

## Australian Capital Territory

# Deferral of Duty

## Application Form and Lodgment Guide

### Notes

- Use this application form if the date of the eligible transaction is **on or after 1 September 2013**.
- Do not use this application if your **transaction date** is **on or before 31 August 2013**.
- The meanings of words in **bold** are provided under 'Terms Used'.
- **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 a second form must be attached.
- If you are applying for the Deferral of Duty and the First Home Owner Grant, and have already lodged your First Home Owner Grant application with an **approved agent** please advise ACT Revenue staff upon lodgment.
- If you are applying for the First Home Owner Grant and the Home Buyer Concession Scheme, as a minimum you must supply the supporting documentation for the Home Buyer Concession Scheme.
- Before lodging the application, remove pages 1 to 7 of the lodgment guide and keep for your reference.

## Lodgment Guide

The information in this lodgment guide is for general guidance only. It should not be relied upon to address every aspect of Deferral of Duty and should not be lodged with your application.

### When to lodge your application

An application must be lodged with the ACT Revenue Office by the date the duty must be paid. Duty is payable within 90 days of the grant, transfer or agreement, whichever is earlier or, for an **Off the Plan** agreement within 14 days if one of the events happen under section 16A of the *Duties Act 1999*.

**Late applications will only be considered if you can show it was unduly onerous to lodge on time (see [Revenue Circular DAA012.1](#)).**

### Eligibility criteria

- ✓ **If purchasing a new property:** all **applicants** must be eligible for the Home Buyer Concession Scheme (HBC) or the First Home Owner Grant (FHOG).
- ✓ **If purchasing an established property:** **applicants** would have been eligible for the FHOG under the *First Home Owner Grant Act 2000* (the Act) except for the requirement under section 12B of the Act that the property be new or substantially renovated.
- ✓ At least one **applicant** must occupy the **home** as their **principal place of residence** for a continuous period of 12 months starting within 1 year of completion of the **eligible transaction** or issue of the Certificate of Occupancy.
- ✓ Application for deferral of duty will only be considered where the market value or purchase price (whichever is the greater) is equal to or below the relevant HBC upper threshold.
- ✓ The minimum amount of duty that can be deferred is \$1,000.

PO Box 293, Civic Square ACT 2608 | phone: (02) 6207 0028 | [www.revenue.act.gov.au](http://www.revenue.act.gov.au)

Entrance on London Circuit, Canberra Nara Centre,  
Cnr London Circuit & Constitution Avenue, CANBERRA CITY

## **Terms and Conditions of Deferral of Duty**

- ✓ The maximum term of the deferral of duty is for not more than five years after the day of the dutiable transaction taking place. The first payment (or instalment) must be made within the first five year period. Payment of the unpaid duty and any interest accrued and accruing must be paid in full no later than ten years after the day of the dutiable transaction taking place.
- ✓ **Applicants** agree that by making an application for deferral of duty, upon approval, they have entered into a **time payment arrangement** under section 52 of the *Taxation Administration Act 1999* to pay the deferred duty and any accrued interest by way of instalments as determined by the Commissioner for ACT Revenue.
- ✓ As a condition of the **time payment arrangement**, under section 52 (2) of the *Taxation Administration Act* applicants agree that the required payment method of any deferred duty and accrued interest instalments will be via direct debit and that a Direct Debit Authority is to be provided to the Commissioner for ACT Revenue within fourteen (14) days prior to the due date for the first instalment amount.
- ✓ Simple interest will accrue on the deferred duty arrangement from the date the duty is payable and will continue to accrue until the deferred duty is paid in full. Interest is calculated daily at the market rate under section 26 (2) of the *Taxation Administration Act 1999*.
- ✓ **Applicants** may make voluntary payments over and above the instalment amount at any time.
- ✓ **Applicants** must acknowledge that any outstanding amounts will be held as a charge against the subject property.
- ✓ Where the **applicants** are approved for a deferral of duty, a **time payment arrangement** under section 52 of the *Taxation Administration Act 1999* is deemed to have commenced. Under section 52 (4) of the *Taxation Administration Act 1999*, if the minimum instalment of duty is not paid on or before the day an instalment payment is due, this constitutes a **tax default** and will result in the full amount of duty deferred and any interest becoming immediately due and payable. The Commissioner for ACT Revenue may seek to recover any overdue amount.
- ✓ Where a **tax default** occurs, the premium rate of interest (8 per cent per annum) will also apply to the outstanding deferred duty amount, in addition to the market rate of interest. Penalty tax may also apply in certain circumstances (section 31 of the *Taxation Administration Act 1999*). The Commissioner for ACT Revenue may seek to recover these amounts.
- ✓ For the purposes of section 97 of the *Taxation Administration Act 1999*, applicants must consent to the display of any outstanding amount in connection with this agreement on any Certificate of Rates, Land Tax and Other Charges produced in relation to the subject property.
- ✓ All outstanding deferred duty and interest must be paid in full prior to the subject property being sold or transferred to another party.
- ✓ **Applicants** must notify the ACT Revenue Office within 14 days of any change to their address or any other detail relevant to their application.
- ✓ **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.
- ✓ If an **applicant** is approved for deferral of duty but is subsequently determined not to have met the eligibility criteria for the Home Buyer Concession Scheme and/or the First Home Owner Grant, 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.

**Applicants** must acknowledge that they have had the opportunity to obtain independent financial advice prior to signing their application for deferral of duty.

## Payment of Deferred Duty

- ✓ If **applicants** are approved for the Deferral of Duty, they must enter into a **time payment arrangement** with the **Commissioner**.
- ✓ As a condition of this **time payment arrangement**, the **Commissioner** has determined (under section 52 (2) of the *Taxation Administration Act 1999*) that payment of deferred duty and any accrued interest must be made via direct debit. **Applicants** must provide the **Commissioner** with a completed Direct Debit Authority within fourteen (14) days prior to the due date for the first instalment amount.
- ✓ The Direct Debit Authority can be found on the ACT Revenue Office website at:  
<http://www.revenue.act.gov.au/publications-and-legislation/forms>

## When you must move in and for how long

- At least one **applicant** must start occupying the **home** within 1 year after completion of the **eligible transaction** or issue of the Certificate of Occupancy.
- At least one **applicant** must reside in the **home** as their **principal place of residence** for a continuous period of at least 12 months.
- **Applicants** must satisfy the **Commissioner** that they have met the residency requirements and may be required to prove residency by providing documentary evidence of their period of occupancy.
- **Applicants** who do not satisfy the residency requirements must notify the **Commissioner** in writing within 14 days of the **notifiable event**.

Notifiable Event	Notification Timeframe
Failing to comply with the residency requirements	Within 14 days of the earlier of the date: <ul style="list-style-type: none"><li>• by which the applicants were required to have taken occupation of the home; or</li><li>• on which it became apparent that the applicants would not comply with the residency requirements during the period allowed for compliance.</li></ul>

## Terms Used

<b>Applicant</b>	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.
<b>Approved agent</b>	An organisation (including a financial institution) approved by the ACT Revenue Office that processes applications for the First Home Owner Grant. An <b>approved agent</b> is not authorised by the ACT Revenue Office to offer any advice or assistance on the conditions of eligibility for the First Home Owner Grant or on the completion of the application for the First Home Owner Grant.
<b>Certified copy</b>	A true copy of an original document that has been sighted and certified by an authorised person* and annotated as follows: 'I certify that I have sighted the original document and this is a true copy of it' or words to that effect. The certification must have the certifier's name, title, registration number (if applicable) and be signed and dated.  *An authorised person includes a legal practitioner, justice of the peace, magistrate, notary public, police officer, dentist, veterinary practitioner, pharmacist, certified practising accountant, Member of Parliament, minister of religion, medical practitioner.
<b>Commissioner</b>	Commissioner for ACT Revenue.
<b>Consideration</b>	The purchase price.
<b>Domestic partner</b>	See <i>Legislation Act 2001</i> , section 169.

<b>Dutiable transaction</b>	Has the same meaning as in the <i>Duties Act 1999</i> .
<b>Eligible person</b>	An eligible home buyer under the Home Buyer Concession Scheme; or is eligible for a First Home Owner Grant (FHOG) under the <i>First Home Owner Grant Act 2000</i> (the Act) or an <b>applicant</b> who would be eligible for the FHOG under the Act except for the requirement under section 12B of the Act that the property be new or substantially renovated.
<b>Eligible property</b>	Means a residential lease the value of which is not more than the upper property value threshold under the Home Buyer Concession Scheme.
<b>Eligible transaction</b>	A contract to purchase an <b>eligible property</b> signed on or after 1 September 2013.
<b>Individual</b>	A natural person, not a company or an incorporated body.
<b>Home</b>	A building, affixed to land, that may be lawfully used as a place of residence and that the <b>Commissioner</b> is satisfied is a suitable building for use as a place of residence.
<b>Notifiable event</b>	An event that occurs when any part of the eligibility criteria is not met. <b>Applicants</b> are required by law to notify the Commissioner in writing within 14 days of becoming aware of a notifiable event.
<b>Off the plan</b>	An agreement for the sale or transfer of dutiable property that is, or includes, land where a residence is to be erected or developed before completion of the sale or transfer.
<b>Permanent resident</b>	A person who holds a permanent residency visa under section 30 of the <i>Migration Act 1958</i> (Cth) or a New Zealand citizen who holds a special category visa under section 32 of the <i>Migration Act 1958</i> .
<b>Principal place of residence</b>	The <b>home</b> you primarily reside in. The most important characteristic of a <b>principal place of residence</b> is that the person is living in the residence on an ongoing and permanent basis as the person's settled or usual <b>home</b> . 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 <b>principal place of residence</b> .
<b>Related person or associated person</b>	See dictionary in the <i>Duties Act 1999</i> .
<b>Relevant interest</b>	A person who will have a legal entitlement to the property. Each person acquiring a <b>relevant interest</b> must be listed as an <b>applicant</b> on the application form.
<b>Residential property</b>	Land in Australia on which there is a building that is lawfully occupied as a place of residence or that is suitable for occupation as a place of residence. This includes houses, townhouses, units, flats, duplexes, converted warehouses, fixed moveable homes.
<b>Simple interest</b>	Interest that accrues only on the principal balance of the deferred duty and not on any accrued interest.
<b>Tax default</b>	A failure by a taxpayer to pay, in accordance with a tax law, the whole or part of tax that the taxpayer is liable to pay.
<b>Time payment arrangement</b>	An agreement entered into by all <b>applicants</b> to pay all outstanding deferred duty and interest by the specified due date and in the specified manner.
<b>Title search</b>	A search on the land that shows the names of the registered owners. A <b>title search</b> can be obtained from the ACT Office of Regulatory Services.
<b>Valuer</b>	A person qualified to make valuations for the class of property in question.

## Required documents

### ❖ Required if applying for Deferral of Duty via the Home Buyer Concession Scheme

- Completed Conveyance Lodgment form\*
- Original exchanged Contract for Sale \*
- Original Transfer form\*
- Completed Deferral of Duty application form
- Completed Home Buyer Concession form and supporting documentation (please refer to the guide and checklist of the Home Buyer Concession application)

\* If you are employing the services of a conveyancing solicitor please ensure you liaise with them first in regards to the listed supporting documentation.

**Note:** If you are applying for the First Home Owner Grant and the Home Buyer Concession Scheme, as a minimum you must supply a completed Home Buyer Concession application along with the supporting documentation.

### ❖ Required if applying for Deferral of Duty via the First Home Owner Grant Scheme for new and substantially renovated properties

- Completed Conveyance Lodgment form\*
- Original exchanged Contract for Sale \*
- Original Transfer form\*
- Completed Deferral of Duty application form
- First Home Owner Grant UIN reference number

\* If you are employing the services of a conveyancing solicitor please ensure you liaise with them first in regards to the listed supporting documentation.

If you are applying for the First Home Owner Grant and the Home Buyer Concession Scheme, as a minimum you must supply a completed Home Buyer Concession application along with the supporting documentation.

**Note:** If you have lodged your First Home Owner Grant application with an **approved agent** and have been provided with a First Home Owner Grant reference number, please provide this number to the ACT Revenue Office.

### ❖ Required if applying for Deferral of Duty and purchasing an established property

**Note:** At least one **applicant** must be an Australian citizen or **permanent resident** at the time of application.

- Completed Conveyance Lodgment form\*
- Original exchanged Contract for Sale\*
- Original Transfer form\*
- Completed Deferral of Duty application form
- **Certified copy** of at least one Category One document

\* If you are employing the services of a conveyancing solicitor please ensure you liaise with them first in regards to the listed supporting documentation.

## Supporting evidence - required only if purchasing an established property

All **applicants** and their **domestic partners** purchasing an established property must lodge a **certified copy** of the proof of identity document for Category One below.

**Applicants** who are unable to provide a **certified copy** of a document from Category One should contact the ACT Revenue Office to discuss their circumstances.

### ❖ **Category One – Certified evidence of citizenship or permanent residency**

**Note:** At least one **applicant** must be an Australian citizen or **permanent resident** at the time of application.

#### **If born in Australia:**

- Australian birth certificate issued by Registrar of Births, Deaths and Marriages<sup>^</sup> (**Birth Extracts and Passports are not acceptable**).

**Note:** There are no exceptions to this requirement if born in Australia

#### **If born overseas:**

- Passport – current\*<sup>^</sup> **and**
- Record of immigration status (if current passport is not an Australian passport):
  - Australian Citizenship Certificate<sup>^</sup> **or**
  - Permanent residency certificate (Form 164) issued by the Department of Immigration<sup>^</sup> **or**
  - Permanent residency visa<sup>^\*\*</sup> **or**
  - New Zealand Passport.

\* If the current Passport is an overseas passport also provide one of the “Record of Immigration Status” documents. If born overseas and you do not have a current passport you must provide a record of immigration status.

<sup>^</sup> Evidence of Change of Name is required if the name on any document is different from the name of the **applicant** (e.g. Change of Name Certificate, Deed Poll Certificate, Marriage Certificate, Birth Certificate, Divorce Certificate).

<sup>\*\*</sup>Electronic visas printed offline must be accompanied by a statutory declaration made by the relevant applicant stating it is a true and correct copy of the original document provided online.

If separated from your spouse, provide a statutory declaration with your former partner’s name, date of birth, date of marriage, date of separation, current address (if known) and statement to the effect that you do not live together and have no intention of cohabitation.

## False or misleading information and penalties

### **Compliance Investigations**

The ACT Revenue Office conducts ongoing investigations to ensure that applicants comply with all conditions. All applications are rigorously reviewed, and checks made of former home ownership by any applicant in the ACT and interstate, together with a **title search** of property details. Further checks are made of domestic partner status and ACT Planning and Land Authority records. A compliance check generally takes place after the Deferral of Duty has been granted and includes verification that the residency requirements have been met.

### **Giving false or misleading information in a serious offence (*Criminal Code 2002*)**

## Your Rights

If you wish to obtain more information about a decision, you may apply in writing to the Commissioner within 28 days after the date of the decision by post to PO Box 293, Civic Square ACT 2608 or by email using the feedback form at <http://www.revenue.act.gov.au/functions/feedback-form> .

If you wish to object to a decision, you must apply in writing to the Commissioner by post to PO Box 293 Civic Square ACT 2608 or by email to [DTRevenueObjections@act.gov.au](mailto:DTRevenueObjections@act.gov.au) within 60 days after the date of service of the decision. The application must state clearly your reasons for objecting and be accompanied by the prescribed fee (see [www.revenue.act.gov.au/interest-and-penalties/your-rights](http://www.revenue.act.gov.au/interest-and-penalties/your-rights) for the fee amount). You bear the burden of showing that your objection should be upheld. An objection is determined by a senior officer who is independent of the original decision-maker on the basis of the information provided in the objection and by the decision-maker. Additional information may be requested to assist in determining the objection. The Commissioner will give you notice in writing of the determination of your objection. If you wish to seek a review of the determination of your objection, you must apply in writing to the ACT Civil and Administrative Tribunal (the ACAT) within 28 days of the date of the determination. The application must state clearly your reasons for seeking a review. Contact the ACAT Registry for further information.

## 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 *Information Privacy Act 2014*. Information (including personal information) is not disclosed to any third party unless authorised by law or with the consent of the person involved.

## Contact details

<b>Telephone   Fax</b>	T: (02) 6207 0028      F: (02) 6207 0026
<b>Street address</b>	Canberra Nara Centre Corner of London Circuit and Constitution Avenue Canberra City
<b>Postal address</b>	PO Box 293 Civic Square ACT 2608
<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>



## Deferral of Duty Application Form

### SECTION 1 – Applicant Details

Applicant 1 (Contact Applicant)		Applicant 2/Domestic Partner	
<b>Title</b>	<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	
<b>First name</b>			
<b>Middle name(s)</b>			
<b>Family name</b>			
<b>Current residential address</b>	Street number	Street number	
	Street name	Street name	
	Suburb	Suburb	
	State <span style="float: right;">Postcode</span>	State <span style="float: right;">Postcode</span>	
<b>Daytime telephone</b>	( )	( )	
<b>Mobile number</b>	Mobile	Mobile	
<b>Email address</b>			

### SECTION 2 – Property Details

Suburb	Section	Block	Unit	Purchase price (Consideration)	Market value
				\$	\$
<b>Street address</b>					
<b>Note:</b> If the buyer and seller are related or associated parties, attach a qualified <b>valuer's</b> report to substantiate the current market value of the property. Also attach original document for stamping.					
<b>Date of grant/transfer or agreement for transfer</b> (whichever is first)					/ /

### SECTION 3 – Eligibility Criteria

1. Have you or your <b>domestic partner</b> applied for the First Home Owner Grant? Applicants applying for the First Home Owner Grant on new or substantially renovated properties must complete <b>sections 5 and 6</b> of this form. <b>First Home Owner Grant UIN Reference Number (if known):</b> _____	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Have you or your <b>domestic partner</b> applied for the Home Buyer Concession? Applicants applying for the Home Buyer Concession must also complete <b>sections 5 and 6</b> of this form.	Yes <input type="checkbox"/> No <input type="checkbox"/>



<p>3. Are you or your <b>domestic partner</b> purchasing an established property?</p> <p>Applicants applying for Deferral of Duty under the First Home Owner Grant criteria for established properties must complete <b>sections 4, 5 and 6</b> of this form.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p><b>Note:</b> If you answered no to questions 1 and 2 above you must complete the appropriate FHOG or HBC application form and provide the supporting documentation. If you answered yes to question 3 you must be eligible for the FHOG under the <i>First Home Owner Grant Act 2000</i> (the Act) except for the requirement under section 12B of the Act that the property be new or substantially renovated.</p>	

#### SECTION 4 – Eligibility declaration by applicants purchasing established property

**Only complete this Section if you are purchasing an established property**

<p>Does the <b>applicant(s)</b> and/or their <b>domestic partner</b> declare that he/she has never received a grant under the <i>First Home Owner Grant Act 2000</i> anywhere in Australia?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Does each <b>applicant</b> and their <b>domestic partner</b> declare that before 1 July 2000 he/she has never owned a <b>residential property</b> anywhere in Australia either jointly, separately or with some other person?</p> <p><b>Note:</b> <b>Applicants</b> are not eligible for the deferral of duty if they or their <b>domestic partner</b> have held a <b>relevant interest in residential property</b> prior to 1 July 2000, even if they have never occupied the property.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Does each <b>applicant</b> and their <b>domestic partner</b> declare that he/she has never occupied <b>residential property</b> anywhere in Australia in which they acquired a <b>relevant interest</b> either jointly, separately or with some other person, on or after 1 July 2000 but before 1 January 2004?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Does each <b>applicant</b> and their <b>domestic partner</b> declare that he/she has never occupied <b>residential property</b> anywhere in Australia for a continuous period of at least 6 months in which they acquired a <b>relevant interest</b> either jointly, separately or with some other person, on or after 1 January 2004?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Is each <b>applicant</b> an <b>individual</b> (e.g. not a company or trust except a trustee for a person with a legal disability) and at least 18 years of age?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Is at least one <b>applicant</b> an Australian citizen or <b>permanent resident</b> at the time of making the application?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Will at least one <b>applicant</b> be occupying the home as their <b>principal place of residence</b> for a continuous period of at least 12 months, with the period of occupation starting within 1 year after the completion date of the <b>eligible transaction</b>?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

#### SECTION 5 – Payment instalment options

**Please tick one box out of the following two options**

<p>Commence instalment payments for deferred duty immediately (that is, within 90 days, or within one year for an off the plan purchase, from the date of the dutiable transaction) so as to pay the total amount of duty plus accrued interest within 10 years of the date of the dutiable transaction.</p>	<input type="checkbox"/>
<p>Defer the first instalment payment of deferred duty for not more than five years from the date of the dutiable transaction and then pay the total amount of duty plus accrued interest by further instalments within 10 years from the date of the dutiable transaction.</p>	<input type="checkbox"/>
<p><b>Note:</b> <b>Applicants</b> may make voluntary payments over and above the instalment amount at any time. <b>Applicants</b> who commence instalment payments under their indicated preference above and then wish to change the payment option should contact the ACT Revenue Office for advice.</p>	

## SECTION 6 – Declaration and Undertaking

### I/We declare that:

1. I/we have completed the application form and declare that all information in this application and in any supporting documentation is true and correct and to the best of my/our knowledge, no information relevant to the consideration of this application has been omitted. All copies of documents attached in support of this application are a true copy of the original document;
2. I/we understand that signing this declaration and undertaking constitutes an application for deferral of duty and acceptance and agreement to the terms and conditions of that deferral;
3. all **applicants** are over 18 years of age;
4. I/we have read and understood the terms and conditions set out in this form;
5. I/we have read and understood the Privacy Statement;
6. I/we have had the opportunity to obtain independent financial advice prior to signing this form;
7. I/we have completed all relevant Sections of this form;
8. for the purposes of section 97 of the *Taxation Administration Act 1999* and section 13 of the *Information Privacy Act 2014*, I/we consent to any outstanding amount in connection with this agreement being displayed in any Certificate of Rates, Land Tax and Other Charges produced by the ACT Revenue Office in relation to the subject property;
9. I/we will be residing in the **home** to which this application relates as my **principal place of residence** for a continuous period of at least 12 months, with the period of occupation starting within 1 year after the completion date of the **eligible transaction** or issue of Certificate of Occupancy;
10. I/we authorise the ACT Revenue Office to access and exchange information about me to verify my eligibility for the First Home Owner Grant with the **approved agent** (where applicable), State, Territory and Australian Government agencies, and commercial organisations, as permitted by law; and
11. I/we understand that the **approved agent** is not authorised by the ACT Revenue Office to offer any advice or assistance on the conditions of eligibility for the First Home Owner Grant, or on the completion of this application.

### TERMS AND CONDITIONS:

#### I/We understand and agree that:

1. as part of this application for a deferral of duty, approval of this application constitutes me/us as the applicants entering a **time payment arrangement** under section 52 of the *Taxation Administration Act 1999*;
2. payment, or the first instalment of the payment, of the duty may be deferred for not more than 5 years after the date of the dutiable transaction (the first payment or instalment must be made within the first five year period);
3. as a condition of the **time payment arrangement**, under section 52 (2) of the *Taxation Administration Act 1999* the required payment method of any deferred duty and accrued interest instalments will be via direct debit and that a Direct Debit Authority is to be provided by me/us to the Commissioner for ACT Revenue within fourteen (14) days prior to the due date for the first instalment amount;
4. under section 52 (4) of the *Taxation Administration Act 1999*, if the minimum instalment of duty is not paid on or before the day that any payment is due, this constitutes a **tax default** and will result in the full deferred amount and interest becoming immediately due and payable;
5. where a **tax default** occurs, the premium rate of interest (8 per cent per annum) will also apply to any outstanding deferred duty amount, in addition to the market rate of interest. Penalty tax may also apply in certain circumstances (section 31 of the *Taxation Administration Act 1999*);
6. the Commissioner for ACT Revenue may seek to recover any overdue amount;
7. if applying under the Home Buyer Concession Scheme and/or the First Home Owner Grant 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;
8. in the event that an application for deferral of duty is approved, and it is subsequently determined that I/we have not met the eligibility criteria for the Home Buyer Concession and/or the First Home Owner Grant, the Commissioner for ACT Revenue may issue an amended duty assessment. An amended duty

- assessment may result in interest and penalties being imposed together with the requirement for the applicant to immediately pay all outstanding amounts;
9. any outstanding amounts in respect of deferred duty and interest will be held as a charge against the subject property;
  10. all outstanding deferred duty and interest must be paid in full prior to the subject property being sold or transferred to another party; and
  11. giving false or misleading information is a serious offence (*Criminal Code 2002*).

**NOTE:** All applicants and their domestic partners must sign the Declaration

	Applicant 1	Applicant 2/Domestic Partner
<b>Name</b>		
<b>Signature</b>		
<b>Date</b>		
<b>Witness signature</b>		
<b>Witness - Full name and address</b> (A witness must <b>not</b> be an <b>applicant</b> or a <b>domestic partner</b> of an <b>applicant</b> and must <b>not</b> be related to the <b>applicant</b> or his/her partner)	Name	Name
	Street number/name	Street number/ name
	Suburb	Suburb
	State                      Postcode	State                      Postcode

<b>OFFICE USE ONLY</b>	<b>Delegate name:</b>			<b>FHOG UIN:</b>
	<b>Signature:</b>			<b>HBC REF:</b>
	<b>Date:</b>			
	<b>Approved:</b>	<b>Rejected:</b>	<b>Compliance check:</b>	<b>Rates Account No:</b>
<b>REQUIREMENTS:</b>				
	• Eligible Property		<input type="checkbox"/>	
	• Approved Form lodged		<input type="checkbox"/>	
	• Lodged within required period		<input type="checkbox"/>	
	• Eligible applicant/s		<input type="checkbox"/>	
	• Declaration completed		<input type="checkbox"/>	
	• Deferral amount at least \$1,000		<input type="checkbox"/>	

This is Approved form AF2014-136 under section 139C of the *Taxation Administration Act 1999*

## Checklist

Complete the checklist to ensure the supporting documents are attached to your application. To ensure your application is processed in a timely manner, ensure it is fully completed, signed and dated.

Your application will not be accepted if it is not fully completed and/or the supporting documents are not attached. Additional documents may be requested after lodgment of your application.

Required if applying for Deferral of Duty via the Home Buyer Concession Scheme		
	Tick if attached	Office use only
<ul style="list-style-type: none"><li>• Completed Conveyance Lodgment form*</li><li>• Original exchanged Contract for sale *</li><li>• Original Transfer form*</li><li>• Completed Duty Deferral application form</li><li>• Completed Home Buyer Concession form and supporting documentation</li></ul> <p>* If you are employing the services of a conveyancing solicitor please ensure you liaise with them first in regards to the listed supporting documentation.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Required if applying for Deferral of Duty via the First Home Owner Grant Scheme		
	Tick if attached	Office use only
<ul style="list-style-type: none"><li>• Completed Conveyance Lodgment form*</li><li>• Original exchanged Contract for sale *</li><li>• Original Transfer form*</li><li>• Completed Duty Deferral application form</li><li>• First Home Owner Grant UIN reference number</li></ul> <p>*If you are employing the services of a conveyancing solicitor please ensure you liaise with them first in regards to the listed supporting documentation.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Required if applying for Deferral of Duty and purchasing established property		
	Tick if attached	Office use only
<ul style="list-style-type: none"><li>• Completed Conveyance Lodgment form*</li><li>• Original exchanged Contract for sale*</li><li>• Original Transfer form*</li><li>• Completed Duty Deferral application form</li><li>• <b>Certified copy</b> of a Category One document</li></ul> <p>* If you are employing the services of a conveyancing solicitor please ensure you liaise with them first in regards to the listed supporting documentation.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>