

# FORM OSR – D2.7

Version 9 – Effective 15 April 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 first home vacant land concession

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

### Eligibility

To be eligible for a first home vacant land concession, you must:

- be acquiring vacant land
- have never held an interest in a residence anywhere in Australia or overseas
- have never received the benefit of a first home vacant land concession on another property
- be acquiring vacant land valued at less than \$400,000
- be paying market value if the vacant land is valued between \$320,001 and \$399,999 (see special circumstances on page 2)
- build a house on the vacant land and occupy it within 2 years of the transfer date
- not sell, transfer, lease or otherwise grant exclusive possession to the property before moving in to the new house
- be a natural person (see special circumstances on page 2)
- not be acting as trustee (see special circumstances on page 2)
- be at least 18 years of age (see special circumstances on page 2).

### Keeping the concession

You must notify us within 28 days by completing a notice for 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
Two years to build and move in	As the owner, you must move into the new house within 2 years of the transfer date and make it your home.	Lodge the Form D2.4 and repay the full concession.
Hold onto the property and be the first to move in	You're unable to sell, transfer, lease or otherwise grant exclusive possession of all or part of the property (including a room) before moving into the new house.	Lodge the Form D2.4 and repay the full concession.
After occupying the new house, hold onto the property for 1 year	You're unable to sell, transfer, lease or otherwise grant exclusive possession of all or part of the property (including a room) within the first 12 months of occupying the new house.	Lodge the Form D2.4. You may still be eligible for a partial concession.

## 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.

### Paying less than market value

If you are paying less than the market value and the vacant land is valued at more than \$320,000, you will not be eligible for the concession. For example, if you are gifted vacant land with a market value of \$350,000, you will not receive the concession.

### 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 house as their home.
- None of the beneficiaries have ever received the benefit of a first home vacant land concession.
- None of the beneficiaries have ever held an interest in a residence anywhere in Australia or overseas.

A 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 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 concession if we are satisfied that the transaction is not part of a scheme to avoid transfer duty. We will consider the following factors:

- your age
- the way in which the vacant land purchase agreement is structured
- the reason for the purchase
- the living arrangements for you and your family once the house is constructed
- the family arrangements generally
- whether the funds to purchase the vacant land were independently sourced.

### Completing this form

This form has 8 parts (labelled A to H). If there are more than two transferors or transferees, attach additional pages with details for Parts C, E and H where applicable. All transferees claiming a concession must sign at Part H.

When completing the form, corporate trustees should enter their name in the 'First name' field in Part E, and provide 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](http://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 D2.7. 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) is an extra amount of duty that applies to transactions that are liable for transfer duty. AFAD applies 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
- particular 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 house 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).

### 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.

### 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 building or part of a building in Queensland that is:

- 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.

## 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.

## Vacant land

Land is vacant land if:

- when you acquired the land, there was no building or part of a building on the land
- a house is to be constructed on the land.

## More information

For more information, visit:

- [www.qld.gov.au/osr](http://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)
  - concessions and residential purposes (DA087.1)
  - when valuations are required for residential property transactions (DA505.1)
- [www.qld.gov.au/transferduty](http://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.

Return the completed form to your legal adviser, or settlement or lodging agent. If you do not have one, send the form and documents to the Commissioner of State Revenue, GPO Box 2593, Brisbane Qld 4001.

Email: [duties@treasury.qld.gov.au](mailto:duties@treasury.qld.gov.au)

Ph: 1300 300 734

Visit [www.qld.gov.au/osr](http://www.qld.gov.au/osr) for information about duties and other state taxes.

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

Land Tax Act 2010 section 78(3)

Taxation Administration Act 2001 section 113D(1)



## Claim for first home vacant land concession

### About this form

Complete this form if you (or at least one transferee) are acquiring vacant land on which you will build a house that you will occupy as your first home.

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

Part G of this form sets out your obligations to notify us if your circumstances change.

### Part A – Transaction details

#### Address of vacant land

Address

Suburb

State

Postcode

#### Real property description

Lot number

Plan type (e.g. RP, SP)

Plan number

Title reference

#### Transfer date

When is the transfer date?

(This is normally the settlement date.)

D	D	M	M	Y	Y	Y	Y
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### Part B – Concession details

Are you acquiring vacant land? That is, land that is clear of any buildings, sheds or building foundations

 Yes No

Within 2 years of the transfer date, do you anticipate a house will be constructed and occupied?

 Yes No

Is the dutiable value of the vacant land less than \$400,000?

 Yes No

If you answered 'no' to any of the 3 questions, do not complete this form—the concession does not apply to your situation.

If you answered 'yes' to all 3 questions, there are further qualifying conditions to be satisfied as set out in the guide and this form.

### Part C – Transferor 1 details (seller)

#### Individual

First name

Middle names

Surname

Date of birth  
(if known)

D	D	M	M	Y	Y	Y	Y
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#### Other entity

Name

ACN

ARBN

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Name of trust (if acting as trustee)

**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 D – Transferor 2 details (seller)**

**Individual**

First name

Middle names

Surname

Date of birth (if known) 

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

**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

**Other entity**

Name

ACN  ARBN

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### Contact details

Name

Mobile number  Phone number

Email address

### Part E – 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

### Claim type (select one)

First home vacant land  No concession

The applicant must:

- have answered 'yes' to the 3 questions in Part B of the form
- have never held an interest in a residence anywhere in Australia or overseas
- have never received the benefit of the first home vacant land concession for another property
- be paying market value if the vacant land is valued between \$320,001 and \$399,999
- not be selling, transferring, leasing or otherwise granting exclusive possession of all or part of the property (including a room) before moving in to the new house
- be moving into the new house with their personal belongings and living there on a daily basis within 2 years of the transfer date
- be a natural person
- be an adult and not acting as trustee (see the guide for special circumstances).

### 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	<input type="text"/>
Country of tax residence	<input type="text"/>
Overseas registration number (e.g. business registration number)	<input type="text"/>
Foreign Investment Review Board application number	<input type="text"/>
Other overseas identifier (e.g. other government registration)	<input type="text"/>

**Part F – 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



**Claim type** (select one)

**First home vacant land**

**No concession**

The applicant must:

- have answered ‘yes’ to the 3 questions in Part B of the form
- have never held an interest in a residence anywhere in Australia or overseas
- have never received the benefit of the first home vacant land concession for another property
- be paying market value if the vacant land is valued between \$320,001 and \$399,999
- not be selling, transferring, leasing or otherwise granting exclusive possession of all or part of the property (including a room) before moving in to the new house
- be moving into the new house with their personal belongings and living there on a daily basis within 2 years of the transfer date
- be a natural person
- be an adult and not acting as trustee (see the guide for special circumstances).

**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.

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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 G – Notification obligations**

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

- You do not finish building your house within 2 years of the transfer date.
- You finish building your house but don’t occupy it as your home within 2 years of the transfer date.
- 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).

## Part H – 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 the concession.
- I have read and understood the notification obligations at Part G.
- 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 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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Return the completed form to your legal adviser, or settlement or lodging agent. If you do not have one, send the form and documents to the Commissioner of State Revenue, GPO Box 2593, Brisbane Qld 4001.

Email: [duties@treasury.qld.gov.au](mailto:duties@treasury.qld.gov.au)

Ph: 1300 300 734

Visit [www.qld.gov.au/osr](http://www.qld.gov.au/osr) for information about duties and other state taxes.