# CG-HI-001

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# Purpose

1. This Guideline explains the eligibility criteria for the stamp duty Territory home owner discount (THOD) and senior, pensioner and carer concession (SPCC) (collectively ‘the home owner assistance schemes’) under the Stamp Duty Act 1978 (SDA).
2. For information on the first home owner grant (FHOG), including eligibility criteria and the procedure for applying, refer to the [FHOG Application Form F-HI-001](https://treasury.nt.gov.au/dtf/revenue/publications) and the guide to the application.

# Application of the home owner assistance schemes

1. The home owner assistance schemes may apply to a conveyance, whether by way of sale or gift, of land on which there is a home or on which a home will be built.
2. They may also apply to the grant or transfer of particular leases and subleases of land from the Commonwealth or Northern Territory on which there is a home or on which a home will be built,[[1]](#footnote-1) including a registered lease or sublease granted under section 19 or 19A of the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) that is for a term of 15 years or more and a sublease of these leases.
3. The home owner assistance schemes reduce the stamp duty payable on the dutiable value[[2]](#footnote-2) of the property acquired. Only one of the concessions can apply to a single transaction.
4. For further information on what is a ‘home’, refer to Commissioner’s Guideline [CG-HI-006](https://treasury.nt.gov.au/dtf/revenue/publications): Meaning of a ‘home’.

## Territory Home Owner Discount (THOD)

1. The THOD was introduced on 8 February 2019 to provide eligible home buyers of new or established homes with a reduction of up to $18 601 in stamp duty otherwise payable, representing the dutiable value of a home or land valued at $430 000.

## Senior, Pensioner and Carer Concession (SPCC)

1. The SPCC is a reduction of up to $10 000 in stamp duty otherwise payable, representing the dutiable value of a home or land valued at $292 300.

## Common eligibility criteria

1. The following criteria are common to the home owner assistance schemes. All applicants must:
   1. be individuals − that is, a natural person and not a company;[[3]](#footnote-3)
   2. not have a beneficial interest in the land prior to the transaction;[[4]](#footnote-4)
   3. be acquiring the whole of the beneficial interest in the land on which the home is or will be built (i.e. a partial acquisition will not be eligible);[[5]](#footnote-5)
   4. not be acquiring the home or land as the trustee of a trust (an exception applies for a guardian purchasing a property for a person under a legal disability);[[6]](#footnote-6)
   5. be entitled to possession of the home or land within 12 months of the settlement date or the longer period approved by the Commissioner;[[7]](#footnote-7)
   6. occupy the home[[8]](#footnote-8) as their principal place of residence for a continuous period of six months commencing:
      1. in the case of a purchase of a home (including off-the-plan), within 12 months after being entitled to possession of the home; or
      2. in the case of building a home, the earlier of:
         1. five years after being entitled to possession of the land; or
         2. 12 months after construction is completed.[[9]](#footnote-9)
2. An applicant is exempt from the requirement in 9(f) if:
   1. the conveyance is first executed on or after 28 April 2015; and
   2. at least one other applicant to the conveyance complies with the requirements in 9(f)
3. Where there are special reasons, the Commissioner may:
   1. extend the period for taking possession of the home or land;
   2. extend the period for commencing occupation of the home;
   3. reduce the period for continuous occupation of the home; or
   4. exempt an applicant from the occupancy requirements.[[10]](#footnote-10)
4. For further details, refer to Commissioner’s Guideline [CG-HI-003: Commissioner’s discretion to exempt or vary compliance with the eligibility criteria.](https://treasury.nt.gov.au/dtf/revenue/publications)
5. For an application on a conveyance of vacant land on which a home will be built, the person(s) acquiring the land must provide the Territory Revenue Office (TRO) with supporting information to verify that a home will be built on the land. If this information cannot be provided at the time of assessment, the person(s) can apply to TRO for a refund of stamp duty when the information is available.

## Additional eligibility criteria for the THOD

1. In addition to the common eligibility criteria described above, applicants for the THOD must satisfy the following additional criteria:
   1. At least one applicant must be:
   2. 18 years of age or more when the contract is entered into; and
   3. an Australian citizen or permanent resident at the time the application is made;
   4. The applicants and/or their spouse/de facto partner must not have held, in the preceding 24 months, a relevant interest in residential property in the Territory.
2. The Commissioner may exempt an applicant from the requirement to be 18 years of age or more if satisfied the applicant is genuinely purchasing the home for themselves. For further details, refer to Commissioner’s Guideline [CG-HI-003: Commissioner’s discretion to exempt or vary compliance with the eligibility criteria.](https://treasury.nt.gov.au/dtf/revenue/publications)
3. An applicant and/or their spouse will be exempted from the 24 month test at 14(d) if:
   1. the applicant (and any new spouse they may have at the time of the conveyance) has been in a marriage or de facto relationship, which has irretrievably broken down by the time the conveyance is first executed, and
   2. the applicant (and any new spouse they may have at the time of the conveyance) owned a relevant interest in residential property in the Territory during that relationship, and, for each of the interests held during that relationship, one of the following applies:
      1. the applicant (or applicants spouse) no longer has the relevant interest in the property, or
      2. the applicant (or applicants spouse) will no longer have the relevant interest in the property as a result of
         1. an order or binding agreement which provides for distribution of the property between the applicant (or applicants spouse) and the other person to the former relationship, or
         2. the applicant (or applicants spouse) has entered into an unconditional contract for disposal of the property.
4. If an exemption is granted on the basis that paragraph 16(b)(ii) applies, and the property is not disposed of in accordance with the agreement, order or contract, the Commissioner may revoke the exemption unless special reasons exist.
5. This exemption does not apply if the applicant (or their new spouse at the time of the conveyance) has acquired a further relevant interest in residential property in the Territory after the breakdown of the relationship and before the conveyance.
6. The dutiable value of the property must not exceed $650 000.

## Additional eligibility criteria for the SPCC

1. In addition to the common eligibility criteria described above, applicants for the SPCC must satisfy the following additional criteria:
   1. At the time the contract is entered into:
      1. at least one applicant must be:
         1. 60 years of age or more; or
         2. hold an NT Pensioner and Carer Concession Card or a Northern Territory Concession Scheme Card;[[11]](#footnote-11) or
         3. is entitled to hold a card mentioned in subparagraph (2) and at the time of application for the concession is the holder of such a card; and
         4. that applicant must comply with the occupancy requirements at 9(f) above.
      2. the dutiable value of the property does not exceed:
         1. $750 000 for land on which there is a home (including an off-the-plan purchase); or
         2. $385 000 for land on which a home is to be built (note: there is no limit on the subsequent cost of construction of the home).[[12]](#footnote-12)

# Procedure for applying for the THOD or SPCC and supporting information

1. Applicants for the home owner assistance schemes must submit the appropriate application form (THOD: [F-HI-019](https://treasury.nt.gov.au/dtf/revenue/publications) or SPCC: [F-HI-008](https://treasury.nt.gov.au/dtf/revenue/publications)) and the supporting information referred to in the Guide to the application when lodging the instrument for assessment of duty with TRO or an approved agent.[[13]](#footnote-13)
2. For further information on lodging and paying duty on instruments, refer to Commissioner’s Guideline [CG-SD-001: Document lodgement and payment](https://treasury.nt.gov.au/dtf/revenue/publications) periods and [CG-SD-002: Eligible conditional agreements – extension of time to lodge instrument and pay duty.](https://treasury.nt.gov.au/dtf/revenue/publications) Refer to the SDA for the legislative basis for the THOD and SPCC.
3. If you are unsure about any aspect concerning your eligibility for the THOD or SPCC, it is important that you contact your legal advisor, conveyancer or TRO for clarification before proceeding with your application.
4. TRO cannot provide rulings based on personal circumstances until a transaction has been entered into and a completed application lodged with all supporting documentation, however may be able to provide guidance to assist in determining an applicant’s eligibility.

# Failure to comply with occupancy requirements

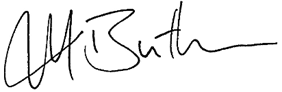
1. A person who has received the THOD or SPCC must notify TRO in writing within 30 days after it first became apparent that they would not satisfy the occupancy requirements. Failure to make the required notification is an offence with a maximum penalty of 50 penalty units (current penalty unit values are available from the TRO website).[[14]](#footnote-14)
2. In these circumstances, TRO may be required to reassess the stamp duty payable as if the person were not eligible for the THOD or SPCC[[15]](#footnote-15). Accordingly, the person will need to pay the amount previously claimed, and may be liable for interest and penalty tax. Where there are special reasons not to, such as the death of an applicant or a natural disaster destroying the home, a reassessment will not be made.[[16]](#footnote-16)

# Commissioner’s Guidelines

1. Commissioner’s Guideline [CG-GEN-001](https://treasury.nt.gov.au/dtf/revenue/publications), which sets out information on the revenue publication system, is incorporated into and is to be read as one with this Guideline. All Circulars and Guidelines are available from the TRO website.

# Date of effect

1. This version of the Guideline takes effect from 7 May 2019.



Mick Butler

COMMISSIONER OF TERRITORY REVENUE

Date of issue: 7 May 2019

For further information, contact the Territory Revenue Office

GPO Box 154

Darwin NT 0801

Email: [ntrevenue@nt.gov.au](mailto:ntrevenue@nt.gov.au)

Phone: 1300 305 353

Website: [www.revenue.nt.gov.au](http://www.revenue.nt.gov.au)

1. See the definition of ‘conveyance’ in section 88(1) of the SDA. [↑](#footnote-ref-1)
2. ‘Dutiable value’ is the greater of the consideration payable or the unencumbered value of the property. [↑](#footnote-ref-2)
3. Sections 89A(1)(a) and 90(1)(a) of the SDA. [↑](#footnote-ref-3)
4. Sections 89A(1)(d) and 90(1)(c) of the SDA. [↑](#footnote-ref-4)
5. Sections 89A(1)(e) and 90(1)(d) of the SDA. [↑](#footnote-ref-5)
6. Sections 89A(1)(f) and 90(1)(e) of the SDA. [↑](#footnote-ref-6)
7. Sections 89A(1)(i) and 90(1)(g) of the SDA. [↑](#footnote-ref-7)
8. For further information on what is a ‘home’, refer to Commissioner’s Guideline CG-HI-006: Meaning of a ‘home’ [↑](#footnote-ref-8)
9. See the definition of ‘period for occupancy’ in section 88(1) and sections 89A(1)(g) and 90(1)(f) of the SDA.. [↑](#footnote-ref-9)
10. Sections 89A(11) and (12) and 90(8) and (9) of the SDA. [↑](#footnote-ref-10)
11. Section 89A(1)(b) of the SDA. [↑](#footnote-ref-11)
12. Section 89A(1)(h) of the SDA. [↑](#footnote-ref-12)
13. Some conveyancers and solicitors are authorised to assess stamp duty on certain property purchases. [↑](#footnote-ref-13)
14. Sections 89A(3) and 90(3) of the SDA. [↑](#footnote-ref-14)
15. Sections 89A(6) and 90(4) of the SDA. [↑](#footnote-ref-15)
16. Sections 89A(7) and 90(4) of the SDA. [↑](#footnote-ref-16)