



Corporate trustee duty statement

About this form

Complete this form if you have made a relevant acquisition for the purposes of the corporate trustee duty provisions of the *Duties Act 2001*.

Before you begin, you should read the 'Guide to completing a Corporate trustee duty statement' to make sure that you understand your obligations and the meaning of terms used in this form.

Part A – Acquirer details

1. Name

Name

Client number

ABN

2. Contact details

Correspondence
address

C/o

Unit/Flat/Building

House no./Street
address/PO Box

Suburb

State

Postcode

Telephone number

Email address

3. Contact person

Contact person's name

Contact person's
telephone number

Part B – Transferor details

4. Name

Name

Client number

ABN

5. Contact details

Correspondence address	C/o	<input type="text"/>
	Unit/Flat/Building	<input type="text"/>
	House no./Street address/PO Box	<input type="text"/>
	Suburb	<input type="text"/>
	State	<input type="text"/>
	Postcode	<input type="text"/>
	Telephone number	<input type="text"/>
	Email address	<input type="text"/>

Part C – Your relevant acquisition

6. Date of relevant acquisition

When did you make the relevant acquisition? / /

7. Shares acquired

What is the total number of shares being acquired?

8. Consideration

Amount of consideration paid \$

9. Duty paid for the relevant acquisition

List any amounts of the following duty that have already been paid in respect of the relevant acquisition, or the transactions comprising the relevant acquisition

Marketable security (interstate only) \$

Trust acquisition \$

10. Exemptions

Are you claiming an exemption? Yes No

If yes, please insert the exemption number from the Guide that corresponds with the exemption being claimed.

Part D – Details of corporation

11. Corporation in which the shares were acquired

Corporation's name

ABN

12. Issued share capital

Total issued share capital in the corporation

13. Dutiable property

Unencumbered value of all dutiable property held directly or indirectly by the corporation/s on trust:

\$

Part E – Verification

This verification is to be completed by the acquirer listed in question 1.

I/we hereby verify that I/we have read the Guide relevant to this form and that the information supplied is true and correct.

Acquirer's signature

Name

Date

The Office of State Revenue is collecting the information on this form to determine your liability (if any) under the *Duties Act 2001* for the transactions you have described on this form. Collection of this information is authorised by the *Duties Act 2001*. The information can only be disclosed by the Office of State Revenue to another party in the circumstances outlined in the *Taxation Administration Act 2001* and the *Freedom of Information Act 1992*. For further information see our website at www.osr.qld.gov.au

Queensland Office of State Revenue locations:

Brisbane
Upper Plaza
33 Charlotte Street
(GPO Box 2593)
Brisbane 4001
Client Contact Centre
Ph: 1300 300 734

Rockhampton
Ground floor
209 Bolsover Street
(PO Box 1276)
Rockhampton 4700
Ph: 1300 300 734

Townsville
Level 1
187-209 Stanley Street
(PO Box 988)
Townsville 4810
Ph: 1300 300 734

Cairns
Level 9
15 Lake Street
(PO Box 2378)
Cairns 4870
Ph: 1300 300 734

Visit our website at www.osr.qld.gov.au to obtain revenue rulings, practice directions, information sheets and approved forms relating to this and other State taxation subjects.

Guide to completing a Corporate trustee duty statement

Do not return this Guide with the completed form. Retain the Guide for future reference.

Am I required to complete a corporate trustee duty statement?

You are required to complete and lodge a corporate trustee duty statement (Form OSR – D3.2) and pay duty if you have made a relevant acquisition for the purposes of the corporate trustee duty provisions of the *Duties Act 2001*.

You make a relevant acquisition if:

- You acquire a share interest in a corporate trustee, or the relevant corporation for a corporate trustee, and
- The acquisition is part of an arrangement under which a person obtains a benefit relating to the trust property.

A corporate trustee is an unlisted corporation, other than an authorised trustee corporation, that is the trustee of a discretionary trust that:

- (a) holds dutiable property on trust for the discretionary trust; or
- (b) has an indirect interest in dutiable property and that interest is held on trust for the discretionary trust.

A corporate trustee has an indirect interest in dutiable property if it:

- (a) has a partnership interest or trust interest in an ultimate entity; or
- (b) through a series or combination of partnership interests or trust interests, there is a connection between the corporate trustee and dutiable property of a partnership or trust in the series.

A corporation is a relevant corporation for a corporate trustee if the corporation is an unlisted corporation that has a share interest in the corporate trustee, or in a corporation that has a share interest in the corporate trustee.

What are my obligations?

You are required to lodge a corporate trustee duty statement with the Office of State Revenue in relation to any relevant acquisition within 30 days after the relevant acquisition is made. We will then issue an assessment of the corporate trustee duty payable.

You are also required to retain any records required to verify your liability for duty for 5 years. We have an active compliance program and may undertake an audit of this matter in the future.

How to complete a corporate trustee duty statement

This form has 5 parts (labelled A-E) and smaller questions within each part numbered individually. When completing this form, please print or type all responses in boxed spaces and tick appropriate boxes. If there is insufficient space, please attach additional forms or pages.

Part A

Provide the full name, client number, ABN and correspondence address of the acquirer. If the acquirer has received correspondence from us in the past, the acquirer's client number may be contained in that correspondence. Provide the name and telephone number of the person we should contact in relation to this statement.

Part B

Provide the full name, client number, ABN and correspondence address of the transferor. If the transferor has received correspondence from us in the past, the transferor's client number may be contained in that correspondence.

Part C

Question 6 – Date of relevant acquisition

The date when the parties acquired the share interest.

Question 7 – Shares acquired

Provide the total number of shares being purchased, transferred or otherwise acquired in the corporation.

Question 8 – Consideration

The actual amount paid for the shares.

Question 9 – Duty paid for the relevant acquisition

Corporate trustee duty on the relevant acquisition is reduced by the amount of duty in another State that has been paid or is payable for the transfer of shares in a corporate trustee or a relevant corporation for a corporate trustee. Corporate trustee duty on the relevant acquisition is also reduced by the amount of transfer duty that has been paid or is payable on a trust acquisition. To claim a deduction, provide evidence showing the transfer duty that has been paid or is payable.

Question 10 – Exemptions

Indicate the number that corresponds to the exemption being claimed for your relevant acquisition:

1. Change of trustee (section 224)
2. Relevant acquisition in family trust (section 225)
3. If transfer duty not imposed (section 226) being:
 - (i) Particular distribution of dutiable property to a beneficiary (section 123)
 - (ii) Deceased person's estate (section 124)
 - (iii) Particular vestings of dutiable property (section 125)
 - (iv) Transactions for trust created for person under legal disability (section 126)

Sufficient evidence must be produced to substantiate your claim for these exemptions under the relevant section of the Act. For example, you can download a statutory declaration containing the requirements for the change of trustee exemption from our website at www.osr.qld.gov.au following the links to 'Forms and Publications' (Statutory declarations).

Question 11 – Corporation in which the shares were acquired

Provide the full name and ABN of the corporation in which the shares were acquired.

Question 12 – Issued share capital

Provide the total number of shares issued in the corporation.

Question 13 – Dutiable property

Provide the value of the dutiable property held, directly or indirectly by the corporate trustee on trust, or by the relevant corporation/s for the corporate trustee.

Meaning of Terms

Authorised trustee corporation

A corporation declared under the *Corporations Act 2001* to be an authorised trustee corporation for any provision of that Act.

Corporate trustee

An unlisted corporation, other than an authorised trustee corporation, that is the trustee of a discretionary trust that:

- (a) holds dutiable property on trust for the discretionary trust; or
- (b) has an indirect interest in dutiable property and that interest is held on trust for the discretionary trust.

Dutiable property

Dutiable property includes land in Queensland, a Queensland business asset, a transferable site area, chattels in Queensland and an existing right as defined in the *Duties Act 2001*.

Indirect interest

A corporate trustee has an indirect interest in dutiable property if it:

- (a) has a partnership interest or trust interest in an ultimate entity; or
- (b) through a series or combination of partnership interests or trust interests, there is a connection between the corporate trustee and dutiable property of a partnership or trust in the series.

Relevant corporation

A corporation is a relevant corporation for a corporate trustee if the corporation is an unlisted corporation that has an interest in the corporate trustee.

Share interest

A share interest is a person's interest as a shareholder in a corporate trustee or relevant corporation for a corporate trustee.

Ultimate entity

Means a partnership or trust in a series of partnerships or trusts if it holds dutiable property and does not hold an indirect interest in dutiable property.

Unencumbered value

The unencumbered value of property held on trust or by a partnership must be determined without regard to the liabilities of the trust or partnership, including for a trust, the liability to indemnify the trustee.

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