

## Application for Reassessment and Refund: Cancelled Agreements for the Sale or Transfer of Dutiable Property

### Note:

- Under the *Taxation Administration Act 1996*, it is an offence to give false or misleading information. You may also be liable to interest and/or penalty tax
- This application must be made by, or on behalf of, the purchaser(s)/transferee(s) under the cancelled agreement
- The attached declaration must be signed by the purchaser/transferee. Where there is more than one purchaser/transferee, each additional purchaser/transferee must complete a declaration
- Under Section 50(2) of the *Duties Act 1997* any application for a reassessment or refund of duty on a cancelled agreement for the sale or transfer of dutiable property must be made within five years of the initial assessment, or 12 months after the agreement is rescinded or annulled, whichever is the later
- **The following evidence must be lodged with this application:**
  - ▶ The original stamped agreement; and
  - ▶ any original stamped transfer marked pursuant to it or a statement confirming a transfer was not prepared; and
  - ▶ a copy of the Deed of Rescission signed by both parties or letters from both the purchaser and vendor (or their representatives) confirming the agreement has been rescinded.
- **All evidence must be provided for your application to be considered. Failure to provide this evidence will result in your documents being returned unprocessed**

### 1. Applicant details

Name
Postal address
Postcode

### 2. Details of cancelled agreement

Purchaser(s)/Transferee(s)
Vendor's name(s)/Transferor(s)
Description of dutiable property (e.g. land, shares)
Date of agreement DD/MM/YYYY      Date rescinded/annulled DD/MM/YYYY
Reason(s) why agreement rescinded or annulled

## Declaration by Purchaser/Transferee under cancelled agreement

**Note:** Where there is only one purchaser/transferee under the cancelled agreement, this declaration must be completed by that person.

Where there is more than one purchaser/transferee under the cancelled agreement, **each purchaser/transferee must complete their own declaration**. Where the purchaser/transferee, or one of the purchaser(s)/transferee(s), is a company, the declaration must be completed by a duly authorised officer (director or secretary) of the company.

I,
of

do solemnly and sincerely declare as follows:

1. I am:

the purchaser/transferee under the cancelled agreement

one of the purchaser(s)/transferee(s) under the cancelled agreement

a duly authorised officer of

the purchaser/transferee under the cancelled agreement

Name of company

a duly authorised officer of

one of the purchaser(s)/transferee(s) under the cancelled agreement

Name of company

2. the agreement was not rescinded or annulled to give effect to a subsale

as the purchaser/one of the purchasers under the agreement, I/we was/were then acting as the promoter(s) of a named company proposed to be incorporated, and that company is the purchaser/transferee under a subsequent agreement relating to the same dutiable property

the purchaser(s)/transferee(s) under the agreement and the purchaser(s)/transferee(s) under a subsequent agreement relating to the same dutiable property were related persons\* when the agreement that was rescinded or annulled was entered into (\*for definition of related persons see Dictionary in *Duties Act 1997*)

### EFT details

#### Direct credit details

Account name	
Financial institution	Branch
BSB number	Account number

Is the above account held by all purchaser(s)/transferee(s)? (This field is mandatory. Tick one.)

Yes      No

### Payment authority

This authority must be completed by all purchasers

I / We authorise the Chief Commissioner of State Revenue to issue the refund by way of EFT into the above nominated account

I / We are authorised to act on behalf of the company that is entitled to the refund

## 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.

### Privacy statement

Information collected from you on this form is required by Revenue NSW to determine if you have a liability or entitlement. The information may be provided to third parties with your consent or as required or permitted by law. Revenue NSW will correct or update your personal information at your request. Read more about privacy at [www.revenue.nsw.gov.au](http://www.revenue.nsw.gov.au)

### Contact details



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

\*Interstate clients please call (02) 7808 6900



[www.revenue.nsw.gov.au](http://www.revenue.nsw.gov.au)



[duties@revenue.nsw.gov.au](mailto:duties@revenue.nsw.gov.au)



Help in community languages is available



#### Postal address

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Sydney NSW 2001

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