

FORM QRO—D2.8

Version 2—Effective 16 August 2011

Duties Act 2001 Section 156A



Queensland
Government

Application for reassessment—cancelled transfer of dutiable property

About this form

Complete this form if transfer duty has been assessed on a transfer of dutiable property effected or evidenced by an instrument, and you would like to apply for a reassessment of that duty. You should read the 'Guide to applying for a reassessment' to make sure that you are eligible to apply for a reassessment and that you understand the meaning of terms used in this form and your obligations.

Part A—Your details

1. Name

For individuals, enter surname and given names. For trustees, enter the last and given names or company name and ABN as applicable, and the name of the trust. For companies, enter the company name and ABN.

Name

Client number

(if known)

2. Your contact details

Correspondence address

C/o

Unit/Flat/Building

House no./Street
address/PO Box

Suburb

State

Postcode

Telephone number

Part B—Reassessment details

3. Documentation

List the transfers that were assessed for duty. The stamped transfers should be lodged for reassessment.

Date

Transferor

Transferee

4. Reassessment event

Provide the reason(s) for the reassessment event, including the reason(s) for the cancellation of the transfer.

5. Date of reassessment event

The date when this reassessment event occurred /

Part C—Declaration

An authorised person must personally sign this declaration in the presence of a qualified witness. Qualified witnesses include a Justice of the Peace, Commissioner for Declarations or Solicitor.

I declare that:

- I have read the guide relevant to this form
- detailed submissions and evidence in support of the claim are attached
- the transfer was cancelled by the parties before it has legal effect
- the dutiable property has not been transferred to the transferee or a related person of the transferee
- the transfer was not cancelled
 - (i) to give effect to a resale agreement
 - or
 - (ii) as part of an arrangement under which any of the dutiable property is or will be transferred, or is agreed to be transferred, to the transferee or a related person of the transferee
- and
- the information supplied is true and correct.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

Authorised person's signature	<input type="text"/>	Date	<input type="text"/>
Authorised person's name	<input type="text"/>		
Qualified witness signature	<input type="text"/>	Date	<input type="text"/>

Queensland Revenue Office is collecting the information on this form for the purposes of administering state revenue. This is authorised by the *Duties Act 2001*. Your personal information will not be disclosed without your consent, except in circumstances outlined in the *Taxation Administration Act 2001* or as otherwise authorised by law.

Queensland Revenue Office
GPO Box 2593
Brisbane Qld 4001
Email: duties@treasury.qld.gov.au
Ph: 1300 300 734

Visit qro.qld.gov.au for information about duties and other state taxes.

**Application for reassessment—cancelled transfer of dutiable property****Guide to applying for a reassessment**

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

Am I eligible to apply for a reassessment?

You can apply for a reassessment of duty if you have been issued with an assessment for transfer duty on a transfer and all of the following apply:

1. The transfer was signed on or after 26 March 2010.
2. The transfer was cancelled by the parties before it has legal effect.
3. The dutiable property has not been transferred to the transferee or a related person of the transferee.
4. The transfer was not cancelled
 - (a) to give effect to a resale agreement
or
 - (b) as part of an arrangement under which any of the dutiable property is or will be transferred, or is agreed to be transferred, to the transferee or a related person of the transferee.

What are my obligations?

To be eligible for a reassessment of duty paid on a cancelled transfer of dutiable property, you must complete and lodge your Application for Reassessment—Cancelled Transfer of Dutiable Property (Form QRO—D2.8), and send it to Queensland Revenue Office along with the documents that are to be reassessed, within 6 months after the instrument is cancelled. If the transfers have been destroyed, you must provide a copy of the transfers and the date of assessment and the amount of duty assessed.

How to complete an application for reassessment

This form has 3 parts (labelled A–C) 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—Your details

Provide the name and contact details of the person who was assessed for transfer duty on the transfer. If this person has received correspondence from us in the past, their client number may be contained in that correspondence.

Part B—Reassessment details

You are required to provide details of why you are entitled to a reassessment, including the reasons why the transfer was cancelled.

Part C—Declaration

The declaration must be signed by an authorised person.

Meaning of terms**Authorised person**

The person who was assessed for transfer duty on a transfer effected or evidenced by the transfer.

Instrument

e.g. Queensland Land Registry Form 1 Transfer.

Legal effect

A transfer is taken to have had legal effect if any of the following events has happened:

1. The transfer has effected the transfer of dutiable property in a register.
2. A right has been exercised under the transfer.
3. An obligation has been fulfilled under the transfer.
4. The transfer has been relied on in any other way.

Resale agreement

An agreement is a resale agreement if:

1. under the agreement, any of the dutiable property is or will be transferred or is agreed to be transferred and
2. the transferee, or a related person of the transferee, receives or will receive, directly or indirectly, a financial benefit, other than the release of the transferee from the transferee's obligation under the transaction being cancelled.

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