

Application for Registration as an Imminent Public Unit Trust Scheme

This application form is to be completed by a unit trust scheme seeking registration as an imminent public unit trust scheme for the purposes of the land rich provisions in Part 2 of Chapter 3 of the *Duties Act 2000* ('the Act'). The criteria for registration are set out in Part G of this form. Part G also contains definitions for terms that appear in bold.

Please note that:

- An application for registration will not be processed unless all Parts are completed in full and the requested documentation and information listed in Part E is provided. If the form contains insufficient space for a response, please attach a separate page setting out the requested details.
- In making its determination the State Revenue Office (SRO) may contact you or your representative for further information.

PART A - APPLICANT'S & REPRESENTATIVE'S DETAILS

Applicant's Details:

Name of Unit Trustee

Australian Business Number (ABN) (if applicable)

--	--

Name of Unit Trust

--

Postal address of Unit Trustee

	State	Postcode
--	-------	----------

Representative's Details:

Name

Firm/Company

--	--

Address

	State	Postcode
--	-------	----------

Email

Telephone

Fax

--	--	--

PART B - IMMINENT PUBLIC UNIT TRUST SCHEME

QUESTION 1

When were/will the first units in the unit trust scheme (be) issued?

--

QUESTION 2

What is, will be, the date of the prospectus or product disclosure statement for the offer of units in the unit trust scheme to the public?

--

QUESTION 3

If units in the unit trust scheme were/will be issued prior to the scheme becoming a **listed trust** or a **widely held trust**, were/will they (be) issued only for the purpose of the scheme becoming a **listed trust** or **widely held trust**?

Yes No

QUESTION 4

Will the unit trust scheme be a **listed trust** within 12 months of the dates stated in Questions 1 and 2 above? That is, within 12 months of that date, will all the units of the scheme be listed for quotation on the Australian Stock Exchange or any exchange of the World Federation of Exchanges?

Yes No

PART B - IMMINENT PUBLIC UNIT TRUST SCHEME (continued)

QUESTION 5

If the answer to Question 4 is "Yes", on which Exchange will the units in the scheme be listed for quotation?

QUESTION 6

If the answer to Question 4 is "No", will the scheme be a **widely held trust** within 12 months after the later of the dates stated in Questions 1 and 2 above? That is, within 12 months of that date:

- (a) Will the scheme be a managed investment scheme registered under Part 5C.1 of the *Corporations Act 2001*? Yes No
- (b) Will units in the scheme be offered to the public under a prospectus or product disclosure statement lodged with the Australian Securities and Investments Commission? Yes No
- (c) Will the scheme have at least 300 registered unit holders? Yes No
- (d) Will any of the registered unit holders, either individually or together with associated persons, hold or be entitled to more than 20 per cent of the units in the scheme? Yes No

PART C - DESCRIPTION OF LAND HOLDINGS

Please provide the following details in respect of all of the unit trust scheme's land holdings, whether directly or indirectly held, and whether located in or outside of Victoria. If any of the land holdings are indirectly held, please identify the registered legal owner and the name of the underlying trust.

Victorian Land Holdings

Property address	Registered owner if not in landholder's name	Lot & Plan Numbers	Volume & Folio Numbers	Unencumbered Value	% of Interest Held
1					%
2					%
3					%
4					%
5					%

Land held outside Victoria

Property address	Registered owner if not in landholder's name	Lot & Plan Numbers	Volume & Folio Numbers	Unencumbered Value	% of Interest Held
1					%
2					%
3					%
4					%
5					%

PART D - IDENTITY OF MAJOR UNIT HOLDERS (unit holders with holdings of 10% or more)

Please provide the following details in respect of all of the unit trust scheme's major unit holders.

Name of unit holder (If the unit holder is a trustee, provide the full name of the trust.)	Address of unit holder	ABN of unit holder (if known)	Number of units held by the unit holder	Percentage of units held by the unit holder
1				%
2				%
3				%
4				%
5				%
6				%
7				%
8				%
9				%
10				%

PART E - DOCUMENTS AND INFORMATION REQUIRED TO BE LODGED WITH THIS APPLICATION

The following documents and information must be provided with this application:

1. A copy of the trust deed for the unit trust scheme, including all schedules and amending deeds.
2. If the unit trust scheme will become a **listed trust**, a copy of the prospectus or product disclosure statement (if available) and/or any other documentation evidencing the intention to list the scheme on the Australian Stock Exchange or an exchange of the World Federation of Exchanges.
3. Full and precise details of all acquisitions of units in the unit trust scheme since the date of creation of the unit trust scheme.
4. If the unit trust scheme will become a **widely held trust**, details of the proposed responsible entity (if different from the current trustee), the person who has consented to be the auditor, a copy of the scheme's compliance plan and any other documentation lodged with ASIC evidencing the scheme's intention to become a managed investment scheme under Part 5C.1 of the *Corporations Act 2001*.

PART F - CERTIFICATION

I, _____ an authorised officer of _____

being the trustee of _____, certify that:

- (a) The information contained in this application is true and correct; and
- (b) Registration of the unit trust scheme is not being sought for the purpose of, or as part of a scheme or arrangement with a collateral purpose of, avoiding or reducing duty otherwise chargeable under Part 2 of Chapter 3 of the Act; and
- (c) The unit trust scheme will become a **listed trust** or a **widely held trust** within 12 months after the later of:
 - i The day on which the first units in the scheme were (or will be) issued; and
 - ii The date of the prospectus or product disclosure statement for the offer of units to the public; and
- (d) In the event of a **disqualifying circumstance** occurring, the Commissioner of State Revenue will be notified of such a circumstance within 28 days after it occurs.

Signature of authorised officer of the trustee

Date

A private unit trust scheme may be registered as an **imminent public unit trust scheme** if:

- (a) It will become a **listed trust** or a **widely held trust** within 12 months after the later of:
 - i. The day on which the first units in the scheme were issued; and
 - ii. The date of the prospectus or product disclosure statement for the offer of units to the public; and
- (b) Units issued in the unit trust scheme before it becomes a **listed trust** or a **widely held trust** have been, or will be, issued only for the purpose of the scheme becoming a **listed trust** or a **widely held trust**; and
- (c) Registration is not being sought for the purpose of, or as part of a scheme or arrangement with a collateral purpose of, avoiding or reducing duty that would otherwise be chargeable under Part 2 of Chapter 3 of the Act.

Registration as an imminent public unit trust scheme is for a duration of 12 months from the relevant date in paragraph (a) above. Registration may be backdated to a period before the day on which registration is granted.

A **listed trust** is a unit trust scheme all the units of which are listed for quotation on the Australian Stock Exchange, or a unit trust scheme in which units are quoted on any exchange of the World Federation of Exchanges (other than the Australian Stock Exchange) and that is declared by the Commissioner under section 3(4) of the Act to be a **listed trust**.

A **widely held trust** is a unit trust scheme:

- (a) That is a managed investment scheme registered under Part 5C.1 of the *Corporations Act 2001*; and
- (b) That has not less than 300 registered unit holders; and
- (c) In which units have been offered to the public under a prospectus or product disclosure statement lodged with the Australian Securities and Investments Commission; and
- (d) None of the registered unit holders in which, either individually or together with associated persons, holds or is entitled to more than 20 per cent of the units in the scheme.

An **associated person** is a person who is associated with another person on the basis of the relationships set out in section 3(1) of the Act.

A **disqualifying circumstance** is any circumstance that causes a registered unit trust scheme to fail to meet one or more of the registration criteria. If a disqualifying circumstance occurs, the trustee must notify the Commissioner of the details of the disqualifying circumstance within 28 days of its occurrence. If the trustee fails to notify the Commissioner within 28 days, the trustee may be liable for penalties of just over \$1000 and double the amount of any duty payable as a result of the disqualifying circumstance (less any amount of duty that the trustee or any other person has paid).

<p>By correspondence Manager, Land Rich Unit, State Revenue Office, GPO Box 1641, MELBOURNE, VIC 3001 or DX 260090 Melbourne</p> <p>In Person State Revenue Office, Level 2, 121 Exhibition Collins Street, Melbourne Hours of operation: Mon, Tues, Thurs, Fri- 8.30am – 4.30pm Wed 8.30am – 1.00pm</p>	<table> <tr> <td>Internet</td> <td>www.sro.vic.gov.au</td> </tr> <tr> <td>E-mail</td> <td>land.rich@sro.vic.gov.au</td> </tr> <tr> <td>Telephone</td> <td>13 21 61 or 9628 0123</td> </tr> <tr> <td>Facsimilie</td> <td>03 9628 0124</td> </tr> </table>	Internet	www.sro.vic.gov.au	E-mail	land.rich@sro.vic.gov.au	Telephone	13 21 61 or 9628 0123	Facsimilie	03 9628 0124
Internet	www.sro.vic.gov.au								
E-mail	land.rich@sro.vic.gov.au								
Telephone	13 21 61 or 9628 0123								
Facsimilie	03 9628 0124								