



**ACT Revenue Office**  
Department of Treasury

## Application for Registration of a Unit Trust Scheme

**NOTE**

- This application must be completed by the responsible entity of an imminent public unit trust scheme, a wholesale unit trust scheme or an imminent wholesale unit trust scheme for the purposes of the landholding provisions in Chapter 3 of the *Duties Act 1999*. Some terms used in this form are defined in the 'Definitions' section at the end of the form
- The relevant declaration must be completed by an authorised officer of the responsible entity
- Appropriate supporting documents must be lodged with the application
- All relevant details must be provided and the required sections of the application form completed. Incomplete applications or applications without the required supporting documents may result in the application being denied

**SUPPORTING DOCUMENTATION**

This application must be accompanied by a copy of the following documents:

- Relevant trust deed or scheme constitution, including schedules and amending deeds
- Any prospectus, product disclosure statement or information memorandum
- Any document evidencing an intention to become a listed trust, widely held trust or wholesale unit trust

### Applicant details

Name of unit trust		
Name of responsible entity		ABN
Address		
Suburb	State/Territory	Postcode
Contact name	Email	Phone

### Unit holders

Provide details of all unit holders who held or still hold 10% or more of the units on and from the proposed registration commencement date. For a wholesale unit trust, list the qualifying investors who held, or hold, the requisite 80% of the units, and identify the relevant paragraph in the definition of **qualifying investor** in the 'Definitions' section at the end of the form, where the definition of **wholesale unit trust** is also provided

Name of unit holder (if held as trustee, include the name of the trust)	ACN/ABN	Type of qualifying investor	Interest held %

## Landholdings

Provide the following details in respect of all of the unit trust scheme's landholdings, whether directly or indirectly held, and whether located inside or outside the ACT. If any of the landholdings are indirectly held, identify the registered legal owner and the name of the underlying trust.

### Land held in the ACT

Property address	Registered owner if not in landholder's name	Property particulars			Estimated value	Interest held %
		Section	Block	Unit		

### Land held outside the ACT

Property address	Registered owner if not in landholder's name	Property particulars	Estimated value	Interest held %

## Declaration A Imminent public unit trust scheme

<p>I, _____ an authorised officer of _____ do solemnly and sincerely declare that:</p> <p>which is the responsible entity of _____</p>
<p>1. The responsible entity hereby applies for registration of the unit trust scheme as an imminent public unit trust scheme under section 95B of the <i>Duties Act 1999</i>, commencing on _____ (dd/mm/yy)</p>
<p>2. The unit trust scheme is proposed to become _____</p> <p><b>NOTE</b> the date must be within 12 months of registration, or such longer period allowed by the Commissioner for ACT Revenue</p>
<p><input type="checkbox"/> a listed trust on the _____ exchange on _____ (dd/mm/yy)</p>
<p><input type="checkbox"/> a widely held trust on _____ (dd/mm/yy)</p>
<p>3. The units issued in the trust before the scheme becomes a listed trust or widely held trust have been or will be issued only for the purpose of the unit trust scheme becoming a listed trust or widely held trust.</p>
<p>4. Those units are or will be the only units issued until the unit trust scheme becomes a listed trust or widely held trust.</p>
<p>5. If the unit trust scheme is registered and a disqualifying circumstance occurs, the responsible entity will notify the Commissioner for ACT Revenue within 28 days after it occurs.</p>
<p>6. All of the information in this declaration, including any attachments, is true and correct and, to the best of my knowledge, no information relevant to the consideration of my declaration has been omitted.</p>
<p>7. I understand that giving false or misleading information is a serious offence under the <i>Criminal Code 2002</i>.</p>
<p>8. I acknowledge that I have read and understand the Privacy Statement.</p>
<p>Signature of authorised officer: _____</p>

## Declaration B Wholesale unit trust scheme

I, _____ an authorised officer of _____ do solemnly and sincerely declare that:
1. The responsible entity hereby applies for registration of the unit trust scheme as a wholesale unit trust scheme under section 95B of the <i>Duties Act 1999</i> , commencing on _____ (dd/mm/yy)
2. Not less than 80% of the units in the unit trust scheme have been held by qualifying investors on and from the proposed registration commencement date.
3. Each qualifying investor holds less than 50% of the units in the unit trust scheme, or if a qualifying investor holds units in the unit trust scheme in more than one capacity, the qualifying investor holds less than 50% of the units in each capacity.
4. If the unit trust scheme is registered and a disqualifying circumstance occurs, the responsible entity will notify the Commissioner for ACT Revenue within 28 days after it occurs.
5. All of the information in this declaration, including any attachments, is true and correct and, to the best of my knowledge, no information relevant to the consideration of my declaration has been omitted.
6. I understand that giving false or misleading information is a criminal offence under the <i>Criminal Code 2002</i> .
7. I acknowledge that I have read and understand the Privacy Statement.
Signature of authorised officer:

## Declaration C Imminent wholesale unit trust scheme

I, _____ an authorised officer of _____ do solemnly and sincerely declare that:
1. The responsible entity hereby applies for registration of the unit trust scheme as an imminent wholesale unit trust scheme under section 95B of the <i>Duties Act 1999</i> , commencing on _____ (dd/mm/yy)
2. The unit trust scheme will meet the requirement for registration as a wholesale unit trust scheme on or before _____ (dd/mm/yy) <b>NOTE</b> the date must be within 12 months of registration, or such longer period allowed by the Commissioner for ACT Revenue
3. The units issued in the trust before the scheme meets the criteria for registration as a wholesale unit trust scheme have been, or will be, issued only for the purpose of the unit trust scheme meeting those criteria.
4. Those units are, or will be, the only units issued until the unit trust scheme meets those criteria.
5. If the unit trust scheme is registered and a disqualifying circumstance occurs, the responsible entity will notify the Commissioner for ACT Revenue within 28 days after it occurs.
6. All of the information in this declaration, including any attachments, is true and correct and, to the best of my knowledge, no information relevant to the consideration of my declaration has been omitted.
7. I understand that giving false or misleading information is a criminal offence under the <i>Criminal Code 2002</i> .
8. I acknowledge that I have read and understand the Privacy Statement.
Signature of authorised officer:

### PRIVACY STATEMENT

All information collected by the ACT Revenue Office is protected by secrecy provisions in Acts administered by the Office and only used for the purposes of those Acts. In addition, personal information provided to the ACT Revenue Office is protected by the *Privacy Act 1988* (Cth). Information (including personal information) is not disclosed to any third party unless authorised by law or with the consent of the person involved.

**GIVING FALSE OR MISLEADING INFORMATION IS A SERIOUS OFFENCE** (section 338 *Criminal Code 2002*)

## Definitions

<b>Disqualifying Circumstance</b>	A circumstance that causes the scheme to fail or cease to meet the relevant criteria for registration of the scheme – section 95A of the <i>Duties Act 1999</i> (the Act).
<b>Imminent Public Unit Trust Scheme</b>	The criteria for registration as an imminent public unit trust scheme are that— <ul style="list-style-type: none"> <li>(a) the unit trust scheme will become a listed trust or widely held trust within the prescribed period after the date of effect under section 95F (1) of the registration of the unit trust scheme as an imminent public unit trust scheme; and</li> <li>(b) the units issued in the unit trust scheme before the scheme becomes a listed trust or widely held trust have been or will be issued only for the purpose of the unit trust scheme becoming a listed trust or widely held trust; and</li> <li>(c) those units are or will be the only units issued until the unit trust scheme becomes a listed trust or widely held trust – section 95 of the Act.</li> </ul>
<b>Listed Trust</b>	A unit trust scheme all of the units in which are listed for quotation on the Australian Stock Exchange or any other exchange that is a member of the World Federation of Exchanges – Dictionary in the Act.
<b>Qualifying Investor</b>	A person who hold units in a unit trust scheme in any of the following capacities: <ul style="list-style-type: none"> <li>(a) as the trustee of a complying superannuation fund that has at least 300 members;</li> <li>(b) as the trustee of a complying approved deposit fund that has at least 300 members;</li> <li>(c) as the trustee of a pooled superannuation trust;</li> <li>(d) as the trustee of a public unit trust scheme;</li> <li>(e) as a life company if its holding of the units in the unit trust scheme is an investment of a statutory fund maintained by it under the <i>Life Insurance Act 1995</i> (Cth) (and, for the purposes of this paragraph, the holding of units by a life company by way of an investment of a statutory fund of the life company is taken to be a holding of units by the life company in a separate capacity from a holding of units by the life company by way of investment of another statutory fund of the life company);</li> <li>(f) as a custodian for a trustee, or a trustee for a life company, mentioned in any of paragraphs (a) to (e) in its capacity as such a custodian or trustee;</li> <li>(g) as the trustee of another wholesale unit trust scheme;</li> <li>(h) as the custodian or trustee for an IDPS, if the IDPS has at least 300 clients or investors none of whom (individually or together with any associated person) is beneficially entitled to more than 20% of the property to which the IDPS relates; <p><b>NOTE</b> IDPS means an investor directed portfolio service within the meaning of the ASIC regulatory guide <i>RG 148: Investor regulatory guide</i>, or within the meaning of an ASIC approved replacement guide</p> </li> <li>(i) as the responsible entity of a managed investment scheme registered under the <i>Corporations Act 2001</i> (Cth), (not being a person to whom paragraph (d) or (h) applies) if the managed investment scheme has at least 300 members, none of whom (individually or together with any associated person) is beneficially entitled to more than 20% of the property to which the scheme relates;</li> <li>(j) as the Crown in right of the Territory, the Commonwealth, a State or another Territory (including any statutory body representing the Crown in right of the Territory, the Commonwealth, a State or another Territory);</li> <li>(k) a capacity approved by the Commissioner for ACT Revenue, being a capacity that the Commissioner is satisfied corresponds to a capacity mentioned in any of paragraphs (a) to (f) under the law of an external Territory or foreign country;</li> <li>(l) as a wholly owned subsidiary of a person in a capacity referred to in paragraph (k) – section 95D of the Act.</li> </ul>
<b>Responsible Entity</b>	A reference to the responsible entity of a unit trust scheme for which there is no responsible entity within the meaning of the <i>Corporations Act 2001</i> (Cth), section 9, means the trustee of the scheme – section 95A of the Act.
<b>Wholesale Unit Trust Scheme</b>	The criteria for registration as a wholesale unit trust scheme are that— <ul style="list-style-type: none"> <li>(a) at least 80% of the units in the unit trust scheme are held by qualifying investors; and</li> <li>(b) each qualifying investor holds less than 50% of the units in the unit trust scheme or, if a qualifying investor holds units in the unit trust scheme in more than 1 capacity, the qualifying investor holds less than 50% of the units in each capacity – section 95D of the Act.</li> </ul>
<b>Widely Held Trust</b>	A unit trust scheme— <ul style="list-style-type: none"> <li>(a) that is a managed investment scheme registered under the <i>Corporations Act 2001</i> (Cth), part 5C.1; and</li> <li>(b) in which units have been offered to the public; and</li> <li>(c) that has at least 300 registered unit holders; and</li> <li>(d) in which none of the registered unit holders, individually or together with any associated person, holds or is entitled to more than 20% of the units in the unit trust scheme – Dictionary in the Act.</li> </ul>