

EXPOSURE DRAFT



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Help to Buy Regulations 2025

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2025

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Clare O'Neil [**DRAFT ONLY—NOT FOR SIGNATURE**]

Minister for Housing

Minister for Homelessness

Minister for Cities

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1 Name

This instrument is the *Help to Buy Regulations 2025*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Help to Buy Act 2024*.

4 Definitions

In this instrument:

Note: A number of expressions used in this instrument are defined in the Act, including the Help to Buy Program Directions.

Commonwealth share has the same meaning as in the Help to Buy Program Directions.

Commonwealth share percentage has the same meaning as in the Help to Buy Program Directions.

participant has the same meaning as in the Help to Buy Program Directions.

purchase price has the same meaning as in the Help to Buy Program Directions.

sale of existing property requirement has the same meaning as in subsection 29(1) of the Help to Buy Program Directions.

the Act means the *Help to Buy Act 2024*.

Section 14

14 Review by the Administrative Review Tribunal

For section 43 of the Act, applications may be made to the Administrative Review Tribunal for review of the following decisions of Housing Australia:

- (a) a decision under subsection 15(1) of the Help to Buy Program Directions to revoke an approval;
- (b) a determination under subsection 16(3) of the Help to Buy Program Directions of the percentage of a purchase price that the Commonwealth will contribute under a Help to Buy arrangement;
- (c) a decision to increase the Commonwealth share percentage under a Help to Buy arrangement in the circumstances mentioned in Column 1 of an item of the table in subsection 25(3) of the Help to Buy Program Directions to a percentage mentioned in Column 2 of that item;
- (d) a decision under paragraph 29(2)(a) of the Help to Buy Program Directions to refuse to allow a participant not to comply with the sale of existing property requirement for a period;
- (e) a decision under paragraph 29(2)(b) of the Help to Buy Program Directions to refuse to extend a period for which a participant was allowed to not comply with the sale of existing property requirement;
- (f) a decision under subsection 37(5) of the Help to Buy Program Directions to require a participant to repay an amount under a Help to Buy arrangement;
- (g) a decision under subsection 37(8) of the Help to Buy Program Directions to require a participant to repay in full a Commonwealth share under a Help to Buy arrangement;
- (h) a decision to refuse to vary a Help to Buy arrangement by adding a participant in the circumstances mentioned in subsection 38(2) of the Help to Buy Program Directions;
- (i) a decision to refuse to vary a Help to Buy arrangement by removing a participant in the circumstances mentioned in subsection 38(3) of the Help to Buy Program Directions;
- (j) a decision to terminate a Help to Buy arrangement before the settlement date for the purchase of the property subject to the arrangement in either of the circumstances mentioned in subsection 40(1) of the Help to Buy Program Directions;
- (k) a decision to terminate a Help to Buy arrangement in any of the circumstances mentioned in subsection 40(2) of the Help to Buy Program Directions;
- (l) a decision to recover the Commonwealth share under a Help to Buy arrangement in either of the circumstances mentioned in subsection 45(1) of the Help to Buy Program Directions;
- (m) a decision to recover the Commonwealth share under a Help to Buy arrangement in the circumstances mentioned in subsection 45(3) of the Help to Buy Program Directions;
- (n) a decision under paragraph 45(5)(b) of the Help to Buy Program Directions of the period by which it must recover a Commonwealth share under a provision of a Help to Buy arrangement;
- (o) a decision to terminate a Help to Buy arrangement under paragraph 53(2)(d) of the Help to Buy Program Directions.

Note: Generally, an application for review of a decision by the Administrative Review Tribunal must be made within 28 days after the applicant is notified of the decision (see section 18 of the *Administrative Review Tribunal Act 2024* and rule 5 of the *Administrative Review Tribunal Rules 2024*). A person may, under section 19 of that Act, apply to the Administrative Review Tribunal to extend the period.

15 Application

Section 14 applies to decisions made before or after the commencement of this instrument.