

Conveyance by return: Guide and conditions of approval

Document title	Conveyance by return: Guide and conditions of approval
Contact details	Territory Revenue Office, Department of Treasury and Finance
Date approved	14 May 2021
Document review	Annually

Acronyms	Full form
CBR	Conveyance by return
GST	Goods and services tax
INTRA	Integrated Revenue Application
TAA	<i>Taxation Administration Act 2007</i>
TRO	Territory Revenue Office

Glossary

Term	Definition
Allowable period	The allowable period is whichever of the following occurs first. A period of 60 days from the date of execution or exchange of contract or, in the case of an eligible conditional agreement, the earliest of the following dates: <ul style="list-style-type: none"> • 60 days after the date all relevant conditions to the agreement are satisfied • 60 days from the date of the conveyee having the right to possess the property, disregarding any deferment of the conveyee's right to possession due to leasing of the property • the date specified under a written notice by the Commissioner of Territory Revenue to lodge the agreement • where the agreement is an off-the-plan conditional agreement or subdivision conditional agreement, 24 months after the date the agreement was first executed • or in all other cases (other than where the property is subject to a subsequent sub-sale or a conveyance by direction of the conveyee), 12 months after the date the agreement was first executed.
Approved instrument	An instrument that has been approved by the Commissioner of Territory Revenue for processing and stamping under the Conveyance by return scheme.
Approved person	A person given approval by the Commissioner of Territory Revenue to stamp approved instruments and remit the stamp duty payable and collected on those instruments by way of return under a special arrangement approved under division 2, part 6 of the <i>Taxation Administration Act 2007</i> .
INTRA	The web-based application approved persons can use to lodge the details of and calculate the stamp duty to be collected on the approved instruments they are stamping.
CBR scheme	An approved special arrangement under division 2, part 6 of the <i>Taxation Administration Act 2007</i> for lodging returns and payments of stamp duty by approved persons in relation to approved instruments.
CEO (Housing)	The Chief Executive Officer (Housing).

Term	Definition
Commissioner	The Commissioner of Territory Revenue as defined under section 3(1) of the <i>Taxation Administration Act 2007</i> .
Conveyance	<p>As defined under section 4 of the <i>Stamp Duty Act 1978</i>, conveyance includes the following:</p> <ul style="list-style-type: none"> • the grant of property but not the grant of a lease other than a convertible Crown lease, or the grant of a patent • the transfer or assignment of property • the vesting of property in, or the accrual of property to, a person • the foreclosure of a mortgagor's equity of redemption in mortgaged property • a transaction that is taken to be, or treated as, a conveyance under the <i>Stamp Duty Act 1978</i> • an agreement to make a conveyance • an instrument effecting or evidencing a conveyance (including a decree, judgement or order of a court) • an instrument, agreement, transaction or arrangement that would operate as a conveyance but for a statutory condition requiring Ministerial approval or registration.
Conveyee	A person to whom property is granted, transferred or assigned, in whom property is vested, or to whom property accrues under a conveyance.
Eligible conditional agreement	Has the same meaning as that given to it in Commissioner's Guideline CG-SD-002: <i>Eligible conditional agreements – extension of time to lodge instrument and pay duty</i> .
Execute	As defined under section 4 of the <i>Stamp Duty Act 1978</i>
Instrument	As defined under section 4 of the <i>Stamp Duty Act 1978</i> including a contract of sale for the conveyance of land and a transfer of land form.
Land	As defined under section 4 of the <i>Stamp Duty Act 1978</i>
Nominee	The person to whom the property is being transferred where the contract has been signed by an agent, on behalf of this person, and this person is named in the contract as the purchaser.
Off-the-plan conditional agreement	Has the same meaning as that given in Commissioner's Guideline CG-SD-002: <i>Eligible conditional agreements – extension of time to lodge instrument and pay duty</i> .
Original instrument	The instrument that bears the duty (not a copy).

Term	Definition
Related	<p>For the purpose of this document includes:</p> <ul style="list-style-type: none"> • related by blood, marriage (including de facto relationships), or co-ownership (such as by partnership or joint venture) • related corporations as defined in section 50 of the <i>Corporations Act 2001</i> • related natural person and corporation – one is a director or secretary or other officer (as defined in the Corporations Law) of the other, or holds shares, units or some other interest in the other • related corporation and trustee – if the corporation, shareholder, director or secretary of the corporation is a beneficiary of the trust, or a related corporation is a beneficiary (whether contingently entitled or not) • related trustees – if there are one or more beneficiaries common to the trusts (whether contingently entitled or not) • related natural person and trustee – if the person(s) is a beneficiary under the trust (whether contingently entitled or not) • or related by prior or current business relationship (including that of landlord and tenant).
Unencumbered value	<p>In the case of property, the full value free from encumbrances (including any GST payable on the supply of the property).</p> <p>In the case of land, determined with regard to:</p> <ul style="list-style-type: none"> • the use of the land that would best enhance its commercial value • commercial advantages (such as goodwill) attached to the location or other aspects of the land and affect the price a reasonable purchaser would be willing to pay for the land • information about the land that would, if known to a reasonable purchaser, affect the price the purchaser would be willing to pay for the land. <p>For more information, see section 4A of the <i>Stamp Duty Act 1978</i>.</p>

Contents

Glossary	2
1. Introduction.....	6
2. Summary of the Conveyance by return scheme	6
3. Approved instruments.....	7
3.1. What instruments are approved	7
3.2. What instruments are not approved.....	7
3.3. Information required for approved instruments to be stamped.....	8
4. Integrated Revenue Application	10
4.1. Logging in to and out of the Integrated Revenue Application.....	10
4.2. Stamp duty calculator.....	10
4.3. How to enter information of approved instruments in the Integrated Revenue Application.....	11
4.4. Searching for and editing entries in the Integrated Revenue Application.....	12
4.5. Completing transaction in the Integrated Revenue Application	13
5. Stamping approved instruments.....	14
5.1. Provision and safeguarding of stamps	14
5.2. How to stamp approved instruments	14
6. Collection of stamp duty.....	17
7. Monthly return statement.....	17
8. Remit stamp duty collected to the Commissioner.....	18
9. Penalties for failing to meet the conditions of CBR approval	18
9.1. Suspension or cancellation.....	18
9.2. Interest and penalty.....	19
9.3. Criminal offence	19
9.4. Notice of liability	19
9.5. Recovery action.....	20
10. Home owner assistance schemes.....	20
10.1. Application form	20
10.2. Assessing an application.....	20
10.3. Supporting documentation to be retained on file.....	20
10.4. Information to be provided to the applicant.....	21
11. Miscellaneous matters.....	21
11.1. Records to be kept by approved persons	21
11.2. Overpayments	21
11.3. Refunds.....	21
11.4. Compliance program.....	22
11.5. Security.....	22
11.6. Contact details.....	23

1. Introduction

Conveyance by return (CBR) is a scheme designed to reduce red tape and expedite the conveyancing process through the online Integrated Revenue Application (INTRA).

Subject to the terms and conditions detailed in this guide, INTRA allows approved persons to effectively and accurately calculate stamp duty on approved instruments. These instruments can then be stamped and the duty payable remitted to the Commissioner of Territory Revenue (the Commissioner) on a monthly basis without lodging documents with the Territory Revenue Office (TRO).

This guide is designed to assist approved persons in satisfying the conditions of CBR, covering:

- the type of instruments that are approved instruments and guidance on how to determine whether an instrument is an approved instrument
- how approved instruments are to be stamped
- the process for collection and payment of duty
- the process for submitting returns using INTRA
- the penalties for failing to comply with CBR conditions
- the record keeping requirements for approved persons.

2. Summary of the Conveyance by return scheme

Under the CBR scheme an approved person will:

- determine whether the instrument they wish to stamp is an approved instrument (section 3.1)
- where a client applies for a home owner assistance scheme, ensure the client satisfies the eligibility criteria and supplies all supporting documentation (section 10)
- sign in to INTRA and enter the relevant details of the approved instrument, and home owner assistance scheme if applicable, which will calculate the stamp duty to be collected from the client (section 4)
- stamp the approved instrument (section 5)
- collect the stamp duty from the client on or before settlement and hold it in their trust account (section 6)
- complete the content of the stamp and finalise settlement (section 5.2)
- on the date of settlement, sign in to INTRA and complete the entry (section 4.5)
- receive their monthly return statement by email from TRO (section 7)
- review the monthly return statement to ensure it includes all transactions completed during the month, and reconciles to the amount of stamp duty held in their trust account
- sign and return the monthly return statement and remit to TRO the stamp duty monies collected (section 8)
- maintain satisfactory records of the above as required (section 11.1).

3. Approved instruments

Under the CBR scheme, approved persons are authorised to calculate the duty payable and stamp approved instruments. This section provides details of:

- what instruments are approved
- what instruments are not approved
- the information instruments must contain in order to be processed in INTRA.

Any instrument not approved cannot be stamped by an approved person under the CBR scheme, cannot be processed in INTRA and must be submitted to the Commissioner for assessment.

3.1. What instruments are approved

An approved instrument for the purposes of CBR must be a contract of sale or transfer of land where the purchase price is equivalent to the unencumbered value of the land, and the contract of sale or transfer is one of the following:

- a single conveyance of residential property
- a single conveyance of commercial property where the conveyance does not involve the sale of a business or any business property
- a single conveyance to nominees pursuant to a contract of sale where the nominees are specified in the contract
- or the 'buy out' of a share owned by CEO (Housing), where the interest held by CEO (Housing) is being acquired by the other owner(s) already noted on the title and nobody else is gaining an interest in the property (see section 4.3.2 for further details).

3.2. What instruments are not approved

An instrument is not approved if any of the following criteria apply to the relevant conveyance:

- a conveyance of property other than land
- a conveyance where the transferor (vendor) and transferee (purchaser) are related
- a conveyance where the transferee (purchaser) assumes any liability, such as a mortgage liability, in addition to or instead of the purchase price
- a conveyance that is part of a transaction, series of transactions or where there is more than one conveyance (contract or transfer) executed within 12 months between the same parties
- a contract and subsequent transfer where the purchaser under the contract and the transferee in the subsequent transfer differ, except where the transferee has been named as a nominee under the contract
- a conveyance where the total consideration expressed in the contract or transfer does not reflect the full unencumbered value of the property
- a transaction where all or part of the consideration expressed in the contract or transfer does not reflect the full unencumbered value of the property

- a conveyance where all or part of the consideration is not payable by money, except where the full consideration has been expressed in the contract in monetary terms
- a transaction that amounts to an option agreement or any conveyance that results from an option agreement
- a conveyance where an exemption or reduction in stamp duty (other than part 5, division 2 of the *Stamp Duty Act 1978*) is being claimed
- a conveyance involving multiple purchasers that results in a variation in the subsequent share or interest held by each party in the property
- a conveyance where the contract of sale contains a provision for the conveyance of other property or lease of the property being transferred, for example:
 - the purchaser will transfer a parcel of land to the vendor as part satisfaction of the purchase price
 - the property under contract is being transferred as part of a sale and leaseback arrangement.

3.3. Information required for approved instruments to be stamped

This section provides guidance on the information checks an approved person must complete prior to an instrument being processed and stamped.

3.3.1. Contract of sale

Prior to stamping a contract of sale, the approved person must ensure:

- the contract has been dated and is within the allowable period
- the contract includes:
 - the names of the parties (vendor and purchaser)
 - the purchase price
 - the property details including volume and folio numbers, the legal description (location and lot/section number), plan number and unit number (if applicable)
- any corrections to any of the above details in the contract must be initialled and dated by the approved person to show the correction was made prior to stamping
- the contract has been executed by the vendor, if completed by way of exchange of contracts
- the contract has been executed by the vendor and purchaser, if not completed by way of exchange
- if the contract has been executed for any party under a letter of authority, ensure the contract has been signed in accordance with the letter of authority.

The approved person must also consider whether there are any special conditions in the contract of sale and must ensure:

- if the special conditions have the effect of increasing the purchase price, then the contract is to be stamped on the increased price

- if the special conditions have no effect on or decrease the purchase price, then the contract is to be stamped on the purchase price without the decrease
- if there is a special condition that links the completion of this contract to the completion of one or more other contracts, the instrument must be lodged with TRO for assessment.

If all of these checks have been satisfied, the contract details can be entered into INTRA.

3.3.2. Transfer in conformity with a contract of sale

Prior to stamping a transfer in conformity with a contract of sale, the approved person must ensure:

- the transfer has been dated and is within the allowable period
- the following details are the same as on the contract:
 - the names of the vendor and purchaser
 - the proportion of the property being transferred to each of the purchasers (if indicated in the contract)
 - the purchase price
 - the property details including the legal description (location and lot/section number), plan number and unit number (if applicable). Note, the volume and folio often change however you must be satisfied they relate to the same property as those in the contract
- any corrections made to the items listed above must be initialled and dated by the approved person to show the correction was made prior to stamping
- the transfer has been fully executed (refer to notes on the reverse of the transfer document).

If all of these checks have been satisfied, the transfer can be entered into INTRA.

3.3.3. Where the transfer is the only instrument evidencing the sale

It is unusual for unrelated parties not to have a contract of sale that documents the conditions of sale and protects the parties' rights during the conveyance process.

Accordingly, where a transfer is the only instrument evidencing the sale (that is, there is no contract of sale) you must take extra care to ensure there is no pre-existing relationship between the vendor and purchaser.

If it is determined the parties are related, the instrument must be lodged with TRO for assessment. If not, you can proceed with the stamping through INTRA once satisfied the transfer has been fully completed and executed and it is within the allowable period.

Note: Once an approved person is satisfied the instrument they wish to stamp is an approved instrument, they should proceed to enter the details of the approved instrument into INTRA.

4. Integrated Revenue Application

Upon determining an instrument is an approved instrument, full details are to be entered into INTRA.

Based on the information entered, INTRA automatically:

- allocates a transaction number
- determines the amount of duty payable on an approved instrument
- maintains an electronic register of entered instruments.

Relevant information provided by INTRA must then be noted on the approved instrument in the stamp (refer to section 5 for further information regarding how to stamp approved instruments).

After the end of each month, the approved person will receive a monthly return statement in their nominated email account from TRO that summarises the approved instruments processed during the month and the duty payable to TRO (refer to section 7 for further information regarding monthly return statements).

The following sections guide you through the process of using INTRA.

4.1. Logging in to and out of the Integrated Revenue Application

4.1.1. Logging in

Follow these steps to log in to INTRA:

1. open an internet browser and go to the sign in page at <https://intra.nt.gov.au>
2. enter your user name (email address) and password and click 'Log-in'
3. you are now logged in to INTRA and will be presented with the 'Client Index Panel'.

4.1.2. Logging out

Follow these steps to log out of INTRA:

1. click on your email address in the top right hand corner of the screen and click 'Log out'
2. you are now logged out of INTRA and will be taken back to the sign in page.

4.2. Stamp duty calculator

INTRA provides users with the ability to access an online stamp duty calculator. The duty calculator enables you to calculate the duty on a transaction and print a quote for your client:

1. once logged into INTRA, click on 'External Links' on the left sidebar menu
2. click on 'Stamp Duty Calculator'
3. this will open a new tab in your browser that you can personalise to include details of your client and/or the relevant property prior to performing the calculation of duty
4. when you have finished using the calculator, close the tab to return to INTRA.

4.3. How to enter information of approved instruments in the Integrated Revenue Application

4.3.1. Standard approved instruments

The data entry requirements will vary depending on the nature of the sale transaction, including whether the approved instrument is an eligible conditional agreement.

Follow these steps to enter the required information into INTRA:

1. log in to INTRA
2. the first page to appear will be the 'Client Index Panel' that has the approved person's details
3. from the 'Client Index Panel' table, click on the 'Actions' button in the far right column
4. a dropdown list will appear; click on the 'Transfers' button
5. you will now be taken to the 'Stamp Duty Index Panel' that contains a table of all transactions entered into INTRA by the approved person
6. in the 'Stamp Duty Index Panel' page click on the 'Add Transfer' button
7. using the information available in the contract of sale, transfer form, and home owner assistance scheme form (if applicable), enter all relevant details into the respective fields (noting those marked with an asterisk (*) are mandatory fields)
8. when you have finished filling in the fields, scroll to the bottom of the page and select that you accept the terms of service; then click 'Next'
9. this will take you to the 'Stamp Duty – Buyer and Seller Details' screen to add information about the buyers and sellers
10. click on the 'Add Party' button
11. in the 'Relationship' field, select buyer or seller
12. in the 'Type' field, select the party type
13. enter the relevant details, noting fields marked with an asterisk are mandatory then click 'Save'
14. repeat this process until all buyers and sellers have been added
15. once all parties have been entered, you can either
 - click 'Next' to view the stamp
 - click 'Assessment' or 'Manage Parties' in the navigation bar to make changes
 - or click on 'Stamp Duty' or the 'Home' button in the top right hand corner to return to the 'Stamp Duty Index Panel' or 'Client Index Panel', respectively.

4.3.2. 'Buy out' of the Chief Executive Officer (Housing)'s share

Where a person owns an interest in property it shares with the CEO (Housing) under the HOMESTART NT Shared Equity scheme (previously Home North), and subsequently acquires the interest held by the CEO (Housing), the transaction under which the second share is acquired can be processed through INTRA under these conditions:

- the person acquiring the interest from the CEO (Housing) is the same as already noted on the title
- and no other person gains an interest in the property under the same transaction
- and the assessable value is equal to that noted in the letter from HOMESTART NT.

Where these conditions are met, the instrument of transfer can be processed following the steps under section 4.3.1 of this guide.

Note: The approved instrument will now be contained in INTRA as a 'Pending' transaction and this will appear as such in the 'Stamp Duty Panel' table. Once stamp duty has been received, the approved instrument is stamped and settlement has occurred, you must go back into INTRA to complete the transaction (see section 4.5).

If you are processing an instrument on the basis it was an eligible conditional agreement, you must retain supporting documentation evidencing when it became unconditional. This information may be requested as part of TRO's compliance program.

4.4. Searching for and editing entries in the Integrated Revenue Application

Most fields in INTRA can be edited to correct data input errors. You can do this by searching for and updating the relevant record.

4.4.1. Searching for existing transactions

Follow these steps to search for existing transactions:

1. Log in to INTRA
2. from the 'Client Index Panel', click the 'Actions' button and from the dropdown menu click 'Transfers'
3. the 'Stamp Duty Index Panel' will appear, showing all transactions entered by the approved person
4. if the transaction you are looking for does not appear in the list, use the search bar to search the fields present on the screen to locate the transaction you require, such as reference, transaction number or purchaser name.

4.4.2. Editing records

Follow these steps to edit records:

1. search for the assessment you wish to edit (see section 4.4.1)
2. click on the transaction number you require; you will be taken to the relevant transaction screen
3. make changes to the fields you wish to edit
4. click 'Save and Exit' at the bottom of the screen
5. the transaction has now been updated.

Note: You cannot update any records in INTRA where the transaction has already been completed (see section 4.5). Any changes to these records must be submitted in writing to TRO.

4.5. Completing transaction in the Integrated Revenue Application

Once the approved instrument has been recorded in INTRA, it will be listed as a 'Pending' transaction in the 'Stamp Duty Index Panel' under the 'Status' column.

Once stamp duty has been received, the approved instrument has been stamped and settlement has occurred, you must log back into INTRA to complete the transaction.

Follow these steps to complete the transaction:

1. search for the transaction to be completed in INTRA (refer to section 4.4 of this guide on how to search for a transaction)
2. in the 'Complete' column click the complete icon  for the relevant transaction
3. a dialogue box will ask 'Are you sure you want to complete this Assessment?', if you want to complete the transaction, click 'Complete'
4. once you click 'Complete', another dialogue box should appear stating 'This item was completed successfully'. Click 'Close'
5. you will be taken to the 'Stamp Duty Index Panel' where you will note the status of the transaction has changed from 'Pending' to 'Completed'.

Once the transaction has been completed, it will form part of the monthly return statement for that month.

Note: At the time of completion, you **must** be in possession of the stamp duty funds.

5. Stamping approved instruments

5.1. Provision and safeguarding of stamps

Each instrument entered into INTRA must be stamped with the rubber stamp provided to the approved person. The approved person is responsible for the security of the stamp provided by the Commissioner.

If at any time the stamp is misplaced or lost you must notify the TRO immediately.

The rubber stamp is as follows:

NORTHERN TERRITORY STAMP DUTY Special tax return arrangements	
Reg No: 123456	/ /
Assess No:	Date stamped
Consideration	Concession/Exemption
\$	\$
	\$
	\$
Signature	Duty paid

5.2. How to stamp approved instruments

The stamp must be placed in the top right corner of the instrument being stamped.

To allow a settlement to proceed, approved persons may pre-fill details of the conveyance in INTRA, stamp the instrument (while leaving the details blank), and attend settlement.

A stamp must not be completed if the duty has not been collected. However, an instrument may be stamped even though settlement has not occurred.

Upon collection of the duty to be paid to the Territory, the relevant details of the stamp may be entered, signed and dated by the approved person.

The following section provides instructions on how different instruments and their copies are to be stamped and filled in.

5.2.1. Stamping an original instrument

The original instrument bears the original duty, for example, the contract of sale or transfer is the only instrument that evidences the conveyance.

The stamp on an original instrument must reflect the duty paid suffixed by the letters 'O/S' in the 'Duty paid' section of the stamp.

For example:

NORTHERN TERRITORY STAMP DUTY Special tax return arrangements	
Reg No: 123456	12 / 02 / 2021
Assess No: 001	Date stamped
Consideration \$450 000.00	Concession/Exemption \$
<i>Jane Doe</i> Signature	\$ \$20 057.15 O/S Duty paid

5.2.2. Stamping a copy of an original instrument

A copy is an executed copy of an original instrument that has been stamped. Each copy must bear endorsements that link it to the original.

The stamp on a copy must reflect the duty paid for the copy (\$5.00, suffixed by the letter 'C') and the stamp duty paid on the original instrument (suffixed by the letters 'O/S').

For example:

NORTHERN TERRITORY STAMP DUTY Special tax return arrangements	
Reg. no.: 123456	12 / 02 / 2021
Assess no.: 001	Date stamped
Consideration \$450 000.00	Concession/Exemption \$
<i>Jane Doe</i> Signature	\$5.00 C \$20 057.15 O/S Duty paid

5.2.3. Stamping the transfer in conformity with a contract of sale

Transfers stamped in conformity with a contract of sale must bear endorsements that link it to the original stamped contract of sale. The duty paid box records the transfer stamp duty figure (\$5.00 suffixed by the letter 'T') and also records the stamp duty paid on the original instrument (suffixed by the letters 'O/S').

For example:

NORTHERN TERRITORY STAMP DUTY Special tax return arrangements	
Reg No: 123456	12 / 02 / 2021
Assess No: 001	Date stamped
Consideration \$450 000.00	Concession/Exemption \$
<i>Jane Doe</i> Signature	\$5.00 T \$20 057.15 O/S Duty paid

5.2.4. Contract with a nominee or trustee

If a contract of sale contains a nominee or trustee, and the nominee or trustee of the trust is named in the agreement, the letters 'N' for nominee or 'TR' for trustee should be placed in the duty paid box.

If a nominee or the trust for which the trustee is acting is not named in the agreement, you do not have the authority to stamp the instrument. It must be lodged with TRO for assessment.

For example:

NORTHERN TERRITORY STAMP DUTY Special tax return arrangements	
Reg No: 123456	12 / 02 / 2021
Assess No: 001	Date stamped
Consideration \$450 000.00	Concession/Exemption \$
<i>Jane Doe</i> Signature	\$5.00 T \$20 057.15 O/S TR Duty paid

5.2.5. Stamping when a home owner assistance scheme applies

Where a home owner assistance scheme applies, the amount of the reduction must appear in the concession/exemption box and the net amount of duty paid appears in the duty paid box.

Where a reduction applies, the abbreviation of the relevant scheme must be entered in the concession/exemption field of the stamp after the dollar amount. For example, if an applicant was eligible for the Territory Home Owner Discount scheme, the stamp will be completed as follows.

For example:

NORTHERN TERRITORY STAMP DUTY Special tax return arrangements	
Reg No: 123456	12 / 02 / 2021
Assess No: 001	Date stamped
Consideration \$450 000.00	Concession/Exemption \$18 601.00 THOD
<i>Jane Doe</i>	\$
Signature	\$1 456.15 O/S Duty paid

6. Collection of stamp duty

Approved persons can enter details of the transaction in INTRA, stamp the instrument (leaving the details blank), attend settlement and, on payment of the duty, enter the details into the stamp to allow settlement to proceed.

Once settlement has occurred, the approved person must update the transaction in INTRA to 'completed' (which will trigger its inclusion in the monthly return for that period) and deposit the stamp duty funds into their trust account pending payment to TRO.

Under no circumstances should stamp duty funds be deposited into a general business account, personal account or any other account other than the trust account maintained by the approved person for the purpose of managing the client's funds.

A stamp must not be completed until the duty has been collected.

7. Monthly return statement

TRO will send a monthly return statement on the fifth day after the end of the month. This statement will be sent to the approved person's nominated email account, and it will outline the total amount of duty payable in respect of all transactions completed that month.

It is the responsibility of the approved person to review the monthly return statement to ensure its accuracy, and that it reflects all transactions stamped by the approved person in the preceding month.

If the monthly return statement is not accurate or complete, the approved person must update INTRA, or liaise with TRO to do so, before payment of the statement is due.

Where changes are made to transaction details after the report is issued, the approved person will need to access the updated monthly return statement through INTRA. Follow these steps to access the statement:

1. Log in to INTRA to access the 'Client Index Panel'
2. from here click the 'Action' button and select 'Account Index' from the drop-down menu that appears
3. you will be taken to the 'CBR – Account Index' screen and a list with a separate entry for each return period
4. Click the 'Print' button in the far right column for the return period you wish to view, which will download a PDF version of the return statement for you to print.

8. Remit stamp duty collected to the Commissioner

It is a condition under the approval granted that the approved person is required to pay to the Commissioner all stamp duty collected from clients relating to completed transactions in the previous month. An approved person must remit those monies to the Commissioner within 15 days after the end of the month to which the monthly return statement relates (where this falls on a weekend or public holiday, the next business day).

The stamp duty can be remitted by:

- a cheque drawn on the trust account of the approved person
- a bank cheque or similar cheque of a recognised building society or credit union
- electronic funds transfer (EFT) (preferred).

To pay by EFT, simply identify the payment with your personal identification number (PIN), which consists of your registration number, the code 'CBR', the month to which the payment relates, followed by the year.

For example, if your registration number is 123456 and the payment is for May 2021, your PIN would be 123456CBR0521. For June 2021, your PIN would be 123456CBR0621.

Using the PIN, transmit the payment to the account as designated by TRO. For confirmation of current account details, please contact the TRO.

9. Penalties for failing to meet the conditions of CBR approval

Failure by an approved person to abide by the conditions of their CBR approval, including the misuse or non-use of the stamp when required, may result in the following consequences.

9.1. Suspension or cancellation

For a minor one-off breach, the approved person will generally be given an opportunity to rectify the matter rather than taking further action. However, the Commissioner may suspend or cancel the CBR approval granted to an approved person at any time if a condition of the approval is breached on a continual or significant basis.

Where suspension or cancellation occurs, the rubber stamp provided to the approved person must be returned to TRO, access to INTRA will be revoked, and the Lands Titles Office will be notified that they are not to accept or process any documents received from the approved person that have been stamped under the CBR scheme.

9.2. Interest and penalty

Where an approved person fails to remit stamp duty to the TRO within a period of 15 days after the end of the relevant month, all of the duty collected from clients relating to transactions completed within the previous month may incur interest at the statutory rate outlined at part 5, division 1 of the TAA and penalty of 20 per cent of the unremitted amount.

The approved person will be liable to pay the interest and penalty.

The interest rate in place from time to time is published on the TRO website at:

<https://nt.gov.au/employ/money-and-taxes/taxes,-royalties-and-grants/territory-revenue-office/interest-and-penalties>.

9.3. Criminal offence

Failure by an approved person to remit all of the stamp duty collected from clients relating to transactions completed within the previous month to TRO within a period of 15 days after the end of the relevant month constitutes an offence under the TAA and may result in prosecution action being taken against the approved person. Successful prosecution may attract a penalty of up to 200 penalty units.

The value of a penalty unit can be found on the Department of the Attorney-General and Justice website at: <https://justice.nt.gov.au/attorney-general-and-justice/units-and-amounts/penalty-units>.

Prosecution action will not commence on an isolated instance of mere late payment, where the approved person rectifies the breach once notified.

9.4. Notice of liability

Failure by the approved person to remit all of the duty collected from the clients relating to transactions completed within the previous month to TRO within a period of 15 days after the end of the relevant month may result in the approved person being issued with a notice of liability, requiring the approved person to pay:

- the unremitted amount of stamp duty
- interest and penalty tax.

Interest and penalty tax will be calculated in accordance with section 9.2.

If the approved person believes they have reasonable grounds to dispute the notice of liability, they may lodge an objection in accordance with Commissioner's Guideline CG-GEN-003: *Objections and Appeals* within 60 days of the notice being issued.

All objections are considered by an independent and separate area within TRO.

Note: The lodging of an objection does not affect the requirement of an approved person to pay the amount specified in the notice of liability (including any interest and penalty tax).

9.5. Recovery action

Where a notice of liability has been issued and the approved person fails to pay the amount set out in that notice by the due date specified, the Commissioner may undertake action to recover the unpaid amount.

This can include issuing garnishee notices and, where an approved person is a company, may include issuing notices against the directors that are personally liable for the unpaid amounts.

Continued failure to pay will result in legal action being taken to recover the funds.

10. Home owner assistance schemes

Information relating to home owner assistance schemes in place at any given time, including current and previous rates and eligibility thresholds, is available in the guide to the respective applications and on the TRO website at: <https://treasury.nt.gov.au/df/territory-revenue-office>.

Note: If an applicant for a home owner assistance scheme processed by an approved person is later found to be ineligible to have received it, the approved person will be absolved from any responsibility provided they retain a fully completed application form (which indicated the applicant's eligibility) and all relevant supporting documentation, and they were unaware at the time of processing the application that the applicant(s) were ineligible.

10.1. Application form

The relevant application form must be fully completed and signed by all purchasers (excluding CEO (Housing) if applicable).

10.2. Assessing an application

The applicant's responses to the eligibility questions in section 1 of the application form and the accompanying documentation will be used to assist in determining their eligibility.

If an approved person is uncertain about any aspect of an applicant's eligibility, you should contact TRO.

Note: The Commissioner has the discretion to exempt or vary compliance with some (but not all) of the eligibility criteria. For further details please refer to the guide to the respective application form, or Commissioner's Guideline CG-HI-003: *Commissioner's discretion to exempt or vary compliance with the eligibility criteria*. The guideline is available on the TRO website at: <https://treasury.nt.gov.au/df/territory-revenue-office>.

10.3. Supporting documentation to be retained on file

The supporting evidence required varies depending on the home owner assistance scheme being claimed and is detailed in the guide to each respective application. A supporting documentation checklist is also provided at the back of each application form. Approved persons should work through the checklist, ensuring each item is ticked off as recorded. Supporting evidence is to be retained in accordance with the requirements set out in section 11.1 below. If an approved person has any questions pertaining to requirements, they should contact TRO prior to processing the application.

10.4. Information to be provided to the applicant

The applicants are to retain the guide to the application and be reminded of the relevant occupation requirements of the scheme.

INTRA automatically calculates the amount of stamp duty and reduction for the home owner assistance scheme once all the relevant details have been entered, providing a final net amount payable.

11. Miscellaneous matters

11.1. Records to be kept by approved persons

Approved persons must retain a copy of all stamped instruments and sufficient records for audit purposes to show the correct stamp duty has been accounted for by return on all approved instruments held or processed by them.

Records must be kept for a period of five years. The five-year period commences from the last date in the month to which the instrument relates.

The approved person must also keep original copies of all relevant declarations and forms including but not limited to original copies of the fully completed application forms for any stamp duty home owner assistance schemes claimed, and any evidence required to support the applications.

11.2. Overpayments

Any claims for amounts overpaid must be made by application in writing to the Commissioner. No deductions are to be made from duty totals on returns of approved persons if it appears that an overpayment of duty has occurred.

11.3. Refunds

Where a transaction is completed in INTRA but does not proceed, an application for refund may be submitted to TRO. The application must include the following:

- the original stamped instruments including all duplicates and transfer documents
- the fully completed form F-SD-014: *Refund or remission of stamp duty on cancelled conveyance*
- any other evidence necessary to support the application.

If a transaction is completed in INTRA and the client subsequently becomes entitled to a home owner assistance scheme on the duty paid post settlement, the client must lodge with TRO:

- the relevant home owner assistance scheme application form
- all documentation and evidence required to support the application.

If TRO determines the client is eligible for the scheme, the appropriate amount will be refunded directly to the client.

11.4. Compliance program

TRO recognises that there are risks and the potential for error (either intentional or not) associated with any scheme such as CBR. Accordingly, it is necessary to have an appropriate compliance program in place to review transactions being processed and documentation held by approved persons from time to time to ensure they are acting within the parameters of the scheme.

Audits are conducted by experienced TRO officers and, in addition to the 'compliance' factor, provide an additional opportunity for approved persons to raise issues or concerns with INTRA or the CBR scheme in general.

11.5. Security

11.5.1. Creating a new user

Follow these steps to provide access to CBR to others in your organisation:

1. login to INTRA
2. at the 'Client Index Panel', which contains the details of the approved person, click the 'Actions' button appearing in the far right column
3. from the drop-down box, click on the 'Users' button
4. at the 'Manage Users' screen, click the 'Add User' button
5. complete the fields in the 'Add User' screen and click 'Save'
6. an email will be sent to the new user asking them to validate their email address and set their password
7. the new user will now be able to access INTRA.

11.5.2. Changing a password

Follow these steps to change your password for INTRA:

1. log in to INTRA
2. click on the email address in the top right corner of the screen
3. select 'Change Password' from the drop-down menu
4. a prompt will appear to enter the current password, a new password and confirmation of the new password
5. click on 'Update' to finalise the change
6. your password has now been updated.

11.6. Contact details

For assistance with INTRA please contact TRO via email ntrevenue@nt.gov.au or by phone 1300 305 353.

Forms and publications mentioned in this guide can be downloaded from TRO's website at:

<https://treasury.nt.gov.au/dtf/territory-revenue-office>

Office hours:

- front counter operating times: 9.00 am to 4.00 pm, Monday to Friday
- phone enquiries: 8.00 am to 4.30 pm, Monday to Friday

Note: TRO closes at 3.00 pm on the last Tuesday of each month for staff training.

Office location:

Level 14, Charles Darwin Centre
19 The Mall, Darwin

Postal address:

GPO Box 1974
Darwin NT 0801