



## Off-the-Plan Rebate: Under Construction Contract

### Application for Rebate of Duty

#### When should you use this form?

**Only use this form to apply for a rebate of duty if you meet all of these criteria**

- You entered into a *contract* to purchase a *new residential unit or apartment* in a multi-tiered strata development where development had already commenced but not yet completed.
- The contract is dated between 4 June 2020 and 31 December 2020.
- Construction was completed within 36 months of you signing the contract.
- You are registered on the certificate of title for the property.

#### What is the Off-the-plan Rebate Scheme?

The Off-the-Plan Duty Rebate Scheme provides a rebate of the duty paid on eligible unit and apartment purchases in multi-tiered developments if the contract to purchase the property was entered into after construction commenced.

Construction must be completed within 36 months of the contract being entered into.

The rebate will be provided once construction is complete and the buyer or eligible transferee is registered on the certificate of title.

#### How much is the rebate?

The rebate amount is 75 per cent of the total duty paid, capped at \$25,000.

The rebate applies only to the transfer duty and foreign transfer duty (if applicable) paid on a transaction. It does not apply to any penalty tax or interest amounts paid on the transaction, or any legal or other fees incurred to recover unpaid tax.

Multiple rebates can be paid to the same applicant on the purchase of separate units or apartments either in the same or different developments. **Make a separate application for each transaction.**

#### When should I apply?

You must apply for the rebate within 12 months from the date you or an eligible transferee is registered on the certificate of title. Late applications will not be accepted.

#### What to do next

- ☐ Complete this application in full
- ☐ Attach copies of the pre-construction contract and the certificate of duty
- ☐ Lodge all documents, including this form, with RevenueWA

#### How to lodge

<b>Online</b>	<a href="https://www.wa.gov.au/service/financial-management/taxation-and-duty/use-the-duties-online-services">WA.gov.au/service/financial-management/taxation-and-duty/use-the-duties-online-services-</a>		
<b>Office</b>	200 St Georges Terrace PERTH WA 6000	<b>Telephone</b>	(08) 9262 1100 1300 368 364 (WA country callers only – local call charge)
<b>Postal address</b>	RevenueWA GPO Box T1600 PERTH WA 6845	<b>Web Website</b>	<a href="https://www.osr.wa.gov.au/DutiesEnquiry">www.osr.wa.gov.au/DutiesEnquiry</a> <a href="https://www.wa.gov.au">WA.gov.au</a>



## APPLICATION

**Bundle ID**

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The Bundle ID can be found on your Duties Document Lodgment and Assessment Form, Certificate of Duty or through the Online Lodgment portal (for online lodgments).

### Part A - Details of the applicant

Please attach additional application forms if there are more than two applicants

#### Applicant 1

Full / Company name		Date of birth / ACN	
<b>Postal Address</b>			
Street No.	Street name	Suburb	Postcode
State	Country	Telephone number	
Email			

#### Applicant 2

Full / Company name		Date of birth / ACN	
<b>Postal Address</b>			
Street No.	Street name	Suburb	Postcode
State	Country	Telephone number	
Email			

### Part B - Details of the transaction (to be completed by Applicant)

Date of the contract	/ /	Date the applicant was registered on the title	/ /
Land ID (Lot and plan/survey number)		Certificate of Title (Volume / Folio)	
Street No.	Street name	Suburb	Postcode

## Part C - Details of the transaction (to be completed by Developer)

Declaration – Developer		
Development name		
Date construction commenced	/ /	Date strata plan was registered / /
<p>I am an authorised officer acting on behalf of _____ (company).</p> <p><input type="checkbox"/> I declare that I have read and understood the conditions contained in this application form.</p> <p><input type="checkbox"/> I declare that all the information disclosed in this application is true, complete and correct.</p> <p><input type="checkbox"/> I acknowledge that providing false or misleading information to RevenueWA is a criminal offence. If it is determined that false or misleading information has been provided a prosecution action may be undertaken.</p>		
Full name	Signature	Date
Position of authorised company officer		
Email		
Phone		

## Part D – Conditions

### Eligibility criteria

#### Criteria 1: Under construction contract

The contract must be to purchase a new residential unit or apartment in a multi-tiered structure for which development has already commenced. The contract must be executed between 4 June 2020 and 31 December 2020 (inclusive).

- **Development** means the development of any land, including the erection, construction or addition of new buildings or structures on the land.

The Commissioner considers the carrying out of any excavation or works associated with the construction of the unit or apartment building to be development for the purposes of the rebate.

The following do not constitute development for the purposes of the rebate

- obtaining of permits or approvals to commence works on the land
  - demolition of existing structures or buildings on the land in preparation for development to commence
  - clearing of the development site
  - installation of fencing, advertising materials or transportable sales office on the land.
- A **multi-tiered structure** is a vertical development other than a single-tier strata scheme as defined by section 3(1) of the *Strata Titles Act 1985*.
  - A **new residential unit or apartment** is a newly constructed dwelling used solely or dominantly for residential purposes. This does not include strata lots intended to be used for commercial purposes, such as shops, hotels, motels and long-stay apartments.
  - The Commissioner may reject a rebate application if it is found that the contract to purchase the apartment is a replacement transaction entered into for the purposes of obtaining the rebate.

## Criteria 2: Eligible applicant

The rebate applies to all buyers (natural persons, corporations and trustees), including foreign buyers, who purchase the unit or apartment as an owner occupier or investor.

An applicant must either be a buyer named on a contract or an eligible transferee.

An **eligible transferee** is a transferee on a transfer of land who

- is not named as the buyer in the pre-construction contract and
- qualifies for duty relief under the no double duty provisions in the *Duties Act 2008* as
  - a person related to the buyer as referred to in section 43 and defined under section 42(2)
  - the real purchaser under an agency arrangement (section 42(4))
  - a corporation yet to be incorporated or dormant corporation (section 42(5)) or
  - a managed investment scheme (section 42(7)).

## Criteria 3: Completion of construction

Construction of the new residential unit or apartment must be completed within 36 months of the contract being entered into. The Commissioner considers construction to be completed when the strata plan is registered.

The eligible applicant may apply to the Commissioner to extend the timeframe for completion of construction where construction is not completed within 36 months.

Each application will be considered on its merits and must be supported by evidence from the developer detailing why construction was not completed within 36 months of the contract being entered into.

The Commissioner may only consider an application after construction has been completed. The Commissioner's decision to exercise discretion in relation to a specific development will apply to all eligible applicants acquiring a unit or apartment in that development. Details of developments where the discretion has been applied will be published on the Finance website to assist future applicants in completing a rebate application.

Circumstances where the Commissioner will generally extend the 36 month period include, but are not limited to developments where completion is delayed due to issues outside of the developer's control, such as the developer being unable to procure materials or labour.

## Other conditions

### Reassessments of duty

Where a reassessment of a contract (or associated dutiable transaction) is made and the taxpayer or applicant has already received a rebate (or did not receive one), any further rebate they become entitled to, or overpayment made to them, will be adjusted in the reassessment by RevenueWA.

### Requirement to repay the rebate

If it is found that you received the rebate but did not satisfy the eligibility criteria, you are required to repay the total amount within 30 days of being notified.

## Part E – To be completed by Applicant

### Declaration – Applicant

- ☐ I declare that I have read, understand and agree to the above conditions.
- ☐ I declare that all the information disclosed in this application is true, complete and correct.
- ☐ I acknowledge that providing false or misleading information to RevenueWA is a criminal offence. If it is determined that an applicant has provided false and misleading information to obtain, or attempt to obtain the rebate, prosecution action may be undertaken.

If the purchaser or transferee is a corporation, the declaration must be signed by an authorised officer of the corporation.

#### Applicant 1

Full name	Signature	Date
Position of authorised officer (corporation only)		

In the presence of

Full name of witness	Signature	Date
Telephone number		

#### Applicant 2

Full name	Signature	Date
Position of authorised officer (corporation only)		

In the presence of

Full name of witness	Signature	Date
Telephone number		