

Acquisition Statement: Acquisition of an Interest in a Public Landholder

This statement must be made by the person who has made the relevant acquisition in a public landholder on or after 24 June 2020. The statement also facilitates;

- **Commonwealth Reporting Requirements**
to collect and report to the Australian Tax Office (ATO), information on relevant acquisitions of land in NSW

Note:

- Under the *Taxation Administration Act 1996*, you are required to provide all relevant information to enable duty to be assessed on a document or transaction. It is an offence to provide false or misleading information
- Each person who makes a relevant acquisition must complete a separate acquisition statement
- Read the notes at the back of this form for an explanation of the terms used in this statement
- If you need more room, complete your answers on a separate sheet and attach to this form when lodging
- For an exempt acquisition, use form ODA 047
- For an acquisition in a private landholder, use form ODA 043A
- For concessions for primary producers, use form ODA 043C
- Read more about **Landholder Duty** available at www.revenue.nsw.gov.au
- Read more about Surcharge Duty (Surcharge Purchaser Duty) available at www.revenue.nsw.gov.au

The following supporting information must be lodged with this statement:

A formal valuation of the unencumbered value of all the landholdings of the landholder including constructive ownership of landholdings and other property through linked entities and discretionary trusts.

Evidence of value of all the goods of the landholder and its linked entities (even if the linked entities do not hold land).

Financial statements (including notes) of the landholder, any linked entities and discretionary trusts of which the landholder is a beneficiary as at the date of the transaction.

I,

am the person

am an authorised officer of the Company/Corporation

Company/Corporation name

am authorised on behalf of the Government

Country of Government

am a General Partner of a Limited Partnership

Name of Limited Partnership

Name of General Partners

who has made a relevant acquisition in the landholder details in Part 1.

Acquirer's Details

Date of Birth (if an individual) (DD/MM/YYYY)	ABN/ACN/ARBN (if applicable)
Current Address (residential address for an individual/correspondence address for all other)	
Future Address (residential address for an individual / correspondence address for all other)	
Contact phone number	
Email address	
* Country of citizenship (if an individual)	
Country of incorporation	
Country of tax residence	
FIRB application number (if applicable)	

* If country of citizenship is other than Australia, complete the following:

Passport number	
Visa number	
Sub-class	Expiry date (DD/MM/YYYY)
Overseas ID	

Are you making the acquisition in the capacity as a trustee?

Yes No

If Yes please select the type of trust and provide the name of the trust?

Unit Trust Discretionary Trust Fixed Trust Superfund

Name of Trust

For any other trust (e.g. bare trust) provide the names of the beneficiaries (e.g. real purchaser)

Name of Beneficiaries

1. Details of public landholder

➤ See Notes 1 and 2

a) If the landholder is a public unit trust scheme:

Name of unit trust scheme
ARSN (if applicable)
Name of trustee
ABN/ACN (if applicable)
Address of trustee (Show registered address if trustee is a company)

b) If the landholder is a listed company:

Name of company
ABN/ACN
Place of registration of company
Registered address of company

2. Details of linked entities

Linked entity	Percentage interest held directly or indirectly by Landholder

➤ See Notes 3 and 4

3. I confirm the unencumbered value of the NSW land holdings held or taken to be held by

(name of public landholder)

is \$2 million or more ➤ See Note 1

4. Details of relevant acquisition ➤ See Notes 8, 9 and 5

a) Date of the relevant acquisition (DD/MM/YYYY)

b) The interest acquired (%)

c) How was interest acquired

➤ See Note 6

5. Details of prior acquisitions by the same or “associated persons” (as defined in Duties Act 1997)

Date of acquisition	Acquired by	Interest acquired	If exempt, state reason for exemption
		%	
		%	
		%	
		%	

➤ See Note 8

6. Total interests of the person and any associated persons in the landholder as at the date of the relevant acquisition

7. Details of NSW landholdings and goods of landholder (including constructive ownership of landholdings and other property through linked entities) as at the date of the relevant acquisition. Any land holding under an uncompleted agreement pursuant to s 160 should also be included. ➤ See Notes 3, 4 and 14

Landholdings

Held by (entity)	Title particulars of the land holdings	Unencumbered value	Value held or taken to be held by landholder through linked entities and uncompleted agreements ➤ See sections 158, 158A & 160
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Goods

Held by (entity)	Type of goods	Unencumbered value	Value held or taken to be held by landholder through linked entities, discretionary trusts and uncompleted agreements ➤ See sections 158, 158A, & 160
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Total unencumbered value of NSW landholdings and goods held or taken to be held by the landholder as at the date of the relevant acquisition

\$

8. Details of prior duty paid

If the landholder concerned is a widely held trust, the amount of duty paid (if any) in respect of a dutiable transaction in relation to units acquired on or after 1 July 2009.

\$

If the duty was paid in NSW, indicate:

DAN (Duties Assessment No.)

9. Duty payable

I calculate the duty payable on this statement as

\$

➤ See Note 10

10. Declaration

Name

Date (DD/MM/YYYY)

Under the *Taxation Administration Act 1996* it is an offence to give false or misleading information.

I declare that all information provided is true and correct in every particular.

Notes

These notes are for general guidance only. For details, see the relevant Sections of the *Duties Act 1997*.

1. A **landholder** is a unit trust scheme, a private company or a listed company that has land holdings in New South Wales with an unencumbered value of \$2,000,000 or more.
➤ See Section 146(1) of the *Duties Act 1997*.
However, once a liability arises, duty payable will be calculated with reference to the unencumbered value of the land holdings and goods in New South Wales of the landholder and its linked entities.
➤ See Section 156 of the *Duties Act 1997*. These terms are defined in the Dictionary in the Act.
2. A **public landholder** is a public unit trust scheme or listed company.
➤ See Section 146(3) of the *Duties Act 1997*.

Land holdings of a landholder

A landholding is an interest in land other than the estate or interest of a mortgagee, charge or other secured creditor.

➤ See Section 147 of the *Duties Act 1997*.

An interest in land includes an interest in anything fixed to the land regardless of whether such items are considered fixtures at common law.

➤ See Section 147A of the *Duties Act 1997*.

The land holdings of any linked entity of the landholder must also be included.

➤ See Sections 158 and 158A of the *Duties Act 1997*.

Section 160 provides that a transferor and a transferee under an uncompleted agreement for the sale or transfer of land are taken to be separately entitled to the whole of the land.

If the landholder (or a linked entity) was the transferor (vendor) under an uncompleted agreement and the agreement subsequently completed, the Chief Commissioner is to assess or reassess the statement as though the land the subject of the agreement was not, at the time of the acquisition concerned, a land holding of the landholder (s 160(2)).

If the landholder (or a linked entity) was the transferee (purchaser) under an uncompleted agreement and the agreement is subsequently rescinded, annulled or otherwise terminated without completion, the Chief Commissioner is to assess or reassess the statement as though the land the subject of the agreement was not, at the time of the acquisition concerned, a land holding of the landholder (s 160(3)).

An uncompleted agreement includes an arrangement that includes both a put option and a call option.

➤ See Section 160 of the *Duties Act 1997*.

3. **Linked entities** include not only subsidiaries but also entities in which an interest of not less than 50 per cent is held, including through a chain of entities ➤ See Sections 158 and 158A of the *Duties Act 1997*.
4. A **significant interest** is an entitlement (without regard to any liabilities of the landholder) to a distribution of property from a public landholder, being: 90 per cent or more of the property distributed.
➤ See Section 150(2)(b) of the *Duties Act 1997*.
5. A person **acquires an interest** in a landholder if the person obtains an interest or the person's interest increases, including (but not limited to) by means of:
 - (a) the purchase, gift or issue of a unit or share,
 - (b) the cancellation, redemption or surrender of a unit or share,
 - (c) the abrogation or alteration of a right for a unit or share,
 - (d) the payment of an amount owing for a unit or a share.
 - (e) if the capacity in which the interest in the landholder is held changes.
➤ See Section 151(2) of the *Duties Act 1997*.
6. If an interest in a landholder is acquired or held by a person as bare trustee for another person, the interest is taken to have been acquired by, or to be held by, the ultimate beneficial owner of the interest. The ultimate beneficial owner of an interest is a beneficial owner of an interest who does not hold the interest as bare trustee for another person (so that, if there is a chain of bare trustees, the ultimate beneficial owner is the last beneficial owner in that chain). ➤ See Sections 157A-157C of the *Duties Act 1997*.
7. The date of the relevant acquisition is the date when 90% is acquired.

8. A person makes a **relevant acquisition** if the person:
 - (a) acquires a significant interest in a landholder
 - (b) acquires an interest that when aggregated with other interests of the person or an associated person amounts to a significant interest in a landholder
 - (c) has (either alone or together with associated persons) a significant interest and acquires a further interest in a landholder.
 - (d) acquires an interest that when aggregated with other interests of the person or other persons acquired under substantially one arrangement amounts to a significant interest in a landholder.
 - See [Section 149](#) of the *Duties Act 1997*. Associated person is defined in the [Dictionary](#) of the *Duties Act 1997*.
9. The following persons are jointly and severally liable to pay landholder duty:
 - (a) the person who makes the relevant acquisition
 - (b) the landholder or the trustee of the landholder
 - (c) if the acquisition results from an aggregation of the interests, each of those other personsAny liability to pay duty, interest or penalty tax is a charge on the land holdings of the landholder or trustee.
 - See [Section 154](#) of the *Duties Act 1997*.
10. Duty is assessed in accordance with the provisions of [Section 156](#) of the *Duties Act 1997*.
11. If a relevant acquisition is made in a land rich primary producer, no duty is chargeable if requirements of [Section 163D](#) are satisfied ➤ See [Section 163D\(2\)](#) of the *Duties Act 1997*.
12. Exempt acquisitions are detailed in [Sections 163A, 163B, 163C, 163H](#) and 281(2)(d) (for transactions dated prior to 1 July 2012) and in [Sections 163A, 163B, 163H, 273\(B\)\(1\) and 273\(B\)\(2\)](#) (for transactions dated on or after 1 July 2012).
13. Goods ➤ See [Section 163K](#) of the *Duties Act 1997*.
14. Widely held trust is defined in the [Dictionary](#) of the *Duties Act 1997*.

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Contact details

 1300 139 814* (Monday – Friday, 8.30 am – 5.00 pm)

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 Help in community languages is available

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