



## Landholder Duty Exempt Family Farm Transaction

Section 171-174 of the *Duties Act 2008*

Chapter 3 of the Duties Act imposes landholder duty on any relevant acquisition by a person (either solely or jointly with a related person) of an interest in a corporation or unit trust scheme that is a landholder.

See information about landholder duty and links to landholder duty forms on our website at <https://www.wa.gov.au/government/publications/landholder-duty>.

When to use this form
Use this form to apply to apply for an exemption from landholder duty if the land asset is used for primary production and the acquisition is between family members.

How to lodge this form	
When you lodge this form, you must also lodge form <a href="#">FDA22 'Landholder Acquisition Statement or Determination of Liability'</a> .	Lodge through your <a href="#">Online Services Portal</a> account to record and track your correspondence with us. If you don't have an account, see <a href="#">how to create one</a> .  If you can't lodge this form through the Online Services Portal, attach it to <a href="#">a web enquiry</a> .

Details of interest acquired				
Entity in which the interest was acquired (the landholder)				
<b>Corporation</b>	Name			
	ACN			
	Registered office / principal place of business			
<b>Unit trust scheme</b>	Name			
	Establishment date			
	Trustee name	ACN		
	Address			
Person(s) from whom the interest was acquired or whose interest was decreased				
Name(s) of person(s)				

Person(s) who acquired the interest		
Person(s)		Relationship to each person from whom the acquisition was made
Person acquiring interest		
Person acquiring interest		
Person acquiring interest		
Does any acquirer intend to hold the interest acquired as agent, trustee or otherwise on behalf of any other person?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Trustee (not a unit trust scheme or discretionary trust)		
Trustee name		<i>Provide copies of all documents evidencing the trust</i>
Trust name		
Beneficial owner of trust property		Relationship to each person from whom the acquisition was made
Name		
Trustee of discretionary trust		
Trustee name		<i>Provide copies of the trust deed and any amending documents</i>
Trust name		
Are all the persons who have a vested or contingent share or interest in the trust property, or who may benefit from the discretionary trust, family members of each person from whom the acquisition was made? <i>Family members are defined in section 100 of the Duties Act.</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
Is any person from whom the acquisition was made in a position to directly or indirectly influence the vesting of the whole or any part of the capital of the trust property, or of the whole or any part of the income from the trust property?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If an entity is in a position to directly or indirectly influence the vesting of the whole or any part of the capital of, or income from, the trust property, is any person from whom the acquisition was made beneficially entitled to a share in that entity or a related entity or to act as a director or secretary of that entity or related entity?		<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If the acquirer of the entity is the trustee of a discretionary trust and at a time after the exempt acquisition when the entity is a landholder that is using some or all of the land for primary production one of the following events occurs:</p> <p>(a) during the lifetime of the transferor, a person that is not the transferor or a family member of the transferor becomes entitled to a share or interest in the trust, or otherwise benefits from the trust or</p> <p>(b) the transferor gains control of the trust,</p> <p>another acquisition will occur and the trustee must lodge an acquisition statement with the Commissioner within two months of the event.</p>		

## Usage and value of land assets owned by the landholder

Include all land assets used by a linked entity in your responses to these questions. A linked entity is described in section 156 of the Duties Act.

How did the entity use the land assets? <i>Include all uses for which the land assets or part of the land assets was used before the acquisition of interest in the entity.</i>	
What are the land assets used for now? <i>Include all uses for which the land assets or part of the land assets is used.</i>	
What is the value of the land assets?	\$
How does the entity intend to use the land assets after the acquisition?	
Is some, but not all, of the land assets leased to another person?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, is the lessee, under the lease, using the leased land assets solely or dominantly for the purposes of silviculture or reforestation?	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Partial exemption

Immediately before the acquisition, was some of the land to which the entity, or a linked entity, was entitled not used solely or dominantly in the business of primary production?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
What is the value of the land assets in Western Australia that was not used in the business of primary production?	\$
Provide the land assets description as it appears on the Certificate of Title:	
What is the value of plant and equipment in Western Australia (other than plant and equipment held or used in connection with the business of primary production) to which the entity or a linked entity was entitled?	\$

Previous exemption	
Was there an acquisition of an interest in the entity within five years prior to the date of the acquisition the subject of this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
Was a family farm exemption under the Duties Act granted for the earlier acquisition?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is any of the land to which the entity is entitled, and for which the current exemption is being sought, land assets to which the entity was entitled when the earlier acquisition occurred?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Declaration	
<p>A person who provides information to the Commissioner knowing it to be false or misleading in a material particular commits an offence under the <i>Taxation Administration Act 2003</i>. The penalty for the offence is:</p> <p>a) \$20,000 and</p> <p>b) three times the amount of duty that was avoided or might have been avoided if the false or misleading information had been accepted as true.</p>	
I declare that the information contained in this application is, to the best of my knowledge and belief, true, accurate and complete in every particular.	
Name	Phone
Address	
Capacity in which declaration is made	
Signature	Date

Contact RevenueWA			
Web enquiry	<a href="http://www.osr.wa.gov.au/DutiesEnquiry">www.osr.wa.gov.au/DutiesEnquiry</a>	Website	<a href="http://wa.gov.au">wa.gov.au</a>
Office	200 St Georges Terrace Perth WA 6000	Phone	(08) 9262 1100 1300 368 364 (WA country landline callers)
Postal	GPO Box T1600 Perth WA 6845		