 - (a) the contract entered into on or after 20 November 2023 is a relevant eligible transaction that replaces a previous contract to purchase, or a comprehensive home building contract to build, the same or substantially similar new home that was entered into before 20 November 2023
 - (b) for a contract to purchase a new home—the purchaser had an option to purchase the home granted before 20 November 2023 or the vendor had an option to require the purchaser to purchase the home granted before that date
 - (c) for a comprehensive home building contract—either party had a right or option granted before 20 November 2023 to require the other to enter into the contract.

Example—existence of a scheme

The Commissioner will generally presume the existence of a scheme if a home buyer cancels an existing contract and enters into a replacement contract on or after 20 November 2023, or intentionally delays exercising an option to purchase a home to obtain the increased grant.

13. Applicants for the increased grant must agree to the terms and conditions set out in this administrative arrangement.
14. By completing an application form for a relevant eligible transaction, applicants agree to the terms and conditions set out in this administrative arrangement as a condition of payment of the grant.
15. The Commissioner may authorise the payment of a grant on the reasonable conditions the Commissioner considers appropriate. A condition imposed by the Commissioner may require a person on whose application the grant is paid:
 - (a) to give notice of non-compliance with the condition within a period stated in the condition and
 - (b) to repay the grant within a period stated in the condition.
16. For a joint application, each applicant is individually liable to comply with a requirement under paragraphs 15(a) and (b) of this administrative arrangement, but compliance by any one or more of the applicants must be regarded as compliance by both or all.
17. A person must not, without reasonable excuse, fail to comply with a condition imposed by the Commissioner.

Date of effect

18. This public ruling takes effect from 29 November 2023.

Simon McKee
Commissioner of State Revenue
Date of issue: 28 November 2023

References

Public Ruling	Issued	Dates of effect	
		From	To
FHOGA000.2.1	28 November 2023	29 November 2023	18 June 2024