

# Home Ownership and Other Legislation Amendment Bill 2026

## Explanatory Notes

### Short title

The short title of the Bill is the Home Ownership and Other Legislation Amendment Bill 2026 (the Bill).

### Policy objectives and the reasons for them

The Bill amends legislation administered by the Commissioner of State Revenue (Commissioner) to make necessary amendments to revenue and grants legislation to ensure its continued proper operation and protect State revenue.

The *Duties Act 2001* (Duties Act), *First Home Owner Grant and Other Home Owner Grants Act 2000* (FHOG Act) and *Land Tax Act 2010* (Land Tax Act) are amended to clarify the application of revenue and grants legislation for participants of the Queensland Boost to Buy and Commonwealth Help to Buy shared equity programs, from 15 December 2025 and 5 December 2025 respectively.

The Duties Act is also amended to:

- expand the concept of ‘vacant land’, for the purposes of the transfer duty first home vacant land concession, to include land with certain existing structures on it;
- update the transfer duty exemption for particular vestings of dutiable property to reflect commencement of the *Property Law Act 2023*;
- correct a minor drafting error in the reassessment provision of the additional foreign acquirer duty concession for eligible build to rent developments;
- update the vehicle registration duty exemption for primary producers and concessional vehicle registration duty rate for special vehicles to reflect the remake of the *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2010*; and
- extend availability of the vehicle registration duty exemption for particular service persons to eligible current as well as former defence force members.

The FHOG Act and Duties Act are amended to ensure that homes that have previously been sold under certain builders’ terms arrangements are ‘new homes’ for the purposes of the First Home Owner Grant (FHOG) and transfer duty first home new home relief, from 1 December 2020 and 1 May 2025 respectively.

The FHOG Act is also amended to restore the intended policy and practice relating to the interpretation of ‘good reasons’ for the purposes of the discretions to vary or exempt an applicant from the residence requirements for the FHOG.

The *Payroll Tax Act 1971* (Payroll Tax Act) is amended to confirm that the Commissioner may exclude a set of persons from a group, from 31 October 2018. That is, more than one person could be excluded from a group, resulting in those persons effectively forming a new group.

The *Taxation Administration Act 2001* (Taxation Administration Act) is amended to ensure the taxation assessment dispute provisions operate as originally intended. Taxpayers seeking an appeal or review of related tax matters can proceed to either the Supreme Court or the Queensland Civil and Administrative Tribunal (QCAT) for those related tax matters, but not to both.

The Taxation Administration Act and *Taxation Administration Regulation 2022* (Taxation Administration Regulation) are amended to remove references to collection and exchange boxes, as these methods are no longer used by the Commissioner to give documents.

The Duties Act, Land Tax Act, Payroll Tax Act and Taxation Administration Act are also amended to correct certain outdated cross-references, as a result of historical renumbering in the Taxation Administration Act.

## **Achievement of policy objectives**

### ***Duties Act, FHOG Act and Land Tax Act – Application of revenue and grants legislation for Boost to Buy and Help to Buy participants***

The Queensland Government's Boost to Buy shared equity program is a Queensland-based non-statutory home ownership assistance initiative, which is administered and monitored by the Queensland Treasury Corporation (QTC). Boost to Buy is administered in accordance with the Boost to Buy Home Ownership Scheme Information Statement. This program assists eligible participants to purchase homes through an equity contribution from the Queensland Government of up to 25 per cent of the purchase price of an existing home, or up to 30 per cent of the purchase price of a new home. Boost to Buy opened applications for an initial 500 places on 15 December 2025.

The Commonwealth Government's Help to Buy shared equity program is a national statutory home ownership assistance initiative which is administered and monitored by Housing Australia (HA). The program is administered in accordance with the *Help to Buy Act 2024* (Cwlth). In order to participate in the program, states were required to pass enabling legislation. In Queensland, Help to Buy is implemented under the *Help to Buy (Commonwealth Powers) Act 2024*.

Help to Buy assists eligible participants to purchase homes through an equity contribution from the Commonwealth Government of up to 30 per cent of the purchase price of an existing home, or up to 40 per cent of the purchase price of a new home. The Commonwealth Government's interest will be secured by way of a mortgage over the home. Help to Buy opened applications for an initial 10,000 places (with 2,000 allocated for Queensland) on 5 December 2025.

Under the normal operation of revenue and grants legislation, participation in a shared equity program could affect a participant's ability to access transfer duty home concessions under the Duties Act, the FHOG under the FHOG Act and land tax home exemptions under the Land Tax Act for a home purchased under a shared equity arrangement. It could also affect transfer duty treatment when the participant acquires further interests in the property.

### Duties Act

Under the Duties Act, transfer duty is imposed on dutiable transactions, including transfers, and agreements for the transfer, of land in Queensland. Where a home owner purchases a home, first home or vacant land on which a first home is to be constructed, chapter 2, part 9 of the Duties Act provides duty concessions (transfer duty home concessions) which operate to reduce the amount of transfer duty payable on the transaction.

The Duties Act will be amended to ensure that where an eligible participant purchases a home under the Boost to Buy or Help to Buy program, the participant will be able to access the transfer duty home concessions in the same way as other home buyers, subject to meeting the relevant conditions. The Duties Act will also be amended to ensure participants are not liable for transfer duty on acquisitions of further interests in the land from the State or QTC, or the Commonwealth or HA, under a Boost to Buy or Help to Buy arrangement (respectively), for example because of a ‘buy back’.

The amendments will take effect from 15 December 2025 (for Boost to Buy) and from 5 December 2025 (for Help to Buy), to align with the date each program opened for applications.

### FHOG Act

Under the FHOG Act, the FHOG is payable to applicants who meet the eligibility criteria, in relation to eligible transactions that have been completed. All persons who will be an owner of the home (relevant interest) on completion of the eligible transaction must be included as an applicant in an application for the FHOG.

To ensure that an eligible participant purchasing a home under the Boost to Buy or Help to Buy program will be able to access the FHOG in the same way as other eligible first home buyers, the FHOG Act will be amended to provide that an interest held by the State or QTC, or the Commonwealth or HA, in land purchased, or to be purchased, under a Boost to Buy or Help to Buy arrangement (respectively) is not a relevant interest for the purposes of the FHOG.

The amendments will take effect from 15 December 2025 (for Boost to Buy) and from 5 December 2025 (for Help to Buy), to align with the date each program opened for applications.

### Land Tax Act

The Land Tax Act imposes land tax on the taxable value of taxable land owned by each owner of land as at midnight on 30 June each year. The concept of owner for land tax purposes is broad and includes a person who is jointly or severally entitled to receive rents and profits from the land. A land tax exemption applies to land used by an owner as their home (home exemption).

Similar to the amendments to the FHOG Act, the Land Tax Act will be amended to provide to that the State and QTC, and the Commonwealth and HA, will not be taken to be the owner of land purchased under a Boost to Buy or Help to Buy arrangement (respectively). This will ensure that eligibility for the home exemption will be determined based on the participant’s circumstances alone.

The amendments will take effect from 15 December 2025 (for Boost to Buy) and from 5 December 2025 (for Help to Buy), to align with the date each program opened for applications.

***Duties Act – Expansion of concept of ‘vacant land’ for transfer duty relief***

Under the Duties Act, a concessional rate of transfer duty applies where a person acquires vacant land on which they will construct and occupy their first home (vacant land concession). The Duties Act provides that a person’s land is ‘vacant land’, for the purposes of the vacant land concession, if a residence is to be constructed on the land and, when the person acquired the land, there was no building or part of a building on the land.

The Duties Act will be amended to expand the scope of ‘vacant land’, for the purposes of the vacant land concession, to include land with certain existing structures on it when it is acquired, provided the structures are not designed, or approved by a local government, for human habitation by a single family unit or a class 1 to 9 building under the Building Code of Australia. The amendments will commence on assent, so apply to transactions entered into on and from that date.

The amendments do not alter the other existing requirements of the vacant land concession. For example, where a person buys such land, they must build a new home on the land separate to any existing structures and satisfy the eligibility requirements in respect of that new home (e.g. a person must occupy the new home in order to satisfy the occupancy requirements, not an existing structure).

To address the situation where taxpayers seek to structure transactions to gain the benefit of these changes by entering into schemes to defer transactions to a date after the changes take effect, the Duties Act will be amended to include an anti-avoidance provision to address these schemes. The provision will ensure that the changes to the vacant land concession will not apply in these cases.

***Duties Act – Consequential amendments to transfer duty exemption for particular vestings of dutiable property***

Section 125(a) of the Duties Act provides a transfer duty exemption for a dutiable transaction that arises from a vesting of dutiable property on a statutory trust for sale or partition under part 5 of the *Property Law Act 1974* (Old Act).

Part 5 of the Old Act provided for the power of the court to appoint a trustee to sell or divide co-owned land. Where a trustee is appointed, the land is vested in the trustee, which would ordinarily give rise to a dutiable transaction under the Duties Act but for the exemption in section 125(a).

On 1 August 2025, the *Property Law Act 2023* (New Act) commenced, which replaced the Old Act. The New Act substantially continues the Old Act provisions relating to the power of the court to appoint a trustee to sell or divide co-owned land, with minor changes to modernise terminology.

Consequential amendments will be made to section 125(a) of the Duties Act to replace references to the Old Act with references to the New Act and update terminology.

***Duties Act – Correction of drafting error in reassessment provisions for build to rent concession***

Chapter 4, part 4AA of the Duties Act provides for concessions for additional foreign acquirer duty for eligible build to rent (BTR) developments, subject to certain conditions.

Section 245N provides for reassessment of a concession in certain circumstances where the relevant eligibility requirements have not been satisfied. A minor drafting error has been identified in the reassessment provision, whereby section 245N(2)(b)(i) references ‘financial year’ instead of ‘acquisition year’.

The Duties Act will be amended, to make a minor, technical amendment to replace the incorrect references to ‘financial year’ with ‘acquisition year’.

***Duties Act - Consequential amendments to concepts of ‘primary producer’ and ‘special vehicle’***

Under the Duties Act, vehicle registration duty is imposed on applications to register or to transfer registration of a vehicle in Queensland.

Certain provisions of the Duties Act relating to vehicle registration duty are defined by reference to, or rely on concepts in, the *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2010* (2010 Regulation).

In particular, under the Duties Act, a concessional rate of vehicle registration duty applies for a special vehicle. ‘Special vehicle’ in the Duties Act is defined by reference to the concepts of conditional registration and mobile machinery under the 2010 Regulation.

Further, the Duties Act provides a vehicle registration duty exemption for primary producers. To be eligible, amongst other things, a person must have an entitlement to concessional registration fees for a primary production vehicle under the *Transport Operations (Road Use Management) Act 1995* (Vehicle Registration Act).

The 2010 Regulation has been replaced by the *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2021* (2021 Regulation) from 1 September 2021. The concepts of conditional registration, mobile machinery and concessional registration fees for primary producers are substantially similar in the 2021 Regulation, with some minor changes to terminology as well as to restructure certain provisions from the 2010 Regulation.

Consequential amendments will be made to the Duties Act to replace references to the 2010 Regulation with references to the 2021 Regulation and update terminology and cross-references, as necessary. All other requirements relating to the vehicle registration duty exemption for primary producers and concessional rate of vehicle registration duty for special vehicles will remain the same.

***Duties Act – Expansion of vehicle registration duty exemption for particular service persons***

Section 390(1)(j) of the Duties Act provides an exemption from vehicle registration duty on an application to register, or transfer registration of, a vehicle to an ex-service person who is entitled to concessional registration fees under the Vehicle Registration Act.

The ‘ex-’ qualifier has been taken to mean the duty exemption does not apply to a person who is a defence force member at the time of application to register, or transfer registration of, a vehicle.

The Duties Act will be amended to expand the scope of the duty exemption to be available for current defence force members (in addition to former defence force members) who satisfy the relevant eligibility requirements. The amendment will also modernise terminology in the duty exemption, to align with contemporary drafting style. The change will apply to applications to register, or transfer registration of, a vehicle made on or after the date of assent.

The amendments will also clarify that a defence force member must be entitled to concessional registration fees under the prescribed service person category to be eligible for the duty exemption. While concessional registration fees are available under the 2021 Regulation for a range of categories, the duty exemption is only intended to be available where a person is entitled to concessional registration fees as a prescribed service person, contained in section 236 of the 2021 Regulation. The amendment will make this clearer, in line with the current business practice for the duty exemption.

#### ***Duties Act and FHOG Act – Treatment of builders’ terms arrangements***

The FHOG is available to eligible first home buyers who purchase or build a new home that they will occupy as owner. Under the FHOG Act, a ‘new home’ is defined as a home that has not been previously occupied or sold as a place of residence, or is a substantially renovated home.

Under a builders’ terms arrangement, a builder contracts to buy land from a developer but is permitted to build a home on the land before settling on the land. As the home forms part of the land at the time the land is transferred from the developer to the builder, this constitutes a sale of the home for the purposes of the FHOG Act. Any subsequent sale of the home to a home buyer would not be eligible for FHOG because at the time of the subsequent sale, the home is no longer a new home for the purposes of the FHOG Act.

On 27 November 2020, an administrative arrangement was approved to allow the FHOG Act to be administered on the basis that the definition of ‘new home’ includes homes that have previously been sold under certain builders’ terms arrangements in particular circumstances. The administrative arrangement commenced on 1 December 2020 and applies to eligible transactions entered into on and from that date.

When the administrative arrangement was implemented in 2020, ‘new home’ was not defined in the Duties Act. From 1 May 2025, a definition of ‘new home’ was inserted into the Duties Act to support the operation of the transfer duty first home new home relief. The definition in the Duties Act was intended to align with the FHOG Act.

The FHOG Act will be amended to give legislative effect to the beneficial administrative arrangement, with effect from 1 December 2020 (to align with when the arrangement took effect). The Duties Act will also be amended to extend the definition of ‘new home’ in a similar manner, from 1 May 2025 (to align with when the transfer duty first home new home relief took effect).

### ***FHOG Act – Meaning of ‘good reasons’***

The FHOG Act provides for payment of a grant to first home buyers who have entered into and completed an eligible transaction and who satisfy certain eligibility criteria.

Section 15 sets out the residence requirements. It provides that an applicant must reside in the home as their principal place of residence for a continuous period of at least 6 months (6-month requirement), commencing within 1 year after completion of the eligible transaction or a longer period approved by the Commissioner (12-month requirement) (collectively, residence requirements).

The Commissioner has discretions to exempt an applicant from complying with the 6-month requirement or approve a shorter period, and to exempt an applicant from the 12-month requirement, if the Commissioner is satisfied there are good reasons to do so.

The Commissioner’s discretions were only intended to be exercised in limited circumstances where there was good reason outside the applicant’s control preventing compliance with the residence requirements, such as ill health of the applicant or destruction of the home.

In a 2024 decision, QCAT held that ‘good reasons’, in exercising the discretion to shorten or exempt an applicant from the 6-month requirement, did not require circumstances outside the control of the applicant. This broadened the interpretation of ‘good reasons’ for FHOG administration, thereby expanding the scope of the discretions beyond their intended operation and the existing practice at that time.

The FHOG Act will be amended to restore the intended policy and practice of ‘good reasons’. The amendments will clarify that ‘good reasons’, in exercising the discretions for the residence requirements, means circumstances outside the control of the applicant that prevents compliance with the respective residence requirement.

### ***Payroll Tax Act – Exclusion of subgroups for payroll tax grouping***

Part 4 of the Payroll Tax Act provides for the grouping of two or more employers for the purposes of payroll tax and the mental health levy. Under section 74 of the Payroll Tax Act, the Commissioner has discretion to exclude a person from a group, if the Commissioner is satisfied that the business carried on by that person is independent of, and not connected with, the business carried on by any other members of the group.

On 3 February 2020, an administrative arrangement was approved to allow the Payroll Tax Act to be administered on the basis that the Commissioner may make an exclusion order to exclude a smaller group of persons from a group. That is, more than one person could be excluded from a group, resulting in those persons effectively forming a new group.

The administrative arrangement provides that the Commissioner may make an exclusion order in respect of the new smaller group if the Commissioner is satisfied of certain matters. In particular, the Commissioner must be satisfied that the businesses carried on by each person in that smaller group are independent of, and not connected with, a business carried on by any other member of the group (i.e. persons who are not part of that smaller group) that they seek to be excluded from.

The Payroll Tax Act will be amended to give legislative effect to the beneficial administrative arrangement, with effect from 31 October 2018 (to align with when the arrangement took effect).

***Taxation Administration Act – Clarification of taxation assessment dispute provisions***

Section 69 of the Taxation Administration Act provides that if a taxpayer is dissatisfied with the Commissioner’s decision on an objection, the taxpayer may appeal to the Supreme Court or apply to QCAT for a review of the decision. The intention of the provision is to provide the taxpayer with a choice of either the Supreme Court or QCAT, but not both.

The Taxation Administration Act will be amended to clarify, that if, following objection, a taxpayer is seeking an appeal or review of any related tax matter for the primary tax, then the appeal or review of those related tax matters is to proceed to the Supreme Court or QCAT, consistent with the original intention of the provision.

***Taxation Administration Act and Taxation Administration Regulation - Removal of obsolete references to collection and exchange boxes***

The Taxation Administration Act contains provisions relating to giving documents. Relevantly, it contemplates the use of a collection box kept at the Commissioner’s office or an exchange box at a document exchange, for the physical exchange of documents. These methods of giving documents are no longer used by the Commissioner.

The Taxation Administration Act and the *Taxation Administration Regulation* will be amended to remove references to collection and exchange boxes as they are no longer used so are now obsolete, and to make other minor, consequential amendments.

Importantly, the amendment will not affect other existing ways that the Commissioner may give documents under the Taxation Administration Act, including by email, using an approved information system or the existing ways provided by the *Acts Interpretation Act 1954* (e.g. by post).

***Taxation Administration Act, Duties Act, Land Tax Act and Payroll Tax Act – Updating incorrect legislative cross-references***

As part of historical amendments, certain provisions of the Taxation Administration Act were renumbered. While most existing references to impacted provisions in the Taxation Administration Act and other revenue laws were updated to reflect the renumbered provisions at the time, some cross-references were not.

The Taxation Administration Act, Duties Act, Land Tax Act and Payroll Tax Act will be amended to update the impacted cross-references to reflect the correct provisions of the Taxation Administration Act.

## Alternative ways of achieving policy objectives

The policy objectives of the Bill can only be achieved by legislative amendment.

## Estimated cost for government implementation

For all amendments in the Bill, all implementation costs are expected to be met from within existing budget allocations.

## Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles (FLPs). Potential inconsistencies with FLPs are discussed below.

Section 4(3) of the *Legislative Standards Act 1992* provides that whether legislation has sufficient regard to rights and liberties of individuals depends on whether, amongst other things, the legislation:

- makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review (section 4(3)(a)); and
- does not adversely affect rights and liberties, or impose obligations, retrospectively (section 4(3)(g)).

***Duties Act – Expansion of concept of vacant land – makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review (Legislative Standards Act 1992, section 4(3)(a))***

The amendments to the scope of vacant land will include anti-avoidance provisions to address situations where taxpayers seek to structure transactions to gain the benefit of the changes by deferring transactions to a date after the changes take effect. The anti-avoidance provisions will clarify that the provisions of the Duties Act relating to the first home vacant land concession, including the definition of vacant land, as in force immediately before the date of assent, will apply to certain dutiable transactions entered into on or after that date if:

- the transaction replaces one that was made before the date of assent and included the same land;
- the first home buyer had an option to purchase the land, or the transferor had an option to require them to purchase the land, granted before the date of assent and exercised on or after the date of assent; or
- there is another arrangement made before the date of assent the sole or main purpose of which was to defer the making of the transfer or agreement until the date of assent or later so the provisions relating to the first home vacant land concession, as in force on or after the date of assent, would apply in relation to the dutiable transaction.

The anti-avoidance provisions are essential to ensure the integrity of the revenue base, which is particularly necessary as the first home vacant land concession provides generous tax relief. The provisions are designed to ensure that the changes do not apply to transactions that are structured to artificially defer the timing of the transaction (e.g. cancelled contracts re-entered

into on or after the date of assent) and that they only apply to appropriate transactions entered into on or after the date of assent.

Whether a transaction replaces one that was made before the date of assent and included the same land, or there was an option to buy or sell land granted before the date of assent and exercised on or after that date, are questions of fact and do not involve opinions or decisions based on subjectivity.

Where the Commissioner decides there is an arrangement the sole or main purpose of which was to defer the transaction until the date of assent or later to enable the changes relating to the scope of vacant land to apply to the transaction, this decision will be reflected in the amount of duty specified in an assessment, or reassessment (that is, the applicable duty will be calculated in accordance with the relevant provisions of the Duties Act as in force immediately before the date of assent). An assessment (or reassessment) will be subject to the existing review framework under the Taxation Administration Act. That is, a taxpayer who is dissatisfied with their assessment (including a reassessment) is able to object to the assessment, including decisions leading up to and forming part of the assessment. For a reassessment, the right of objection is limited to the changes for the particular matters for which the reassessment is made. Further, if a taxpayer is dissatisfied with the decision on their objection, they have the right to appeal to the Supreme Court or apply to QCAT for a review.

***Duties Act, FHOG Act and Land Tax Act – application of revenue and grants legislation to Boost to Buy and Help to Buy participants – not adversely affecting rights and liberties, or imposing obligations, retrospectively (Legislative Standards Act 1992, section 4(3)(g))***

The amendments in respect of Boost to Buy and Help to Buy will have effect from 15 December 2025 and 5 December 2025 respectively.

It is considered appropriate and necessary for the amendments to the Duties Act, FHOG Act and Land Tax Act to have effect from these dates to align with when the programs opened for applications. This will ensure consistent treatment of participants for revenue and grants purposes, irrespective of whether they entered into Boost to Buy or Help to Buy arrangements pre or post the Bill receiving Royal Assent, which would be beneficial for taxpayers.

The amendments also do not affect the rights or liberties of participants, or impose obligations on them, retrospectively. The amendments clarify the nature of the State's and Commonwealth's interest in homes purchased under the respective programs, and that of the relevant administering bodies.

***Duties Act and FHOG Act – treatment of builders' terms arrangements – not adversely affecting rights and liberties, or imposing obligations, retrospectively (Legislative Standards Act 1992, section 4(3)(g))***

The amendments in respect of builders' terms arrangements for the FHOG Act will have effect from 1 December 2020, and from 1 May 2025 for the Duties Act.

It is considered necessary and appropriate for the amendment to the FHOG Act to have effect from 1 December 2020 as it will give legislative effect to an existing beneficial administrative arrangement which extends the definition of 'new home' to homes previously sold under certain builders' terms arrangements in the FHOG Act for eligible transactions entered into

from that date. This administrative arrangement has been published in a Public Ruling issued by the Commissioner.

It is considered necessary and appropriate for the amendment to the Duties Act to have effect from 1 May 2025 to align with commencement of the transfer duty first home new home relief, which took effect from that date. This will ensure consistent treatment for transfer duty purposes of eligible transactions involving homes that have been previously sold under certain builders' terms arrangements, irrespective of whether the transactions were entered into pre- or post-commencement of the amendments in the Bill relating to builders' terms arrangements, which would be beneficial for taxpayers.

***Payroll Tax Act – exclusion of subgroups from payroll tax grouping – not adversely affecting rights and liberties, or imposing obligations, retrospectively (Legislative Standards Act 1992, section 4(3)(g))***

The amendments to the Payroll Tax Act in respect of exclusion from payroll tax grouping will have effect from 31 October 2018.

It is considered necessary and appropriate for the amendments to have effect from 31 October 2018 as it will give legislative effect to an existing beneficial administrative arrangement which has facilitated administration of the exclusion provision in the Payroll Tax Act on the basis that the Commissioner has discretion to exclude a subgroup from a group for payroll tax purposes from that date. This administrative arrangement has been published in a Public Ruling issued by the Commissioner.

## **Consultation**

Community consultation was not undertaken in relation to the amendments in the Bill as they are technical amendments necessary to ensure revenue legislation is current and operates as intended, support revenue administration and protect public revenue.

## **Consistency with legislation of other jurisdictions**

The amendments are specific to the State of Queensland and are not otherwise uniform with or complementary to legislation of the Commonwealth or another state or territory.

Other jurisdictions (New South Wales, Victoria, South Australia and Western Australia) have passed legislation to support the operation of the Commonwealth Help to Buy shared equity program in those states. While this legislation also included consequential amendments to their revenue legislation to ensure State taxes and grants were unaffected by participation in Help to Buy, the amendments in this Bill are not uniform with or complementary to legislation in other jurisdictions.

## Notes on provisions

### Part 1 Preliminary

*Clause 1* provides that the Bill, when enacted, may be cited as the *Home Ownership and Other Legislation Amendment Act 2026*.

### Part 2 Amendment of the Duties Act 2001

*Clause 2* provides that part 2 amends the *Duties Act 2001*. There is also a Note referring to the amendments in schedule 1 of the Bill.

*Clause 3* inserts new sections 33A and 33B into chapter 2, part 5.

Section 33A relates to boost to buy arrangements. Section 33A(1) clarifies that, for assessing liability for transfer duty on a dutiable transaction that is the transfer, or an agreement for the transfer, of land purchased under a boost to buy arrangement, the State and the Queensland Treasury Corporation are taken not to have an interest in the land.

This section ensures that liability for transfer duty, including eligibility for transfer duty home concessions, will be determined based on the participant's circumstances, in the same way as other home buyers.

Section 33A(2) clarifies that transfer duty will not be imposed on transfers of an interest in land under a boost to buy arrangement from the State or the Queensland Treasury Corporation to an individual who is a party to the arrangement.

This section accounts for circumstances where a participant acquires further interests in the land over the course of the boost to buy arrangement from the State or the Queensland Treasury Corporation. For example, because the participant makes a voluntary payment ('buy back') in accordance with the arrangement. Where a participant (or participants) has been assessed against the entire dutiable value of the land when the land was purchased under a boost to buy arrangement, transfers of further interests to the participant from the State or the Queensland Treasury Corporation under the arrangement will not attract transfer duty. As section 33A(2) only applies to transfers of an interest in land under the boost to buy arrangement from the State or the Queensland Treasury Corporation, transfers of an interest in the land in other circumstances would be subject to the normal operation of the *Duties Act 2001*.

Section 33A(3) is inserted to provide definitions of *boost to buy arrangement* and *boost to buy scheme*. These definitions align with the definitions of these terms in the *First Home Owner Grant and Other Home Owner Grants Act 2000* and the *Land Tax Act 2010*, as inserted by this Bill.

Section 33B relates to help to buy arrangements. Section 33B(1) clarifies that, for assessing liability for transfer duty on a dutiable transaction that is the transfer, or an agreement for the transfer, of land purchased under a help to buy arrangement, the Commonwealth and Housing Australia are not taken to have an interest in the land.

This section ensures that liability for transfer duty, including eligibility for transfer duty home concessions, will be determined based on the participant's circumstances, the same way as other home buyers.

Section 33B(2) clarifies that transfer duty will not be imposed on transfers of an interest in land under a help to buy arrangement from the Commonwealth or Housing Australia to an individual who is a party to the arrangement.

Similar to section 33A(2), this section accounts for circumstances where a participant acquires further interests in the land over the course of the help to buy arrangement from the Commonwealth or Housing Australia. For example, because the participant makes a voluntary payment ('buy back') in accordance with the arrangement. Where a participant (or participants) has been assessed against the entire dutiable value of the land when the land was purchased under the help to buy arrangement, transfers of further interests to the participant from the Commonwealth or Housing Australia under the arrangement will not attract transfer duty. As section 33B(2) only applies to transfers of an interest in land under the help to buy arrangement from the Commonwealth or Housing Australia, transfers of interests in the land in other circumstances would be subject to the normal operation of the *Duties Act 2001*.

Section 33B(3) is inserted to provide definitions of *help to buy arrangement* and *Housing Australia*. These definitions align with the definitions of these terms in the *First Home Owner Grant and Other Home Owner Grants Act 2000* and the *Land Tax Act 2010*, as inserted by this Bill.

*Clause 4* amends section 86, which defines *home*, *first home* and *new home*. Section 86(4) provides that a person's home is a new home if the home has not been previously occupied or sold as a place of residence, or is a substantially renovated home.

Section 86 is amended to insert new subsections (4A) and (6). New subsection (4A) provides that a home that has been previously sold as a place of residence may be a new home, if it has only been previously sold as a place of residence under a *builders' terms arrangement*.

New subsection (6) is inserted to provide a definition of *builders' terms arrangement*. A *builders' terms arrangement* is an arrangement under which a licenced builder enters into a contract with a developer of land to purchase land that is vacant and, under the contract, the builder is allowed to enter the land and build a residence on the land, and, before settlement of that contract, the building is ready for occupation as a residence and a final inspection certificate has been issued in relation to the building.

*Clause 5* amends section 86C, which defines what is *vacant land* and *residential vacant land*, to expand the concept of vacant land. It will allow land, that when the person acquired it, had a building or part of a building on the land, to be taken to satisfy subsection (1)(b), provided each building or part of a building on the land is an eligible building.

New subsection (3) is inserted to provide definitions of *Building Code of Australia* and *eligible building* and.

The definition of *eligible building* will capture any existing buildings or parts of a building that are on the land when the person acquired it, other than buildings or parts of a building that are fixed to land and are designed, or approved by a local government, for human

habitation by a single family unit, or a class 1 to 9 building under the Building Code of Australia. It will not exclude class 10 buildings under the Building Code of Australia, which includes certain non-habitable structures such as sheds.

*Clause 6* amends section 87, which defines what is a *residence*. New subsection (2) provides subsection (3) applies if, under section 86C(1A), section 86C(1)(b) is taken to be satisfied for a person's land because each building or part of a building on the land when the person acquired it is an eligible building within the meaning of section 86C(3). New subsection (3) clarifies that a *residence*, for vacant land, does not include a building or part of a building that was on the land when the person acquired it.

This will ensure that a residence to be constructed on the land, for the purposes of vacant land, must be a structure new and separate to any existing structures on the land when the person acquired the land. It is not intended, for example, a person could renovate an existing structure or occupy an existing structure and that be taken to be the residence for the purposes of the requirements of the concession.

*Clause 7* amends section 125(a) to replace the reference to a statutory trust for sale or partition under the *Property Law Act 1974*, part 5, with a reference to a trustee for the sale or physical division of the property under the *Property Law Act 2023*, part 5.

*Clause 8* amends section 245N(2)(b)(i) to replace the references to financial year with acquisition year.

*Clause 9* amends section 390(1)(j), which provides an exemption from vehicle registration duty for an application to register a vehicle in the name of, or an application to transfer a vehicle to, an ex-serviceperson who is entitled to concessional registration fees for the vehicle under the *Transport Operations (Road Use Management) Act 1995*, to extend the exemption to current defence force members. Section 390(1)(j) is amended to provide that the exemption applies to a member or former member of the defence force who is entitled to pay a concessional registration fee for the vehicle under section 236 of the *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2021*, which applies to prescribed service persons (as defined under that Regulation).

*Clause 10* omits the definition of *Queensland Treasury Corporation* in section 431A(4), to reflect insertion of the definition of this term in the dictionary in schedule 6 by clause 12.

*Clause 11* inserts new part 32 into chapter 17 to provide transitional provisions for the *Home Ownership and Other Legislation Amendment Act 2026*.

New section 689 provides for references to *new* provisions for the transitional provisions in part 32. *New* refers to the provisions as in force from the commencement.

New section 690 provides for the retrospective effect of section 33A, which relates to boost to buy arrangements. Section 690(1) provides that section 33A is taken to have had effect from 15 December 2025. Section 690(2) provides that, for subsection (1), the new definition of *Queensland Treasury Corporation* in schedule 6, as inserted by the *Home Ownership and Other Legislation Amendment Act 2026*, is taken to have had effect from 15 December 2025.

New section 691 provides for the retrospective effect of section 33B, which relates to help to buy arrangements. Section 691 provides that section 33B is taken to have had effect from 5 December 2025.

New section 692 provides for the application of new section 86 in relation to particular homes. Section 692 provides that new section 86(4A) and (6) applies, and is taken to have applied, from 1 May 2025, in relation to a dutiable transaction for which liability for transfer duty arose on or after that date.

New section 693 provides for the application of new sections 86C and 87. It is an anti-avoidance provision that provides for the application of new sections 86C and 87 to particular transactions. It provides that the former sections 86C and 87 (as defined in new section 693(3)) continue to apply to certain transfers, or agreements for the transfer, of vacant land made on or after the commencement.

*Clause 12* amends the dictionary in schedule 6 to insert a definition of *Queensland Treasury Corporation*, and update definitions of *primary producer* and *special vehicle* to reflect commencement of the *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2021*.

### **Part 3 Amendment of the First Home Owner Grant and Other Home Owner Grants Act 2000**

*Clause 13* provides that part 3 amends the *First Home Owner Grant and Other Home Owner Grants Act 2000*.

*Clause 14* amends section 6, which contains the definitions of *home* and *new home*, to insert new subsections (2A) and (4). New section 6(2A) provides that a home that has been previously sold as a place of residence may be a new home under subsection (2)(a), if it has only been previously sold as a place of residence under a *builders' terms arrangement*.

New subsection (4) is inserted to provide a definition of *builders' terms arrangement*. A *builders' terms arrangement* is an arrangement under which a licenced builder enters into a contract with a developer of land to purchase vacant land and, under the contract, the builder is allowed to enter the land and build a residence on the land, and, before settlement of that contract, the building is ready for occupation as a home and a final inspection certificate has been issued in relation to the building.

Sections 6(2A) to (4) are renumbered as sections 6(3) to (5).

*Clause 15* amends section 8, which provides the meaning of a *relevant interest* in land for the First Home Owner Grant, to insert new subsections (2)(c) and (d). New section 8(2)(c) clarifies that an interest in land purchased, or to be purchased, under a boost to buy arrangement that is held by the State or the Queensland Treasury Corporation is not a relevant interest in the land. New section 8(2)(d) clarifies that an interest in land purchased, or to be purchased, under a help to buy arrangement that is held by the Commonwealth or Housing Australia is not a relevant interest in the land.

Sections 8(2)(c) and (d) ensure that eligibility for the First Home Owner Grant will be determined based on the participant's circumstances (and any other persons the FHOG Act requires to be included in an application), in the same way as other first home buyers.

Clause 15 also inserts new section 8(5) to provide definitions of *boost to buy arrangement*, *boost to buy scheme*, *help to buy arrangement*, *Housing Australia* and *Queensland Treasury Corporation*. These definitions align with the definitions of these terms in the *Duties Act 2001* and the *Land Tax Act 2010*, as inserted by this Bill.

Clause 16 amends section 15, which provides the residence requirements that an applicant must comply with for the First Home Owner Grant, to insert new subsection (6). New section 15(6) states that, for the purposes of the discretions contained in subsections (2) and (4) of this section, a reason may be a good reason only if it is outside the control of the applicant and prevents the applicant from complying with the relevant residence requirement to which the provision relates.

Clause 17 inserts new part 15 to provide transitional provisions for the *Home Ownership and Other Legislation Amendment Act 2026*. New section 88 provides definitions for part 15. It provides that *new*, in relation to a provision of the *First Home Owner Grant and Other Home Owner Grants Act 2000*, refers to the provision as in force from the commencement.

New section 89 provides for the application of new section 6 to eligible transactions with a commencement date on or after 1 December 2020. New section 6 applies, and is taken to have applied, from 1 December 2020, in relation to an eligible transaction that has a commencement date on or after that date.

New section 90 provides for the retrospective effect of new section 8. Section 90(1) provides that new section 8(2)(c), and each term used in that provision that is defined in new section 8(5), is taken to have had effect from 15 December 2025. Section 90(2) provides that new section 8(2)(d), and each term used in that provision that is defined in new section 8(5), is taken to have had effect from 5 December 2025.

## **Part 4 Amendment of the Land Tax Act 2010**

Clause 18 provides that part 4 amends the *Land Tax Act 2010*. There is also a Note referring to the amendment in schedule 1 of the Bill.

Clause 19 inserts new section 13A into part 3, division 2, which relates to who is the owner of land for land tax. Sections 13A(1) and (2) clarify that the State and the Queensland Treasury Corporation are not taken to be the owner of land purchased under a boost to buy arrangement, and the Commonwealth and Housing Australia are not taken to be the owner of land purchased under a help to buy arrangement, respectively.

Clause 19 also inserts new section 13A(3) to provide definitions of *boost to buy arrangement*, *boost to buy scheme*, *help to buy arrangement*, *Housing Australia* and *Queensland Treasury Corporation*. These definitions align with the definitions of these terms in the *Duties Act 2001* and the *First Home Owner Grant and Other Home Owner Grants Act 2000*, as inserted by this Bill.

Section 13A ensures that eligibility for a land tax home exemption will be determined based on the participant's circumstances, in the same way as other home owners.

*Clause 20* inserts new division 11 into part 10 to provide transitional provisions for the *Home Ownership and Other Legislation Amendment Act 2026*.

New section 106 provides for the retrospective effect of section 13A. Section 106(1) provides that section 13A(1), and each term used in that provision that is defined in section 13A(3), is taken to have had effect from 15 December 2025. Section 106(2) provides that section 13A(2), and each term used in that provision that is defined in section 13A(3), is taken to have had effect from 5 December 2025.

## **Part 5 Amendment of the Payroll Tax Act 1971**

*Clause 21* provides that part 5 amends the *Payroll Tax Act 1971*. There is also a Note referring to the amendments in schedule 1 of the Bill.

*Clause 22* amends section 74, which provides for the exclusion of persons from groups. The amendments provide that the Commissioner may, by order in writing, exclude a set of two or more persons from a group, if satisfied that a business carried on by any person in the set of persons is carried on independently of, and is not connected with the carrying on of, a business carried on by any other member of the group who is not a member of the set of persons.

### *Example 1:*

Employers A and B are grouped through common control and ownership.

Employers C, D and E are also grouped through common control and ownership.

Employers B and C are grouped through common ownership, via a common beneficiary of a discretionary trust.

Employers A, B, C, D and E are ultimately subsumed to constitute a larger group.

A set of persons, Employers A and B, apply to the Commissioner to be excluded from the larger group.

As the Commissioner is satisfied that the businesses of the set of persons (Employers A and B) are carried on independently of, and are not connected with the carrying on of, a business carried on by any other member of the group who is not a member of the set of persons (that is, the businesses carried on by Employers C, D and E), the Commissioner grants an exclusion order to exclude Employers A and B from the group, thereby creating two separate groups (that is, the one consisting of Employers A and B, and the one consisting of Employers C, D and E).

Further, in deciding whether to make an exclusion order, the Commissioner must have regard to, amongst other things, the nature and degree of ownership and control of the businesses carried on by the set of persons and any other member of the group who is not a member of the set of persons. However, the Commissioner cannot make an exclusion order if any person in

the set of persons and any other member of the group who is not a member of the set of persons are related bodies corporate. The amendments also provide that the Commissioner may, by order in writing, revoke an exclusion order if satisfied the circumstances in which an exclusion order may be made do not apply to the set of persons.

*Clause 23* inserts new part 17 to provide transitional provisions for the *Home Ownership and Other Legislation Amendment Act 2026*.

New section 152 provides for the retrospective effect of new section 74. New section 152(1) provides that new section 74 and each consequentially amended provision (as defined in new section 152(2)) is taken to have had effect from 31 October 2018.

## **Part 6 Amendment of the Taxation Administration Act 2001**

*Clause 24* provides that part 6 amends the *Taxation Administration Act 2001*. There is also a Note referring to the amendments in schedule 1 of the Bill.

*Clause 25* inserts new subsection 69(2A)(a) which provides that if the taxpayer appeals to the Supreme Court against the Commissioner's decision on an objection about a related tax matter for primary tax, the taxpayer cannot apply to QCAT for a review in relation to another related tax matter for the primary tax and may only appeal to the Supreme Court in relation to any related tax matter for the primary tax.

It also inserts new subsection 69(2A)(b) which provides that if the taxpayer applies to QCAT for a review of the Commissioner's decision on an objection about a related tax matter for primary tax, the taxpayer cannot appeal to the Supreme Court in relation to another related tax matter for the primary tax and may only apply to QCAT for a review in relation to any related tax matter for the primary tax.

*Clause 25* also inserts new subsection 69(2B) which provides a definition of *related tax matter* for a taxpayer in relation to primary tax. The definition of *related tax matter* provides that the taxpayer's liability for the primary tax and the taxpayer's liability for 1 or more taxes relating to the primary tax are each a related tax matter for the taxpayer in relation to primary tax. *Tax* is defined in schedule 2 of the Administration Act and means primary tax, assessed interest, penalty tax, royalty civil penalty or royalty fee.

### *Example 1:*

A taxpayer seeks to appeal to the Supreme Court against the Commissioner's decision on an objection about the taxpayer's liability for the primary tax. The taxpayer is also wanting to dispute their liability for assessed interest and penalty tax relating to the primary tax. In this case, the taxpayer may only appeal to the Supreme Court for the assessed interest and penalty tax relating to the primary tax.

The taxpayer cannot take an appeal to the Supreme Court about their liability for the primary tax and separately seek a review in QCAT of the assessed interest and penalty tax relating to the primary tax. Any related tax matter for the primary tax needs to proceed with the appeal about the taxpayer's liability for the primary tax to the Supreme Court.

*Example 2:*

A taxpayer applies to QCAT for a review of the Commissioner's decision on an objection about the taxpayer's liability for penalty tax. The taxpayer is also wanting to dispute their liability for the primary tax. In this case, the taxpayer may only apply to QCAT for review of the primary tax.

The taxpayer cannot seek a review in QCAT about their liability for penalty tax and separately appeal to the Supreme Court in relation to their liability for primary tax. Any related tax matter for the primary tax needs to proceed with the application for review of the taxpayer's liability for penalty tax, to QCAT.

Clause 25 also renumbers the subsections in section 69, so they read section 69(3) to 69(7).

*Clause 26* amends section 148 to omit sections 148(1)(b) and (c), which relate to the ways of giving documents using a collection box or an exchange box, to reflect that these methods are no longer used by the Commissioner. The clause also makes renumbering amendments to section 148.

*Clause 27* amends section 149 to omit section 149(1)(b), which relates to the ways of giving documents using a collection or exchange box, to reflect that these methods are no longer used by the Commissioner. The clause also makes renumbering amendments to section 149.

## **Part 7 Other amendments**

*Clause 28* provides that schedule 1 of the Bill amends the legislation it mentions.

## **Schedule 1 Other amendments**

### **Duties Act 2001**

Section 1 of schedule 1 amends sections 71(3)(d) and 73(4)(d) of the Duties Act to replace the reference to section 54(4) of the Administration Act with section 54(5) of the Administration Act. The change reflects a historical renumbering of the Administration Act.

Section 2 of schedule 1 amends sections 640(6) and 643(6) of the Duties Act to insert a note that section 54(2A) of the Administration Act was renumbered as section 54(3) of the Administration Act by the *Royalty Legislation Amendment Act 2020*. The note reflects a historical renumbering of the Administration Act.

Section 3 of schedule 1 amends the definition of *assessed interest* in schedule 6 of the Duties Act to replace the reference to section 54(3) of the Administration Act with section 54(4) of the Administration Act. The change reflects a historical renumbering of the Administration Act.

## **Land Tax Act 2010**

Section 1 of schedule 1 amends sections 74(3) and 75(4)(c) of the Land Tax Act to replace the reference to section 54(2) and (2A)(a) of the Administration Act with section 54(2) and (3)(b)(i) of the Administration Act. The change reflects a historical renumbering of the Administration Act.

## **Payroll Tax Act 1971**

Section 1 of schedule 1 amends the notes in sections 70, 71(1), 72(1) and 73 of the Payroll Tax Act to replace the reference to persons with a person or set of persons. These changes reflect the amendments to section 74 of the Payroll Tax Act made by the Bill.

Section 2 of schedule 1 amends sections 80(1)(a)(i) and 80A(1)(a)(i) of the Payroll Tax Act to replace the reference to person with person or set of persons. The change reflects the amendments to section 74 of the Payroll Tax Act made by the Bill.

Section 3 of schedule 1 amends sections 80(1)(b)(i) and 80A(1)(b)(i) of the Payroll Tax Act to replace the reference to the person's with a person's. This change is necessary as a consequence of the amendments to section 74 of the Payroll Tax Act made by the Bill.

Section 4 of schedule 1 amends the definition of *assessed interest* in the schedule of the Payroll Tax Act to replace the reference to section 54(3) of the Administration Act with section 54(4) of the Administration Act. The change reflects a historical renumbering of the Administration Act.

## **Taxation Administration Act 2001**

Section 1 of schedule 1 amends section 56(2) of the Administration Act to replace the reference to section 54(4) of the Administration Act with section 54(5) of the Administration Act. The change reflects a historical renumbering of the Administration Act.

Section 2 of schedule 1 amends the definition of *assessed interest* in schedule 2 of the Administration Act to replace the reference to section 54(3) of the Administration Act with section 54(4) of the Administration Act. The change reflects a historical renumbering of the Administration Act.

Section 3 of schedule 1 amends schedule 2 of the Administration Act to omit the definition of *repealed Land Tax Act*. The change reflects it has been superseded.

## **Taxation Administration Regulation 2022**

Section 1 of schedule 1 amends section 13 of the Taxation Administration Regulation to replace the reference to section 148(1)(e) of the Administration Act with section 148(1)(c) of the Administration Act. The change reflects the amendments to section 148 of the Administration Act made by the Bill.

Section 2 of schedule 1 amends section 14(1) of the Taxation Administration Regulation to replace the reference to section 149(1)(d) of the Administration Act with section 149(1)(c) of the Administration Act. The change reflects the amendments to section 149 of the Administration Act made by the Bill.