

# Acquisition Statement

## Acquisition of an Interest in a Private Landholder

State Revenue Office

Department of Treasury and Finance

### Use of this statement

You must use this acquisition statement if you made a relevant acquisition in a private company<sup>1</sup> or private unit trust scheme<sup>2</sup> that has land holdings<sup>3</sup> in Tasmania with an unencumbered value of \$500 000 or more (private landholder). A relevant acquisition is the acquisition of an interest in a private landholder:

- i. that is of itself a significant interest<sup>4</sup>; or
- ii. that, when aggregated with other interests in the private landholder held by the person or an associated person(s)<sup>5</sup>, amounts to a significant interest; or
- iii. in circumstances where the person has a significant interest (or an interest described in item ii above) and acquires a further interest in the private landholder.

### Completing the statement

- This statement applies to relevant acquisitions in a private landholder made on or after 6 December 2016 and must be used by the person who has made the relevant acquisition. In the case of an acquisition by a corporation, the statement must be completed by a director of the corporation. In the case of an acquisition by the trustee of a trust (other than a bare trustee), this statement must be completed by the trustee.
- All references to sections are references to sections in the [Duties Act 2001](#) and all references to “the Act” refer to that Act.
- Each person who makes a relevant acquisition must complete a separate acquisition statement<sup>6</sup>.
- Under the [Taxation Administration Act 1997](#), you are required to provide all relevant information to enable duty to be assessed on a relevant acquisition. It is an offence to give false or misleading information.
- Please print information clearly in the boxed spaces and tick appropriate boxes.
- If there is insufficient space to answer any particular question(s), please complete your answers on a separate sheet and attach it to this form.
- See the final two pages of this statement for reference descriptions (endnotes).

### What you will need

To understand your obligations and the technical meaning of the terms used in this statement, you should, in addition to reading the legislation, familiarise yourself with the following publications prior to completing this acquisition statement – they are available at [www.sro.tas.gov.au](http://www.sro.tas.gov.au):

- Guideline: [Introduction to the Landholder Provisions](#);
- Revenue Ruling [PUB-DT-2016-2, Landholder Provisions - Bare Trustees](#);
- Revenue Ruling [PUB-DT-2016-3, Landholder Provisions - Constructive Ownership of Land Holdings through Linked Entities](#);
- Revenue Ruling [PUB-DT-2016-4, Landholder Provisions - Tracing Interests in Land through Discretionary Trusts](#);
- Revenue Ruling [PUB-DT-2016-5, Landholder Provisions - Treatment of Fixtures](#); and
- Revenue Ruling [PUB-DT-2016-6, Evidence of Value](#).

In addition to standard Chapter 2 (and section 225) exemptions and concessions being replicated for the purposes of the landholder provisions, exemptions from duty exist under Part 1A of Chapter 10 of the Act if the relevant acquisition results from a corporate reconstruction or corporate consolidation transaction. Please refer to the Guideline, [Corporate Reconstruction and Consolidation Transaction Exemption Provisions](#) for a summary.

**1. Select one of the following options appropriate to your circumstances.**

- PERSON: I am the person who has made a relevant acquisition in the private landholder detailed in this statement.
- DIRECTOR: I am a director of a company that has made a relevant acquisition in the private landholder detailed in this statement.

**2. Details of the person completing this form**

|                                 |  |          |  |
|---------------------------------|--|----------|--|
| Your Name                       |  |          |  |
| Address line 1                  |  |          |  |
| Address line 2                  |  |          |  |
| Suburb/town                     |  |          |  |
| State/Territory                 |  | Postcode |  |
| (Area code) Telephone or Mobile |  |          |  |
| Email                           |  |          |  |

**3. Acquirer's details**

|  |  |          |  |
|--|--|----------|--|
| In whose name were the shares or units acquired (include ACN/ABN if company)       |  |          |  |
| Relationship to you  |  |          |  |
| Indicate if acquirer is an associated person or if acquisition was as bare trustee |  |          |  |
| Address line 1   |  |          |  |
| Address line 2   |  |          |  |
| Suburb/town  |  |          |  |
| State/Territory  |  | Postcode |  |
| (Area code) Telephone or Mobile  |  |          |  |
| Email  |  |          |  |

**4. Did you:**

**(a) make the acquisition in the landholder in the capacity as trustee?**

- No** – please go to question 5.
- Yes** – please indicate name of trust below and proceed to question 4(b).

Name of Trust

**(b) make the acquisition in the landholder in the capacity as a bare trustee?**

- NO** – please go to question 5.
- YES** – the ultimate beneficial owner of the interest must complete and lodge this acquisition statement (refer to Section 75 of the Act and Revenue Ruling [PUB-DT-2016-2 Landholder Provisions - Bare Trustees](#)).

**5. Is the landholder a private company?**

- NO** – please go to question 6.
- YES** – please complete the following details about the company in which an interest has been acquired, then go to question 7.

|                                  |                      |          |                      |
|----------------------------------|----------------------|----------|----------------------|
| Company name                     | <input type="text"/> |          |                      |
| ABN/ACN                          | <input type="text"/> |          |                      |
| Registered office address line 1 | <input type="text"/> |          |                      |
| Registered office address line 2 | <input type="text"/> |          |                      |
| Suburb/town                      | <input type="text"/> |          |                      |
| State/Territory                  | <input type="text"/> | Postcode | <input type="text"/> |
| (Area code) Telephone or Mobile  | <input type="text"/> |          |                      |
| Email                            | <input type="text"/> |          |                      |

**6. Is the landholder a private unit trust scheme?**

- NO** – please go to question 7.
- YES** – please complete the details on the next page about the unit trust in which an interest has been acquired, then go to question 7.

Date of establishment  
of scheme

|   |   |
|---|---|
| / | / |
|---|---|

Name of unit trust scheme

|  |
|--|
|  |
|--|

Name of trustee (show ACN/ABN if  
company)

|  |
|--|
|  |
|--|

Address line 1 of trustee  
(show registered address  
if trustee is company)

|  |
|--|
|  |
|--|

Address line 2 of trustee  
(show registered address  
if trustee is company)

|  |
|--|
|  |
|--|

Suburb/town

|  |
|--|
|  |
|--|

State/Territory

|  |
|--|
|  |
|--|

Postcode

|  |
|--|
|  |
|--|

**7. At the date of the relevant acquisition, did the acquirer (or deemed acquirer<sup>7</sup>) or an associated person(s) already hold an interest in the landholder?**

NO – please go to question 8.

YES – please complete details below of prior acquisitions in the landholder.

| Date of acquisition | Acquired by | Interest acquired<br>(percentage) | Total interests in<br>landholder<br>(percentage) |
|---------------------|-------------|-----------------------------------|--|
|                     |             |                                   |  |
|                     |             |                                   |  |
|                     |             |                                   |  |
|                     |             |                                   |  |

**8. When did the relevant acquisition take place?**

Date of acquisition:

|   |   |
|---|---|
| / | / |
|---|---|

**9. What percentage interest<sup>8</sup> was acquired in the landholder in the relevant acquisition?**

Percentage:

|  |
|--|
|  |
|--|

**10. How was the interest acquired?\***

eg. by purchase of shares or units; a cancellation, redemption or surrender of shares or units; a declaration of trust over shares or units; an alteration of share rights.

|  |
|--|
|  |
|  |

**11. Total interest in the landholder held by the person who made the relevant acquisition and any associated person(s) immediately after the relevant acquisition:**

Percentage

**12. Is the current acquisition, or were any of the previous acquisitions identified in Question 7 that occurred during the statement period<sup>10</sup>, exempt or concessional transaction(s)<sup>11</sup>?**

- NO – please go to the next question.
- YES – please go to the next question and ensure you indicate which acquisitions are/were exempt or concessional (and the sections of the Act relied upon) in the tables at Questions 18 and 19 (as appropriate), and attach a completed [Landholder exempt concessional acquisition statement](#) in respect of each acquisition for which exemption or concession is sought.

**13. Did the landholder have any linked entities<sup>12</sup>:**

**(a) at the date of the relevant acquisition?**

- NO – please go to question 13(b).
- YES – please answer question 13(b) below, and ensure you provide details of the land holdings and goods of any linked entities in Question 18.

**(b) at the date of any prior acquisition(s) identified in Question 7 that occurred during the statement period<sup>13</sup>?**

- NO – please go to the next question.
- YES – please go to the next question, and ensure you provide details of the land holdings and goods of any linked entities in Question 19.

**14. Was the landholder or any linked entity of the landholder (or the trustee of either in that capacity) the beneficiary of a discretionary trust<sup>14</sup>:**

**(a) at the date of the relevant acquisition?**

- NO – please go to question 14(b).
- YES – please complete the table at the top of the next page, answer question 14(b) and ensure you enter details of the Trust's land holdings and goods as property attributable to the beneficiary in Question 18<sup>15</sup>.

| Name of Discretionary Trust and Trustee | Which Entity (eg. the landholder, a linked entity or another trust) is a beneficiary? | Name of Beneficiaries of Discretionary Trust |
|---|---|--|
|   |   |  |
|   |   |  |
|   |   |  |

**(b) at the date of any prior acquisition(s) identified in Question 7 that occurred during the statement period<sup>16</sup>?**

NO – please go to the next question.

YES – please complete the table below, proceed to the next question and ensure you enter details of the Trust’s land holdings and goods as property attributable to the beneficiary in Question 19.

| Name of Discretionary Trust and Trustee | Which Entity (eg. the landholder, a linked entity or another trust) is a beneficiary? | Name of Beneficiaries of Discretionary Trust |
|---|---|--|
|   |   |  |
|   |   |  |
|   |   |  |

**15. Was the landholder, a linked entity of the landholder or a discretionary trust of which the landholder or a linked entity was a beneficiary, the party to an agreement to buy or sell land or goods that had not completed at the date of the relevant acquisition<sup>17</sup>?**

NO – please go to the next question.

YES – please complete the table below and ensure you enter details of the land holdings and goods under that uncompleted agreement in Question 18.

| Name of Entity | Vendor and Purchaser under Agreement | Nature of Property (title reference if land) |
|----------------|--------------------------------------|--|
|                |                                      |  |
|                |                                      |  |
|                |                                      |  |
|                |                                      |  |

**16. Did the landholder or any linked entity of the landholder transfer<sup>18</sup> property or goods to the person making the acquisition or to a person who was an associated person of that person (associated at the time of the acquisition and at the time of transfer):**

**(a) In the 12 months immediately preceding the relevant acquisition?**

NO – please go to question 16(b) .

YES – please complete the table below, go to question 16(b) and ensure you include details of the property transferred as a land holding/goods of the transferor in the table at Question 18<sup>19</sup>.

| Transferor Entity | Transferee | Nature of Property<br>(title reference<br>if land) | SRO Reference<br>(if duty paid) and<br>amount of duty paid |
|-------------------|------------|--|--|
|                   |            |  |  |
|                   |            |  |  |
|                   |            |  |  |

**(b) In the 12 months immediately preceding the acquisition(s) identified in Question 7 that occurred during the statement period<sup>20</sup>?**

NO – please go to the next question.

YES – please complete the table below, go to the next question and ensure you include details of the property transferred as a land holding/goods of the transferor in the table at Question 19.

| Transferor Entity | Transferee | Nature of Property<br>(title reference if land) | SRO Reference (if duty paid)<br>and amount of duty paid |
|-------------------|------------|---|---|
|                   |            |   |   |
|                   |            |   |   |
|                   |            |   |   |

**17. Have you paid or are you required to pay marketable securities duty under a law of another Australian jurisdiction in relation to the relevant acquisition?**

NO – please go to the next question.

YES – please enter details below of the duty paid/payable and specify the relevant Revenue Office reference number if duty was paid.

|                                       |
|---------------------------------------|
| Jurisdiction                          |
| Duty paid/payable (& ref. no if paid) |

**18. In the table below, please provide details about the Tasmanian land holdings and goods of the landholder and any linked entities as at the date of the relevant acquisition:** You do not have to identify the value of land or goods if the acquisition is exempt or concessional<sup>21</sup>

| Which Entity holds the land (or is taken to hold the land) | Nature of Interest (D,T,U,R*) | How is the entity linked to the landholder (eg the landholder owns 100% of Company A, which owns 80% of Company B) | Title particulars of land holding (Vol/Folio) / Description / Type of Goods | Unencumbered value <sup>22</sup> (\$) | Percentage interest (%) held directly or indirectly by landholder in linked entity | Value taken to be held by landholder (\$) | State section of Act relied upon if seeking exemption or concession |
|--|-------------------------------|--|---|---------------------------------------|--|---|---|
|  |                               |  |   | Land:<br>Goods:                       |  | Land:<br>Goods:                           |   |
|  |                               |  |   | Land:<br>Goods:                       |  | Land:<br>Goods:                           |   |
|  |                               |  |   | Land:<br>Goods:                       |  | Land:<br>Goods:                           |   |
|  |                               |  |   | Land:<br>Goods:                       |  | Land:<br>Goods:                           |   |
| <b>TOTAL land and goods:</b>                               |                               |  |   |                                       |  |   |   |

\*Please indicate the means by which the entity is taken to hold land with the following: D= Held Directly by Entity, T = Taken to be Held by the entity via Discretionary Trust, U = Taken to be held by the entity via Uncompleted Agreement of Sale, R= Taken to be Held by the entity as Property Recently Transferred. Mark the letter with a "\*" if you seek to exclude those landholdings (relevant for T, R and D) and attach submissions to this statement as to why you consider these interests should be excluded.



**19. Please detail the Tasmanian land holdings and goods of the landholder and any linked entities as at the date of each prior acquisition made in the statement period<sup>23</sup> in the table below. Please complete and attach a separate table for each acquisition.** You do not have to identify the value of land or goods if the acquisition was exempt or concessional<sup>24</sup>. In addition, you do not have to identify the value of goods for an acquisition that occurred prior to 6 December 2016<sup>25</sup>

| Date of prior acquisition | Which Entity Held the Land (or was taken to hold the land) | How is the entity linked to the landholder (eg the landholder owns 100% of Company A, which owns 80% of Company B) | Nature of Interest (D,T,U,R *) | Title particulars of land holding (Vol/Folio) or Description/Type of Goods | Unencumbered value <sup>26</sup> as at the date of prior acquisition (\$) | Percentage interest held directly or indirectly by landholder in linked entity | Value taken to be held by landholder if held by linked entity (\$) | Duty Paid (if any – including SRO reference) or exemption or concession details |
|---------------------------|--|--|--------------------------------|--|---|--|--|---|
|                           |  |  |                                |  | Land:<br>Goods:   |  | Land:<br>Goods:  |   |
|                           |  |  |                                |  | Land:<br>Goods:   |  | Land:<br>Goods:  |   |
|                           |  |  |                                |  | Land:<br>Goods:   |  | Land:<br>Goods:  |   |
|                           |  |  |                                |  | Land:<br>Goods:   |  | Land:<br>Goods:  |   |
| <b>TOTAL</b>              |  |  |                                |  |   |  |  |   |

\* Please indicate the means by which the entity was taken to hold land with the following: D= Held Directly by Entity, T = Taken to be Held by the entity via Discretionary Trust, U = Taken to be held by the entity via Uncompleted Agreement of Sale, R= Taken to be Held by the entity as Property Recently Transferred. Mark the letter with a “\*” if you seek to exclude those landholdings (relevant for T, R and D) and attach submissions to this statement as to why you consider these interests should be excluded.

## Checklist of supporting documentation

Please provide the following documentation to support the application:

Please ✓ to confirm the documents you have attached to this form

In the case of an acquisition in a **private company**, a copy of:

- The latest annual return and company share register.
- The memorandum and articles of association or constitution, including any amendments.
- Relevant financial statements (including notes) of the landholder, linked entities and discretionary trusts (even if the linked entities do not hold land).
- Valuation information to support the unencumbered value of all the landholdings including landholdings of linked entities and discretionary trusts<sup>27</sup>.
- Evidence of value of all the goods of the landholder, linked entities and discretionary trusts as at the date of the transaction (eg plant and equipment valuation and/or book depreciation schedule).

In the case of a **unit trust**, a copy of:

- Deed establishing the unit trust and any amending deed.
- The latest register of unit holders.
- Relevant financial statements (including notes) of the landholder and linked entities (even if the linked entities do not hold land).
- Valuation information to support the unencumbered value of all the landholdings including landholdings of the linked entities and discretionary trusts<sup>28</sup>.
- Evidence of value of all the goods of the landholder, linked entities and discretionary trusts as at the date of the transaction (eg plant and equipment valuation and/or book depreciation schedule).

- **Declaration** – I declare that the information I have provided in this statement is true and correct.

|           |                                   |
|-----------|-----------------------------------|
| Full name | <input type="text"/>              |
| Signature | <input type="text"/>              |
| Date      | <input type="text" value=" / /"/> |
|           | Day    Month    Year              |

Important: There may be court-imposed penalties for giving false or misleading information.

## Where to lodge your application

### Email a scanned copy

dutyhelp@treasury.tas.gov.au

### Mail

The Commissioner of State Revenue  
GPO Box 1374, Hobart, TAS 7001

### In person

Ground floor  
Salamanca Building Parliament Square  
4 Salamanca Place HOBART TAS 7000  
(weekdays, 9:00 am to 5:00 pm)

### Fax

(03) 6173 0217

## To contact the State Revenue Office

### Phone

(03) 6166 4400 weekdays, 9:00 am to 5:00 pm  
1800 001 388

### Personal Information Protection Statement

Personal information is collected by the Commissioner of State Revenue and used for the purpose of administering the *Taxation Administration Act 1997*. You are required to provide this information under the relevant provisions of that Act.

Your personal information may only be disclosed in accordance with the provision of the Taxation Act, and will be managed in accordance with the *Personal Information Protection Act 2004*. You may access your personal information on request to the Commissioner of State Revenue. A fee may be charged for this service.

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<sup>1</sup> A “private company” is defined by section 3 of the [Duties Act 2001](#) as meaning a company:

- a) that is not limited by shares; or
- b) whose shares are not quoted on the Australian Stock Exchange or a recognised stock exchange.

<sup>2</sup> A “private unit trust scheme” is defined by section 3 of the Act as meaning a “unit trust scheme” that is not a “public unit trust scheme”. These terms are defined by section 3 of the Act as follows:

- “unit trust scheme” means any arrangements made for the purpose, or having the effect, of providing, for persons having funds available for investment, facilities for the participation by them, as beneficiaries under a trust, in any profits, income or distribution of assets arising from the acquisition, holding, management or disposal of any property whatever pursuant to the trust;
- A “public unit trust scheme” means a unit trust scheme -
  - a) any of the units of which are listed for quotation on the Australian Stock Exchange or on a recognised stock exchange; or
  - b) that is an undertaking to which Division 11 of Part 11.2 of the Corporations Law (as continued in effect by section 1408 of the [Corporations Act 2001](#) of the Commonwealth) applies and in respect of which –
    - some or all of the units have been offered to the public; and
    - no fewer than 50 persons hold units in it; or
  - c) that was (or would have been) exempted from the requirements of Part 7.12 of the Corporations Law (as in force immediately before its repeal) and in respect of which –
    - some or all of the units have been offered to the public; and
    - no fewer than 50 persons hold units in it; or
  - d) that is a managed investment scheme within the meaning of Chapter 5C of the [Corporations Act 2001](#) of the Commonwealth and in respect of which –
    - some or all of the units have been offered to the public; and
    - no fewer than 50 persons hold units in it; or
  - e) that, in the opinion of the Commissioner, will satisfy paragraph (a), (b), (c) or (d) within 12 months after the Commissioner gives written notice of that opinion to a person who has requested the Commissioner to express that opinion in relation to the unit trust scheme.

<sup>3</sup> See section 62 of the Act and the Guideline titled “Introduction to the Landholder provisions”.

<sup>4</sup> A significant interest in a private landholder is an interest of 50 per cent or more calculated with sole reference to an entitlement to property distributed (without regard to any liabilities of the entity). See sections 66 and 82 of the Act and the Guideline titled “Introduction to the landholder provisions”.

<sup>5</sup> See the definition of “associated person” in section 3 of the Act which includes a wide range of business, commercial and fiduciary relationships and also incorporates the concepts of “related persons” (as defined by the Act) and persons who are “acting in concert”.

<sup>6</sup> However, if you are making this statement due to an associated person(s) acquiring a greater interest, you are only required to complete this statement if the associated person has not done so (section 68(2) of the Act)

<sup>7</sup> Eg. the ultimate beneficial owner if the acquisition was made by a bare trustee.

<sup>8</sup> See section 66 of the Act.

<sup>9</sup> See section 67 of the Act which provides a number of examples as to how an interest may be acquired. Ultimately, a person acquires an interest in a landholder if they obtain an interest, or their interest increases, regardless of how it is obtained or increased.

<sup>10</sup> The “statement period” is the period of three years immediately preceding this relevant acquisition. However, if the acquisition is related to an acquisition that occurred more than 3 years ago, the statement period extends to include those related acquisitions. An acquisition is related to another acquisition if both acquisitions were part of an arrangement to acquire interests in the landholder (section 68(7) and (8) of the Act).

<sup>11</sup> See sections 83, 84 and 84A of the Act.

<sup>12</sup> To determine if the landholder has a linked entity, see section 76 of the Act and [Revenue Ruling PUB-DT-2016-3 titled “Landholder Provisions - Constructive Ownership of Land Holdings Through Linked Entities”](#).

<sup>13</sup> See endnote 10.

<sup>14</sup> To determine if the landholder (or a linked entity) is the beneficiary of a discretionary trust, see section 77 of the Act and [Revenue Ruling PUB-DT-2016-4 titled “Landholder Provisions - Tracing Interests in Land through Discretionary Trusts”](#). NOTE: section 77(3) of the Act traces through discretionary trusts and if, for example, an entity is a beneficiary of discretionary trust A and that trust is also a beneficiary of discretionary trust B, the entity would be taken to be entitled to all the land and goods of both discretionary trusts A and B (subject to an exercise of the Commissioner’s discretion to exclude that property).

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<sup>15</sup> Any entity that is a beneficiary of a discretionary trust is taken to be entitled to all the land and goods of the trust (subject to an exercise of the Commissioner's discretion to exclude that property) and such property must be disclosed as an interest in land or goods attributable to the beneficiary. See section 77 of the Act and Revenue Ruling [PUB-DT-2016-4 titled "Landholder Provisions - Tracing Interests in Land through Discretionary Trusts"](#).

<sup>16</sup> See endnote 10.

<sup>17</sup> Section 79 of the Act provides that the transferee and transferor under an uncompleted agreement for sale of land/goods are both taken to be entitled to the whole of the land or goods the subject of the agreement. Such interests must therefore be disclosed as interests in land/goods of the relevant entities. In the case where the landholder is the transferor under such an agreement that subsequently completes and is not made in favour of the person making the relevant acquisition (or an associated person), the taxpayer is able to apply for a reassessment in which the property is disregarded as a land holding/goods and duty will be refunded where applicable. If the landholder is the purchaser under such an agreement that is subsequently rescinded, annulled or otherwise terminated without completion, the taxpayer is able to apply for a reassessment and refund of any duty overpaid.

<sup>18</sup> Note the concept of a transfer for the purposes of this provision extends to include any dutiable transaction (eg. such as a declaration of trust) that effects a change in beneficial ownership of the land or goods in favour of the acquirer or an associated person (section 78(5) of the Act)

<sup>19</sup> Section 78 of the Act provides that any property of a landholder or a linked entity of the landholder that was transferred to the person making the relevant acquisition (or an associated person) within 12 months before the relevant acquisition is required to be treated as an interest in land or goods of the landholder or linked entity. A taxpayer may apply to exclude such interests (section 78(3)) and, if *ad valorem* duty was paid on the transfer of land or goods to the acquirer or an associated person, section 78(4) requires that duty previously paid to be taken into account in assessing duty on the relevant acquisition.

<sup>20</sup> See endnote 10.

<sup>21</sup> See section 68(5). Note: exempt acquisitions are those exempt under sections 83 and 84 of the Act. Concessional acquisitions are those for which a concession is available under section 84A of the Act.

<sup>22</sup> See [Revenue Ruling PUB-DT-2016-6 titled "Evidence of Value"](#).

<sup>23</sup> See endnote 10.

<sup>24</sup> See endnote 21.

<sup>25</sup> See section 259F(3) of the Act.

<sup>26</sup> See [Revenue Ruling PUB-DT-2016-6 titled "Evidence of Value"](#).

<sup>27</sup> Where evidence as to the unencumbered value of real property is not provided, the Commissioner will treat the adjusted Government valuation as the unencumbered value. See [Revenue Ruling PUB-DT-2016-6 titled "Evidence of Value"](#).

<sup>28</sup> See endnote 27.