



**DEPARTMENT OF TREASURY**  
**ACT REVENUE OFFICE**

**DEFERRAL OF DUTY**

**APPLICATION FORM FOR AGREEMENTS OR TRANSACTIONS ON OR AFTER 6 MAY 2008**

Canberra Nara Centre  
Cnr London Circuit & Constitution Avenue  
CANBERRA CITY

**IMPORTANT**

- All relevant details must be provided and the required sections of the application form completed.
- If there are more than two **applicants**, an additional application form should be completed and attached.
- Incomplete applications or those lacking required supporting information may result in the application for the deferral of duty being denied.
- Applications must be lodged with the ACT Revenue Office, within 90 days of the execution of the contract.
- The minimum amount that can be deferred is \$1000.

**Applicant Details**

	<i>Applicant 1 (Contact applicant)</i>	<i>Applicant 2</i>
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr
First name		
Middle name(s)		
Family name		
Current residential address	Street no.	Street no.
	Street name	Street name
	Suburb/town	Suburb/town
	State      Postcode	State      Postcode

**Property Details**

Related parties - *If the buyer and seller are related parties, attach a qualified valuer's report to substantiate the current market value of the property.*

Lot no. (only use lot no. if street no. is not allocated)		Unit/Street no.	
Street name			
Suburb/town		State	Postcode
Section	Block	Unit	
Purchase Price \$		Market Value \$	

**Section 1 Eligibility**

In relation to the above property:

Have the <b>applicant/s</b> or <b>domestic partner</b> applied for the First Home Owner Grant (FHOG)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have the <b>applicant/s</b> or <b>domestic partner</b> applied for the Home Buyer Concession (HBC)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If you answered no to both questions please complete attachment A, provide the relevant documentation listed on attachment B and read and sign the Declarations and Undertaking. If you have answered yes to either of the above questions, please read and sign the Declarations and Undertaking.

## Deferral of Duty - Declarations and Undertaking

### I declare that:

- By signing this form I am making an application for deferral of duty.
- All **applicant/s** are over 18 years of age.
- All of the information in this application including any attachments is true and correct, and to the best of my knowledge, no information relevant to the consideration of my/our application has been omitted.
- I understand that as part of my application for a deferral of duty, I agree to enter into a **time payment arrangement**.
- In the event that I am granted a deferral of duty, the Commissioner for ACT Revenue may issue an amended assessment if it is subsequently determined that I did not meet the relevant criteria for the level of concession granted.
- I have read and understood the terms and conditions set out in Attachment C of this application.
- I understand that information provided by me on a Home Buyer Concession and/or First Home Owner Grant application may be used by the ACT Revenue Office to determine my eligibility for a deferral of Duty.
- I have completed and attached the supplementary section, schedules and other attachments as required in Section 1, Eligibility.

**Giving false or misleading information is a serious offence (Section 338 Criminal Code 2002).**

	Applicant 1								Applicant 2							
Name																
Signature																
Date					2	0							2	0		
	D	D	M	M	Y	Y	Y	Y	D	D	M	M	Y	Y	Y	Y

### I declare that:

- I consent (for the purposes of section 97 of the *Taxation Administration Act 1999* and section 14 of the *Privacy Act 1988 (C'th)*) to any outstanding amount in connection with this agreement being displayed in any Certificate of Rates, Taxes and other Charges produced by the ACT Revenue Office in relation to this property.

	Applicant 1								Applicant 2							
Name																
Signature																
Date					2	0							2	0		
	D	D	M	M	Y	Y	Y	Y	D	D	M	M	Y	Y	Y	Y

**N.B. All applicant/s and their domestic partners must sign both declarations.**

<b>Contact Us:</b>  <b>ACT Revenue Office</b>	<b>Telephone</b>	(02) 6207 0028
	<b>Office Address</b>	Canberra Nara Centre Cnr London Circuit & Constitution Avenue CANBERRA CITY
	<b>Office hours</b>	9:00 am to 5:00 pm Monday, Tuesday, Thursday and Friday 10:30 am to 5:00 pm Wednesday
	<b>Website</b>	<a href="http://www.revenue.act.gov.au">www.revenue.act.gov.au</a>

## Definitions

- “*Applicant/s*” refers to a person(s) at least 18 years old, who on completion of the purchase of the vacant land or property concerned, will be an owner of that vacant land or property.
- “*Domestic Partner*” has the same meaning as in the *Legislation Act 2001*.
- “*Dependent Child*” has the same meaning as in the *Social Security Act 1991 (Cwlth)*.
- “*Relevant income threshold*” means the income threshold amount with reference to the number of dependent children the applicants and domestic partner/s have as specified in the disallowable instrument for the Home Buyer Concession Scheme that applies to your transaction date. The disallowable instrument is available through [www.revenue.act.gov.au](http://www.revenue.act.gov.au).
- “*Total Income*” means the income of all persons named in the grant, transfer or agreement for transfer of the subject vacant land or property and their domestic partner/s. For further information refer to the disallowable instrument that applies to your transaction date, available through [www.revenue.act.gov.au](http://www.revenue.act.gov.au).
- “*Individual*” means a person, not a company or an incorporated body.
- “*Time payment arrangement*” is an agreement entered into by all applicants to pay all outstanding deferred duty and interest by the specified due date.

<b>Office Use Only</b>	Delegate Name				FHOG UIN			
	Signature				HBC REF			
	Date	Approved	Rejected	Compliance check	Rates Account No.			

**Attachment A**

1. Have you previously owned residential property? If yes, was it within the last two years prior to signing the contract?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
2. If you answered “Yes” to the above questions, were you or your <i>domestic partner</i> required to relinquish your interest by an order of a court; or a financial agreement; or a domestic relationship agreement as a consequence of a termination of a relationship between <i>domestic partners</i> ?  If “Yes” attach a copy of the court order or agreement.	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Do you or your <i>domestic partner/s</i> alone or jointly with another person/s, currently hold an interest in land other than the subject property?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Is the subject property vacant land?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Are you an <i>individual</i> aged 18 years or older?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Are you an Australian citizen or permanent resident? Please provide supporting documentation as per Category 1 in Attachment B	Yes <input type="checkbox"/> No <input type="checkbox"/>
7. Will you be occupying the home as your principal place of residence for a continuous period of 6 months commencing within 1 year of either the completion of the eligible transaction, or issue of the certificate of occupancy?	Yes <input type="checkbox"/> No <input type="checkbox"/>
8. Have you either: <ul style="list-style-type: none"><li>▪ entered into a contract for the purchase of a home in the ACT; OR</li><li>▪ entered into a contract to have a home built in the ACT; OR</li><li>▪ in the case of an owner builder, commenced construction of a home in the ACT (ie laying of foundations)?</li></ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If you answered yes to Questions 1 AND 2 above, please complete the following two questions.</b>	
9. What is the total income of all applicants and their partners? Please provide supporting documentation as per Income details in Attachment B. For income thresholds, please refer to the disallowable instrument for the Home Buyer Concession Scheme that applies to your transaction date. The disallowable instrument is available through <a href="http://www.revenue.act.gov.au">www.revenue.act.gov.au</a> .	
10. How many <i>dependent children</i> do you and your domestic partner have?	

<p>NOTE: Do not send original documents, <b>only send certified copies</b></p> <p>Please provide</p> <ul style="list-style-type: none"> <li>▪ a copy of your Contract for Sale, dated and signed by the vendor or a copy of your Contract to build dated and signed by all parties</li> </ul> <p><b>Provide only one document from each of the following categories</b></p> <p><b>Category 1:</b> Australian birth certificate; or Citizenship Certificate.  <b>If a New Zealand citizen:</b> Current passport.  <b>If a citizen of another country:</b> Current passport; and evidence of permanent residency or permanent residence visa.</p> <p><b>Category 2:</b> Current Australian Drivers Licence; or Passport; or Firearms Licence; or Proof of age issued by Consumer Affairs (photo ID card).</p> <p><b>Category 3:</b> Medicare Card; or Motor Vehicle Registration; or Centrelink/ Department of Veterans Affairs Card.</p>	<p align="center">Applicant to tick if attached</p> <p align="center"><input type="checkbox"/></p> <p align="center"><input type="checkbox"/></p> <p align="center"><input type="checkbox"/></p> <p align="center"><input type="checkbox"/></p>
<p><b>Name Changes</b></p> <p>If names differ between Category 1 documents Category 2 documents please provide one of the following;</p> <ul style="list-style-type: none"> <li>▪ a Decree Nisi;</li> <li>▪ a marriage certificate; or</li> <li>▪ a change of name certificate.</li> </ul>	<p align="center"><input type="checkbox"/></p> <p align="center"><input type="checkbox"/></p> <p align="center"><input type="checkbox"/></p>
<p><b>Related Parties</b></p> <p>Where there is no contract, or the sale of the property is between family members or <i>related or associated parties</i>, please provide</p> <ul style="list-style-type: none"> <li>▪ a dated copy of the transfer signed by both parties and evidence that <i>consideration</i> has been paid</li> </ul>	<p align="center"><input type="checkbox"/></p>
<p><b>Income details</b></p> <p>You are required to provide this information if you answered yes to questions 1 and 2 on Attachment A.</p> <ul style="list-style-type: none"> <li>▪ a copy of you and your domestic partner/s last income tax return prior to the date of transaction;</li> <li>▪ a copy of your home loan application form;</li> <li>▪ current payslip showing year to date totals, prior to the date of transaction. If your payslip does not show year to date totals please provide copies of your last 4 payslips.</li> </ul>	<p align="center"><input type="checkbox"/></p> <p align="center"><input type="checkbox"/></p> <p align="center"><input type="checkbox"/></p> <p align="center"><input type="checkbox"/></p> <p align="center"><input type="checkbox"/></p>
<p><b>ACTRO use only</b></p>	
<p>Name of person sighting the documentation above:</p>	
<p>Signature</p>	<p align="center">Date / / 20</p>



**DEPARTMENT OF TREASURY  
ACT REVENUE OFFICE**

**TERMS AND CONDITIONS  
FOR DEFERRAL OF DUTY**

**Each applicant should read this information before completing and submitting the application form**

- All **applicants** must meet the eligibility criteria for either the *Home Buyer Concession* or *First Home Owner Grant* to qualify for deferral of duty.
- An application for deferral of duty must be received within 90 days (or 1 year for an ‘Off the plan’ purchase, or an ‘Affordable House and Land Package’) from the date of the grant, transfer or agreement to transfer (whichever is first).
- The maximum term of the deferral is for a period of 5 years after the day of the **dutiable transaction** taking place.
- An application for duty deferral will only be considered where the market value or purchase price (whichever is the greater) is equal to or less than the relevant property thresholds as determined for the Home Buyer Concession Scheme.
- The minimum amount that can be deferred is \$1000.
- Repayment of the unpaid duty and any interest accrued and accruing must be paid in full within 10 years after the day of the **dutiable transaction** taking place.
- **Applicants** must agree to enter into a **time payment arrangement** and repay the deferred duty and any accrued interest by way of instalments as specified by the ACT Revenue Office.
- **Simple interest** will accrue from 90 days of the **dutiable transaction** taking place, and will continue to accrue until the deferred duty is paid in full.
- Interest is calculated daily at the market rate, which is the 90-day bank bill rate, as defined in section 26 (2) of the Taxation Administration Act 1999.
- Voluntary repayments may be made over and above the required instalments at any time.
- The **applicant** acknowledges that any outstanding amounts will be held as a charge against the property.
- The **applicant** must consent (for the purposes of section 97 of the Taxation Administration Act 1999) for any Certificate of Rates, Taxes and other Charges produced in relation to this property, to display any outstanding amount in connection with this agreement.
- All outstanding duty and interest must be paid in full prior to the property being sold.
- The **applicant** is required to notify the ACT Revenue Office within 14 days of any change of address or any other details.
- **Applicants** will be notified in writing as to whether or not they have been successful in their application, together with any conditions that will form part of the deferral of duty.
- Where an **applicant** is successful in their application for deferral of duty, but is subsequently determined not to have met the eligibility criteria, the Commissioner for ACT Revenue reserves the right to issue an amended duty assessment, which may result in interest and penalties being imposed, together with the requirement to immediately pay all outstanding amounts.
- The **applicant** acknowledges that they have had the opportunity to obtain independent financial advice prior to signing the application for deferral of duty.

**Definitions**

- a) “**Applicant/s**” refers to a person(s) at least 18 years old, who on completion of the purchase of the subject vacant land or property, will be an owner of that vacant land or property.
- b) “**Simple Interest**” is interest that accrues only on the principal balance of the deferred duty and not on any accrued interest.
- c) “**Time Payment Arrangement**” is an agreement entered into by all applicants to pay all outstanding deferred duty and interest by the specified due date and in the specified manner.
- d) “**Dutiable Transaction**” has the same meaning as in the Duties Act 1999.

**Privacy Statement**

All information collected by the ACT Revenue Office is protected by secrecy provisions in Acts administered by the Office and only used for the purposes of those Acts. In addition, personal information provided to the ACT Revenue Office is protected by the *Privacy Act 1988* (Commonwealth). Information (including personal information) is not disclosed to any third party unless authorised by law or with the consent of the person involved.