



Legislative Assembly for the
Australian Capital Territory

Standing Committee on Public
Accounts and Administration

Submission cover sheet

Inquiry into Home Buyer Concession Scheme Administration

Submission number: 003

Submitter: Kasey Kaczmarczyk

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Submission to the Inquiry into the Home Buyer Concession Scheme Administration

Introduction

Thank you for the opportunity to contribute to the Inquiry into the Home Buyer Concession Scheme Administration. My name is Kasey Kaczmarczyk, and I am writing to share my personal experience with the ACT Government's Home Buyer Concession Scheme—particularly the challenges I have faced in seeking special consideration after being required to sell my home due to a relationship breakdown.

Background

In 2023, I sold my home after two years of ownership due to a marriage breakdown. Although this was not formally ordered by the court, it was an unavoidable outcome of our separation and became necessary to sell quickly due to the financial strain of maintaining the mortgage on a single income. Unfortunately, due to delays in the legal process, the Consent Orders were not finalised until 31 January 2025 — well after the sale of the home. These Consent Orders include reference to the need to sell the property because of the separation.

That home was meant to be my forever home. I moved to Canberra from Sydney with my husband of nine years in search of a supportive community and lifestyle in which to raise a family. We purchased the home as first home buyers, with every intention of laying down roots and building our life together in the ACT.

At the time I bought my first home, stamp duty concession thresholds were significantly lower. Despite being first home buyers, we did not qualify for any exemption. This was due to COVID-era market conditions—the rapid rise in property prices had significantly outpaced policy updates, leaving us excluded from support that more recent first home buyers now receive. Even so, we were adamant that this would be our forever home, and we chose to forgo the stamp duty concession to start our new life in Canberra.

After realising that my forever home would need to be sold, the urgency of the situation became apparent. I did not fully understand the legal complexities and paperwork required to ensure that the financial impact of selling the house would not be so severe, especially given that the stamp duty concession on a future home purchase was still potentially within reach. In a state of fight-or-flight, I had to prioritise selling the house quickly to support myself financially — a daunting and frightening prospect. Once the house was sold, I arranged for financial aid to help me through the process of obtaining Consent Orders, albeit with delays beyond my control.

As soon as I received the Consent Orders, I wrote to Minister Caitlin Tough in February 2025 to seek her support in approaching the ACT Revenue Office. I have included a copy of my February 2025 letter to Minister Caitlin Tough as Appendix A, to illustrate my early

efforts to seek support and initiate a resolution. I hoped that ministerial involvement might increase the likelihood of a timely and compassionate response. Despite multiple follow-ups through Minister Tough's office — who raised the matter with Minister Rachel Stephen-Smith and asked ACT Revenue to contact me — I received no communication from ACT Revenue.

I sent several follow-up emails out of growing frustration, asking whether any contact had been made. While I consistently received empathetic responses from Minister Tough's office, there was only silence from ACT Revenue.

At the beginning of May—nearly three months after my initial outreach—I submitted a formal request to ACT Revenue via their online contact form and subsequently followed up with a phone call, during which I was informed that my case had been marked as urgent. Since then, I have also lodged a complaint with the ACT Ombudsman. As of the date of this submission, I have yet to receive any formal written response from ACT Revenue.

Impact on Me

The lack of flexibility or clarity in the administration of the Home Buyer Concession Scheme has placed me in a difficult and stressful situation. I invested in the ACT as my long-term home and have done everything I can to re-establish myself after the end of a major relationship.

I am fortunate to have found love again, now planning a future with my partner, Mitch. The prospect of buying a home together and building a family here in Canberra finally feels within reach. However, the ongoing uncertainty surrounding my eligibility has left us in limbo. With each week that passes without a decision, more properties are sold, and prices continue to rise. I'm now considering foregoing the stamp duty concessions altogether, but I feel that the lasting impact of my past is handicapping our ability to seriously consider forever homes that we would otherwise be able to pursue in this highly competitive market. We now face a real risk of being entirely priced out of the market.

I initially reached out to ACT Revenue after hearing stories of others misinterpreting the concessions and subsequently facing significant difficulties. I have been committed to doing the right thing by seeking clarity upfront. However, the prolonged delays and lack of clear guidance have made me understand why some choose to take the risk of proceeding without confirmation—only to later face audits and penalties. This highlights the urgent need for clearer communication and more timely responses from ACT Revenue.

Without a clear process for special consideration or a timely response from ACT Revenue, we are left in a holding pattern—despite having fulfilled all requirements. This situation is frustrating and disheartening, turning what should be a hopeful new chapter into one marked by anxiety and financial strain.

Recommendations

1. Establish a clear and accessible process for requesting special consideration for individuals who need to sell a home due to separation or other significant life changes, including those who have previously owned property.
2. Ensure timely and transparent communication from the ACT Revenue Office, with service standards that acknowledge the financial time pressures faced by home buyers.
3. Introduce transitional eligibility provisions for situations where court or legal processes (e.g., Consent Orders) are finalised after the sale of a home, to prevent penalising individuals due to delays beyond their control.
4. Permit first home buyer benefits to be partially or fully applied in joint applications where one applicant is eligible, and the other has lost home ownership due to hardship or separation.

Conclusion

I appreciate the opportunity to share my story with the committee. My experience is not unique—many others face similar barriers when attempting to re-enter the housing market following major life disruptions. I urge the committee to ensure that the Home Buyer Concession Scheme becomes more inclusive, responsive, and compassionate.

I would welcome the opportunity to speak further with the committee at a hearing, if invited.

Kind regards,

Kasey Kaczmarczyk

[REDACTED]
[REDACTED]
[REDACTED]

Appendix A: Letter to Minister

Kasey Kaczmarczyk

21/2/2025

Caitlin Tough
GPO Box 1020
Canberra ACT 2601

Subject: Assistance with ACT Home Buyer Concession Scheme Eligibility

Dear Ms Caitlin Tough,

I am writing to seek your assistance and to advocate for potential legislative changes regarding the ACT Home Buyer Concession Scheme (HBCS). Due to a divorce, I have lost my home and may now be ineligible for the HBCS, despite my circumstances.

For background, I moved to Canberra in 2020 with my then husband with the plan to buy a house, start a family and continue educating the future generation as a high school teacher (Wanniassa High School). We ended up buying a house in [REDACTED] in 2020 to facilitate that dream. Due to unforeseen events our marriage broke down in late 2022 and I was left living in the property alone with financial uncertainty of the mortgage looming over my head. With the cost of living rising and the zero likelihood of reconnecting the relationship, understandably it was no longer plausible to keep paying off the mortgage, so we decided to sell the property prior to Consent Orders or Divorce Orders being sealed/made. Both these orders were eventually made however they were not made before the transaction date of the sale of the property.

As per the legislation the Consent Orders need to be sealed/made before the transaction date of the sale of the property. I believe in these economic times and in this situation, that criterion is too hard to achieve. Noting that the process relied on Legal Aid ACT and the Court System to create the Orders, a system that can be very slow. For reference, my Consent Order took 14 months to complete from start to finish.

It must be noted that in my Consent Orders the following line was included to try and satisfy the transaction date criterion, however I am unsure if this would be sufficient.

»It.is.declared.that.the.parties.used.to.own.the.property.at [REDACTED].
ACT jointly.and.the.parties.have.sold.their.right?title.and.interest.in.the.ACT.
Property.as.a.direct.consequence.of.the.breakdown.of.the.relationship«.

The ACT Revenue website and the legislation doesn't specifically mention if discretion can be applied with the aforementioned criterion, however I believe the intent of the legislation was to help people like me re-ground themselves after a divorce and not be left worse-off.

I would appreciate any guidance you can provide regarding my eligibility and whether there is scope to amend the legislation to better accommodate individuals facing similar challenges. The current system places people like me in a difficult position, forcing them to remain in the rental market—already under immense pressure—until they can afford the additional costs of home ownership, such as stamp duty. As a result, life plans, including starting a family, are often put on hold, contributing to broader societal challenges such as Australia's declining fertility rate. I would be happy to provide further documentation or meet with you or a relevant representative to discuss my situation. Thank you for your time and consideration, and I look forward to your response.

Yours sincerely,

Kasey Kaczmarczyk