



ACT Revenue Office
Department of Treasury

Deferral of Duty Application Form
for agreements or transactions on or after 6 May 2008

NOTES

- Applicants **MUST** provide all requested information and complete all sections of the form relevant to them. Incomplete forms and/or documentation may result in the application being denied. If there are more than two applicants, complete and attach a second application form. The minimum amount of duty that can be deferred is \$1,000.
- An application **MUST** be received by the ACT Revenue Office by the date the duty must be paid or within 1 year, whichever is earlier. Duty is payable within 90 days for the grant, transfer or agreement, whichever is earlier or, for an Off the Plan purchase or an Affordable House and Land Package, within 14 days if one of the events happen under s 16A of the *Duties Act 1999*. The application must be received by the ACT Revenue Office by that date or up to a maximum of 1 year, regardless of when the duty is payable. Late applications will **NOT** be accepted.

Section 1 Applicant details

	Applicant 1 (Contact Applicant)	Applicant 2
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 number	Street number
	Street name	Street name
	Suburb	Suburb
	State	Postcode
Telephone		

Section 2 Property details

Suburb	Section	Block	Unit	Purchase price (Consideration)	Market value
				\$	\$
Street address					

NOTE If the buyer and seller are related or associated parties, **ATTACH** a qualified valuer's report to substantiate the current market value of the property. Also **ATTACH** original document for stamping.

Section 3 Eligibility criteria

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

To be eligible to defer the payment of duty, you must show that you are eligible for **either** the FHOG or the HBC. If you answered **NO** to both questions in Section 3, you must **also** complete the appropriate FHOG or HBC application form and provide the required documentation. If you require assistance contact the ACT Revenue Office on telephone (02) 6207 0028.

Section 4 Terms—deferral of duty	
Applicant	An individual 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
Consideration	The purchase price or cost of construction of the home
Domestic partner	Has the same meaning as in the <i>Legislation Act 2001</i>
Dutiable transaction	Has the same meaning as in the <i>Duties Act 1999</i>
Individual	A natural person, not a company or an incorporated body
Principal place of residence	The home you primarily reside in. The most important characteristic of a principal place of residence is that the person is living in the residence on an ongoing and permanent basis as the person's settled or usual home. When the occupation is transient, temporary or of a passing nature, or the occupation is for some other purpose, this is not sufficient to establish occupation as a principal place of residence
Related person or associated person	Has the same meaning as in the <i>Duties Act 1999</i>
Simple interest	Interest that accrues only on the principal balance of the deferred duty and not on any accrued interest
Time payment arrangement	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

Section 5 Conditions—deferral of duty	
<ol style="list-style-type: none"> 1. All applicants MUST meet the eligibility criteria for either the Home Buyer Concession or First Home Owner Grant to qualify for deferral of duty. This includes the residency requirements to occupy your home as a principal place of residence for a continuous period of 6 months starting within 1 year of completion of the eligible transaction or issue of the Certificate of Occupancy. 2. An application for deferral of duty MUST be received by the ACT Revenue Office by the date the duty must be paid or within 1 year, whichever is earlier. Duty is payable within 90 days for the grant, transfer or agreement, whichever is earlier or, for an Off the Plan purchase or an Affordable House and Land Package, within 14 days if one of the events happen under s 16A of the <i>Duties Act 1999</i>. The application must be received by the ACT Revenue Office by that date or within a maximum period of 1 year, regardless of when the duty is payable. Late applications will NOT be accepted. 3. The maximum term of the deferral of duty is for a period of 5 years after the day of the dutiable transaction taking place. 4. 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 HBC Scheme. 5. The minimum amount that can be deferred is \$1,000. 6. Repayment of the unpaid duty and any interest accrued and accruing must be paid in full within ten years after the day of the dutiable transaction taking place. 7. Applicants must agree to enter into a time payment arrangement and repay the deferred duty and any accrued interest by way of instalments as determined by the Commissioner for ACT Revenue. 8. Simple interest will accrue from the date the duty is payable and will continue to accrue until the deferred duty is paid in full. 9. Interest is calculated daily at the market rate, being the 90-day bank bill rate defined in s 26 (2) of the <i>Taxation Administration Act 1999</i>. 10. Applicants may make voluntary repayments over and above the required instalment amount at any time. 11. Applicants must acknowledge that any outstanding amounts will be held as a charge against the subject property. 12. For the purposes of s 97 of the <i>Taxation Administration Act 1999</i>, applicants must consent to the display of any outstanding amount in connection with this agreement on any Certificate of Rates, Taxes and other Charges produced in relation to the subject property. 13. All outstanding duty and interest must be paid in full prior to the subject property being sold. 14. Applicants must notify the ACT Revenue Office within 14 days of any change to their address or any other detail relevant to their application. 	

15. Applicants will be notified in writing of the outcome of their application together with any conditions that will form part of the deferral of duty.
16. If an applicant is successful in applying for deferral of duty but is subsequently determined not to have met the eligibility criteria, the Commissioner for ACT Revenue may issue an amended duty assessment. An amended assessment may result in interest and penalties being imposed together with the requirement for the applicant to immediately pay all outstanding amounts.
17. Applicants must acknowledge that they have had the opportunity to obtain independent financial advice prior to signing their application for deferral of duty.

Section 6 Declaration and Undertaking No 1

I/We declare that:

1. signing this form constitutes an application for deferral of duty;
2. all applicants are over 18 years of age;
3. all of the information in this application, and in any supporting documentation, is true and correct and that to the best of my/our knowledge, no information relevant to the consideration of this application has been omitted;
4. I/we have read and understood the terms and conditions set out in Sections 4 and 5 of this form;
5. I/we have had the opportunity to obtain independent financial advice prior to signing this form; and
6. I/we have completed all relevant Sections of this form.

I/We understand that:

1. as part of this application for a deferral of duty, we agree to enter into a time payment arrangement;
2. the information provided on the Home Buyer Concession and/or First Home Owner Grant Application Forms may be used by the ACT Revenue Office to determine our eligibility for a deferral of duty;
3. in the event that a deferral of duty is granted, the Commissioner for ACT Revenue may issue an amended assessment if it is determined that the eligibility criteria were not met; and
4. giving false or misleading information is a serious offence.

NOTE All applicants and their domestic partners must sign Declaration 1 and 2

	Applicant 1	Applicant 2
Name		
Signature		
Date		
Before me (signature of witness)		
Full name and address of witness (A witness must not be an applicant or a partner of an applicant and must not be related to the applicant or his/her partner)	Name	Name
	Street number/name	Street number/ name
	Suburb	Suburb
	State Postcode	State Postcode

Section 6 Declaration and Undertaking No 2

I/We further declare that:

For the purposes of s 97 of the *Taxation Administration Act 1999* and s 14 of the *Privacy Act 1988* (Cth), I/we consent 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 the subject property.

NOTE All applicants and their domestic partners must sign Declaration 1 and 2

	Applicant 1	Applicant 2
Name		
Signature		
Date		
Before me (signature of witness)		
Full name and address of witness (A witness must not be an applicant or a partner of an applicant and must not be related to the applicant or his/her partner)	Name	Name
	Street number/name	Street number/ name
	Suburb	Suburb
	State Postcode	State Postcode

Office Use Only	Delegate name:			FHOG UIN
	Signature:			HBC REF
	Date:			
	Approved:	Rejected:	Compliance check:	Rates Account No

GIVING FALSE OR MISLEADING INFORMATION IS A SERIOUS OFFENCE
(Section 338, *Criminal Code 2002*)

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* (Cth). Information (including personal information) is not disclosed to any third party unless authorised by law or with the consent of the person involved.