

## Exemption/Deduction Claim - Principal Place of Residence (PPR) Individuals

*Land Tax Act 1915 s.3E, s.3EA, s.11(6A), s.11B(2), s.11B(3), s.11BA(2), s.11BA(3), s.11EA, s.11EB(2), s.13(1)(h)*

**(Please read Notes to Form LT12 when completing this claim.)**

<b>Land owner details</b>	Land tax assessment/ reference number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
	Owner Name <input type="text"/>
	Date of birth <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
	Service Address <input type="text"/>
	Contact person <input type="text"/>
	Phone <input type="text"/>
<b>Liability date</b>	This claim is made for land owned as at <b>30 June</b> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<b>Land details</b>	The land for which the exemption is claimed is described as follows: Lot No.    Plan No.    Street Address    Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<b>Question 1</b>	At the liability date, did the following apply? (a) the land was comprised of 1 parcel only; (b) the land was used as your principal place of residence; (c) the land and no other land was used for residential purposes continuously by you for the period of 6 months immediately preceding the liability date.  Yes <input type="checkbox"/> No <input type="checkbox"/> If answered <b>YES</b> to (a) to (c), go to <b>Question 2</b> . If answered <b>NO</b> to (a) or (b), you do not qualify. If answered <b>NO</b> to (c), provide full details.  <input style="width: 100%; height: 100%;" type="text"/>  Once the details have been inserted, go to <b>Question 2</b> .
<b>Question 2</b>	Was the land used for a single "family letting"? (see the Notes to this form)    Yes <input type="checkbox"/> No <input type="checkbox"/> If answered <b>NO</b> , go to <b>Question 3</b> . If answered <b>YES</b> :- Was the land used for any non-PPR purpose?    Yes <input type="checkbox"/> No <input type="checkbox"/> If answered <b>NO</b> , go to the <b>Signature Block</b> . If answered <b>YES</b> , go to <b>Question 4</b> .

**Question 3** Was the land or any part of the land used for a non-PPR purpose? (see the Notes to this form)  
Yes  No   
If answered **NO**, go to the **Signature Block**.  
If answered **YES**, go to **Question 4**.

**Question 4** Was the land used for a single “allowable letting”? Yes  No   
(see the Notes to this form)  
Go to **Question 5**.

**Question 5** Was the land used by a person who resided on the land and carried out work on the land, as an employee under an arrangement with the person’s employer?  
(see the Notes to this form) Yes  No   
Go to **Question 6**.

**Question 6** Was the land used for any non-PPR purpose not mentioned in Question 4 and 5? Yes  No   
If answered **NO**, go to the **Signature Block**.  
If answered **YES**, provide a brief description of the usage and go to **Question 7**.

**Question 7** Was the non-PPR use substantial? Yes  No   
If answered **NO**, go to the **Signature Block**.  
If answered **YES**, provide full details, including the information requested in the Notes relating to **Question 7**.

The proportion of the land being used as a PPR was  %.  
Once the details have been inserted, go to the **Signature Block**.

**Signature Block** I declare that the information set out in this claim and any accompanying documents is true and correct.

Capacity in which claim is made   
(e.g: Trustee, owner, agent, solicitor)

Signature  Date  /  /

**This claim is required to be lodged with the Commissioner of Land Tax, Office of State Revenue.**

**Office of State Revenue**

Postal address  
GPO Box 2476  
Brisbane Qld 4001

Delivery address  
Upper Plaza, 33 Charlotte Street  
Brisbane Qld 4000

Enquiries  
Phone: 1300 301 547  
Fax: (07) 3227 7577

**[www.osr.qld.gov.au](http://www.osr.qld.gov.au)**

The Office of State Revenue is collecting the information on this form to determine your liability (if any) under the *Land Tax Act 1915* for the transactions you have described on this form. Collection of this information is authorised by the *Land Tax Act 1915*. The information can only be disclosed by the Office to another party in the circumstances outlined in the *Land Tax Act 1915* and the *Freedom of Information Act 1992*. For further information see our website at [www.osr.qld.gov.au](http://www.osr.qld.gov.au)

# Notes to Form LT12

## Land Owner Details

This form is to be used when the owner is an individual. If the owner is a trustee the Form LT 13 or LT 14 should be completed.

## Land Details

The real property description (that is, the lot and plan number) can usually be found on your council rates notice, valuation notice issued by Department of Natural Resources and Water (DNRW) or correspondence issued by Office of State Revenue (OSR).

### Question 1

If you are uncertain about what constitutes a principal place of residence, you should refer to Practice Direction – Land Tax 11.1.

**Parcel** means an area of land that is the subject of a separate valuation made by the chief executive under the *Valuation of Land Act 1944*.

**Owned** includes any land which you were deemed to own in Queensland under the *Land Tax Act 1915*.

### Question 2

**Family letting** means an arrangement where each of the following applies:-

- the land is used as the principal place of residence of a person (the principal resident);
- the principal resident has given a member of the principal resident's family the right to live on the land under a tenancy agreement;
- the gross floor area of the residential area to which the right relates (the leased area) is not more than 50% of the total floor area of all residential areas on the land;
- the family member uses the leased area for residential purposes and has not given the right to occupy any part of the leased area to another person under a tenancy agreement;
- the rent payable for the leased area is not more than the market rent for the area.

If you have more than one family letting, the lettings will be a non-PPR purpose.

It is not a family letting if the leased area is 1 of 3 or more flats in a building and the leased area is not used for residential purposes by the principal resident.

**Tenancy Agreement** includes any of the following –

- (a) a lease or licence;
- (b) an agreement or arrangement about boarding or lodging for a person.

**Member** of a person's family means each of the following –

- (a) the person's spouse;
- (b) the parents of the person or the person's spouse;
- (c) the grandparents of the person or the person's spouse;
- (d) a brother, sister, nephew or niece of the person or the person's spouse;
- (e) a child, stepchild or grandchild of the person;
- (f) the spouse of anyone mentioned in paragraph (d) or (e).

**Non-PPR purpose** means any purpose that is other than the principal resident's principal place of residence.

### Question 3

**Non-PPR purpose** (as defined in Question 2).

### Question 4

**Allowable letting** means a person (the occupant) other than the principal resident has been given the right to occupy an allowable residential area on the land under a tenancy agreement, if –

- (a) the area is used by the occupant for residential purposes; and
- (b) the occupant has not given the right to occupy any part of the area to another person under a tenancy agreement; and
- (c) the rent payable for the area is not more than the market rent for the area.

**Tenancy Agreement** (as defined in Question 2).

**Non-PPR purpose** (as defined in Question 2).

**Allowable residential area** means a residential area that is not more than 28 m<sup>2</sup>, except a residential area that-

- (a) is 1 of 3 or more flats in a building; and
- (b) is not used for residential purposes by the principal resident.

### Question 5

The work-from-home arrangements do not include excluded work. **Excluded work** means work involving use of the land for a purpose for which, or in a manner in which, residential land is not ordinarily used.

**Non-PPR purpose** (as defined in Question 2).

### Question 7

Details provided should include the type of activity, the area of land/ buildings used, gross income, tenancy agreements and any other relevant facts that may apply.

**Tenancy Agreement** (as defined in Question 2).

**Substantial non-PPR purpose** – In deciding whether land is being used for a substantial non-PPR purpose, the following factors will be taken into account:-

- whether a person other than the principal resident has been given a right to occupy any part of the land under a tenancy agreement;
- whether a person, other than the principal resident or a member of the principal resident's family who uses the land as his or her principal place of residence, carries out work on the land as an employee or contractor, other than related to the land itself or a building situated on the land;
- the extent to which a person uses the land, or has set the land aside for use, for a non-PPR purpose;
- whether the gross income generated during the most recently ended financial year from business or income producing activity on the land is more than \$30,000;
- any other relevant matter.

### Proportion used as a PPR

The **allowable PPR exemption/deduction** is determined by working out the portion of the land being used as the PPR in relation to the whole of the land. To calculate the percentage, apply the following formula –

$$\frac{A}{B} \times 100\%$$

A = The area of land used as the PPR.

B = The total area of the land.

Insert the percentage in the appropriate box in Question 6.

The final allowable PPR exemption/deduction will be determined after the Commissioner of Land Tax has also taken into account the extent to which the land was used for PPR and substantial non-PPR purposes.

If you are uncertain how to calculate the percentage or whether the exemption/deduction applies at all, you should refer to Practice Direction – Land Tax PD 17 *The Land Tax Concession for a Principal Place of Residence* which is available on the OSR website.

### General

If the exemption/deduction claim is allowed, the exemption/deduction applies for the liability date and subsequent years. You do not have to re-apply each year, unless you are specifically asked to do so or the proportion of the land used for a non-PPR purpose changes.

### Office of State Revenue

Postal address  
GPO Box 2476  
Brisbane Qld 4001

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Upper Plaza, 33 Charlotte Street  
Brisbane Qld 4000

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