

# Taxation Administration (Off the Plan Unit Duty Exemption Scheme) Determination 2024

## Disallowable instrument DI2024–178

made under the

***Taxation Administration Act 1999, s 137E (Exemption scheme)***

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### 1 Name of instrument

This instrument is the *Taxation Administration (Off the Plan Unit Duty Exemption Scheme) Determination 2024*.

### 2 Commencement

This instrument commences on 1 July 2024.

### 3 Definitions

In this instrument:

*Act* means the *Duties Act 1999*.

*Commissioner*—see the Act, dictionary.

*dutiable value*—see the Act, section 20.

*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*.

**residential unit** means 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.

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

**transfer** means the execution of an off the plan agreement.

**transferee**—see the Act, dictionary.

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

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

#### **4 Meaning of eligible property**

In this instrument:

**eligible property** means a residential unit with a dutiable value of less than or equal to \$1 000 000.

#### **5 Meaning of eligible transaction**

(1) In this instrument:

**eligible transaction** means a transfer of eligible property:

- (a) with a transaction date on or after 1 July 2024; and
- (b) where 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.

(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.

## **6 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 6 (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.

## **7 Determination**

For the purposes of section 137E of the *Taxation Administration Act 1999*, I determine that a transferee in relation to an eligible transaction is exempt from duty payable under the Act.

## **8 Expiry**

This instrument expires on 30 June 2025.

## **9 Revocation**

This instrument revokes the *Taxation Administration (Off the Plan Unit Duty Exemption Scheme) Determination 2023 (No 2)*, DI2023-275.

**10 Human Rights Act 2004**

In my opinion, as the Minister, this instrument is consistent with human rights.  
This instrument is non-prejudicial because it does not limit existing rights.

Andrew Barr MLA  
Treasurer

21 June 2024