



## FIRST HOME ASSISTANCE ACT 1982

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**No. 50 of 1982**  
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**AN ACT to provide financial assistance in relation to the acquisition of a first home and to provide for related matters.**

[Royal Assent 4 November 1982]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *First Home Assistance Act 1982*. Short title.

**2**—This Act shall be deemed to have commenced on 9th Commence- September 1982. ment.

Interpretation.

**3**—In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

- “ building ” includes a part of a building, a building attached to or conjoined with another building, and a flat or home unit;
- “ Commissioner ” means the Commissioner of Taxes appointed and holding office under the *Land and Income Taxation Act 1910*;
- “ dwelling ” means a building intended for use as a single dwelling;
- “ functions ” includes duties;
- “ grant ” means a grant made pursuant to section 5;
- “ spouse ” includes a person who lives with another person as husband or wife on a genuine domestic basis although not legally married to that other person.

Eligible persons.

**4**—(1) For the purposes of this Act, an eligible person is a person who, on or after the commencement of this Act, purchases or constructs a dwelling on land situated in Tasmania, and occupies that dwelling, being a dwelling that the Commissioner is satisfied—

- (a) is the first dwelling in the Commonwealth to be purchased or constructed and established as a residence by that person or by that person jointly with another person or persons;
- (b) is, or will be, used as that person’s usual place of residence; and
- (c) is not being, or will not be, used as a means of providing any of those persons with a source of income.

(2) A person who would, but for this subsection, be an eligible person is not entitled to a grant in respect of a dwelling if that person is the spouse of another person who owned or owns a dwelling which was or is established by those persons as their joint residence.

Grants to eligible persons.

**5**—(1) The Commissioner may, on application made to him by a person and on being satisfied that the person is an eligible person within the meaning of section 4, pay to that person an amount of \$500 by way of a grant.

(2) Any amount payable pursuant to subsection (1) shall be paid by the Treasurer out of money to be appropriated by Parliament for that purpose.

**6**—(1) A person who seeks a grant under this Act may make application to the Commissioner. Application for grants.

(2) Where 2 or more persons have jointly purchased or jointly constructed a dwelling, an application in respect of the dwelling shall be a joint application by those persons for one grant in respect of that dwelling.

(3) An application for a grant—

(a) shall be in writing in a form provided for that purpose by the Commissioner; and

(b) shall contain such particulars and information as may be specified in the form.

(4) The Commissioner may require an applicant under this section to provide him with such evidence as the Commissioner considers necessary in order to show to his satisfaction whether or not the applicant is an eligible person.

(5) On receipt of an application made in accordance with this section, the Commissioner may make a grant or refuse to make a grant.

(6) Where an application is granted, the Commissioner shall pay the grant to the applicant or, if the applicant so requests in writing and the Commissioner approves, to another person nominated by the applicant in that request.

(7) A grant paid in accordance with a request under subsection (6) to a person other than the applicant shall be deemed to have been paid to the applicant.

**7**—(1) For the purposes of this Act, the Commissioner may—

(a) summon witnesses;

(b) receive evidence on oath or affirmation; and

(c) require the production of documents.

Power of Commissioner to take evidence, &c.

(2) A person who has been summoned to appear before the Commissioner shall not, without lawful excuse, after tender of reasonable expenses, fail to appear in obedience to the summons.

(3) A person, whether summoned or not, who appears before the Commissioner shall not, without lawful excuse—

(a) refuse to be sworn as a witness or to make an affirmation;

(b) fail to answer any question that he is lawfully required to answer; or

(c) fail to produce any document that he is lawfully required to produce.

Penalty: \$1 000.

Information as to applicant.

**8**—(1) Where the Commissioner has reason to believe that a person is in possession of any information in relation to any matter that might affect the making of a grant to any other person, he may, by notice in writing served by post on the first-mentioned person, require the person to provide him with a confidential report relating to that matter within 14 days after the notice is served.

(2) A person on whom a notice under subsection (1) is served shall not—

(a) without lawful excuse, refuse or fail to comply with the notice; or

(b) provide a report in response to the notice that, to his knowledge, is false or misleading in a material particular.

Penalty: \$500.

Delegation.

**9**—(1) The Commissioner may, either generally or as may otherwise be provided by the instrument of delegation, by writing signed by him, delegate to an officer of the Treasury the performance or exercise of such of the Commissioner's functions and powers (other than this power of delegation) as are specified in the instrument and may, by a further instrument in writing, revoke wholly or in part any such delegation.

(2) A function or power, the performance or exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstance, as are specified in the resolution.

(4) Notwithstanding any delegation under this section, the Commissioner may continue to perform or exercise all or any of the functions or powers delegated.

(5) Any act or thing done by or to a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by or to the Commissioner and shall be deemed to have been done by or to the Commissioner.

(6) An instrument purporting to be signed by a delegate of the Commissioner in his capacity as such a delegate shall, in all courts and before all persons acting judicially, be received in evidence as if it were an instrument executed by the Commissioner under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Commissioner under this section.

**10**—(1) A person shall not—

- (a) in connection with, or in support of, an application for a grant; or
- (b) with intent to deceive the Commissioner or an officer of the Treasury,

False and misleading statements.

make, whether orally or in writing, a statement that, to his knowledge, is false or misleading in a material particular.

Penalty: \$1 000.

(2) A person shall not obtain payment of a grant by means of a statement that, to his knowledge, is false or misleading in a material particular or by means of impersonation or a fraudulent device.

Penalty: \$2 000.

(3) Where a person is convicted of an offence against this section, the court may, in addition to imposing a penalty in respect of the offence, order him to pay to the Commissioner an amount equal to the amount of the grant paid under this Act in consequence of the act, failure, or omission in respect of which he was convicted.

(4) It is a defence to a charge under this section if it is proved that, at the time the application or statement was made, the defendant believed on reasonable grounds that it was neither false nor misleading.

**11**—Proceedings for an offence against this Act may commence at any time within a period of 3 years after the time when the offence is alleged to have been committed.

Prosecutions for offences.

## Evidence.

**12**—(1) In any proceedings before a court a document or copy of a document purporting to be signed by the Commissioner is admissible in evidence and, until the contrary is proved, is evidence of the contents of the document or copy of a document.

(2) Judicial notice shall be taken of the signature and of the seal of any person who holds or has held the office of Commissioner and of the signature of a person to whom the performance or exercise of any function or power has been delegated under section 9.

(3) A certificate in writing signed by a person who holds or has held the office of Commissioner certifying—

(a) that a grant was paid to a specified person on a date specified in the certificate; or

(b) that a grant was paid to a specified person in consequence of a specified act, failure, or omission,

is evidence in all courts of the matters certified.

## Secrecy.

**13**—(1) A person who is, or has been, an officer of the Treasury shall not, directly or indirectly, except for the purposes of this Act, make a record of, or divulge or communicate to any person, any information with respect to the affairs of another person acquired by him in the exercise of his powers, or the performance of his functions, under this Act.

Penalty: \$2 000.

(2) Notwithstanding anything contained in subsection (1), an officer may—

(a) if the Commissioner certifies that it is necessary in the public interest that any information acquired by the officer in the exercise of his powers, or the performance of his functions, under this Act should be divulged, divulge that information to such person as the Commissioner directs; or

(b) divulge any such information to a person who, in the opinion of the Commissioner, is expressly or impliedly authorized by the person to whom the information relates to obtain it.

(3) A person to whom information is divulged under subsection (2) is, in respect of that information, subject to obligations and liabilities under subsection (1) as if the person were a person exercising powers or performing a function, under this Act and had acquired the information in the exercise of those powers or the performance of those functions.

**14**—(1) The Governor may make regulations for the purposes Regulations of this Act.

(2) Regulations under subsection (1) may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(3) Regulations under subsection (1) may provide that it is an offence, punishable on summary conviction, for a person to contravene or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$500 and, in the case of a continuing offence, a further penalty not exceeding \$10 for each day during which the offence continues.

(4) A regulation under subsection (1) may authorize any matter or thing to be from time to time determined, applied, or regulated by any person or body specified in the regulations.

