



Office of State Revenue  
NSW TREASURY

ISO 9001-Quality Certified

ABN: 77 456 270 638

# Acquisition Statement: Acquisition of an Interest in a Land Rich Landholder

**NOTE:**

- This statement must be made by the person who has made the relevant acquisition in the land rich landholder. In the case of an acquisition by a corporation, the statement must be made by a director of the corporation
- You must support this statement with a copy of the current balance sheet of the landholder and any linked entity, and valuations of the NSW landholdings
- Read the notes on the back page for an explanation of the terms used in this statement
- **It is an offence to give false or misleading information.** Substantial interest and/or penalty tax may also become payable in the event that information provided is shown to be false
- 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
- Print clearly in the boxed spaces and tick the appropriate boxes

I,	
of	

- am the person who has made a relevant acquisition in the land rich landholder detailed below
- am a director of:

ABN/ACN
Address

the company that has made a relevant acquisition in the land rich landholder detailed below

## 1 Details of landholder

a If the landholder is a private unit trust scheme or wholesale 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)

The unit trust scheme  is registered as a wholesale unit trust scheme  
 is **not** registered as a wholesale unit trust scheme

b If the landholder is a private company:

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

**2 Details of property of the landholder**

- a Unencumbered value of the land holdings of the landholder in all places, whether within or outside Australia, at the date of the relevant acquisition \$  
 ➤ See note 3 on the back page
- b Unencumbered value of all property (including land holdings, but not including *excluded property*) of the landholder as at the date of the relevant acquisition \$  
 ➤ See note 5 on the back page

**3 Details of land holdings in New South Wales of the landholder**

- a All land holdings in New South Wales of the landholder as at the date of the relevant acquisition

Property address	Title particulars of the land holdings	Unencumbered value
		\$
		\$
		\$
		\$

- b All land holdings in New South Wales of the landholder as at the date(s) of each interest acquired (including by associated persons) in the landholder during the three years prior to the date of the relevant acquisition

Date	Property address	Title particulars of the land holdings	Unencumbered value
/ /			\$
/ /			\$
/ /			\$
/ /			\$
/ /			\$

- c If the landholder is a primary producer, include particulars of land used for primary production  
 ➤ See note 9 on the back page

Property address	Title particulars of the land holdings	Type of primary production

**4 Details of relevant acquisition**

- a Date of the relevant acquisition / /
- b How was interest acquired    
 ➤ See note 8 on the back page
- c Particulars of the interest acquired

**NOTE:** Include the number of shares or units acquired and the percentage interest acquired

## 5 Details of other interests

a Details of prior acquisitions (including by associated persons)

Date of acquisition	Nature of acquisition (relevant or exempt acquisition)	Interest acquired
/ /		%
/ /		%
/ /		%
/ /		%

b Total interests of the person and any associated persons in the landholder at the date of the relevant acquisition

## 6 Details of prior duty paid

Amount of duty paid under the *Duties Act 1997* (or under a law of another Australian jurisdiction) in respect to each earlier acquisition of an interest during the three years before the relevant acquisition

If the duty was paid in New South Wales, indicate:

7 I calculate the duty payable on this statement as

## 8 Declaration

I certify that the above details are true and correct.

Signed	Date / / 20
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### PRIVACY STATEMENT

The information in this form is required by the Office of State Revenue (OSR) to determine the liability for duty. The information may be disclosed to third parties with your consent or as required or permitted by law. You may review and update any personal information held by OSR by contacting the Office.

## CONTACT DETAILS

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

**Website:** [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au)

**Email:** [duties@osr.nsw.gov.au](mailto:duties@osr.nsw.gov.au)

<b>OFFICES</b>	(8.30 am – 4.30 pm)		
<b>Parramatta</b>	Lang Centre, cnr Hunter & Marsden Streets GPO Box 4042, Sydney NSW 2001	DX 456 Sydney	Fax (02) 9689 8280
<b>Newcastle</b>	Level 2, 97 Scott Street PO Box 511, Newcastle 2300	DX 7860 Newcastle	Fax (02) 4925 5300
<b>Wollongong</b>	Level 6, 90 Crown Street PO Box 666, Wollongong 2520	DX 5245 Wollongong	Fax (02) 4253 1066

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# Notes

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

- 1 A **landholder** is a private unit trust scheme, a wholesale unit trust scheme, or a private company  
➤ See Section 163A(1) of the *Duties Act 1997*. These terms are defined in the Dictionary in the Act.
- 2 A landholder is **land rich** if:
  - (a) it has land holdings in NSW with an unencumbered value of \$2 000 000 or more, and
  - (b) its land holdings in all places, whether within or outside Australia, comprise 60 per cent or more of the unencumbered value of all its property ➤ See Section 163B(1) of the *Duties Act 1997*.
- 3 **Land holdings** of a landholder ➤ See Section 163C of the *Duties Act 1997*.  
The land holdings of any *linked entity* of the company or unit trust scheme must also be included ➤ see Section 163T of the *Duties Act 1997*.
- 4 **Linked entities** include not only subsidiaries but also entities in which an interest of not less than 20 per cent is held, including through a chain of persons ➤ See Section 163T(2) of the *Duties Act 1997*.
- 5 When calculating the unencumbered value of all property of a landholder, do not include the value of any of the following **excluded property**:
  - (a) cash, money on deposit, negotiable instruments or debt securities,
  - (b) loans repayable within 12 months,
  - (c) loans to associated persons,
  - (d) land use entitlements,
  - (e) units or shares in a linked entity of the landholder,
  - (f) property consisting of an interest as a beneficiary in a discretionary trust.➤ See Section 163B(2) of the *Duties Act 1997*.
- 6 A person makes a **relevant acquisition** if the person:
  - (a) acquires a significant interest in a land rich 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 land rich landholder
  - (c) 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 land rich landholder
  - (d) has (either alone or together with *associated persons*) a significant interest and acquires a further interest in a land rich landholder ➤ See Section 163F of the *Duties Act 1997*. *Associated person* is defined in the Dictionary in the Act.
- 7 A **significant interest** is an entitlement to a distribution of property (on winding up or otherwise) from a landholder, being:

(a) in the case of a private unit trust scheme:	20 per cent or more of the property distributed
(b) in the case of a wholesale unit trust scheme:	50 per cent or more of the property distributed
(c) in the case of a private company:	50 per cent or more of the property distributed

➤ see Section 163D(2) of the *Duties Act 1997*.
- 8 A person **acquires an interest** in a land rich 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, allotment 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.➤ see Section 163G of the *Duties Act 1997*.
- 9 If a relevant acquisition is made in a **primary producer**, no duty is chargeable if the landholder's land holdings in all places comprise less than 80 per cent of the unencumbered value of all its property ➤ see Section 163L(1) of the *Duties Act 1997*.  
A primary producer is a landholder whose land holdings wholly or predominantly comprise land used for primary production ➤ See Section 163L(4) of the *Duties Act 1997*.
- 10 Duty is assessed in accordance with the provisions of Section 163K of the *Duties Act 1997*.
- 11 Exempt acquisitions are detailed in Section 163ZB.
- 12 Duty is payable by the person who makes the relevant acquisition unless the relevant acquisition results from an aggregation of the interests of associated persons, in which case the person who made the relevant acquisition and the associated person or persons are jointly and severally liable for payment of the duty  
➤ See Section 163J of the *Duties Act 1997*.