



Government of Western Australia
Department of Finance
Office of State Revenue

First home owner grant guide

Office of State Revenue
Western Australia



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1. Introduction to the FHOG

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a) FHOG overview

The first home owner grant (FHOG) is funded by the Government of Western Australia and administered by the Department of Finance, Office of State Revenue (State Revenue).

First home buyers building or purchasing a new home qualify for the grant. The grant has geographically determined caps on the total value of the home purchase, post-purchase residence requirements, and eligibility criteria for applicants. The intent of the FHOG is to assist eligible persons to buy a residential property for use as their principal place of residence.

b) Value of the FHOG

The grant value at the time of publication is up to \$10,000 for the purchase or construction of a new home.

c) Changes to the FHOG

As of 3 October 2015 the FHOG no longer applies to the purchase of an established home. However, first home owners buying an established or new home, or building a new home, may be eligible for the first home owner rate (FHOR) of duty. Refer to the [Department of Finance website](#) for further information.

d) Boost payment

Eligible first home buyers who enter into a contract between 1 January 2017 and 30 June 2017 to purchase or construct a new home, and owner builders who commence laying foundations of their home between those dates, will receive a boost of \$5,000 in addition to the \$10,000 FHOG.

Time frames for commencement and completion of homes eligible for the boost payment apply. For further information refer to [fundamental criteria](#) in this document or the [Department of Finance website](#).

Provided all the eligibility criteria are met, first home buyers are still able to apply for the FHOG, without the boost payment, if they:

- signed a contract to build/buy before 1 January 2017 or commenced construction as an owner builder prior to that date
- signed a contract to build/buy after 1 January 2017 or commenced construction as an owner builder after to that date but did not meet the commencement and/or completion timeframes.

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2. Fundamental criteria

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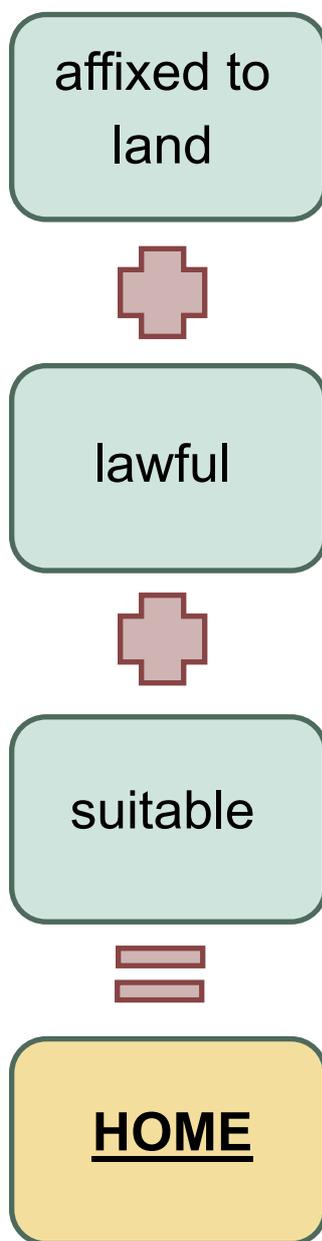


a) Requirement to be a residential dwelling

The FHOG applies to residential dwellings within Western Australia.

A home:

- is a building affixed to land
- may lawfully be used as a place of residence; and
- is a suitable building for use as a place of residence.



b) Cap amounts for the FHOG

FHOG eligibility is subject to geographically determined caps based on the total value of the eligible transaction.

For homes south of the 26th parallel (of southern latitude), the relevant cap is \$750,000. Homes north of the 26th parallel are subject to a cap of \$1,000,000. Home and land purchases above these caps are ineligible for the FHOG.

FHOG caps	
Location of the property	Cap amount (land and building)
South of the 26th parallel	\$750,000
North of the 26th parallel	\$1,000,000



c) Property exclusions

The FHOG is applicable for the purchase of residential dwellings but does not apply to:

- established houses
 - the acquisition of vacant land*
 - business or commercial property
 - holiday houses
- or
- renovations to an existing home.

* Although the purchase of vacant land would not constitute an eligible transaction, if the property owner subsequently entered into a comprehensive building contract, or became an owner builder, the transaction would then become eligible for the FHOG if all other criteria were satisfied.



d) Eligible transactions

For the purpose of the FHOG, an eligible transaction is a contract for the purchase or construction of a new home; or the commencement of construction of a home as an owner builder.

Evidence of the eligible transaction is required as part of the FHOG application process. The relevant evidence, commencement and completion dates are specific to the type of property purchased.

e) Substantially renovated homes

An existing residential property may be substantially renovated by the owner and subsequently sold as a new home to the purchaser/applicant for the FHOG. In order to qualify as a new home for FHOG purposes, the property must not have been occupied or sold since renovation.

A substantially renovated home is an existing home that has undergone renovations in which all, or substantially all, of a building is removed or is replaced by a GST registered developer. The renovations need not involve removal or replacement of foundations, external walls, interior supporting walls, floors, roof or staircases.

See [Commissioner's Practice FHOG 7 Substantially Renovated Homes](#) for further information.



f) Commencement and completion dates for an eligible transaction

For the purposes of the FHOG, the commencement and completion dates are defined according to the type of eligible transaction.

Applicants who qualify for the existing \$10,000 grant follow the below:

FHOG - Commencement date for an eligible transaction	
Transaction	Commencement date
Purchase of a new home or a substantially renovated home	Date of contract
New home building contract	Date of contract
Owner builder constructed home	Date when the foundation is laid or another date on or after 1 July 2000 the Commissioner deems appropriate

Applicants applying for the additional \$5000 boost payment must comply with the below:

Boost Payment - Commencement and completion dates for an eligible transaction	
Purchase of a new home or substantially renovated home.	Commence: On or after 1 January 2017 and before 30 June 2017. Complete: Not applicable.
New home building contract or an off the plan contract.	Commence: On or after 1 January 2017 and before 30 June 2017. Construction must commence within 26 weeks of entering into a building contract. Complete: Within 18 months after construction commences.
Owner builder constructed home	Commence: On or after 1 January 2017 and on or before 30 June 2017. Complete: 30 June 2019.
Off the plan home	Commence: On or after 1 January 2017 and on or before 30 June 2017. Complete: 30 June 2019.

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a) Who is considered an applicant?

All interested persons who will have a relevant interest in the land on which the dwelling is located at the completion of the eligible transaction must be applicants for the grant and/or first home owner rate of duty. The most usual form of a relevant interest is an estate in fee simple. That is, the person's name will be on the certificate of title.

An interested person means a person who is, or will be, an owner of the home. Therefore, all interested persons would need to be eligible.

Care needs to be taken if a purchaser is being registered on the certificate of title to merely assist with financing (or for some other reason), as all interested persons with a relevant interest in the land must be applicants, and must be eligible.

Spouse

A spouse is defined as someone the applicant is legally married to

De facto partner

A de facto partner is an individual who has lived with the primary applicant in a de facto relationship for at least two years on the commencement date of the transaction to which the application relates (includes same sex couples).

[Revenue Ruling FHOG 4 De Facto Partners](#) outlines the factors the Commissioner will take into account when determining whether or not a de facto relationship exists between two people.

All applicants regarding a transaction need to satisfy the eligibility criteria for the grant to be payable. In the case of purchases made under the Shared Home Ownership Scheme administered by the WA Housing Authority (also known as the Department of Housing), the WA Housing Authority does not need to meet the applicant eligibility criteria, however the other applicants do.



b) Natural person vs companies or trusts

An applicant must be a natural person and therefore cannot be a company or a trust.

An additional provision exists for purchases by a person under a legal disability. In the event that a guardian holds what constitutes to be an equitable interest in trust for a person with a legal disability, the disabled individual would still be eligible for the FHOG even though they would not be the legal owner of the land.



c) Age requirement

Generally, applicants must be over the age of 18. There is an exemption to this, detailed later in the guide.

d) Receipt of previous grant

The applicant, their spouse or de facto partner will be ineligible for the FHOG if either party applied for and received payment for the FHOG within Australia.

e) Conviction of an offence under the Act

Applicants who have been convicted of an offence under the Western Australian FHOG statute or a corresponding law in another jurisdiction are ineligible to receive the grant. This includes spouses and de facto partners.



Indian Ocean Territory residents do not qualify for the first home owner grant.

f) Citizenship and permanent residency requirements

Australian citizenship or permanent resident status is required for at least one applicant for the FHOG. This must be the case on or before the date of the grant application.

For the purposes of the FHOG, a permanent resident holds a permanent resident visa (PRV) as defined under section 30 of the *Migration Act 1958* or is a New Zealand citizen who possesses a special category visa under section 32 of the *Migration Act 1958*.

g) Ownership Tests

For information about the three sequential ownership tests, please see the [chapter on ownership tests](#) contained in this guide.



4. Ownership tests

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a) What are the ownership tests?

For all applicants, FHOG eligibility is dependent in part on three sequential tests regarding their relevant interest and habitation in the residential property. These tests also apply to the applicant's spouse or de facto partner.

If at the commencement date of the transaction to which the FHOG application relates, the tests are met by the applicant, their spouse, or de facto partner, they are ineligible for the FHOG. The tests are to be applied sequentially.

Relevant interest

Relevant interest is defined as an interest in land. For practical purposes this principle functions as a legal entitlement (title to the land or another acceptable form of security of tenure) to occupy the home being bought or constructed.

b) Test 1

If the applicant, their spouse or de facto partner held a relevant interest in a residential property in Western Australia before 1 July 2000 other than a relevant interest held subject to a trust, they would be ineligible.

They would also be ineligible if they held a relevant interest in a residential property in another state or territory before 1 July 2000.

c) Test 2

If the applicant, their spouse or de facto partner held a relevant interest in a residential property in Western Australia between 1 July 2000 and 1 July 2004 other than a relevant interest held subject to a trust, and used that property as a residence for any length of time, they would be ineligible.

They would also be ineligible if they held a relevant interest in a residential property in another state or territory between 1 July 2000 and 1 July 2004 and used that property as a residence for any length of time.

d) Test 3

If the applicant, their spouse or de facto partner held a relevant interest in a residential property in Western Australia on or after 1 July 2004 other than a relevant interest held subject to a trust, and resided in that property for a continuous period of at least six months, they would be ineligible.

They would also be ineligible if they held a relevant interest in a residential property in another state or territory on or after 1 July 2004 and resided in that property for a continuous period of at least six months.

Please see the table below for a summary of the three tests.

If the applicant, the applicant's spouse or the applicant's de facto partner held a relevant interest in residential property anywhere in Western Australia other than a relevant interest held subject to a trust, or they held a relevant interest in any other Australian jurisdiction...			
Test	Time period	Resided in the property?	Result for applicant, applicant's spouse, applicant's de facto partner
Test 1	prior to 1 July 2000	irrelevant	ineligible
Test 2	between 1 July 2000 and 1 July 2004	resided in the property for any length of time	ineligible
Test 3	on or after 1 July 2004 until present date	resided in the property for a continuous period of at least 6 months	ineligible

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a) Residence requirement is mandatory

FHOG applicants are required to comply with the residence requirements after the grant has been paid. Failure to comply with these requirements will lead to a mandatory repayment of the grant, re-assessment for full transfer duty, other penalties depending on the circumstances and ineligibility for future FHOG applications.

b) Period of occupation

Each applicant must occupy the home as their principal place of residence for a continuous period of at least 6 months. This includes their spouse or de facto partner, if they are an *interested person*.

c) Take-up period

The residence in the property must start within a 12 month take-up period after the eligible transaction is complete.



d) Meaning of principal place of residence

A principal place of residence is the home you primarily reside in. At any given point in time, a person may only have one principal place of residence for purposes of the FHOG Act. In order for a property to be considered a principal place of residence, the occupant must show a degree of permanence, continuity and regularity. The length of time is not necessarily determinative but must be considered in light of other factors.

Factors to be considered in determining principal place of residence:

- where the applicant sleeps
- where the applicant eats meals
- whether another applicant resides in another premises
- where the principal place of residence of the applicant's spouse, de facto partner or children is
- the presence of other occupants and their rights and control regarding the property
- utility use at the property and the name on the registered utility accounts
- the applicant's use of the mailing address for other purposes
- the use of the property for entertaining friends and family
- the length of the time of residence
- the type of insurance the applicant has for the property
- the type of finance acquired by the applicant for the residence.

In the event that an applicant occupies two or more residences, additional factors will be taken into consideration. [Commissioner's Practice FHOG DA 40 Principal Place of Residence: First Home Owner Grant and First Home Owner Rate of Duty](#) details the factors the Commissioner will take into consideration when determining whether a home is a person's principal place of residence.



e) Notification of failure to meet residence requirement

If an applicant becomes aware that they cannot fulfil the residence requirements of the grant, they have 30 days after the relevant day to provide written notice to the Commissioner and repay the grant or make an application for the Commissioner to approve an arrangement for the repayment of the amount of the grant.

The relevant day is defined as:

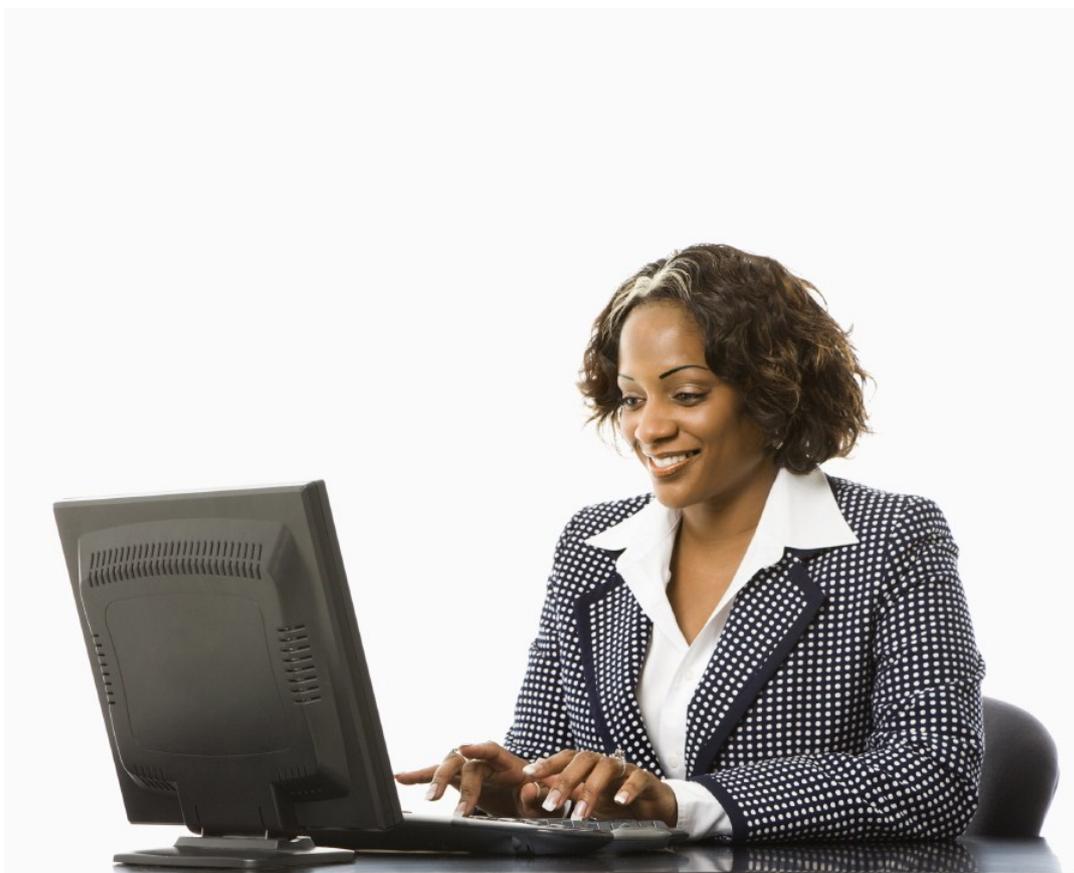
- the day after the take-up period ends; or
- the day on which the applicant first becomes aware that they will be unable to comply with the take-up period; or
- if, after complying with the take up period, the day on which the applicant stops using the home as their primary place of residence.

Failure to comply with the notification or repayment requirements may invoke penalties.



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a) Residence requirement variation

A variation will only be granted if, in the Commissioner's opinion, good reasons exist. Applicants may apply for a variation of the residence requirements:

- requesting a shorter residence period; or
- to extend the prescribed 12 month take-up period; or
- to exempt one applicant from complying with the residence requirements (when there are two or more joint applicants and at least one applicant complies with the requirement).

When applying, the applicant must provide the relevant information, facts and circumstances together with supporting documentation to support the variation request.

If an applicant is unable to comply with the residence requirements, they have 30 days to advise the Commissioner and repay the grant. Any application for a variation in the residence requirement is also due within the same time period. Where an application for a variation is not made within 30 days after the applicant becomes aware they are unable to comply with the residence requirements, the applicant will need to give reasons why the variation was sought outside of this time period.

A series of examples and a list of exceptional and unforeseeable circumstances are detailed in [Commissioner's Practice FHOGR DA 39 Variations to Prescribed Residence Requirements: First Home Owner Grant and First Home Owner Rate of Duty](#).



b) Age requirement exemption

Individuals under the age of 18 may qualify if:

- they can satisfactorily demonstrate their intention to comply with the residence requirements; and
- are not involved in an attempt to circumvent limitations or requirements affecting eligibility for the grant.

Further information can be found in the [Commissioner's Practice FHO 9 Exemption Where Applicant is Under 18 Years of Age](#).



c) Separated spouses or de facto couples

In the event that an applicant and their spouse are separated, an applicant may remain eligible for the first home owner grant despite their relationship otherwise rendering them ineligible.

Where a married couple has separated, the Commissioner may exercise discretion to disregard that marriage if satisfied that:

- the applicant and their partner are living apart; and
- they have no intention of again living together as a couple.

Evidence substantiating the separation will be determined based upon the individual circumstances of the applicant.

Where the Commissioner of State Revenue exercises the discretion to disregard the marriage, the applicant must still meet all other eligibility criteria. Disregarding the marriage does not have the effect of disregarding any residential property acquired and/or disposed during the marriage.

For a detailed discussion of separated spouses and de facto partners, refer to [Commissioner's Practice FHO DA 37 Separated Spouses: First Home Owner Grant and First Home Owner Rate of Duty.](#)



d) Disabled persons

The [First Home Owner Grant Regulations 2000](#) allow for an exception to the requirement that applicants hold title to the land on which the residence is located. In the case of a disabled person who does not own land on which they have entered into a comprehensive building contract, or are building a new home, they will be deemed to have relevant interest in these two scenarios.

Scenario 1

- The person is eligible for financial assistance from the Department of Public Service under the *Housing Act of 1980*; and
- they are given written permission by the owner of the land to occupy the home when it is completed.

Scenario 2

- The person is ineligible for the financial assistance from the Department of Public Service, based exclusively on their personal financial circumstances; and
- they are given written permission by the owner of the land to occupy the home when it is completed.

For further information refer to [Commissioner's Practice FHOG - DA 38 Interests Held Subject to a Trust: First Home Owner Grant and First Home Owner Rate of Duty](#).



e) Occupier of a home on primary production land

A person who has entered into a comprehensive home building contract, or is building a home as an owner builder on land they do not own, can be determined to have a relevant interest in the property sufficient for a FHOG application if:

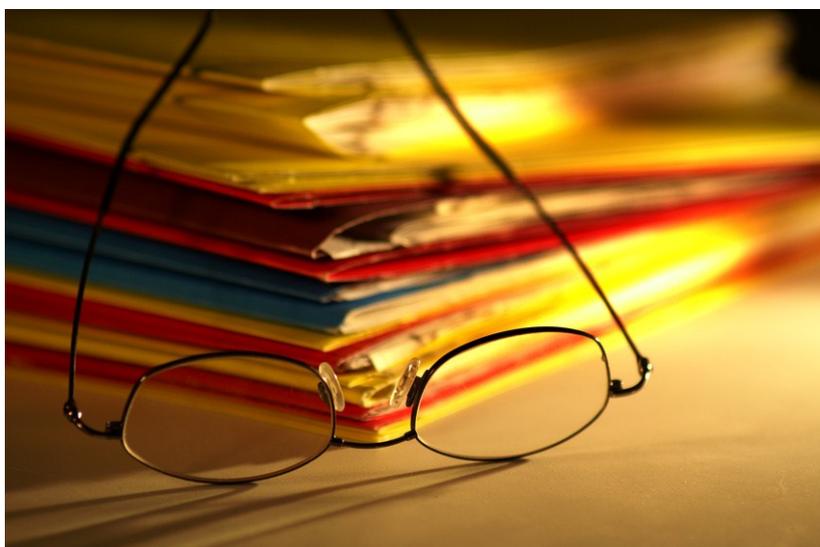
- the land is used solely or principally for a primary production business; and
- they are given written permission by the owner of the land to occupy the home when it is completed.

The definition of primary production business and exclusions for non-applicant land owners are discussed in further detail within the [First Home Owner Grant Regulations 2000](#).



7. Application process

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a) Basics of the application process

Applications for the FHOG may be submitted:

- through Approved Agents
- directly to State Revenue.

b) Applying via an Approved Agent

Most financial institutions and lending authorities may act as Approved Agents for the purpose of the first home owner grant. A list of [current Approved Agents](#) is available on the State Revenue webpage.

Applicants lodging through Approved Agents are required to submit one category 1 document for each applicant and their spouse, evidence of the eligible transaction and the FHOG application form. A full list of category 1 documents can be found in the [F-FHOG1 FHOG Application and/or Pre-Approval for the First Home Owner Rate of Duty](#).

In addition to completing the F-FHOG1 Application and/or Pre Approval for the First Home Owner Rate of Duty form applicants must also complete the [F-FHOG5 Boost Payment - Addendum to the FHOG](#) form in order to receive the boost payment.



c) Applying via State Revenue

Applicants applying directly through State Revenue are required to provide legible copies of one document from each of three categories outlined in the [F-FHOG1 FHOG Application and/or Pre-approval for the First Home Owner Rate of Duty](#). Each applicant, including any spouse or de facto partner applicants, must provide the required supporting evidence.

In addition to completing the F-FHOG1 Application and/or Pre Approval for the First Home Owner Rate of Duty form applicants must also complete the [F-FHOG5 Boost Payment - Addendum to the FHOG](#) form in order to receive the boost payment.

Some applicants are required to provide additional documentation as part of the FHOG application. This is also outlined in the appendices.

Categories of documents required by applicants, their spouse and/or de facto partner	
If applying via an Approved Agent	If applying directly to State Revenue
1 x category 1 document and any additional documents	Legible copies of one document from each of the 3 categories. NB: a single document cannot be used for more than 1 category

d) Required evidence relating to the transaction

The transaction for which you're applying for the FHOG must also be evidenced by certain documentation, depending on whether it is a:

- substantially renovated home
- new or off the plan home
- contract to build a home, or
- owner builder home.

Details of the supporting documentation required for these transactions are located in the [F-FHOG1 FHOG Application and/or Pre-approval for the First Home Owner Rate of Duty](#).

e) Application deadline

The deadline for lodging an application is 12 months from the completion date of the eligible transaction. Completion of the eligible transaction is when an applicant acquires the relevant interest in land on which the home is built or when the building is ready for occupation as a place of residence.

This deadline is fixed and not subject to discretion.

f) Status of application

Applicants are to check the progress of a submitted grant application using the [First Home Owner Grant UIN and Status Enquiry facility](#), available via the FHOG section of the State Revenue website, as seen in the screenshot below:

<p>About the First Home Owner Grant</p>  <ul style="list-style-type: none"> • How much is the grant? • What is the cap on the value of the home? • Am I eligible? 	<p>What are the Residence Requirements?</p>  <ul style="list-style-type: none"> • Moving in • Residence period • Change in my circumstances
<p>Payment and Rate of Duty</p>  <ul style="list-style-type: none"> • How and when will I be paid? • What is the first home owner rate of duty? 	<p>Your Application</p>  <ul style="list-style-type: none"> • How do I apply? • Documentation required to support my application • What are my obligations and responsibilities?

[FAQs](#) | [FHOG Guide](#) | [Check your Application Status](#)

Click here to access the First Home Owner Grant UIN and Status Enquiry facility.

This facility is available to both individuals and approved agents, and provides some general information about the status of the application. A FHOG unique identifier number (UIN) is issued when an application has been received. Please note that a UIN does not mean that the application is approved.

The system is updated daily at 6:00 am, 12:00 noon and 2:15 pm. If you do not receive a result for the name that you are searching:

- check the details that you have entered
- check again at a later time (see above).

It is important to read all of the information in the status update. It is there to help you find information quickly, rather than having to make a phone call.

✔ The results of your enquiry are displayed below.

Applicant Name	[REDACTED]
UIN	xxxxxxx [REDACTED]
Status of Application	Application Approved
	The application has been assessed by the Office of State Revenue and has been approved.

Information Last Updated on 22/12/2016 14:15

g) Completion date of the eligible transaction

Completion date of the eligible transaction	
Transaction	Completion date
New home building contract (includes a substantially renovated home)	Date that you acquire the <u>relevant interest</u> in the land (usually settlement date)
Owner builder constructed home	Date home is ready for occupation as a place of residence
Contract to build	Date home is ready for occupation as a place of residence

g) How and when the grant is paid

The first home owner grant is paid by electronic funds transfer. For applicants submitting applications via an Approved Agent, the grant is transferred to the Approved Agent upon approval, prior to settlement. For applicants applying directly to State Revenue, payment is made after approval, via electronic funds transfer.

When the grant will be paid		
Transaction type	Applying through	Payment of grant
Purchase of a new or off the plan home	Approved Agent	Date of settlement, by the Approved Agent
Purchase of a new or off the plan home	State Revenue	After evidence is provided of the applicant's name registered on the certificate of title of the property (3-6 weeks after settlement)
Contract to build	Approved Agent or State Revenue	After evidence has been provided of the date of first progress payment (slab down) and applicant's name registered on the certificate of title of the property
Owner builder	Approved Agent or State Revenue	After evidence has been provided that the home is ready for occupation as a place of residence and applicant's name registered on the certificate of title of the property

i) Death of the applicant

In the event that an applicant dies before the application is finalised, the application would fall under the following provisions:

- if the applicant was one of two or more applicants and one or more survived, the surviving applicant would be treated as if they were the sole applicant; or
- if the grant was payable on the application, the grant would be paid to the estate of the deceased; or
- if the Commissioner was satisfied that the deceased applicant intended to fulfil the residence requirements but had not been able to do so, the residence requirements would be considered satisfied.



8. First home owner rate of duty

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a) Requirements

The first home owner rate of duty (FHOR) is a concessional rate of transfer duty.

If an applicant qualifies for the FHOG and the value of the home falls within the first home owner rate of duty thresholds, the applicant may qualify for the reduced rate of duty.

In particular, an applicant will qualify for the reduced rate of duty if they:

- qualify for the first home owner grant; or
- would have otherwise qualified for the first home owner grant had consideration been paid, or for the purchase of an established home; or
- if the applicant is an Indian Ocean Territory resident acquiring their first home.

All applicants must comply with FHOG requirements including residence requirements. Further information regarding the reasons for this change can be found in the [Explanatory Memorandum to the Revenue Laws Amendment Bill 2015](#).

For further information, see the [First Home Owner Rate of Duty Fact Sheet](#).



b) Thresholds

The first home owner rate of duty thresholds apply to the whole value of the home or vacant land being transferred and not only to the value of the person's interest in the property, including Shared Home Ownership with the WA Housing Authority.

First home owner rate of duty thresholds		
Type of purchase	Dutiable value	Rate of duty
New, established and off the plan homes (unencumbered value of the home must not exceed \$530,000)	Up to \$430,000	Nil
	\$430,001 - \$530,000	Reduced duty \$19.19 per \$100 or part of \$100 above \$430,000
	\$530,001 and over	Either the general rate or residential rate of duty
Type of purchase	Dutiable value	Rate of duty
Vacant land (after comprehensive building contract signed) (unencumbered value of the vacant land must not exceed \$400,000)	Up to \$300,000	Nil
	\$300,001 - \$400,000	Reduced duty \$13.01 per \$100 or part of \$100 above \$300,000
	\$400,001 and over	Either the general rate or residential rate of duty



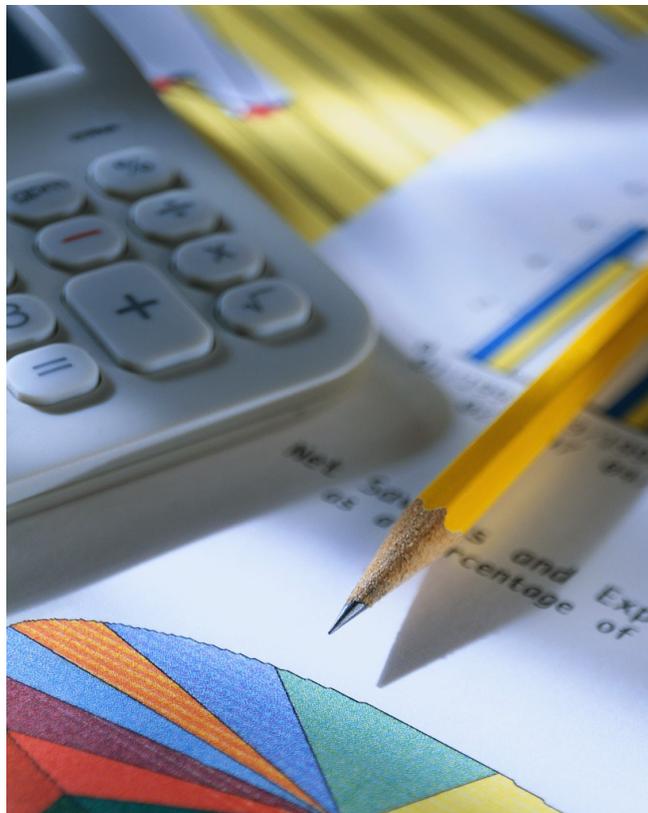
c) Application process

If a FHOG applicant is found to be eligible, State Revenue will send the applicant a first home owner rate of duty application form and a letter of approval with a FHOG unique identifier number (UIN).

The applicant must then lodge the application form along with the transaction record with State Revenue for assessment at the first home owner rate of duty. The application form should only be submitted where the total value of the home does not exceed \$530,000 or the total value of the vacant land does not exceed \$400,000, whichever is applicable.

Where applicants are approved for the FHOG after the full rate of duty has been paid, they may apply for reassessment at the first home owner rate of duty (FHOR) on the purchase of vacant land or home. The FHOR application is to be submitted together with the duty endorsed agreement for reassessment and any excess duty paid will be refunded.

An application for assessment or reassessment at the FHOR must be made within 12 months from the completion date of the transaction, or within 3 months of the payment of the FHOG.



d) Special circumstances: established home and/or gifted property and/or residents of the Indian Ocean Territories

Applicants who do not qualify to receive a first home owner grant may apply for the first home owner rate of duty, if the value is under the relevant thresholds. The circumstances when this could occur are:

- if the home is an established home
- if the home or vacant land was received as a gift, for no consideration; or
- if the applicant is a resident of the Indian Ocean Territories. (Indian Ocean Territory residents do not qualify for the first home owner grant.)

To pre-determine eligibility for first home owner rate of duty for applicants acquiring a gifted or established home, applicants must fill out an application form and submit it along with the transaction record (contract for sale and/or the transfer of land). The relevant application forms would be the:

- [F-FHOG1 First Home Owner Grant Application and/or Pre-approval for the First Home Owner Rate of Duty.](#)

Applicants acquiring a gifted or established home will be notified once pre-approved for the first home owner rate of duty. A FHOR application will be issued and must be submitted together with the transaction record for assessment/reassessment.

Applicants acquiring a gifted or established home and pre-approved for the first home owner rate of duty after the full rate of duty has been paid may apply for reassessment at the FHOR. The FHOR application is to be submitted together with the original duty endorsed transaction record for reassessment and any excess duty paid will be refunded.



d) Continued - Special circumstances: established home and/or gifted property and/or residents of the Indian Ocean Territories

Applications for assessment or reassessment at the FHOR must be made within 12 months from the completion date of the transaction.

To apply for the first home owner rate of duty for Indian Ocean Territory residents, applicants must submit an application form together with the evidentiary requirements and the transaction record (contract for sale and/or the transfer of land). The relevant application form would be the [FDA8 First Home Owner Rate of Duty Indian Ocean Territories application](#).

In the case of a reassessment, the duty endorsed transaction record must be submitted.

Applications for assessment or reassessment at the FHOR must be made within 12 months from the completion date of the transaction.

In addition, a completed duties valuation form may be required. A duties valuation form is not required in certain circumstances, which are listed in [Commissioner's Practice TAA 30 Valuation of Land for Duties Purposes](#).



e) Shared Home Ownership purchases with the WA Housing Authority

People who conduct a Shared Home Ownership purchase with the WA Housing Authority may still be eligible for the first home owner grant and the first home owner rate of duty.

The threshold limits apply to the whole value of the home or vacant land being transferred, not to the value of the buyer's interest in the property that is being transferred.

If a buyer enters into a Shared Home Ownership arrangement and later wishes to purchase further interest in the shared home, they would then complete the [FDA9 Reduction of Transfer Duty for a Further Concessional Transaction form](#). Additional criteria apply in this scenario, further details can be found within the form.



9. Penalties

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- b) Repayment timeframe 46
- c) Implications for the first home owner rate of duty 46
- d) Objection and appeals process 47



a) Introduction to penalties

Penalties can be imposed when a FHOG recipient does not comply with one or more of the eligibility criteria or when they fail to meet the residence requirement. These penalties can be up to 100% of the grant amount.

Penalties fall into the categories of:

- innocent (nil penalty)
 - negligent (20% penalty)
 - reckless (50% penalty)
- or
- fraudulent (100% penalty).

Determination of the fraudulent type of penalty may also include prosecution. A detailed table of what these penalty types mean is contained at the end of [Commissioner's Practice FHOG 3 Imposition of Penalties](#). This Commissioner's practice also details the manner in which a FHOG penalty is imposed and the percentage that will be applied for each type of penalty.

The Commissioner may vary or reverse a decision at any time. If so, written notice will be provided to the applicant. In the case of a refusal, variation or reversal of an earlier decision, the reasons for the decision will be provided.

Failure to comply with a condition imposed by the Commissioner is an additional offence with a penalty of \$20,000.



b) Repayment timeframe

Repayment must be completed within 28 days of the notice of penalty. In the case of a joint application, each applicant is jointly and severally liable for any repayments and penalties.

c) Implications for the first home owner rate of duty

Where applicants originally qualified for the FHOG and received the first home owner concessional rate of transfer duty but were subsequently found to be ineligible, the Commissioner will require the repayment of the FHOG, reassess the transaction at either the general or residential rate of duty and apply penalty tax under the *Taxation Administration Act 2003* (TAA).

If an application for the first home owner rate of duty contains false or misleading information, the person(s) commits an offence under the TAA, for which the maximum penalty is \$20,000 plus three times the amount of tax that was or might have been avoided.



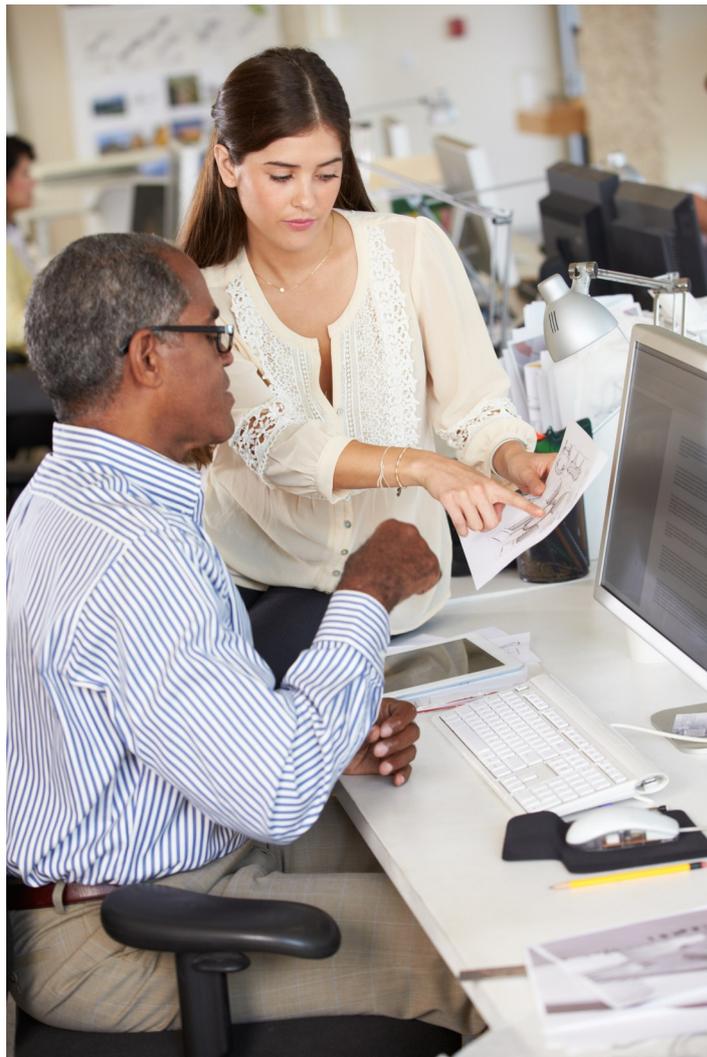
d) Objection and appeals process

Applicants are entitled to lodge an objection within 60 days after the date on which the notice of the decision is issued. Objections must be made in writing and must set out detailed grounds on which the objection is made.

Applicants dissatisfied with the outcome of an objection may apply to the State Administrative Tribunal for a review of the objection decision within 60 days after the notice of the objection decision is issued.

Applicants may apply to extend the time for lodging an objection. Applications of this type must be made within 12 months after the day on which the objection was to have been lodged and must include the grounds on which the applicant asks for an extension of time.

For further information see the [Department of Finance website](#).



10. Publications and resources

a) Acts	49
b) Regulations	49
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f) Other resources	50



a) Acts

- [First Home Owner Grant Act 2000](#)
- [Taxation Administration Act 2003](#)
- [Duties Act 2008](#)

b) Regulations

- [First Home Owner Grant Regulations 2000](#)

c) Revenue rulings

- [FHOG 1 Repayment Arrangements](#)
- [FHOG 3 Reasonable Security of Tenure](#)
- [FHOG 4 De Facto Partners](#)

d) Commissioner's practices

- [FHOG 3 Imposition of penalties](#)
- [FHOG 4 Repayment arrangements](#)
- [FHOG 7 Substantially Renovated Homes](#)
- [FHOG 9 Exemption Where Applicant is Under 18 Years of Age](#)
- [FHOG - DA 37 Separated Spouses: First Home Owner Grant and First Home Owner Rate of Duty](#)
- [FHOG - DA 38 Interests Held Subject to a Trust: First Home Owner Grant and First Home Owner Rate of Duty](#)
- [FHOG - DA 39 Variation to Prescribed Residence Requirements: First Home Owner Grant and First Home Owner Rate of Duty.](#)
- [FHOG - DA 40 Principal Place of Residence: First Home Owner Grant and First Home Owners Rate of Duty](#)
- [TAA 30 Valuation of Land for Duties Purposes](#)

e) Forms

- [F-FHOG1 FHOG Application and/or Pre-approval for the First Home Owner Rate of Duty](#)
- [F-FHOG2 Application for Reduction or Extension of Residence Requirements](#)
- [F-FHOG3 Exemption of a Joint Applicant from Residence Requirements](#)
- [F-FHOG4 First Home Owner Grant Valuation](#)
- [F-FHOG5 Boost Payment - Addendum to the FHOG](#)
- [Statutory Declaration Form](#)
- [FDA8 First Home Owner Rate of Duty – Indian Ocean Territories](#)
- [FDA9 Reduction of Transfer Duty for a Further Concessional Transaction](#)

f) Other resources

- [Office of State Revenue website, Western Australia](#)
- [State Law Publisher website](#)
- [Office of State Revenue YouTube channel](#)

