

Home Buyer Declaration

National Housing Finance and Investment Corporation

Family Home Guarantee, New Home Guarantee and First Home Guarantee

FY2022-23

STATUTORY DECLARATION

Statutory Declarations Act 1959 (Cth)

Guidance for completing this Home Buyer Declaration:

PART A | General Information

All applicants must complete Part A.

PART B | Family Home Guarantee

Complete Part B if:

- (i) you are at least 18 years of age and an Australian citizen;
- (ii) your taxable income in the previous financial year was not more than \$125,000,
- (iii) you do not **currently** hold:
 - a. a freehold interest in **real property*** in Australia;
 - b. a lease of land in Australia as described in paragraph 104-115(1)(b) of the *Income Tax Assessment Act 1997*; or
 - c. a company title interest (within the meaning of Part X of the *Income Tax Assessment Act 1936*) in land in Australia;
- (iv) you are **single**; and
- (v) you are the natural or adoptive parent** of a person and:
 - a. that person is a **dependent child** of yours within the meaning of subsections (2), (3), (4), (5), (6) and (7) of section 5 of the *Social Security Act 1991* (Cth); OR
 - b. that person (i) has reached the age of 16, but is under 22 years of age, (ii) is in receipt of a disability support pension within the meaning of the *Social Security Act 1991* (Cth) and (ii) lives with you.

* **“real property”** means the land, everything permanently attached to it, and all of the interests, benefits, and rights inherent in the ownership of real estate.

** A person is not a **natural parent** or **adoptive parent** by reason only of being a carer or guardian.

When are you single?

A person is **single** if that person (i) does not have a spouse and (ii) does not have a **de facto** partner.
If you are separated but still married, you are not **single**.

When do you have a spouse?

You have a **spouse** if you are legally married to another person.

When do you have a de facto partner?

You have a **de facto partner** if you are living with another person on a genuine domestic basis, as a couple.

When is a child a dependent child?

A child is a **dependent child** if one of the following applies:

1. A young person who has not turned 16 is a **dependent child** of another person (the **adult**) if:
 - the adult is legally responsible (whether alone or jointly with another person) for the day-to-day care, welfare and development of the young person and the young person is in the adult’s care; or
 - the young person is not a dependent child of someone else and is wholly or substantially in the adult’s care.
2. A young person is also a **dependent child** of another person (the **adult**) at a particular time if at that time the young person has reached the age of 16 but is under 22 years of age and is wholly or substantially dependent on the adult **and** the young person’s income in the financial year in which that time occurs will not be more than \$6,403.

If you are the natural or adoptive parent of a young person who has reached the age of 16, but is under 22 years of age and who lives with you and who receives a **disability support pension** within the meaning of the *Social Security Act 1991* (Cth), this will also satisfy the “dependent child” requirements for the Family Home Guarantee. A **disability support pension** is a support pension claimable by a person with a physical, intellectual or psychiatric impairment who meets the qualification requirements under the *Social Security Act 1991* (Cth).

When is a child not a dependent child?

1. A young person **cannot be a dependent child** of an adult unless the adult is an Australian citizen and the young person is either an Australian resident or the young person is living with the adult.
2. A young person **who has not turned 16 cannot be a dependent child** if:
 - the young person is not in full-time education; and
 - the young person is in receipt of income; and
 - the rate of that income exceeds \$107.70 per week (which amount is indexed annually by CPI).
3. A young person **who has turned 16 cannot be a dependent child** of another person if the other person is the young person's partner.
4. A young person **cannot be a dependent child** if:
 - the young person is receiving a **social security pension***** (other than a disability support pension within the meaning of the *Social Security Act 1991 (Cth)*); or
 - the young person is receiving **a social security benefit******; or
 - the young person is receiving payments under a program included in the programs known as **Labour Market Programs**.

*** "social security pension" means an age pension, a disability support pension****, a wife pension, a carer payment, a pension PP (single), a sole parent pension, a bereavement allowance, a widow B pension, a mature age partner allowance.

**** "social security benefit" means a widow allowance, a youth allowance, an Austudy allowance, a newstart allowance, a sickness allowance, a special benefit, a partner allowance, a mature age allowance, a benefit PP (partnered) or a parenting allowance.

PART C | New Home Guarantee

Complete Part C if:

- (i) you are at least 18 years of age and an Australian citizen;
- (ii) you are one of two borrowers - you are the spouse or de facto partner of the other borrower and you are an eligible first home buyer;
- (iii) you are a single borrower, your taxable income in the previous financial year was not more than \$125,000 or, if you are one of 2 borrowers, your combined taxable incomes in the previous financial year were not more than \$200,000;
- (iv) have **never** held:
 - a. a freehold interest in real property in Australia;
 - b. a lease of land in Australia as described in paragraph 104-115(1)(b) of the *Income Tax Assessment Act 1997*; or
 - c. a company title interest (within the meaning of Part X of the *Income Tax Assessment Act 1936*) in land in Australia; and
- (v) the loan relates to the purchase of an interest in land (or if the land is in the ACT, a registered lease of the land) on which a dwelling is not affixed, the loan relates to building a new dwelling on the land, or the loan relates to the purchase of a newly built dwelling (including a newly built dwelling that is off-the-plan).

PART D | First Home Guarantee

Complete Part D if:

- (i) you are at least 18 years of age and an Australian citizen;
- (ii) you are one of two borrowers — you are the spouse or de facto partner of the other borrower and you are an eligible first home buyer;
- (iii) you are a single borrower, your taxable income in the previous financial year was not more than \$125,000 or, if you are one of two borrowers, your combined taxable incomes in the previous financial year were not more than \$200,000;
- (iv) you have **never** or, if you are one of two borrowers, neither of you has **ever** held:
 - a. a freehold interest in real property in Australia;
 - b. a lease of land in Australia as described in paragraph 104-115(1)(b) of the *Income Tax Assessment Act 1997*; or
 - c. a company title interest (within the meaning of Part X of the *Income Tax Assessment Act 1936*) in land in Australia; and
- (v) the loan is for the purchase of residential property or, if the loan relates to the purchase of an interest in land (or if the land is in the ACT, a registered lease of the land) on which a dwelling is not affixed, the loan relates to the construction of a dwelling on the land.

PART E | Declaration and Execution

All applicants must complete Part E.

If there are two (2) borrowers applying for a loan, each borrower must execute a statutory declaration.

PART A: General

Salutation - Miss Mrs Ms Mr Dr Other _____

I

Insert full legal name:

of

Insert current residential address: Street address

Town/Suburb

State

Postcode

currently employed as

Insert current occupation

make the following declaration under the *Statutory Declarations Act 1959 (Cth)* in connection with the home loan application made by me to the lender and for which I have requested the lender to seek the issue of a Family Home Guarantee, a New Home Guarantee or a First Home Guarantee under the Australian Government's Home Guarantee Scheme (**Scheme**):

1 I understand that this Home Buyer Declaration is separate to my application for a home loan made to the lender.

2 I have not been known by any other names

I have been known by the following other names:

Insert other/previous names in full (first name, middle name(s), family name)

3 I have resided in each of the Australian jurisdictions marked below (including the jurisdiction where I presently reside):²

New South Wales Victoria Queensland Western Australia

South Australia Tasmania Australian Capital Territory Northern Territory

Other _____

4 I am an Australian citizen True False

5 I am at least 18 years of age True False

6 As at the date of this declaration, my relationship status is as follows:

I have never been married

I am married

¹ Insert all previous names. If no previous names, insert no 'no other previous names' or 'not applicable'.

² Check each box (with an 'x') for each jurisdiction in which you have lived at any time (including as at the date of this declaration). For Australian jurisdictions that are not specifically identified – being Jervis Bay Territory, Norfolk Island, Christmas Island and/or Cocos (Keeling) Islands – check 'Other' and insert the name of each such jurisdiction on the line next to that box.

I am married but separated³

(CARE: If you are married and separated, but not yet divorced, you are not eligible for Family Home Guarantee)

I am divorced

I have a de facto partner (i.e. I am in a de facto relationship⁴)

I am a Widow(er)

Other:⁵ _____

7 I am either:

a single applicant, and I confirm that:
my taxable income in the preceding income year
did not exceed \$ 125,000.

or:

one of two applicants, and I confirm that:
the combined taxable income of both applicants in
the preceding income year did not exceed \$ 200,000.

³ A relationship wherein the parties to that relationship have ceased to live together as a couple, notwithstanding that (i) the cohabitation may have been brought to an end by the action or conduct of only one of the parties, (ii) the parties have continued to reside in the same residence or (iii) either party has rendered some household services to the other (per section 49 of the *Family Law Act 1975* (Cth)).

⁴ A relationship as a couple living together on a genuine domestic basis (per Section 2F of the *Acts Interpretation Act 1901* (Cth)).

⁵ Please specify.

PART B: Family Home Guarantee

- 1 I do not currently hold:
- a) a freehold interest in real property in Australia True False
 - b) a lease of land in Australia⁶ True False
 - c) a company title interest in land in Australia⁷ True False
- 2 I confirm that:
- I do not have spouse True False
- I do not have a de facto partner True False
- 3 I am:
- the natural parent of one or more dependent children
 - the adoptive parent of one or more dependent children
- 4 I confirm that:
- I am legally responsible (whether alone or jointly with another person) for the day-to-day care, welfare and development of at least one dependent child whose details are set out below: True False
- a) Name of the child _____
Insert full legal name (including first name, middle name(s) and family name)
 - b) Date of birth of the child _____
 - c) The child is residing with me True False
 - d) The child is currently receiving full-time education at a school, college or university True False
 - e) The child has not earned (and is not reasonably expected to earn) an income of more than \$6,403 in the current financial year True False
 - f) The child is receiving a social security pension (other than a disability support pension within the meaning of the *Social Security Act 1991* (Cth)) True False
 - g) The child is receiving a disability support pension within the meaning of the *Social Security Act 1991* (Cth) True False
 - h) The child is receiving a social security benefit True False
 - i) The child is receiving payments under a program included in the programs known as *Labour Market Programs*. True False

⁶ As described in paragraph 104-115(1)(b) of the *Income Tax Assessment Act 1997* (Cth)

⁷ Within the meaning of Part X of the *Income Tax Assessment Act 1936* (Cth)

PART C: New Home Guarantee

1 I am:

purchasing a New Home that is a newly constructed dwelling and confirm:⁸

- a) the New Home I am purchasing was built on or after 1 January 2020; and
- b) this is the first sale of the home since it was built; and
- c) if it isn't the first sale, the New Home was substantially renovated by the vendor or built by the vendor to replace demolished premises on the land; and
- d) since the New Home was built, no one has lived in the property or the property has not been rented or leased, or been made available, for rent or lease.

True False

building a New Home and confirm:⁹

- a) building of the New Home started (or is scheduled to start) on: _____

CARE: A valid date must be provided

Insert date as DD/MM/YYYY

- b) building of the New Home has finished (or is scheduled to finish) on: _____

CARE: A valid date must be provided

Insert date as DD/MM/YYYY

purchasing a New Home off-the-plan and confirm:¹⁰

- a) this is the first sale of the home since it was built

Yes / No

- b) if it is not the first sale, the New Home was substantially renovated by the vendor or built by the vendor to replace demolished premises on the land

Yes / No

- c) since the New Home was built, no one has lived in the property or the property has not been rented or leased, or been made available, for rent or lease

Yes / No

- d) building of the New Home started (or is scheduled to start) on: _____

CARE: A valid date must be provided.

Insert date as DD/MM/YYYY

- e) building of the New Home has finished (or is scheduled to finish) on: _____

CARE: A valid date must be provided.

Insert date as DD/MM/YYYY

⁸ To be supported by attaching a statement from the vendor.

⁹ To be supported by attaching a statement from the vendor.

¹⁰ To be supported by attaching a statement from the vendor.¹¹ As described in paragraph 104-115(1)(b) of the *Income Tax Assessment Act 1997* (Cth)

PART D: First Home Guarantee

- 1 I am a single applicant True False
- 2 I am one of two (2) applicants True False
If True, please complete (a) and (b) below
- (a) Full legal name of the second applicant (if applicable): _____
- (b) I am the spouse or de facto partner of the individual named in 2 above: True False Not applicable
- 3 I do not currently hold, and have not previously held:
- a) a freehold interest in real property in Australia True False
- b) a lease of land in Australia¹¹ True False
- c) a company title interest in land in Australia¹² True False
- 4 I confirm that, to the best of my knowledge and belief, the second applicant:
- a) is an Australian citizen True False Not applicable
- b) is at least 18 years of age True False Not applicable
- c) does not currently hold, and has not previously held:
- i) a freehold interest in real property in Australia True False Not applicable
- ii) a lease of land in Australia¹³ True False Not applicable
- iii) a company title interest in land in Australia¹⁴ True False Not applicable
- 5 I am either:
- purchasing residential property
- or:
- purchasing an interest in land (or if the land is in the ACT, a registered lease of the land) on which a dwelling is not affixed and confirm:
the loan relates to the construction of a dwelling on the land
- 6 I intend to occupy the property to be purchased within 6 months of settlement True False

¹¹ As described in paragraph 104-115(1)(b) of the *Income Tax Assessment Act 1997* (Cth)

¹² Within the meaning of Part X of the *Income Tax Assessment Act 1936* (Cth)

¹³ As described in paragraph 104-115(1)(b) of the *Income Tax Assessment Act 1997* (Cth)

¹⁴ Within the meaning of Part X of the *Income Tax Assessment Act 1936* (Cth)

PART E: Declaration and Execution

- 1 I declare that I have completed this Home Buyer Declaration honestly and accurately.
- 2 I understand the eligibility criteria for my home loan to participate under the Scheme (in particular, my personal circumstances and qualification as an eligible single parent or eligible home buyer) (**Eligibility Criteria**), including as described in either the '*Australian Government - Home Guarantee Scheme - Information Guide*' dated 1 July 2022, , or the '*Australian Government - Family Home Guarantee Information Guide*' dated 1 July 2021 (as may be applicable), and published by the National Housing Finance and Investment Corporation (**NHFIC**) (a copy of which I confirm has been provided to me by my lender, and that I have read and understood) (each a **Scheme Information Guide**).
- 3 I have carefully considered my eligibility for the Scheme and declare that all information provided by me to the lender in relation to my taxable income is true and complete and to the best of my knowledge that I satisfy, and my home loan (including the property purchased using my home loan) satisfies, each of the Eligibility Criteria. I am not aware of any matter that might disqualify me or my home loan from meeting any one of the Eligibility Criteria.
- 4 If at any time there is a change in circumstances leading me to believe that any one of the Eligibility Criteria may no longer be met, I undertake to notify the lender in writing as soon as possible after the occurrence of such a change (providing reasonable details).
- 5 I intend to move into the home the subject of this Home Buyer Declaration within 6 months of either the date of settlement of my loan or, if later, the date an occupancy certificate is issued and, unless the ADF owner-occupier exemption (as defined in the Scheme Information Guide) applies to me, live there for so long as my loan remains guaranteed under the Scheme.
- 6 I authorise the lender, as permitted by law, to collect, access and exchange information about me (including my Medicare number and/or other government related identifiers and personal information) to verify my proof of identity, if applicable, to verify my status as a natural or adoptive parent of one or more dependent children and to determine my eligibility for the Scheme. This includes sharing my information with NHFIC, the Australian Government and with third parties engaged by the lender to verify my eligibility.
- 7 I authorise NHFIC, as permitted by law, to collect, access and exchange information about me to verify my proof of identity, if applicable, to verify my status as a natural or adoptive parent of one or more dependent children and to determine my eligibility for the Scheme. This includes sharing my information with third parties engaged by NHFIC to verify my eligibility. This also includes sharing my information with other Commonwealth, State and Territory bodies for the purpose of matching my data.
- 8 I authorise the lender, as permitted by law, to collect, access and exchange information about me and my loan with NHFIC for the purposes of administering and operating the Scheme.
- 9 I authorise NHFIC to use information provided by me in applying to participate in the Scheme for research and policy development purposes (on a de-identified basis) aimed at improving housing outcomes for Australians.
- 10 I acknowledge that if I cease to meet the Eligibility Criteria, I will not be entitled to participate in the Scheme and there may be adverse consequences under the terms and conditions of my loan agreement with the lender (including that lender's mortgage insurance premiums, additional fees, charges or other requirements may apply). I acknowledge that none of the lender, NHFIC nor the Australian Government will be liable for any losses or costs that I may incur.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959* (Cth), and I believe that the statements in this declaration are true in every particular.

Signature of person making the declaration

Optional: Email address and/or telephone number of the person making the declaration

Declared at _____ on _____ of _____
(Physical location) (day) (month) (year)

Before me,

Signature of person before whom the declaration is made

CARE: Digital signatures are not accepted for this document.

Full name (including first name, middle names (if any) and family name), qualification and address of person before whom the declaration is made (in printed letters)

Name _____

Qualification _____
Please ensure the qualification stated matches the description in the list of accepted witnesses on pages 10-11 i.e. continuous years of service are noted if applicable

Physical Address _____
Street / Suburb

State _____

Postcode _____

Optional: Email address and/or telephone number of the person making the declaration

Note 1: A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years - see section 11 of the *Statutory Declarations Act*.

Note 2: Chapter 2 of the *Criminal Code* (Cth) applies to all offences against the *Statutory Declarations Act* - see section 5A of the *Statutory Declarations Act*.

A statutory declaration under the *Statutory Declarations Act 1959* (Cth) may be made before:

- 1 a person who is currently licensed or registered under a law of the Commonwealth, a State or Territory to practise in one of the following occupations:

Architect	Chiropractor	Dentist
Financial adviser	Financial Planner	Legal practitioner
Medical practitioner	Midwife	Migration agent registered under Division 3 of Part 3 of the <i>Migration Act 1958</i> (Cth)
Nurse	Occupational therapist	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

- 2 a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

- 3 a person who is in the following list:

- Accountant who is:
 - a. a fellow of the National Tax Accountants' Association; or
 - b. a member of any of the following:
 - i. Chartered Accountants Australia and New Zealand;
 - ii. the Association of Taxation and Management Accountants;
 - iii. CPA Australia;
 - iv. the Institute of Public Accountants
- Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
- APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list
- Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955* (Cth))
- Bailiff
- Bank officer with 5 or more continuous years of service
- Building society officer with 5 or more years of continuous service
- Chief executive officer of a Commonwealth court
- Clerk of a court
- Commissioner for Affidavits
- Commissioner for Declarations
- Credit union officer with 5 or more years of continuous service
- Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this list
- Employee of the Australian Trade and Investment Commission who is:
 - a. in a country or place outside Australia; and
 - b. authorised under paragraph 3 (d) of the *Consular Fees Act 1955* (Cth); and
 - c. exercising the employee's function at that place
- Employee of the Commonwealth who is:
 - a. at a place outside Australia; and
 - b. authorised under paragraph 3 (c) of the *Consular Fees Act 1955* (Cth); and
 - c. exercising the employee's function at that place
- Engineer who is:
 - a. a member of Engineers Australia, other than at the grade of

- student; or
 - b. a Registered Professional Engineer of Professionals Australia; or
 - c. registered as an engineer under a law of the Commonwealth, a State or Territory; or
 - d. registered on the National Engineering Register by Engineers Australia.
- Finance company officer with 5 or more years of continuous service
- Holder of a statutory office not specified in another item in this list
- Judge
- Justice of the Peace
- Magistrate
- Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961 (Cth)*
- Master of a court
- Member of the Australian Defence Force who is:
 - a. an officer; or
 - b. a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982 (Cth)* with 5 or more years of continuous service; or
 - c. a warrant officer within the meaning of that Act
- Member of the Australasian Institute of Mining and Metallurgy
- Member of the Governance Institute of Australia Ltd
- Member of:
 - a. the Parliament of the Commonwealth; or
 - b. the Parliament of a State; or
 - c. a Territory legislature; or
 - d. a local government authority.
- Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961 (Cth)*
- Notary public, including a notary public (however described) exercising functions at a place outside:
 - a. the Commonwealth; and
 - b. the external Territories of the Commonwealth
- Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public
- Permanent employee of:
 - a. a State or Territory or a State or Territory authority; or
 - b. a local government authority
- with 5 or more years of continuous service, other than such an employee who is specified in another item of this list
- Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
- Police officer
- Registrar, or Deputy Registrar, of a court
- Senior executive employee of a Commonwealth authority
- Senior executive employee of a State or Territory
- SES employee of the Commonwealth
- Sheriff
- Sheriff's officer
 - Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution

