

## LANDHOLDER DUTY

Current as at 20 November 2024

STATE/TERRITORY	MINIMUM LAND HOLDINGS VALUE TEST <sup>1</sup>	ACQUISITION THRESHOLD (FOR DUTY TO BE PAYABLE) <sup>1</sup>			
		COMPANIES (UNLISTED)	TRUSTS (UNLISTED)		
			WIDELY HELD/PUBLIC UNIT TRUST	WHOLESALE UNIT TRUST <sup>2</sup>	PRIVATE UNIT TRUST <sup>3</sup>
<b>ACT</b>	Nil (no minimum)	50%	N/A	N/A	50%
<b>NSW</b>	\$2,000,000	50%	90%	50%	20%
<b>NT</b>	\$500,000	50%	50%	N/A	50%
<b>QLD</b>	Companies - \$2,000,000 Trusts - Nil (no minimum)	50%	Trust acquisition duty applies – acquisition threshold of 50% for certain types of trusts <sup>4</sup>	Trust acquisition duty applies – acquisition threshold of 50%	Trust acquisition duty applies – no value or acquisition thresholds apply
<b>SA</b> (residential & primary production land only)	Nil (no minimum)	50%	90%	N/A	50%
<b>TAS</b>	\$500,000	50%	90%	N/A	50%
<b>VIC</b>	\$1,000,000	50%	90%	50%	20%
<b>WA</b>	\$2,000,000	50%	N/A	N/A	50% <sup>5</sup>

## Notes:

### General

<sup>1</sup> Generally, if you acquire (including by way of a new issue) a certain percentage (or more) of shares/units in a company or trust which has an interest in land, then duty will be payable. In some jurisdictions, there is a minimum land holdings (value) test, under which landholder duty will not apply to the company/trust in question.

Also, acquisitions by associates, or acquisitions under associated transactions, might be counted (i.e. aggregated).

In some circumstances, duty might be imposed regardless of the amount/percentage interest being acquired (for example, in the case of acquisition of an interest in a "private" unit trust in Qld).

<sup>2</sup> "Wholesale Unit Trust" is a certain category of trust for duty purposes, which is relevant in some jurisdictions and needs to meet certain conditions. Important – this category does not include many funds which would often be called "wholesale" under commonly used industry terminology.

<sup>3</sup> Despite the use of the term "private", the "Private Unit Trust" category generally includes most investment funds/trusts, which are not larger, "retail" (registered) funds.

### ACT

Generally, duty will be payable on the acquisition of 50% or more of the shares/units in a company or trust which owns an interest in ACT land.

### NSW

Generally, duty will be payable on the acquisition of 50% or more of the shares in a company, or 20% or more of the units in a trust, which owns an interest in NSW land worth \$2 million or more.

### NT

Generally, duty will be payable on the acquisition of 50% or more of the shares/units in a company or trust which owns an interest in land in the NT worth \$500,000 million or more.

### Qld

Generally, duty will be payable on the acquisition of 50% or more of the shares in a company which owns an interest in Qld land worth \$2 million or more.

Generally, duty will be payable on the acquisition of any units in a trust which owns an interest in Qld land of any value.

<sup>4</sup> Includes managed investment schemes in which units have only been issued to wholesale clients, where units have been issued to the public, 50 or more persons are beneficially entitled to the units and more than 20 persons are beneficially entitled to at least 75% of the total units in the trust.

#### SA

Generally, duty will be payable on the acquisition of 50% or more of the shares/units in a company or trust which owns an interest in SA residential or primary production land.

#### Tasmania

Generally, duty will be payable on the acquisition of 50% or more of the shares/units in a company or trust which owns an interest in land in Tasmania worth \$500,000 million or more.

#### Victoria

Generally, duty will be payable on the acquisition of 50% or more of the shares in a company, or 20% or more of the units in a trust, which owns an interest in land in Victoria worth \$1 million or more.

#### WA

Generally, duty will be payable on the acquisition of 50% or more of the shares/units in a company or trust which owns an interest in land in WA worth \$2 million or more.

<sup>5</sup> The WA rules use the term "Unit Trust Scheme".

#### **Important:**

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