Australian Capital Territory

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2025

Disallowable instrument DI2025–148

made under the

***Taxation Administration Act 1999*, s 139 (Determination of amounts payable under tax laws)**

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1 Name of instrument

This instrument is the *Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2025*.

2 Commencement

This instrument commences on 1 July 2025.

3 Definitions

In this instrument:

Act means the *Duties Act 1999.*

Commissioner—see the Act, dictionary.

Crown lease—see the *Land Titles Act 1925*, dictionary.

declared land sublease—see the *Planning Act 2023*, dictionary.

dutiable value—see the Act, section 20.

eligible property means—

(a) a home; or

(b) vacant land.

home means a building (affixed to land in the ACT) or a unit in a units plan that—

(a) may lawfully be used as a place of residence; and

(b) is, in the Commissioner's opinion, a suitable building for use as a place of residence.

occupy, in relation to a principal place of residence, does not include occupation—

(a) of a transient, temporary or passing nature; or

(b) for a purpose other than as a place of residence.

off the plan agreement means an agreement for the sale of a unit in a units plan before the units plan is registered.

principal place of residence means the home a person primarily occupies on an ongoing and permanent basis as the person's settled or usual home.

registered—for an off the plan agreement, means registered by the registrar-general under the *Land Titles Act 1925* or the *Land Titles (Unit Titles) Act 1970.*

transferee—see the Act, dictionary.

unit—see the *Unit Titles Act 2001*, dictionary.

units plan—see the *Unit Titles Act 2001*, dictionary.

vacant land means land in the ACT, which has a Crown lease or a declared land sublease that does not have a home built, in full or in part, on it.

4 Meaning of *eligible transaction*

(1) In this instrument:

eligible transaction means a transfer with a transaction date on or after 1 July 2025 that meets the following requirements:

(a) on the transaction date, at least 1 transferee—

(i) received a Services Australia age pension or Department of Veterans' Affairs age pension equivalent; or

(ii) received a Services Australia disability support pension and was 50 years of age or older; or

(iii) held a Department of Veterans' Affairs Gold Card, and had held it for a continuous period of at least 1 year immediately prior to the transaction date;

(b) on the transaction date, all transferees and their domestic partners (if any) did not hold a legal or equitable interest in land, other than an interest—

(i) in the former property; or

(ii) that a person is required to relinquish under—

(A) an order of a court; or

(B) a financial agreement made under section 90B, section 90C, or section 90D of the *Family Law Act 1975* (Cwlth) that is binding on the person; or

(C) a part VIIIAB financial agreement made under section 90UB, section 90UC, or section 90UD of the *Family Law Act 1975* (Cwlth) that is binding on the person; or

(D) a domestic relationship agreement or termination agreement under the *Domestic Relationships Act 1994* to which the person is a party; or

(iii) that a person acquires as an executor or trustee (but not a beneficiary) under a will;

(iv) any legal or equitable interest in land held by a transferee's domestic partner, who is a spouse, if the Commissioner is satisfied—

(A) there has been a dissolution, annulment or irretrievable breakdown of the relationship; and

(B) the transferee is not cohabitating with the spouse and there is no likelihood of cohabitating being resumed;

(c) the former property is sold within 1 year before or after the registration date, except if the Commissioner is satisfied that the transferee is unable to sell the former property in this time because of an unforeseen circumstance; and

(d) the ownership of the eligible property is in the same name or names as the former property, except if—

(i) a person is required to relinquish an interest in the former property under—

(A) an order of a court; or

(B) a financial agreement made under section 90B, section 90C, or section 90D of the *Family Law Act 1975* (Cwlth) that is binding on the person; or

(C) a part VIIIAB financial agreement made under section 90UB, section 90UC, or section 90UD of the *Family Law Act 1975* (Cwlth) that is binding on the person; or

(D) a domestic relationship agreement or termination agreement under the *Domestic Relationships Act 1994* to which the person is a party; or

(ii) an exemption is requested from this requirement for a transferee, and the Commissioner is satisfied that it is fair and reasonable to exempt the transferee, taking into account anomalous or unusual circumstances; and

Example—anomalous or unusual circumstances

The person is selling the former property that has a deceased partner on the title, while the eligible property will be purchased only in the name of the surviving partner.

(e) at least 1 transferee will occupy the eligible property, as the transferee's principal place of residence, within 1 year after the residence start date for the duration of the residence period; and

(f) all transferees acquire a legal and equitable interest in the eligible property; and

(g) no transferee has had an amount of duty payable determined for under—

(i) an Over 60s Home Bonus Scheme under section 139 of the *Taxation Administration Act 1999*; or

(ii) a Pensioner Duty Concession Scheme under section 139 of the *Taxation Administration Act 1999*.

(2) If it becomes apparent that a transaction is not an eligible transaction, a transferee must give the Commissioner written notice of that fact within 14 days after the first of the following events:

(a) the end of any period allowed for compliance with a requirement of the transaction; or

(b) the date that the transferee first becomes aware that the transaction is not an eligible transaction.

Example—transaction not an eligible transaction

The transaction ceases to be eligible because no transferee can occupy the eligible property as a principal place of residence.

(3) In this section:

former property, of a person, means land in Australia that the person occupied as the person's principal place of residence—

(a) immediately before the transaction date; or

(b) immediately before the land was sold within a 1-year period ending on the transaction date.

Example—former property

A person sold an ACT principal place of residence on 1 October 2024. After it was sold, the person rented another home in the ACT to live in. On 1 August 2025, the person purchased the eligible property.

The home that the person sold on 1 October 2024 is a former property for the purposes of this instrument even though the person was not in residence immediately before purchasing the eligible property.

The purchase of the eligible property is an eligible transaction because the person sold the former property within 1 year before or after purchasing the eligible property.

registration date means the date that the eligible transaction is registered on the land titles register.

transaction date, of an eligible transaction, means the date that liability for duty arises under the Act, section 11.

transfer means—

(a) a transfer of eligible property; or

(b) an agreement for the sale or transfer of eligible property (including an off the plan agreement); or

(c) a grant of eligible property.

5 Meaning of *residence period* and *residence start date*

(1) In this instrument:

residence period means a continuous period of at least 1 year.

residence start date means—

(a) for a home—the date of completion of the eligible transaction; or

(b) for vacant land—the date that a certificate of occupancy has been issued under the *Building Act 2004* for a home on the land that will be a person's principal place of residence.

(2) The Commissioner may determine a shorter residence period (including no period), if—

(a) the shorter period is requested, in writing, for an eligible home buyer not later than 18 months after the residence start date; and

(b) the Commissioner is satisfied that the transferee is unable to occupy the eligible property for a continuous period of 1 year because of an unforeseen circumstance.

Example—unforeseen circumstance

A health-related issue.

(3) The Commissioner may determine a later residence start date, if—

(a) the later date is requested, in writing, for a transferee not later than 18 months after the applicable residence start date under subsection 5 (1); and

(b) the Commissioner is satisfied that the transferee is unable to begin occupying the eligible property because of an unforeseen circumstance.

Example—unforeseen circumstance

A health-related issue.

6 Application for Duty concession

(1) A transferee may apply to the Commissioner for the duty concession for an eligible transaction under this instrument on the lodgement of the transfer of the eligible property with the registrar-general.

(2) If an application is not made at the time specified in subsection (1), a transferee may apply to the Commissioner to extend the time by which an application for the duty concession may be lodged.

(3) An application to extend the time to lodge the duty concession must—

(a) be in writing addressed to the Commissioner;

(b) specify—

  (i) the name and address of the transferee; and

  (ii) the grounds on which the extension is sought; and

(c) be made within 12 months of the date of lodgement of the transfer of the eligible property with the registrar-general.

(4) The Commissioner may extend the time to make the application to lodge the duty concession as specified in subsection (1) if satisfied that the applicant was not able to apply for the duty concession because of an unforeseen circumstance.

Example

An application for the pensioner duty concession was made late due to a serious illness affecting the applicant.

(5) In this section:

registrar-general means the registrar-general under the *Land Titles Act 1925*.

7 Determination

(1) For the purposes of section 31 of the Act, I determine that the rate at which an amount of duty payable on an eligible transaction under this instrument is calculated using the specified rate of duty in column 2 of Table 1 applied to the dutiable value listed opposite in column 1.

Table 1 Amounts payable (Transfer rate)—Duties Act, s 31

column 1 dutiable value	column 2 rate of duty
less than or equal to $1 020 000	nil
more than $1 020 000 but not more than $1 455 000	$6.40 for every $100, or part of $100, of the dutiable value that is more than $1 020 000
more than $1 455 000	a flat rate of $4.54 per $100 applied to the total dutiable value, less an amount of $35,238

8 Revocation

This instrument revokes *Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2024*, DI2024-177.

Rachel Stephen-Smith MLA
Minister for Finance

26 June 2025