

Stamp Duty

Senior, Pensioner and Carer Concession (SPCC) Guide to the application

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1. Introduction

This guide explains the eligibility criteria for the stamp duty Senior, Pensioner and Carer Concession (SPCC) under the *Stamp Duty Act*, the lodgement requirements for applications and applicant obligations. Please read it carefully before completing the application form. The guide is for your ongoing reference and should not be lodged with your application.

Reference is made in the Guide to Commissioner's Guidelines, which have been issued to provide further clarification on the eligibility criteria and related matters. Commissioner's Guidelines can be accessed from the Territory Revenue Office (TRO) website at www.revenue.nt.gov.au.

2. Purpose of the SPCC

The SPCC was introduced on 4 May 2010, to assist eligible senior citizens, pensioners and carers who are not first home owners to acquire a home or land on which to build a home by reducing the stamp duty that would otherwise be payable. The scheme is not means tested but eligibility ceases if the dutiable value of the home or land at the date of the conveyance exceeds \$750 000 and \$385 000, respectively. There is no limit on the cost of a home to be built on land.

Eligible senior citizens, pensioners and carers who are first home owners, may be entitled, instead of the SPCC, to the First Home Owner Grant (FHOG). The FHOG represents a greater benefit than the SPCC, but only one of the SPCC or the FHOG can be applied for in relation to a particular transaction.

Persons who are ineligible for the SPCC and FHOG, may be eligible for the stamp duty Principal Place of Residence Rebate (PPRR). For further details, refer to the TRO website at www.revenue.nt.gov.au.

3. Key terms

Applicant – a person (or persons) acquiring a property to which the application relates.

Approved agent – a conveyancer or solicitor who has been approved by TRO to self assess stamp duty on conveyances of property.

Commissioner – the Commissioner of Territory Revenue.

Conveyance – includes a:

- contract for the purchase of a property
- transfer of a property whether by way of sale or gift
- transfer and grant of a lease from the Territory that is convertible to an estate in fee simple
- transfer, a grant and a sublease of a lease from the Commonwealth, Territory or under section 19 or 19A of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) for a term of 15 years or more.

Dutiable value – the greater of the consideration (including any GST payable) for the acquisition or the unencumbered value of the property at the date of the conveyance.

First Home Owner Grant – a grant payable under the *First Home Owner Grant Act*.

Home – a building that is affixed to land where that building may lawfully be used as a place of residence and the Commissioner is satisfied that it is a suitable building for use as a place of residence. It may also include a transportable home that is permanently affixed to land.

If the building is within a building control area under the *Building Act*, it must have the requisite approvals to be lawfully occupied as a place of residence. This is generally represented by an occupancy permit. If outside the building control area, the building must have the structural integrity, essential facilities and services for use as a place of residence.

For further information on whether a building qualifies as a home, refer to Commissioner's Guideline [CG-HI-006: Meaning of a 'home'](#).

Off-the-plan – the acquisition of a new home on a proposed lot on a plan of subdivision, whether the plan of subdivision is registered or not.

Possession – when the applicant obtains the right to occupy the property. If the property is acquired with vacant possession (that is, without an existing lease), it is the settlement date. If the property is acquired with an existing lease, it is the date the lease expires or is terminated.

Principal place of residence – the home you primarily reside in. The most important characteristic of a principal place of residence is that the residence must be occupied on an ongoing or permanent basis as your settled or usual place of abode. It does not include a residence where the occupation is transient, temporary or of a passing nature, or if the occupation is for some other purpose (that is, renovating the residence for sale).

For further information on the meaning of 'occupy' and 'principal place of residence' refer to Commissioner's Guideline [CG-HI-005: Principal place of residence](#).

Related or associated party – a person is related or associated with another party when:

- one is the spouse or de facto partner of the other
- they are related by blood, marriage or adoption
- they are a shareholder or director of the other party
- they are a beneficiary of a trust for which the other party is a trustee
- or the transaction is not otherwise at arm's length. (A transaction is generally considered to be at arm's length when it is between independent and unrelated persons, conducted on an equal footing in which each acts in their own self interest).

Settlement date – the date when the conveyance is completed.

Unencumbered value – the full value of the property in the open market, free from encumbrances, such as a mortgage, and includes any GST payable on the supply of the property.

4. Amount of the SPCC

For conveyances entered into on or after 28 April 2015, the SPCC is a reduction of up to \$10 000 off the stamp duty otherwise payable.

For conveyances entered into between 4 May 2010 and 27 April 2015, the SPCC is a reduction of up to \$8500 off the stamp duty otherwise payable.

A calculator to determine the stamp duty payable net of the SPCC is provided on the nt.gov.au website.

5. Eligibility criteria

Persons who acquire a home, or land on which a home is to be built, are eligible for the SPCC if they meet the following criteria:

Criterion 1 – Natural persons

Applicants must be natural persons – that is, not a company.

Criterion 2 – Minimum age or holder of a Northern Territory Concession card

At the date of the conveyance, at least **one** applicant must be:

- 60 years of age or more
- the holder of a valid Northern Territory Pensioner and Carer Concession (NTPCC) card or Northern Territory Concession Scheme (NTCS) card
- or entitled to a card mentioned above and, at the time of application, is the holder of such a card.

The above schemes are administered by Territory Families. For further information on the schemes, call 1800 777 704 or visit the website at www.ntconcessions.nt.gov.au.

Criterion 3 – Acquiring whole of the property

Except for a purchase with the Chief Executive Officer (Housing) under a housing assistance scheme, such as HOMESTART NT, applicants must be acquiring 100 per cent of the property.

Criterion 4 – Acquiring property in own right

Applicants must be acquiring the property in their own right, not in any other capacity such as an agent or trustee.

An exemption applies to a guardian acquiring a property for a person with a legal disability. In these circumstances, the guardian may apply for the SPCC on behalf of that person. A copy of the guardian's lawful appointment must be provided with the application form.

Criterion 5 – First Home Owner Grant

The applicant(s) must not have been paid, are not entitled to, and will not become entitled to, a *First Home Owner Grant* in relation to the conveyance of the home or the construction of a home on the land.

Criterion 6 – Property value thresholds

At the date of the conveyance, the dutiable value or unencumbered value of the property must not exceed:

- \$750 000 for a home
- \$385 000 for land on which a home is to be built. There is no limit on the cost of building the home.

Where these thresholds are exceeded, applicants are ineligible for the SPCC but they may be eligible for the PPRR. Refer to the TRO website at www.revenue.nt.gov.au for further details.

Criterion 7 – Occupancy requirements

At least one applicant that meets criterion 2 must occupy the home as their principal place of residence for a continuous period of at least six months commencing:

- for the acquisition of a home (including off the plan), within 12 months after taking possession of the home, which must occur within 12 months after the settlement date
- for the acquisition of land on which a home is to be built, within:
 - five years after the date the applicants became entitled to possession of the land, which must occur within 12 months after the settlement date
 - or 12 months after the building of a home is completed and the home is ready to occupy as a place of residence, whichever is the earlier.

Example

Fred and Dorothy, both aged 65, entered into a contract on 1 May 2018, to acquire vacant land on which to build their home. The acquisition was settled with vacant possession on 1 July 2018. Fred and Dorothy have until 1 July 2023, to build their home and commence occupation.

If the home was completed on 1 July 2019, either Fred or Dorothy must commence occupation **by no later** than 1 July 2020, being the earlier of the two dates.

If the land was acquired subject to an existing lease for grazing purposes for a period of less than 12 months from the settlement date, the five-year period commences from the date the lease expires. If the lease is for a period greater than 12 months, Fred and Dorothy are not eligible for the SPCC because they could not take possession of the property within 12 months after the settlement date, unless the period is extended (see section 6).

6. Discretion to vary the occupancy requirements

In special circumstances, the occupancy requirements may be varied by the Commissioner as follows:

- all applicants may be exempted from the occupancy requirements
- the period for commencing occupation of the home or for taking possession of the home after the settlement date may be extended
- the six month period for continuous occupation of the home may be reduced.

For further information refer to Commissioner's Guideline [CG-HI-003: Commissioner's discretion to exempt or vary compliance with the eligibility criteria](#).

7. Failure to comply with the occupancy requirements

Persons who have received the SPCC must notify TRO in writing within 30 days after it first became apparent they would fail to comply with the occupancy requirements. Failure to do so is an offence for which a maximum penalty of 50 penalty units may apply (current penalty unit values are available from [nt.gov.au](#)).

Where persons fail to comply with the occupancy requirements or are not otherwise eligible for the SPCC, stamp duty is reassessed as if they were not eligible for the SPCC. Interest and penalty tax may be included in the reassessment if the parties did not notify TRO within the required period or if their non-compliance is identified through the TRO compliance program.

8. Procedure for applying for the SPCC

To obtain the SPCC at the time the stamp duty is assessed, the application and supporting evidence must be provided when the conveyance is lodged with TRO or an approved agent for assessment of stamp duty. For vacant land, unless evidence of the intention to build is supplied at the time of lodgement, the full stamp duty must be paid and a refund claimed when the evidence becomes available.

9. Supporting evidence

The following evidence must be provided with an application for the SPCC. A legible photocopy is sufficient and certification is not necessary.

Proof of age or holder of a Northern Territory Concession card

At least one applicant must provide proof that they are at least 60 years of age or were entitled to a NTPCC or NTCS card at the date the conveyance was signed. Acceptable evidence includes:

- NTPCC or NTCS card
- birth certificate or extract
- Australian passport
- motor drivers licence
- or correspondence from Territory Families confirming the applicants entitlement at the relevant date.

Evidence of intention to build

The minimum evidentiary requirements are:

	Buildings within the building control area	Buildings outside the building control area
Contract to build through a registered builder	<p>A copy of the building contract and if the contract does not specify that building is a class 1A dwelling within the meaning of the Building Code of Australia:</p> <ul style="list-style-type: none">• certification to that effect from the builder• or a copy of the building permit issued under the <i>Building Act</i>• or a copy of the occupancy permit issued under the <i>Building Act</i> if the building has been completed	<ul style="list-style-type: none">• a copy of the building contract• and confirmation from the builder that the building will meet the standards suitable for use as a place of residence• and a copy of the plans and specification demonstrating that the building will have the required structural integrity, essential facilities and services for use as a place of residence
Owner builder	<ul style="list-style-type: none">• a copy of the building permit for a class 1A dwelling issued under the <i>Building Act</i>• or a copy of the occupancy permit issued under the <i>Building Act</i> if the building has been completed	<ul style="list-style-type: none">• a copy of the plans and specification demonstrating that the building will have the required structural integrity, essential facilities and services for use as a place of residence• or certification from a qualified person (that is, a building certifier) that the building will meet the standard suitable for use as a place of residence.

If the SPCC is approved in anticipation of the building meeting the above requirements, to remain eligible for the concession, the building must be completed to those standards.

For further information on the meaning of a home and evidentiary requirements, refer to Commissioner's Guideline [CG-HI-006: Meaning of a 'home'](#).

10. Refunds

Where the full stamp duty has been paid, eligible applicants may obtain a refund of the amount of the SPCC by lodging the SPCC application form with TRO together with the original stamped contract for sale and relevant supporting evidence. If the original stamped contract for sale cannot be located, contact TRO for further instructions.

11. Compliance investigations

TRO conduct regular inquiries to confirm whether applicants have satisfied the SPCC eligibility criteria and occupancy requirements.

Interest, penalty tax and possible prosecution action may apply if these inquiries demonstrate an applicant has made a false application or has not complied with the occupancy requirements.

Accordingly, applicants are urged to contact TRO immediately if they have any concerns relating to their eligibility to retain the SPCC.

12. Other home incentive schemes

The Territory Government has a number of schemes to assist home ownership. For further information refer to the TRO website www.revenue.nt.gov.au.

13. Contact details

For further information contact the Territory Revenue Office

Level 14, Charles Darwin Centre 19 The Mall

GPO Box 154

DARWIN NT 0801

Phone: 1300 305 353

Website: www.revenue.nt.gov.au Email: ntrevenue@nt.gov.au

Note: This guide is for your ongoing reference and should not be lodged with your application form. Complete and submit the application form and retain the application guide for future reference.

Stamp Duty

Senior, Pensioner and Carer Concession (SPCC)

Application form

This application will only be accepted when completed fully in black or blue ink and all supporting evidence is provided. Before completing the application, read the guide including the key terms at Section 3 to ensure you meet the criteria and are aware of your obligations. If you are unsure about any aspect, contact TRO for clarification. Significant penalties apply for making false or misleading statements.

SECTION 1 ELIGIBILITY CRITERIA

Note: Eligibility for the concession is determined at the date of the conveyance.

Eligibility checklist	Yes	No
1. Are all applicants natural persons (that is, not a company)?	<input type="checkbox"/>	<input type="checkbox"/>
2. On the date of the conveyance, was one applicant at least 60 years of age or the holder of a valid Northern Territory Pensioner and Carer Concession or Northern Territory Concession Scheme card?	<input type="checkbox"/>	<input type="checkbox"/>
3. Are the applicants, or together with the Chief Executive Officer (Housing), acquiring the whole of the property?	<input type="checkbox"/>	<input type="checkbox"/>
4. Are all applicants acquiring the property in their own right (that is, not as an agent, trustee or in any other capacity)?	<input type="checkbox"/>	<input type="checkbox"/>
Note: A guardian acquiring a property on behalf of a person with a legal disability is able to apply for the SPCC on behalf of that person (see section 5, criterion 4 of the guide).		
5. Have the applicants been paid, applied for, or are they/will they become entitled to a First Home Owner Grant in relation to the conveyance of the land or the construction of a home on the land.	<input type="checkbox"/>	<input type="checkbox"/>
6. Does the dutiable value of the property exceed:		
(a) \$750 000 in the case of a home	<input type="checkbox"/>	<input type="checkbox"/>
(b) or \$385 000 in the case of land on which a home is to be built?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will at least one applicant that meets criterion 2 be occupying the home as their principal place of residence for a continuous period of at least six months commencing:		
(a) in the case of the acquisition of a home (including off the plan), within 12 months after taking possession of the home, which will occur within 12 months after the settlement date	<input type="checkbox"/>	<input type="checkbox"/>
(b) in the case of the acquisition of land on which a home is to be built, within the earlier of the following:	<input type="checkbox"/>	<input type="checkbox"/>
(i) five years after taking possession of the land, which will occur within 12 months after the settlement date		
(ii) or 12 months after the building of a home is completed and the home is ready for occupation as a place of residence.		

Note: If you are unsure when occupation must commence, refer to the examples in section 5, criterion 7 of the guide or contact TRO for further information. The Commissioner has the discretion to vary the occupancy requirements (refer to section 6 in the guide).

SECTION 2 APPLICANT DETAILS

Note: ALL applicants must complete this section. If there are more than two applicants, please complete and attach an additional application form.

	Applicant 1 (primary contact)	Applicant 2
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr
First name	_____	_____
Middle name(s)	_____	_____
Family name	_____	_____
Date of birth (dd/mm/yyyy)	_____ / _____ / _____	_____ / _____ / _____
Daytime telephone number	() _____	() _____
Email address	_____	_____
Current residential address	Street no.	Street no.
	Street name	Street name
	Suburb/town	Suburb/town
	State Postcode	State Postcode
Address for service of notices (if different to residential address)	_____	_____
	_____	_____
	_____	_____
How many people will have an interest in the property?	_____	_____
Are any of the applicants related to or associated with the vendor?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, evidence from a suitably qualified person of the unencumbered value of the property at the date of the conveyance is required. See Commissioner's Guideline CG-SD-010: Tax assessments requiring evidence of value for further information.

SECTION 3 PROPERTY TRANSACTION AND OTHER DETAILS

Address of property

Lot number _____ Unit/street number _____
Street name _____ Suburb/town _____
State _____ Postcode _____

Title reference

Volume _____ Folio _____

If the current title is unavailable, please enter a parent title number.

Transaction details

What type of transaction does this application refer to?

Existing home Home acquired off the plan Vacant land

State the consideration payable for the acquisition and the unencumbered value of the property at the time of the conveyance.

Consideration payable _____ Unencumbered value _____

Existing lease

Is the property to be acquired subject to an existing lease? yes no

If yes, what date does the lease expire? _____ / _____ / _____

Note: if the lease is for more than 12 months after the settlement date, you are not eligible for the SPCC unless the Commissioner extends the period for taking possession of the property (refer to section 5, criterion 7 and section 6 of the guide).

Settlement date

What date do you expect the property to be settled on? _____ / _____ / _____

Date of occupation

What date do all applicants expect to commence occupation of the home as their principal place of residence? _____ / _____ / _____

SECTION 4 PAYMENT DETAILS IF APPLYING FOR A REFUND OF STAMP DUTY

Complete this section only if you are seeking a refund of stamp duty already paid. For your convenience and speed of payment, please provide EFT details for the account into which you would like the refund to be paid.

Name of bank _____
Full name of account _____
Account BSB _____
Account number _____

SECTION 5 ACKNOWLEDGEMENTS, AUTHORISATIONS AND DECLARATION

- I have read and understood this application form and the guide prepared by TRO relating to the conditions of eligibility for the SPCC. I understand and accept that if the conditions are not met, I may not be entitled to receive or retain the concession.
- I acknowledge TRO may access information about me to verify my eligibility for the SPCC with other state, territory and Commonwealth agencies and commercial organisations as permitted by law.
- I am aware that if none of the applicants who meet criterion 2 can comply with the occupancy requirements referred to in question 7 section 1 of this application as may be varied by TRO, I must notify TRO in writing within 30 days after the date it first became apparent that the requirements could not be complied with.
- I authorise TRO to address all correspondence in respect to this application to Applicant 1 at the address nominated by him or her.

I declare that the statements contained herein and supporting documentation provided are true and correct in every particular.

WARNING: It is an offence under the *Taxation Administration Act* to provide information that you know is misleading in a material particular (maximum penalty 400 penalty units – the current value of penalty units are available from www.nt.gov.au). If you are uncertain about your eligibility for the concession, please contact TRO for clarification prior to submitting your application.

Applicant 1 Signature _____ Name _____ Date _____	Applicant 2 Signature _____ Name _____ Date _____
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Privacy statement: The information in this form is required to determine whether or not you are eligible for the stamp duty SPCC. Any information you provide is on a voluntary basis, but is needed to process your application. The information may be communicated to persons authorised under the *Taxation Administration Act*. You may review or correct any personal information provided by contacting TRO.

SECTION 6 SUPPORTING DOCUMENTATION CHECKLIST

Important: The supporting documentation you provide must be either an original version or a legible photocopy. All original documents will be returned by post and TRO will not accept liability for any loss or damage incurred during transit.

Please refer to section 9 ‘Supporting evidence’ in the guide.

Proof of age or holder of a Northern Territory Pensioner and Carer or Northern Territory Concession Scheme Card

	Document provided	Office use only
Northern Territory Pensioner and Carer Card or Northern Territory Concession Scheme Card	<input type="checkbox"/>	<input type="checkbox"/>
Birth certificate or extract or	<input type="checkbox"/>	<input type="checkbox"/>
Current Australian passport or	<input type="checkbox"/>	<input type="checkbox"/>
Motor drivers licence	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 6 continued

Evidence of intent to build

Refer to section 9 of the guide and attach the relevant items

Item required:

- signed copy of the building contract
- certification from the builder or other qualified person
- a copy of the building permit issued under the *Building Act*
- a copy of the plans and specification
- a copy of the occupancy permit

Other (please specify) _____

Document provided

Office use only

SECTION 7 ADDITIONAL INFORMATION

If there was insufficient space in this application for your response or if you wish to clarify your response, please include the information here and ensure you identify the question or section you are responding to.

Note: The application guide is for your ongoing reference and should not be lodged with your application form. Complete and submit the application form and retain the application guide for future reference.