

First Home Buyer Choice

Property Tax Application Form and Lodgement Guide

The NSW Government is closing off access to First Home Buyers Choice (FHBC).

Purchasers who exchange contracts on or before 30 June 2023 have up until settlement to opt-in to FHBC. From 1 July 2023 there will be no option to choose between property tax and transfer duty on new purchases.

This application form must be completed by all eligible *purchasers* choosing to opt into property tax instead of paying transfer duty on the acquisition of their property.

The eligible transaction must have a *liability date* on or after 16 January 2023 and before 1 July 2023.

- By completing this application, **each eligible *purchaser*** agrees to opt into an annual property tax instead of paying transfer duty and by doing so will be liable to pay an annual property tax until they no longer hold an interest in the property.
- *Surcharge purchaser duty* remains payable if any purchaser is a foreign person under Chapter 2A of the *Duties Act 1997*.
- This form must be completed by:
 - all eligible *purchasers*, or the trustee of an *approved trust* on behalf of the eligible *purchaser* (beneficiary) and,
 - any spouse of each eligible *purchaser*
- Where a First Home Buyer Choice application is approved and a new purchaser is subsequently added or substituted prior to settlement, a new application must be completed.
- Each eligible *purchaser* and their spouse must provide Proof of Identity (POI) documentation as part of this application. See page 4.
- Additional evidence may be required to substantiate the application.
- Applicants found to be ineligible, or who do not meet the residence requirement, must pay the transfer duty and any interest or penalty applicable from the date of the *transaction*.
- You must ensure all information in your application is complete and correct.
- Where applications are found to be false, a substantial penalty or prosecution may apply.

Lodgement guide

Before completing the application, each person should read the information contained within the form and on the [First Home Buyer Choice web page](#).

The following information is for general guidance only. Refer to the Terms Used section for relevant definitions.

How to apply

You will be required to complete this form and supply all supporting evidence to your conveyancer or solicitor who will lodge your application with Revenue NSW.

Property Tax Information

First Home Buyer Choice allows first home buyers the choice to either pay the existing upfront transfer duty or an annual property tax when they are purchasing:

- *residential land* (a new or existing home) with a dutiable value not exceeding \$1,500,000 or
- *vacant land* on which they intend to build a home with a dutiable value not exceeding \$800,000.

Property tax liability will commence the day after the home or vacant land is acquired by the eligible *purchasers*.

For those who choose to pay an annual property tax it will be calculated at \$400 plus 0.3% of land value while it is owner occupied. When the *residential land* is no longer owner occupied, it will be calculated at \$1,500 plus 1.1% of the land value. These tax rates will be indexed each year from 2024-25.

Provisions for vacant land

Once the *vacant land* is opted into property tax, the owner-occupied rate for property tax purposes applies for a period of up to 5 years provided the following requirements are met:

- The land is intended to be the eligible *purchaser/s principal place of residence*,
- Building work commences on the land within 2 years,
- No income is derived from the land and
- No other land is, or has been, owned by the eligible *purchaser/s*

Within the year following the completion of construction the property must be occupied by an eligible *purchaser* as their *principal place of residence* for a continuous period of at least 6 months.

If the above *vacant land* requirements are not met, property tax will be chargeable for the period of ownership at the non owner-occupied rate.

Where the construction of the property is not completed within 5 years, an application may be made to the *Chief Commissioner* to extend the period.

Eligibility Criteria

Eligible purchasers (first home buyer)

An eligible *purchaser* (first home buyer) means a person who at the *time the application is made*:

- is an individual*
- is at least 18 years of age*
- has not, or whose *spouse* has not, or a trustee whose beneficiary has not:
 - at any time, owned (either solely or with someone else) *residential land* in Australia other than property owned solely as trustee or executor
 - received a first home buyer exemption or concession under the *Duties Act 1997* or the *Property Tax (First Home Buyer Choice) Act 2022*.

Additional purchaser criteria

- If there is more than one eligible *purchaser*, at least one eligible *purchaser* must be an *Australian citizen* or *permanent resident* at the *time the application is made*.
- If a *transaction* includes both eligible *purchasers* (first home buyers) and *equity partners* (non-first home buyers), the eligible *purchasers* must be acquiring at least a 50% share in the ownership of the property.
- No *purchaser* forming part of the *transaction* can be a company*.
- Eligible *purchasers* can include beneficiaries under an *approved trust* arrangement.

*The *Chief Commissioner* may waive this requirement upon application. Contact Revenue NSW for more information.

Eligible transaction

A *transaction* is eligible if:

- The transaction has a *liability date* on or after 16 January 2023 and before 1 July 2023.
- It is for the acquisition of *residential land* or *vacant land*
- It is for the whole of the land or is an *exclusive land use entitlement*
- The *dutiable value* of the land is not more than
 - i. for *vacant land* – \$800,000, or
 - ii. otherwise – \$1,500,000
- It is not for the transfer of a:
 - business premises or business,
 - *land used for primary production*, or
 - a holiday home.

Residence requirement

- The home must be occupied by at least one of the eligible *purchasers* as their *principal place of residence* for a continuous period of at least 6 months, with that occupation starting within 12 months after *completion of the transaction*.

Where at least one eligible *purchaser* was a member of the *permanent forces* of the *Australian Defence Force* and all eligible *purchasers* were enrolled on the NSW electoral roll as at the *time the application is made*, the residence requirement does not apply.

If circumstances change and you are unable to meet the residence requirements, you must contact Revenue NSW.

- For a *vacant land* purchase, you are eligible to opt into property tax if the land is intended to be used as the site of a home to be occupied as the *principal place of residence* by at least one of the eligible *purchasers*.

Terms used

Approved trust: A trust is an approved trust, in relation to the land, if:

- a) the trustee is an apparent purchaser of the land, as referred to in section 55 of the *Duties Act 1997*, or
- b) the trustee will hold the land for a person who is under a legal disability and is under the guardianship of the trustee.

Australian citizen: An Australian citizen as defined in the *Australian Citizenship Act 2007*.

Certified Copy: A true copy of an original document that has been sighted and certified by an acceptable person* and noted as follows: 'I certify that I have sighted the original document, and this is a true copy of it'. This certification must have the certifier's name, title, registration number (where applicable) and be signed and dated.

*Acceptable persons who may certify documents are:

In Australia: legal practitioner, justice of the peace (JP), magistrate, notary public, police officer, dentist, veterinary practitioner, pharmacist, certified practising accountant, licenced conveyancer, Commissioner for Declarations, member of parliament, minister of religion, medical practitioner, officers of Revenue NSW

Outside Australia: Public Notary or Justice of the Peace

Chief Commissioner: means the Chief Commissioner of State Revenue under the *Taxation Administration Act, 1996*.

Completion: A transaction is completed when a purchaser becomes entitled to possession of the home and, if the interest acquired is registrable under a law of the State, the purchaser's interest is registered.

Dutiable value: The greater of the consideration (purchase price) for the dutiable transaction and the value (determined without regard to any encumbrance) of the dutiable property.

Equity partner: Is a purchaser who is not an eligible *purchaser* and is not a participant in an Approved Shared Equity Scheme.

Note: The equity partner is liable to pay a proportion of the usual transfer duty, under the *Duties Act 1997*, based on the percentage interest in the property they are acquiring.

Exclusive land use entitlement is taken to be a separate lot that gives the purchaser, at all times, the exclusive right to the use and occupation of part of a building (or if more than one building on the land, the whole building) by way of ownership of:

- shares in a company (also commonly known as company title ownership) or
- units in a unit trust or
- a part ownership in land as tenants in common that gives the exclusive right to occupy a different part of the building on the land or if more than one building, the whole building.

Land used for Primary Production: means land that is exempt from land tax under section 10AA (Exemption for land used for **primary production**) of the *Land Tax Management Act 1956*.

Liability date: The liability date is when the transaction is first signed. For off the plan transactions, the liability date may be up to 12 months after the date of the transaction. Refer to Section 49A of the *Duties Act 1997*.

Off the plan: means an agreement for the sale or transfer of dutiable property, being land on which a residence is to be erected or developed before completion of the agreement for the sale or transfer, to which section 49A of the *Duties Act 1997* applies.

Permanent forces of the Australian Defence Force: within the meaning of the *Defence Act 1903* of the Commonwealth which comprises of members of the Regular Army, the Permanent Navy, or the Permanent Air Force. It does not include members of the Army Reserve, Naval Reserve or Air Force Reserve.

Permanent resident: A person who holds a permanent residency visa (under Section 30 of the *Migration Act 1958 of the Commonwealth (Cwth)*) or a New Zealand citizen who is the holder of a special category visa (under Section 32 of the *Migration Act 1958 of the Cwth*).

Principal place of residence: The one place of residence of a person, whether within or outside Australia, that is the primary residence of that person.

Purchaser: Includes a transferee.

Residential land: Land that contains either of the following that is suitable for occupation or use as a dwelling:

- (i) a building,
- (ii) a strata-type lot, including associated utility lots, and the land is, or is suitable to be, occupied or used predominantly for residential purposes.

Note: Residential land excludes land used for a business, business premises or primary production.

Spouse: The person to whom the applicant is legally married or living with as a couple in a de facto relationship as defined in the *Interpretation Act, 1987*.

Note: There is no minimum period of cohabitation needed to establish a de facto relationship under the *Interpretation Act, 1987*.

Surcharge Purchaser Duty: is duty on certain dutiable transactions in respect of *residential land* that are, or are taken to be, transfers to foreign persons.

Time the application is made: means the date the application is lodged with Revenue NSW.

Title reference: The way the land is identified or referred to in the title documents, for example, folio identifier, lot number and deposited or strata plan number, volume and folio, or book and number.

Note: For exclusive land use entitlements (example: company title) the title reference of the underlying land must be provided.

Transaction: An agreement for sale or transfer of land. Where there is no agreement, a transfer of land.

Vacant land: has the same meaning as section 25 of the *Duties Act, 1997*.

Note: Vacant land excludes land used for a business, business premises or primary production.

Supporting evidence

Proof of identity (POI)

Each *eligible purchaser* and their *spouse* must satisfy each POI category. As a minimum, separate documents must be provided for categories 1, 2 and 3 for each person. A category 4 document is only required where the current residential address is not shown in a category 2 or 3 document.

For a complete list of acceptable documents, refer to the [First Home Benefits – Proof of Identity Documents](#).

If you are unable to provide a document for a POI category, contact Revenue NSW to discuss your circumstances.

When lodging your application with your solicitor or conveyancer, you will need to provide certified copies of all required documents.

Note: If the name on any of the documents provided is different to the name of the *eligible purchaser* or *spouse*, evidence of a change of name must be included, e.g., *certified copy* of marriage certificate, divorce certificate, change of name certificate, etc.

If you are separated from your spouse provide a statutory declaration with the following information:

- the name of your former spouse/partner
- spouse/partner's date of birth
- the date you were married or commenced your de facto relationship
- the date you separated
- your former spouse/partner's current address (if known)

Australian Defence Force residence requirement

If you are seeking exemption from the residence requirement, provide the following evidence as at the *time the application is made*:


- a *certified copy* of a document issued by the Australian Defence Force which shows that at least one of the *eligible purchasers* was a member of the *permanent forces of the Australian Defence Force*, and
- evidence that all *eligible purchasers* were enrolled on the NSW electoral roll.

Privacy statement

Your information is being collected by Revenue NSW under authority of the *Taxation Administration Act 1996*. We collect your information for administration of your duty and property tax obligations. Revenue NSW takes the protection and privacy of your personal information seriously by handling personal information in a responsible manner and in accordance with the NSW Privacy Laws: *Privacy and Personal Information Protection Act 1998* and *Health Records and Information Privacy Act 2002*.

Your information may be provided to third parties as required or permitted by law. Please refer to the [Revenue NSW Privacy Policy](#) for information on how to access or amend your personal information, or to make a privacy complaint.

Contact details

 1300 139 814* (Monday – Friday, 8.30 am – 5.00 pm) *Interstate clients please call (02) 7808 6900

 www.revenue.nsw.gov.au  duties@revenue.nsw.gov.au  Help in community languages is available

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First Home Buyer Choice

Property Tax Application Form and Lodgement Guide

Note:

- Under the *Taxation Administration Act 1996*, it is an offence to give false or misleading information.
- This application must be completed in full.
- Read the lodgement guide for explanations of terms used.
- Please answer all questions and cross the appropriate boxes.
- If all supporting evidence is not provided, your application will not be approved, and the *transaction* will be assessed for transfer duty.
- Applicants found to be ineligible, or who do not meet the residence requirement, must pay the transfer duty and any interest or penalty applicable from the date of the *transaction*.

Duties Assessment Number (DAN)

SECTION 1 Eligibility criteria

Note:

- Eligibility to opt into property tax is determined at the *time the application is made*.
- All eligible *purchasers* and their spouse must be considered when answering eligibility questions.

Eligibility checklist

Do all eligible <i>purchasers</i> agree to this application being made and the property being opted into property tax?	Yes	No
Has each eligible <i>purchaser</i> and their <i>spouse</i> <u>never</u> owned <i>residential land</i> in Australia either solely or with someone else? <small>Note: The holder of a leasehold interest by the Commonwealth in ACT residential property is taken to have owned that property.</small>	Yes	No
Will this be the first time each eligible <i>purchaser</i> or their <i>spouse</i> will receive a first home buyer exemption or concession under the <i>Duties Act 1997</i> or the <i>Property Tax (First Home Buyer Choice) Act 2022</i> ?	Yes	No
Will the property be occupied by at least one of the eligible <i>purchasers</i> as their <i>principal place of residence</i> for a continuous period of 6 months commencing within 12 months from the date of <i>completion</i> of the <i>transaction</i> , or in the case of <i>vacant land</i> , one of the eligible <i>purchasers</i> intends to occupy a home that will be built on the site, or At least one of the eligible <i>purchasers</i> is a member of the <i>permanent forces of the Australian Defence Force</i> and all eligible <i>purchasers</i> are enrolled on the NSW electoral roll at the <i>time the application is made</i> ?	Yes	No
At the <i>time the application is made</i> , is at least one of the eligible <i>purchasers</i> an <i>Australian citizen</i> or <i>permanent resident</i> ?	Yes	No
At the <i>time the application is made</i> , are all eligible <i>purchasers</i> over the age of 18 years?	Yes	No

If you answered 'NO' to any of the questions, you may not be entitled to opt into property tax.

SECTION 2 Transaction and property details

Transaction details

Transaction type:

Agreement for the sale or transfer of land Transfer of land (a transfer without an agreement)

Date of the transaction (dd/mm/yyyy)

Dutiable value

\$

*Dutiable value –the greater of:

- (a) the consideration for the dutiable transaction including any GST paid or payable, or
- (b) the unencumbered value of the dutiable property.

Property details

Title Reference

Existing home Off the plan home Vacant land Company title/land use entitlement

Plan type*

Plan no.

Sub-folio

Lot no.

Section no.

*Enter DP for Deposited Plan, SP for Strata Plan.

Auto Consol/Volume Folio

Note: For unregistered plans and Company title/Land use entitlements, provide the parent land details.

For multiple title references, please attach an annexure.

Street address

Unit/
Street no.

Street name

Suburb/town

State

N

S

W

Postcode

SECTION 3 Purchaser details

- Each eligible *purchaser* should be listed separately. For example, list two joint tenants as each having a 50% interest.
- If the eligible *purchaser's spouse* has previously owned a home in Australia or received a first home buyer exemption or concession under the *Duties Act 1997* or the *Property Tax (First Home Buyer Choice) Act 2022*, the eligible *purchaser* will not be eligible to opt into property tax, regardless of whether the spouse is also a *purchaser* under the transaction.
- Eligible *purchasers* must be acquiring at least a 50% interest (share) in the ownership of the property, and this interest will be opted into property tax. The *equity partners* will pay a proportion of duty based on the interest they acquire in the property. A spouse of the eligible *purchaser* cannot be an *equity partner*.

Eligible <i>purchaser's/beneficiary's</i> name/s	Interest being acquired (to 2 decimal places)
	%
	%
	%
	%
Eligible <i>purchasers'</i> interest (subtotal)	%
<i>Equity partner's</i> name/s	
	%
	%
<i>Equity partners'</i> interest (subtotal)	%
	100.00 %

SECTION 4 Eligible purchaser details

Note:

- All eligible *purchasers* must complete this section.
- If there are more than two eligible *purchasers*, please complete and attach an additional application form.
- Each eligible *purchaser* must complete the 'Declaration by eligible *purchaser*' in section 8.
- Eligible *purchaser* 1 is the primary contact person and will receive property tax correspondence, including notice of assessments, on behalf of all eligible *purchasers*, using the email address provided in Section 4 where available.
- For *approved trusts*, the eligible *purchasers* (beneficiaries) information must be provided in this section and the trustee must complete Section 5 of this form. The trustee will be the primary contact and will receive property tax correspondence, including notice of assessments, on behalf of all eligible *purchasers* (beneficiaries).

	Eligible purchaser 1 (primary contact)					Eligible purchaser 2				
Title	Mr	Mrs	Miss	Ms	Dr	Mr	Mrs	Miss	Ms	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"/>				
Name on birth certificate (if different from above)	<input type="text"/>					<input type="text"/>				
	First name					First name				
	<input type="text"/>					<input type="text"/>				
	Middle name(s)					Middle name(s)				
	<input type="text"/>					<input type="text"/>				
	Family name					Family name				
Have you ever used any name other than the name(s) declared above?	Yes <input type="checkbox"/> list name(s) below					No <input type="checkbox"/>				
	<input type="text"/>					<input type="text"/>				
Date of birth (dd/mm/yyyy)	<input type="text"/>					<input type="text"/>				
Place of birth	<input type="text"/>					<input type="text"/>				
	State/territory					State/territory				
	<input type="text"/>					<input type="text"/>				
	Country					Country				
Daytime phone number	(<input type="text"/>) <input type="text"/>					(<input type="text"/>) <input type="text"/>				
Email address	<input type="text"/>					<input type="text"/>				
Current residential address	<input type="text"/>					<input type="text"/>				
	Street no.					Street no.				
	<input type="text"/>					<input type="text"/>				
	Street name					Street name				
	<input type="text"/>					<input type="text"/>				
	Suburb/town					Suburb/town				
	<input type="text"/>		<input type="text"/>			<input type="text"/>		<input type="text"/>		
	State		Postcode			State		Postcode		
Address for future notices (if different from above)	<input type="text"/>					<input type="text"/>				
	Street no.					Street no.				
	<input type="text"/>					<input type="text"/>				
	Street name					Street name				
	<input type="text"/>					<input type="text"/>				
	Suburb/town					Suburb/town				
	<input type="text"/>		<input type="text"/>			<input type="text"/>		<input type="text"/>		
	State		Postcode			State		Postcode		

SECTION 4 (cont.) Eligible purchaser details

	Eligible purchaser 1 (primary contact)	Eligible purchaser 2
Australian Defence Force		
Are you a member of the <i>permanent forces of the Australian Defence Force</i> ?	Yes No	Yes No
	Regular Army Permanent Navy Permanent Airforce	Regular Army Permanent Navy Permanent Airforce
If 'Yes', select which branch you were serving in.		
Spouse Details		
Do you have a <i>spouse</i> ?	Yes No	Yes No
	Note: if you are separated from your <i>spouse</i> , refer to the lodgement guide for the required supporting evidence.	Note: if you are separated from your <i>spouse</i> , refer to the lodgement guide for the required supporting evidence.
If 'Yes', is your spouse a <i>purchaser</i> under the transaction?	Yes No	Yes No
	If 'Yes', your <i>spouse</i> must complete their details as an eligible <i>purchaser</i> If 'No' complete: Section 6 – <i>spouse</i> details and Section 9 – <i>spouse</i> declaration	If 'Yes', your <i>spouse</i> must complete their details as an eligible <i>purchaser</i> If 'No' complete: Section 6 – <i>spouse</i> details and Section 9 – <i>spouse</i> declaration

SECTION 5 Approved trust details

Only complete this section if the property is being acquired under an *approved trust* arrangement.

Please select:

The property is being acquired by an apparent *purchaser*, as referred to in section 55 of the *Duties Act, 1997*.

The property is being acquired by a trustee for a person who is under a legal disability with guardianship.

	Trustee 1 (primary contact)	Trustee 2
Non-individual trustee name: (if applicable)	<input type="text"/>	<input type="text"/>
Individual trustee name:		
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"/>
Address for Future Notices	<input type="text"/>	<input type="text"/>
	Street address/PO Box	Street address/PO Box
	<input type="text"/>	<input type="text"/>
	Suburb/town	Suburb/town
	<input type="text"/>	<input type="text"/>
	State Postcode	State Postcode
Phone number	<input type="text"/>	<input type="text"/>
Email address	<input type="text"/>	<input type="text"/>

SECTION 6 Spouse details

Note:

- This section must be completed where the *spouse* of an eligible *purchaser* is not an eligible *purchaser* in Section 4 of the application.
- A *spouse* of an eligible *purchaser* must complete the *spouse* declaration in section 9.

	Spouse of eligible purchaser 1					Spouse of eligible purchaser 2				
Title	Mr	Mrs	Miss	Ms	Dr	Mr	Mrs	Miss	Ms	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"/>				
Name on birth certificate (if different from above)	<input type="text"/>					<input type="text"/>				
	First name					First name				
	<input type="text"/>					<input type="text"/>				
	Middle name(s)					Middle name(s)				
	<input type="text"/>					<input type="text"/>				
	Family name					Family name				
Have you ever used any name other than the name(s) declared above?	Yes <input type="checkbox"/> list name(s) below					No <input type="checkbox"/>				
	<input type="text"/>					<input type="text"/>				
Date of birth (dd/mm/yyyy)	<input type="text"/>					<input type="text"/>				
Place of birth	<input type="text"/>					<input type="text"/>				
	State/territory					State/territory				
	<input type="text"/>					<input type="text"/>				
	Country					Country				
Daytime phone number	<input type="text"/>					<input type="text"/>				
	()					()				

SECTION 7 Declaration by eligible purchaser(s)

Eligible purchaser 1

I, , do solemnly and sincerely declare that:

1. I understand that by completing this application form, I agree to opt into an annual property tax instead of paying transfer duty and by doing so, I will be liable to pay an annual property tax until I no longer hold an interest in the property.
2. I understand I will receive an annual property tax assessment and will have the ability to pay annually or in quarterly instalments. Interest will apply to any property tax amount that falls overdue.
3. I have never owned *residential land* in Australia, either solely or with someone else. **Note:** Holders of ACT residential leases to the Commonwealth are taken to be owners of that property.
4. I have not previously received a first home buyer exemption or concession under the *Duties Act 1997*.
5. I have not previously opted into property tax under the *Property Tax (First Home Buyer Choice) Act 2022*.
6. The interest I hold in the property is not held subject to a trust, other than an *approved trust*.
7. At the *time the application is made*, at least one eligible *purchaser* was a *permanent resident* or an *Australian citizen*.
8. I do not intend for the property to be *land used for primary production* within the meaning of the *Land Tax Management Act 1956*, section 10AA.
9. At least one eligible *purchaser* will occupy the home that is the subject of this application as their *principal place of residence* for a continuous period of six months commencing within 12 months from the date of *completion* of the transaction or, in the case of *vacant land*, one of the eligible *purchasers* intends to occupy a home on the site.
Or at least one of the eligible *purchasers* was a member of the *permanent forces of the Australian Defence Force* and all the eligible *purchasers* were enrolled on the NSW electoral roll as at the *time the application was made*.
10. I undertake to notify the *Chief Commissioner* if I fail to meet the residence requirement.
11. I have read and understood the information prepared by Revenue NSW relating to the conditions of eligibility. I accept that if the conditions are not met, the approval to opt into property tax may be voided and taken to have never been given. If the approval is void, I understand transfer duty and any interest or penalty is applicable from the date of the transaction.
12. I authorise Revenue NSW to access and exchange information about me to verify my eligibility for First Home Buyer Choice with State, Territory and Australian Government agencies and commercial organisations as permitted by law.
13. I understand that where this application is found to be false, a substantial penalty or prosecution may apply.

Declaration

**Under the *Taxation Administration Act 1996*, it is an offence to give false or misleading information.
I declare that all information provided is true and correct in every particular**

Name

Date (dd/mm/yyyy)

SECTION 7 (cont.) Declaration by eligible purchaser(s)

Eligible purchaser 2

I, , do solemnly and sincerely declare that:

1. I understand that by completing this application form, I agree to opt into an annual property tax instead of paying transfer duty and by doing so, I will be liable to pay an annual property tax until I no longer hold an interest in the property.
2. I understand I will receive an annual property tax assessment and will have the ability to pay annually or in quarterly instalments. Interest will apply to any property tax amount that falls overdue.
3. I have never owned *residential land* in Australia, either solely or with someone else. **Note:** Holders of ACT residential leases to the Commonwealth are taken to be owners of that property.
4. I have not previously received a first home buyer exemption or concession under the *Duties Act 1997*.
5. I have not previously opted into property tax under the *Property Tax (First Home Buyer Choice) Act 2022*.
6. The interest I hold in the property is not held subject to a trust, other than an *approved trust*.
7. At the *time the application is made*, at least one eligible *purchaser* was a *permanent resident* or an *Australian citizen*.
8. I do not intend for the property to be *land used for primary production* within the meaning of the *Land Tax Management Act 1956*, section 10AA.
9. At least one eligible *purchaser* will occupy the home that is the subject of this application as their *principal place of residence* for a continuous period of six months commencing within 12 months from the date of *completion* of the transaction or, in the case of *vacant land*, one of the eligible *purchasers* intends to occupy a home on the site.
Or at least one of the eligible *purchasers* was a member of the *permanent forces of the Australian Defence Force* and all the eligible *purchasers* were enrolled on the NSW electoral roll as at the *time the application was made*.
10. I undertake to notify the *Chief Commissioner* if I fail to meet the residence requirement.
11. I have read and understood the information prepared by Revenue NSW relating to the conditions of eligibility. I accept that if the conditions are not met, the approval to opt into property tax may be voided and taken to have never been given. If the approval is void, I understand transfer duty and any interest or penalty is applicable from the date of the transaction.
12. I authorise Revenue NSW to access and exchange information about me to verify my eligibility for First Home Buyer Choice with State, Territory and Australian Government agencies and commercial organisations as permitted by law.
13. I understand that where this application is found to be false, a substantial penalty or prosecution may apply.

Declaration

Under the *Taxation Administration Act 1996*, it is an offence to give false or misleading information.
I declare that all information provided is true and correct in every particular

Name

Date (dd/mm/yyyy)

SECTION 8 Declaration by spouse

Spouse of eligible purchaser 1

I, , do solemnly and sincerely declare that:

1. The *spouse* details in section 6, in so far as they relate to me, are true and correct.
2. I have never owned *residential land* in Australia, either solely or with someone else. **Note:** Holders of ACT residential leases to the Commonwealth are taken to be owners of that property.
3. I have not previously received a first home buyer exemption or concession under the *Duties Act 1997*.
4. I have not previously opted into property tax under the *Property Tax (First Home Buyer Choice) Act 2022*.
5. I authorise Revenue NSW to access and exchange information about me to verify the eligibility of the purchaser(s) making this application with State, Territory and Australian Government agencies and commercial organisations as permitted by law.
6. I understand that where this application is found to be false, a substantial penalty or prosecution may apply.

Declaration

Under the *Taxation Administration Act 1996*, it is an offence to give false or misleading information. I declare that all information provided is true and correct in every particular

Name

Date (dd/mm/yyyy)

Spouse of eligible purchaser 2

I, , do solemnly and sincerely declare that:

1. The *spouse* details in section 6, in so far as they relate to me, are true and correct.
2. I have never owned *residential land* in Australia, either solely or with someone else. **Note:** Holders of ACT residential leases to the Commonwealth are taken to be owners of that property.
3. I have not previously received a first home buyer exemption or concession under the *Duties Act 1997*.
4. I have not previously opted into property tax under the *Property Tax (First Home Buyer Choice) Act 2022*.
5. I authorise Revenue NSW to access and exchange information about me to verify the eligibility of the purchaser(s) making this application with State, Territory and Australian Government agencies and commercial organisations as permitted by law.
6. I understand that where this application is found to be false, a substantial penalty or prosecution may apply.

Declaration

Under the *Taxation Administration Act 1996*, it is an offence to give false or misleading information. I declare that all information provided is true and correct in every particular

Name

Date (dd/mm/yyyy)

SECTION 9

Providing false or misleading information in this application

Providing false or misleading information to Revenue NSW is a criminal offence. If it is determined that an applicant, or their spouse, has provided false or misleading information to opt in, or attempt to opt into Property Tax, then prosecution action may commence.

Penalties

Revenue NSW conducts investigations to ensure that applications comply with the conditions of the *Property Tax (First Home Buyer Choice) Act, 2022*.

Applicants that have opted into Property Tax that are found to be ineligible, or who do not meet the residence requirement, must pay the transfer duty and any interest or penalty applicable from the date of the transaction.

SECTION 10 Supporting documentation checklist

Note:

- To ensure your application is processed in a timely manner, make sure the application is fully completed and dated.
- Please complete this checklist to ensure you have provided the required supporting documentation defined in the lodgement guide.
- Your application will not be accepted if it is not fully completed or if all the required supporting information is not provided.
- Additional documents may be requested after lodgement of your application.
- Refer to the 'Supporting information' section contained within the lodgement guide for the documentation required.

Proof of identity of all eligible purchasers and their spouse

	Eligible purchaser 1	Spouse 1
Category 1	Type of document submitted _____ /	_____
Category 2	Type of document submitted _____ /	_____
Category 3	Type of document submitted _____ /	_____
Category 4	Type of document submitted _____ /	_____
<ul style="list-style-type: none">■ a Decree Nisi, a marriage or death certificate or change of name certificate■ a statutory declaration for those who are separated.		

Applicant to cross if attached

	Eligible purchaser 2	Spouse 2
Category 1	Type of document submitted _____ /	_____
Category 2	Type of document submitted _____ /	_____
Category 3	Type of document submitted _____ /	_____
Category 4	Type of document submitted _____ /	_____
<ul style="list-style-type: none">■ a Decree Nisi, a marriage or death certificate or change of name certificate■ a statutory declaration for those who are separated.		

Applicant to cross if attached