

Application for Exemption – Transfer of Land used for Primary Production Between Family Members

Note:

- This declaration must be completed by the transferee, lessee or assignee
- If there is more than one transferee, lessee or assignee, a separate declaration must be completed by each
- Under the *Taxation Administration Act 1996*, it is an offence to give false or misleading information
- If you need more room to complete this form, attach a separate sheet with your additional information
- Print clearly in the boxed spaces.

Lodging details

Lodging party name	
Address	
Contact name	Phone no. ()

Supporting evidence


Relevant supporting evidence must be attached to this application:

- If the transferor is an **executor** – a copy of the will
- If the transferor is a **proprietary limited company** – copies of the memorandum and articles of association, and the latest balance sheet of the company, together with a certified copy of the share register
- If the transferor is trustee of a **unit trust scheme** – copies of the stamped trust deed and the latest balance sheet of the unit trust scheme, together with a certified copy of the unit register
- If the transferor is a trustee of a **discretionary trust** or a **trust for a named beneficiary** – a copy of the stamped trust deed and any amendments
- Latest annual return of the farming business or other evidence that land was used for primary production by transferee, lessee or assignee or by a member of the family of transferee, lessee or assignee immediately before the transfer.

Privacy statement

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Contact details

 1300 139 814* (Monday – Friday, 8.30 am – 5.00 pm) *Interstate clients please call (02) 9689 6200
 www.osr.nsw.gov.au  duties@osr.nsw.gov.au  Help in community languages is available.

Offices (Monday – Friday, 8.30 am – 4.30 pm)

 Office address	 Postal address	DX number
The Lang Centre, 132 Marsden Street, Parramatta	GPO Box 4042 Sydney NSW 2001	DX 456 Sydney
Level 6, 90 Crown Street, Wollongong	PO Box 666 Wollongong NSW 2520	DX 5245 Wollongong

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Declaration

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1900*

I,
of

do solemnly and sincerely declare as follows:

- I am a transferee, lessee or assignee in respect of a transaction over the property described as

being title reference (e.g. folio ID)
- The transferor, lessor or assignor is

(Name)

- The person directing the transferor, lessor or assignor is

(Name)

➤ See Notes 1 and 2
- The transferor, lessor or assignor (or person directing the transferor, lessor or assignor) is a member of my family by reason of being

(Name)

➤ See Notes 3 and 4
- Prior to this transaction, the land was used for primary production in connection with a business carried on by me or a member of my family (whether alone or with others), being

(Type/description of primary production)
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➤ See Notes 5
- I will continue to carry on the business (whether alone or with others) after the transfer, lease or assignment.
- The relevant supporting information is attached ➤ See front page
- The estimated value of the property transferred is

\$

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1900*

Declared at (Place)	on (Date)	/	/ 20
Signature of declarant			

in the presence of an authorised witness, who states:

I (Name of authorised witness),
a (Qualification of authorised witness)

certify the following matters concerning the making of this statutory declaration by the person who made it (*please cross out any text that does not apply):

- *I saw the face of the person OR
*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
- *I have known the person for at least 12 months OR
*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was

(Describe identification document relied on)

Signature of authorised witness

Date / / 20

Notes

1. The person directing the transferor, lessor or assignor is determined in accordance with this table:

Transferor, lessor or assignor	Person directing the transferor, lessor or assignor
Natural person (not acting in the capacity of executor or trustee)	The transferor, lessor or assignor
Executor of a deceased estate	The deceased person
Proprietary limited company	A shareholder or shareholders who: i) are beneficially entitled to those shares; ii) are entitled to vote at meetings of the company; and iii) are entitled as shareholders to not less than 25 per cent of the assets of the company on winding up, being an entitlement that existed for at least 3 years prior to the date of transfer, lease or assignment, or from the date of incorporation of the company
Trustee of a bare trust for named beneficiaries	A person who is a named beneficiary of the trust.
Trustee of a discretionary trust	A person or persons who are entitled (as takers in default of appointment) to not less than a 25 per cent interest in the capital of the trust fund, being an entitlement that existed for at least 3 years prior to the date of transfer, lease or assignment, or from the date of establishment of the trust
Trustee of a private unit trust scheme	A unit holder or unit holders who: i) hold the units beneficially; and ii) were entitled (as unit holders) to not less than 25 per cent of the assets of the unit trust on winding up, being an entitlement which existed for at least 3 years prior to the date of transfer, lease or assignment, or from the date of establishment of the trust

2. In the case of a transfer, lease or assignment by a company or unit trust scheme that is owned by another company or unit trust scheme, a person is taken to be directing the subsidiary entity if the Chief Commissioner is satisfied that, had the parent entity been the transferor, lessor or assignor, the person would be the person directing the parent entity in accordance with the table in note 1
3. A member of the family of the transferee, lessee or assignee means:
- the transferee's spouse,
 - a parent of the transferee or the transferee's spouse,
 - a grandparent of the transferee or the transferee's spouse,
 - a brother, sister, nephew, niece, uncle or aunt of the transferee or the transferee's spouse,
 - a child or grandchild of the transferee or the transferee's spouse,
 - the spouse of anyone mentioned in paragraph b), c), d) or e).
4. **Spouse** includes a former spouse, a de facto partner and a former de facto partner.
5. **Land used for primary production** means land that is exempt from land tax under section 10AA (Exemption for land used for primary production) of the *Land Tax Management Act 1956*.