

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**

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; and
- 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.

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- **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**

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

- **Home**

A *home* is 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**

Is when the *applicant* obtains the right to occupy the property. If the property is acquired with vacant *possession* (ie 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 (ie 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 *unencumbered value* of the property is the full value 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.

Calculators to determine the stamp duty payable net of the SPCC are provided on the TRO website at www.revenue.nt.gov.au.

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 Pensioner and Carer Concession card

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

- 60 years of age or more; or
- the holder of a valid Northern Territory Pensioner and Carer Concession (NTPCC) card.

The NTPCC scheme is administered by the Department of Health. For further information on the scheme, call 1800 777 704 or visit the website at www.health.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*; and
- \$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*.

Example

Bill, aged 62 and Mary, aged 59, entered into a contract on 1 May 2015, to acquire a *home* that settled on 1 June 2015. The property was acquired with vacant *possession* so Bill must commence occupation of the *home* on or before 1 June 2016. If only Mary were to occupy the home, they would be ineligible for the SPCC as she is not 60 years of age or the holder of a NTPCC card.

If the *home* was subject to an existing lease that expired on 31 August 2015, Bill and Mary have a right to take *possession* of the *home* on 1 September 2015, so Bill must commence occupation on or before 1 September 2016.

If the property was subject to an existing lease with an unexpired term of more than 12 months after the *settlement date*, Bill and Mary are not eligible for the SPCC because they could not take *possession* of the *home* within 12 months after the *settlement date*, unless this period is extended (see section 6).

- **for the acquisition of land on which a *home* is to be built**, within:
 - (i) 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
 - (ii) 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 June 2015, to acquire vacant land on which to build their *home*. The acquisition was settled with vacant *possession* on 1 July 2015. Fred and Dorothy have until 1 July 2020, to build their *home* and commence occupation.

If the *home* was completed on 1 July 2016, either Fred or Dorothy must commence occupation **by no later** than 1 July 2017 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 5 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; and
- 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](#).

Note:

Prior to 28 April 2015, all *applicants* were required to satisfy the occupancy requirements unless the Commissioner approved a variation to them.

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 www.revenue.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.

1. Proof of age or holder of a Northern Territory Pensioner and Carer Concession card (NTPCC card)

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

- NTPCC card;
- Birth certificate or extract;
- Australian Passport; or
- Motor drivers licence.

2. 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 | <ul style="list-style-type: none"> • 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: <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 specifications 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 specifications 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 (ie a building certifier) that the building will meet the standards 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, Darwin 0800
GPO Box 154
DARWIN NT 0801

Phone: 1300 305 353
Fax: (08) 8999 5577
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.

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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. Key Terms are italicised throughout the document. If you are unsure about any aspect, contact TRO for clarification.
- Significant penalties apply for making false or misleading statements.

SECTION 1 ELIGIBILITY CRITERIA Indicate with a

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

| Eligibility checklist | Yes | No |
|--|--------------------------|--------------------------|
| 1. Are all <i>applicants</i> natural persons (that is, not a company)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. On the date of the <i>conveyance</i> , was one <i>applicant</i> at least 60 years of age or the holder of a valid Northern Territory Pensioner and Carer Concession card? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are the <i>applicants</i> , or together with the Chief Executive Officer (Housing), acquiring the whole of the property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Are all <i>applicants</i> acquiring the property in their own right (ie not as an agent, trustee or in any other capacity)? 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). | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have the <i>applicants</i> been paid, applied for, or are they/will they become entitled to a <i>First Home Owner Grant</i> in relation to the <i>conveyance</i> of the land or the construction of a <i>home</i> on the land. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Does the <i>dutiable value</i> of the property exceed: (a) \$750 000 in the case of a <i>home</i> ; or (b) \$385 000 in the case of land on which a <i>home</i> is to be built? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Will all least one <i>applicant</i> that meets criterion 2 be occupying the <i>home</i> as their <i>principal place of residence</i> for a continuous period of at least six months commencing: (a) in the case of the acquisition of a <i>home</i> (including <i>off-the-plan</i>), within 12 months after taking <i>possession</i> of the <i>home</i> , which will occur within 12 months after the <i>settlement date</i> ; (b) in the case of the acquisition of land on which a <i>home</i> is to be built, within the earlier of the following: (i) five years after taking <i>possession</i> of the land which will occur within 12 months after the <i>settlement date</i> ; or (ii) 12 months after the building of a <i>home</i> is completed and the <i>home</i> is ready for occupation as a place of residence. | <input type="checkbox"/> | <input type="checkbox"/> |
| 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 <i>Commissioner</i> 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 | Mr | Mrs | Ms | Miss | Dr | Mr | Mrs | Ms | Miss | Dr | |
| First name | <input type="text"/> | | | | | <input type="text"/> | | | | | |
| Middle name(s) | <input type="text"/> | | | | | <input type="text"/> | | | | | |
| Family name | <input type="text"/> | | | | | <input type="text"/> | | | | | |
| Date of birth (DD/MM/YYYY) | | | / | | | / | | | | | |
| Daytime telephone number | () | | | | | () | | | | | |
| Email address | <input type="text"/> | | | | | <input type="text"/> | | | | | |
| 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) | <input type="text"/> | | | | | <input type="text"/> | | | | | |
| | <input type="text"/> | | | | | <input type="text"/> | | | | | |
| | <input type="text"/> | | | | | <input type="text"/> | | | | | |
| How many people will have an interest in the property? | <input type="text"/> | | | | | | | | | | |
| Are any of the <i>applicants related</i> to or <i>associated</i> with the vendor? | | | | | | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | | |

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 | <input type="text"/> | Unit/street number | <input type="text"/> |
| Street name | <input type="text"/> | Suburb/town | <input type="text"/> |
| State | <input type="text"/> | Postcode | <input type="text"/> |

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 the Territory Revenue Office (TRO) relating to the conditions of eligibility for the Senior, Pensioner and Carer Concession (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 Australian Government 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 of section 1 of this application as may be varied by the 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 them.

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.revenue.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

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 the 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 Card

| | Document provided | Office use only |
|--|--------------------------|--------------------------|
| Northern Territory Pensioner and Carer Card; or | <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"/> |

Evidence of intent to build

Refer to section 9.2 of the Guide and attach the relevant items

| Item required | Document provided | Office use only |
|--|--------------------------|--------------------------|
| signed copy of the building contract | <input type="checkbox"/> | <input type="checkbox"/> |
| certification from the builder or other qualified person | <input type="checkbox"/> | <input type="checkbox"/> |
| a copy of the building permit issued under the <i>Building Act</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| a copy of the plans and specifications | <input type="checkbox"/> | <input type="checkbox"/> |
| a copy of the occupancy permit | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (please specify) | <input type="checkbox"/> | <input type="checkbox"/> |

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 that 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.