

# Revenue Ruling

*First Home & Housing Construction Grants Act 2000*

FHOG005

## RELIEF FOR AUSTRALIAN DEFENCE FORCE PERSONNEL

### Preamble

Section 12 (Criterion 5) of the *First Home and Housing Construction Grants Act 2000* (the "Act") requires that an applicant for a First Home Owner Grant occupy the home to which the application relates as their principal place of residence for a continuous period of six months commencing within twelve months of the completion of the eligible transaction (the "Residence Requirement").

The Residence Requirement is intended to ensure that any benefits are received on the purchase or building of a first home for owner occupation.

Section 14 of the Act requires that an application for a First Home Owner Grant be made within a period commencing on the commencement date of the eligible transaction and ending 12 months after the completion of the eligible transaction.

Due to the nature of members of the Australian Defence Force's employment, whereby they may be required to provide unrestricted service and be free to be posted or deployed across Australia or overseas, such members may not be entitled to a First Home Owner Grant under the Act as they are unable to satisfy the Residence Requirement. Various discretions under the Act may also not be of assistance to members in this regard.

### Ruling

The Treasurer has approved *ex gratia* payments equivalent to amounts payable for a First Home Owner Grant under the Act where an applicant or, if there are two or more of them, at least one of the applicants is a member of the Permanent Forces of the Australian Defence Force (within the meaning of the *Defence Act 1903* (Cwth)) on the "commencement date" of the "eligible transaction" (terms as defined under the Act) in circumstances where the applicants cannot satisfy the Residence Requirement but are otherwise eligible for the First Home Owner Grant, subject to the further conditions below.

The payments will apply where:

- ▶ the commencement date of the eligible transaction (to which the application for a First Home Owner Grant relates) is on or after 19 January 2015;
- ▶ applications for a First Home Owner Grant are made on or after 19 January 2015 and within 12 months after the completion of the eligible transaction; and
- ▶ all the applicants are enrolled to vote in South Australian elections on the commencement date of the eligible transaction.

*Ex gratia* payments will become recoverable as a debt due to the Crown if a recipient receives a further grant under the Act or equivalent legislation in other jurisdictions, or does not otherwise comply with the remaining requirements under the Act.

This relief is only available where persons apply in writing to RevenueSA. In addition to providing the documents required for an application for the First Home Owner Grant, applicants for relief will also need to provide documentation evidencing that at least one of the applicants was a member of the Permanent Forces of the Australian Defence Force (within the meaning of the *Defence Act 1903* (Cwth)) on the commencement date of the eligible transaction.

### Further Information

Further information can be obtained from RevenueSA.

<b>Location</b>	RevenueSA State Administration Centre 200 Victoria Square East ADELAIDE SA 5000
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### History

This Revenue Ruling is effective from 19 January 2015.

This is the first Revenue Ruling issued on this topic.

Tim Smith  
A/COMMISSIONER OF STATE TAXATION  
19 January 2015