Government of **Western Australia**
Department of **Treasury and Finance**
RevenueWA

Form
FDA43

Foreign Transfer Duty – Developer Exemptions

Section 205ZA-205ZB of the *Duties Act 2008 (WA), (CI), (CKI)*

Application for Reassessment

When should you use this form?

Use this form to apply for a reassessment of duty	**Only use this form if all of the following apply:** • A foreign person entered into a transaction that was charged with foreign transfer duty because they acquired *residential property*. • The foreign person or their associate has commenced or completed on the residential property (as relevant): – the construction or refurbishment of 10 or more residential dwellings or – the subdivision of the property into 10 or more residential lots.

When must an application for reassessment be made?

Make an application for reassessment of the foreign transfer duty within the later of:

- five years of the completion date of the transaction or
- 12 months from the date the foreign person or their associate commences or completes (as relevant) the construction, refurbishment or subdivision of the land.

What is foreign transfer duty?

Foreign transfer duty is charged on certain property transactions in WA under the *Duties Act 2008*, and is administered by RevenueWA.

Foreign transfer duty applies to transactions:

- that were entered into on or after 1 January 2019
- where at least one of the persons liable to pay duty is a *foreign person* and
- if the property acquired includes *residential property*.

For information about these terms, please see ‘Foreign Transfer Duty’ fact sheet.

What is a developer exemption?

Land acquired for residential developments by foreign persons will be exempt from foreign transfer duty if the foreign person or their associate develops the lot to produce 10 or more dwellings, or lots on which 10 or more dwellings can be constructed.

The foreign person or their associate must commence or complete the construction, substantial refurbishment or subdivision of the land within five years of the completion date of the transaction or acquisition to qualify for an exemption, as described in the table on the next page.

Nature of property at date of acquisition	Construction, refurbishment or subdivision	Commencement or completion is:
Land • vacant or • with a building on it	Commence construction of 10 or more dwellings	when foundations for the first dwelling are laid
	Commence subdivision of land into 10 or more lots capable of being a dwelling	when the first lot capable of constructing a dwelling is subdivided as defined by the *Land Tax Assessment Act 2002*
	Commence substantial refurbishment of 10 or more dwellings	when all licences, approvals, registrations, exemptions or authorisations necessary to refurbish the first dwelling are granted, issued or obtained
Land where construction or substantial refurbishment of 10 or more dwellings has commenced	Complete construction or substantial refurbishment of 10 or more dwellings	when the first dwelling is ready to be used as a place of residence
Land where subdivision has commenced	Complete subdivision of land into 10 or more lots capable of being a dwelling	when the certificate of title is issued for the first lot that is capable of having a dwelling constructed

What to do next

- ☐ Ensure this application is completed in full
- ☐ Provide the evidentiary requirements in Part D
- ☐ Attach a copy of the transaction record (e.g. Offer & Acceptance) together with a copy of the Certificate of Duty for the transactions
- ☐ Lodge all documents including this form with RevenueWA

Contact RevenueWA

Complete this application form and submit it online if you wish to receive your refund by EFT.

Online www.wa.gov.au/organisation/department-of-finance/duties-online-services

Website WA.gov.au **Web enquiry** www.osr.wa.gov.au/DutiesEnquiry

Office 200 St Georges Terrace
Perth WA 6000

Postal GPO Box T1600
Perth WA 6845

Phone (08) 9262 1100
1300 368 364
(WA country landline callers)

Application

Bundle ID

The Bundle ID can be found on your Duties Document Lodgment and Assessment Form, Certificate of Duty or through your Online Lodgment portal (for online lodgments)

Bundle ID									

Part A - Details of foreign person(s) who acquired the property

Foreign person 1

Full / Company name		Date of birth / ACN	
Postal Address			
Street no. Street name		Suburb	Postcode
State	Country	Telephone number	
Email			

Foreign person 2

Full / Company name		Date of birth / ACN	
Postal Address			
Street no. Street name		Suburb	Postcode
State	Country	Telephone number	
Email			

Part B - Details of the transaction charged with foreign transfer duty

Date of the transaction (e.g. date the contract for sale was executed)	/ /	Date the transaction was completed (e.g. date the land was transferred)	/ /
Dutiable value (e.g. consideration paid or value of the property)	$	Foreign transfer duty paid	$
Land ID (Lot and plan/survey number)		Certificate of Title (Volume / Folio)	
Street no. Street name		Suburb	Postcode

Was there more than one lot acquired as part of the transaction or acquisition that was charged with foreign transfer duty?	**YES** ☐ **NO** ☐
If YES, are all the lots adjacent to one another?	**YES** ☐ **NO** ☐

Part C - The property acquired and developed

☐ **There was vacant land and the foreign person or their associate intended to construct 10 or more dwellings on the land**

Will the construction result in 10 or more dwellings being created? **YES** ☐ **NO** ☐

Has construction commenced for at least one of the 10 dwellings? **YES** ☐ **NO** ☐

What was the date the foundations were laid for the first dwelling? / /

☐ **There was land with a building on it and the foreign person or their associate intended to substantially refurbish the building to create 10 or more dwellings**

Will the refurbishment result in 10 or more dwellings being created? **YES** ☐ **NO** ☐

Have all the licences, approvals, registrations, exemptions or authorisations necessary to refurbish at least one of the 10 dwellings been granted, issued or obtained? **YES** ☐ **NO** ☐

What was the latest date all licences, approvals, registrations, exemptions or authorisations necessary to refurbish the first dwelling were granted, issued or obtained? / /

☐ **There was land on which construction or refurbishment of 10 or more dwellings had begun, and the foreign person or their associate intended to complete the construction or substantial refurbishment of 10 or more dwellings**

Will the completion of the construction or refurbishment result in 10 or more dwellings being created? **YES** ☐ **NO** ☐

Is at least one of the 10 dwellings ready for occupation as a principal place of residence? **YES** ☐ **NO** ☐

What was the date the first dwelling was ready for occupation as a place of residence? / /

☐ **There was land on which the foreign person or their associate intended to subdivide the land into 10 or more lots on which dwellings could be constructed**

Will the subdivision of the land result in the creation of 10 or more lots on which dwellings can be constructed? **YES** ☐ **NO** ☐

Has the land been subdivided to create at least one of the 10 lots on which a dwelling can be constructed? **YES** ☐ **NO** ☐

What was the date the first lot capable of constructing a dwelling was subdivided under the *Land Tax Assessment Act 2002*? / /

☐ **There was land on which the foreign person or their associate intends to complete the subdivision of the land into 10 or more lots on which dwellings could be constructed**

Will the completion of the subdivision of the land result in the creation of 10 or more lots on which dwellings can be constructed? **YES** ☐ **NO** ☐

Has the land been subdivided to create at least one of the 10 lots on which a dwelling can be constructed? **YES** ☐ **NO** ☐

What was the date the certificate of title was issued for the first lot that is capable of having a dwelling constructed? / /

Part D – Development of the property

Who commenced or completed (as relevant) the construction, refurbishment or subdivision?

☐ The foreign person ☐ An associate of the purchaser

What is the relationship between the purchaser and the associate? ______________________

Provide evidence the foreign person or their associate has commenced or completed the construction, refurbishment or subdivision of the land. Examples include:

For construction or refurbishment of dwellings:

- approved plans of subdivision under the *Strata Titles Act 1985* or the *Planning and Development Act 2005*
- building permits issued under the *Building Act 2001*
- any approvals necessary from local councils or the Heritage Council
- contracts entered into for the construction or refurbishment of dwellings on the land

For subdivision of the land:

- plan of subdivision approved by the Western Australian Planning Commission
- certificates of title

If the foreign person or associate acquired the property after construction, refurbishment or subdivision had begun:

- any agreement, assignment or novation of contracts to the foreign person or associate, for the construction or refurbishment of dwellings on the land, or subdivision of the land.

Declaration

☐ I declare that supporting evidence has been provided.

☐ I declare that all the information disclosed in this application is true, complete and correct.

☐ I acknowledge that if I provide false or misleading information, I may be prosecuted and be liable for a penalty of $20,000 plus 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.

If the purchaser or transferee is a corporation, the declaration must be signed by an authorised officer of the corporation.

Full name	Signature	Date
Position of authorised officer (if applicable)		

Privacy statement

The Commissioner of State Revenue collects personal information under the authority of the *Taxation Administration Act 2003* and the *First Home Owner Grant Act 2000* (Acts) for the purposes of administering and enforcing those Acts and the State revenue laws. The collected information is protected by the confidentiality provisions in the Acts. We will not use your information outside of revenue administration purposes or share your information without your consent except in circumstances required or authorised by law.

See www.wa.gov.au/organisation/department-of-treasury-and-finance/revenuewa-privacy-and-personal-information for details about how your personal information is handled.