

FORM OSR – D2.1

Version 14 – Effective 4 March 2019

Duties Act 2001 sections 19(3), 95 and 246H

Land Tax Act 2010 section 78(3)

Taxation Administration Act 2001 section 113D(1)



Guide to claiming a home or first home transfer duty concession

Keep this guide for future reference. It contains important information about the concession and your obligations after you receive the concession.

Eligibility

Each person must determine what concession category they fit into.

Home concession

You:

- are a natural person (see special circumstances on page 2)
- are not acting as trustee in the transaction (see special circumstances on page 2)
- will move into the residence with your personal belongings and live there within 1 year of the transfer date
- will not sell, transfer, lease or otherwise grant exclusive possession of all or part of the property (including a room) before you move in.

First home concession

You:

- meet the home concession requirements
- have never held an interest in a residence anywhere in Australia or overseas
- have never claimed the first home vacant land concession
- are at least 18 years of age (see special circumstances on page 2)
- are acquiring a residence valued at less than \$550,000
- are paying market value if the residence is valued between \$500,001 and \$549,999.

No concession

You do not meet the eligibility requirements.
Full transfer duty will apply.

Keeping the concession

You must notify us within 28 days by completing a notice of reassessment of transfer duty—home, first home or vacant land concession (Form D2.4) if you claim a concession and don't meet the following obligations.

Obligation	Explanation	How to notify us
Occupants to move out within 6 months	The previous owners or existing tenants with a lease must move out of the residence within 6 months.	Lodge the Form D2.4 and repay the full concession.
No new leases or extensions	You're unable to grant or extend a lease (including a lease of a room) before moving in or within the first year of occupying the residence as owner.	Lodge the Form D2.4. You may still be eligible for a partial concession if you lived in the residence before leasing.
One year to move in	As the owner, you must move into the existing residence within 1 year of settlement and make it your home.	Lodge the Form D2.4 and repay the full concession.
Hold for 1 year after you move in	You're unable to sell, transfer or otherwise grant exclusive possession of all or part of the property (including a room) before moving in or within the first year of occupying the residence as owner.	Lodge the Form D2.4. You may still be eligible for a partial concession if you lived in the residence during this period.

Special circumstances

Evidence of value

You'll need to provide independent evidence of value if you're paying less than the market value or you're acquiring the property from a relative or an associated entity.

We will generally accept a market appraisal given by a real estate agent, if it contains three recent comparable sales.

Trustee

Trustees, including corporate trustees, may be eligible for a concession where all of the following are met:

- the trust is not a discretionary or unit trust
- all the beneficiaries of the trust are under a legal disability
- all the beneficiaries will occupy the residence as their home.

A first home concession will only apply if none of the beneficiaries have ever received the benefit of the first home vacant land concession or held an interest in a residence anywhere in Australia or overseas.

A home or first home concession is unable to be claimed where a person, having held the property as trustee, starts to hold the property other than as trustee.

Under 18 years

To claim a first home concession as a minor, you need to apply to us first so we can determine if we should make an exception to the age requirement. Minors can only claim a first home concession if we are satisfied that the transaction is not part of a scheme to avoid transfer duty. We will consider:

- your age
- the way in which the first home purchase agreement is structured
- the reason for the purchase
- the living arrangements for you and your family
- the family arrangements generally
- whether the funds to purchase the home were independently sourced.

If you are not eligible for the first home concession, you may still be eligible to claim a home concession.

Completing this form

This form has 7 parts (labelled A to G). If there are more than two transferors or transferees, attach additional pages with details for Parts B, D and G where applicable. All transferees claiming a concession must sign at Part G.

When completing the form, trustee companies should enter their name in the 'First name' field in Part D, and provide either an ACN or ARBN.

An administrator appointed under the *Guardianship and Administration Act 2000* may sign this declaration on behalf of claimants with impaired capacity.

Ensure all your contact details are provided—we may need to discuss your claim with you.

Identity details annexure

Each non-Australian transferor and transferee must complete an identity details annexure. The identity details annexure is available from publications.qld.gov.au.

Lodging the documents

If you have a legal adviser, you should give them the documents for the dutiable transaction and the completed Form D2.1. If you do not have a legal adviser, or settlement or lodging agent, you can lodge with the Commissioner of State Revenue for assessment. Send the form and your documents to GPO Box 2593, Brisbane Qld 4001. You will be notified by email or text message when your documents are received.

Meaning of terms

Additional foreign acquirer duty

Additional foreign acquirer duty (AFAD) applies in addition to transfer duty when all the following apply:

- You are acquiring property.
- You are a foreign person.
- Your transaction involves property (including chattels or existing rights) that is, or will be, solely or primarily used for residential purposes.

Dutiable value

The dutiable value is either the unencumbered value of the property (usually the market value) or the amount you agree to pay (your consideration) for the transaction—whichever is higher.

Exclusive possession

Exclusive possession generally means the right to exclude all others, including the owner, from all or part of the property. Whether exclusive possession has been granted depends on the:

- terms of the agreement, if it is in writing
- facts and circumstances of the arrangement, if there is no written agreement.

Foreign corporation

A foreign corporation is one that is incorporated outside Australia or in which foreign persons, or related persons of foreign persons, have a controlling interest of at least 50%.

Foreign individual

You are a foreign individual if you are not an Australian citizen or permanent resident.

Foreign person

A foreign person is a foreign individual, foreign corporation or trustee of a foreign trust.

Foreign trust

A trust is foreign if at least 50% of its interests are trust interests of:

- foreign individuals
- foreign corporations
- trustees of a foreign trust
- related persons of any of the above, including partners in a partnership.

Home

A residence is your home if you occupy it as your principal place of residence (i.e. you live in it with your belongings on a daily basis).

New building

A new building is residential premises that is one of the following:

- has not previously been sold or transferred as residential premises
- has been built, or contains a building that has been built, to replace demolished premises on the same land
- has been created through substantial renovations.

Non-Australian entity

A non-Australian entity refers to:

- individuals who are not Australian citizens (non-Australian individuals include permanent residents)
- companies incorporated outside Australia
- trusts with a country of tax residence that is not Australia
- other bodies (e.g. body politic, corporation sole) formed outside Australia.

Non-residential property

Non-residential property is any part of the land that you will not use for residential purposes. This includes any part of your residence that you will use for commercial purposes, or other residences on the land that you will not live in as your home.

Occupation date

This is the date the transferee commenced or will commence occupying the residence as their home.

Permanent resident

A permanent resident holds a permanent visa, or is a New Zealand citizen with a special category visa, as defined by the *Migration Act 1958* (Cwlth).

Property

Property is land, including any residence that is, or will be, constructed on the land.

Real property description

The lot number, plan type, plan number and title reference are shown on the agreement for sale or the title search for the land that you or your solicitor obtained from the Titles Registry.

Residence

A residence is a building or part of a building in Queensland that is all of the following:

- fixed to land
- designed, or approved by a local government, for human habitation by a single family unit
- used for residential purposes.

Examples include houses, units and apartments.

Residential off-the-plan purchase

A residential off-the-plan purchase may occur when you enter into a contract to purchase a new residence before construction is completed. It generally involves a proposed lot where the title is yet to be registered.

Substantial renovations

Substantial renovations are generally renovations in which all, or most, of the structural and/or non-structural components of a building are removed or replaced. The sale of substantially renovated residential premises generally attracts a GST liability.

Transfer date

This is the date the transferees are entitled to possess the property; usually the date of settlement or the date the land is vested in your name.

More information

For more information, visit:

- www.qld.gov.au/osr to read public rulings on
 - concessions for homes and first homes (DA085.1)
 - concessions for homes and first homes—in specie distributions of residential land (DA085.3)
 - inclusion of chattels in the acquisition of a home or first home (DA086A.1)
 - concessions and residential purposes (DA087.1)
 - when are valuations required for residential property transactions (DA505.1)
- www.qld.gov.au/transferduty to learn about concessions for homes and other transfer duty matters.

The Office of State Revenue is collecting the information on this form on behalf of the Commissioner of State Revenue for the purposes of administering state revenue. This is authorised by the *Duties Act 2001*, the *Land Tax Act 2010* and the *Taxation Administration Act 2001*. Your personal information may be disclosed without your consent in circumstances outlined in the Taxation Administration Act or as otherwise authorised by law. It is the Office of State Revenue's usual practice to disclose personal information collected on this form to the Australian Taxation Office and other Australian state and territory revenue offices in accordance with the Taxation Administration Act.

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Land Tax Act 2010 section 78(3)

Taxation Administration Act 2001 section 113D(1)



Claim for home or first home transfer duty concession

About this form

Complete this form if at least one transferee is acquiring a residence to occupy as their home or first home.

Before you begin, read the 'Guide to claiming a home or first home transfer duty concession' to ensure you are eligible for the concession and understand your obligations.

Part F of this form sets out your notification obligations if your circumstances change.

Part A – Transaction details

Address of residence acquired

Address

Suburb State Postcode

Real property description

Lot number Plan type (e.g. RP, SP) Plan number Title reference

Is the home a new building or an off-the-plan purchase?

New building Residential off-the-plan purchase Other

Transfer date

When is the transfer date?
(This is normally the settlement date.)

Value

What is the dutiable value of the entire property? \$

What is the dutiable value of any non-residential property? \$

Part B – Transferor 1 details (seller)

Individual

First name
Middle names
Surname
Date of birth

Name of trust (if acting as trustee)

Other entity

Name
ACN ARBN

Non-Australian entity

Is transferor 1 a non-Australian entity?

Yes Transferor 1 must complete an identity details annexure.

No

Current postal address

Address

 Suburb State
 Country Postcode

Contact details

Name
 Mobile number Phone number
 Email address

Part C – Transferor 2 details (seller)

Individual

First name
 Middle names
 Surname
 Date of birth

D	D	M	M	Y	Y	Y	Y
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 Name of trust (if acting as trustee)

Other entity

Name
 ACN ARBN

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Non-Australian entity

Is transferor 2 a non-Australian entity?
 Yes Transferor 2 must complete an identity details annexure.
 No

Current postal address

Address

 Suburb State
 Country Postcode

Contact details

Name
 Mobile number Phone number
 Email address

Part D – Transferee 1 details (buyer)

First name

Middle names

Surname

Date of birth

D	D	M	M	Y	Y	Y	Y
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Name of trust (if acting as trustee)

ACN ARBN

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Current postal address

Address

Suburb State

Country Postcode

Contact details

Name

Mobile number Phone number

Email address

Occupation date

When will transferee 1, as owner, first occupy the residence as their home?

D	D	M	M	Y	Y	Y	Y
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Leave blank if no concession is being claimed.

Claim type

Which concession is transferee 1 claiming? Select one.

Home concession

Home concession applicant must:

- be a natural person*
- not be acting as trustee in the transaction*
- be moving into the residence with their personal belongings and living there on a daily basis within 1 year of the transfer date
- not be selling, transferring, leasing or otherwise granting exclusive possession of all or part of the property (including a room) before they move in.

*See the guide for special circumstances.

First home concession

First home applicant must:

- qualify for a home concession
- have never held an interest in a residence anywhere in Australia or overseas
- have never received the first home vacant land concession
- be at least 18 years of age*
- be acquiring a residence valued under \$550,000
- be paying market value if the residence is valued between \$500,001 and \$549,999.

No concession

Interest acquired

What interest did transferee 1 hold in the property before the transaction?

Enter 0 if no prior ownership or a fraction if part-owned (e.g. 1/2).

What interest will transferee 1 hold in the property after the transaction?

Enter 1 if the transferee will be the sole owner or a fraction if ownership will be shared (e.g. 1/2).

Non-Australian entity

Is transferee 1 a non-Australian entity?

Yes Transferee 1 must complete an identity details annexure.

No

Additional foreign acquirer duty (AFAD)

Is transferee 1 a foreign person? Yes No

Is transferee 1 an agent who is a foreign person, acting for a principal? Yes No

Is the principal a foreign person? Yes No

If you answered 'yes' to any of the three AFAD questions, provide the value of the entire property to be used for residential purposes. \$

If transferee 1 is a trustee of a foreign trust, provide the following information for the trust.

Country of establishment

Country of tax residence

Overseas registration number (e.g. business registration number)

Foreign Investment Review Board application number

Other overseas identifier (e.g. other government registration)

Part E – Transferee 2 details (buyer)

First name

Middle names

Surname

Date of birth

D	D	M	M	Y	Y	Y	Y
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Name of trust (if acting as trustee)

ACN ARBN

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Current postal address

Address

Suburb State

Country Postcode

Contact details

Name

Mobile number Phone number

Email address

Occupation date

When will transferee 2, as owner, first occupy the residence as their home?

D	D	M	M	Y	Y	Y	Y
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Leave blank if no concession is being claimed.

Claim type

Which concession is transferee 2 claiming? Select one.

Home concession

Home concession applicant must:

- be a natural person*
- not be acting as trustee in the transaction*
- be moving into the residence with their personal belongings and living there on a daily basis within 1 year of the transfer date
- not be selling, transferring, leasing or otherwise granting exclusive possession of all or part of the property (including a room) before they move in.

*See the guide for special circumstances.

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- have never received the first home vacant land concession
- be at least 18 years of age*
- be acquiring a residence valued under \$550,000
- be paying market value if the residence is valued between \$500,001 and \$549,999.

No concession

Interest acquired

What interest did transferee 2 hold in the property before the transaction?

Enter 0 if no prior ownership or a fraction if part owned, (e.g. 1/2.)

What interest will transferee 2 hold in the property after the transaction?

Enter 1 if the transferee will be the sole owner or a fraction if ownership will be shared, (e.g. 1/2.)

Non-Australian entity

Is transferee 2 a non-Australian entity?

Yes Transferee 2 must complete an identity details annexure.

No

Additional foreign acquirer duty (AFAD)

Is transferee 2 a foreign person?

Yes No

Is transferee 2 an agent who is a foreign person, acting for a principal?

Yes No

Is the principal a foreign person?

Yes No

If you answered 'yes' to any of the three AFAD questions, provide the value of the entire property to be used for residential purposes.

If transferee 2 is a trustee of a foreign trust, provide the following information for the trust.

Country of establishment

Country of tax residence

Overseas registration number (e.g. business registration number)

Foreign Investment Review Board application number

Other overseas identifier (e.g. other government registration)

Part F – Notification obligations

You must notify the Commissioner of State Revenue (the Commissioner) within 28 days by completing a notice for reassessment – transfer duty home and vacant land concessions (Form D2.4) if you claim a concession and any of the following occurs:

- The previous owner does not move out within 6 months.
- The existing tenants do not move out after their lease expires or within 6 months, whichever is earlier.
- Before occupying the residence as your home, you sell, transfer, lease or otherwise grant exclusive possession to another person to either all or part of the property (including a room).
- Within 1 year of occupying the residence as your home, you sell, transfer, lease or otherwise grant exclusive possession to another person to either all or part of the property (including a room).
- You do not occupy the existing residence as your home within 1 year of the transfer date.

Failing to notify is an offence—the maximum penalty is \$13,055.

Part G – Declaration by transferees

All transferees claiming a concession must sign this section. Attach an additional page as an annexure if more than 2 transferees are claiming a concession.

I declare that:

- I have read the guide and I am satisfied that I am eligible to claim either a home or first home concession.
- I have read and understood the notification obligations at Part F.
- To the best of my knowledge, the information supplied in this form and any document supplied in support of it is true and correct.
- I understand that it is an offence to give the Commissioner documents or information that are false and misleading and that doing so may result in prosecution under sections 122 and 123 of the *Taxation Administration Act 2001*.
- I understand that if I fail to comply with my notification obligations, my transfer duty liability may be later reassessed and I will be required to pay any associated penalty tax and unpaid tax interest.

	Transferee 1	Transferee 2																
Signature	<input type="text"/>	<input type="text"/>																
Name	<input type="text"/>	<input type="text"/>																
Date	<table border="1"> <tr> <td>D</td><td>D</td><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> </tr> </table>	D	D	M	M	Y	Y	Y	Y	<table border="1"> <tr> <td>D</td><td>D</td><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> </tr> </table>	D	D	M	M	Y	Y	Y	Y
D	D	M	M	Y	Y	Y	Y											
D	D	M	M	Y	Y	Y	Y											
Witness* name and address	Name	Name																
	Street no.	Street no.																
	Street name	Street name																
	Suburb/town	Suburb/town																
	State Postcode	State Postcode																
Witness signature	<input type="text"/>	<input type="text"/>																

*Witness must not be a transferee or spouse of a transferee, and must not be related to the transferee.

For registered self assessors only:	
Client number	<input type="text"/>
Transaction number	<input type="text"/>

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Commissioner of State Revenue
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 Brisbane Qld 4001
 Email: duties@treasury.qld.gov.au
 Ph: 1300 300 734

Visit www.qld.gov.au/osr for information about duties and other state taxes.