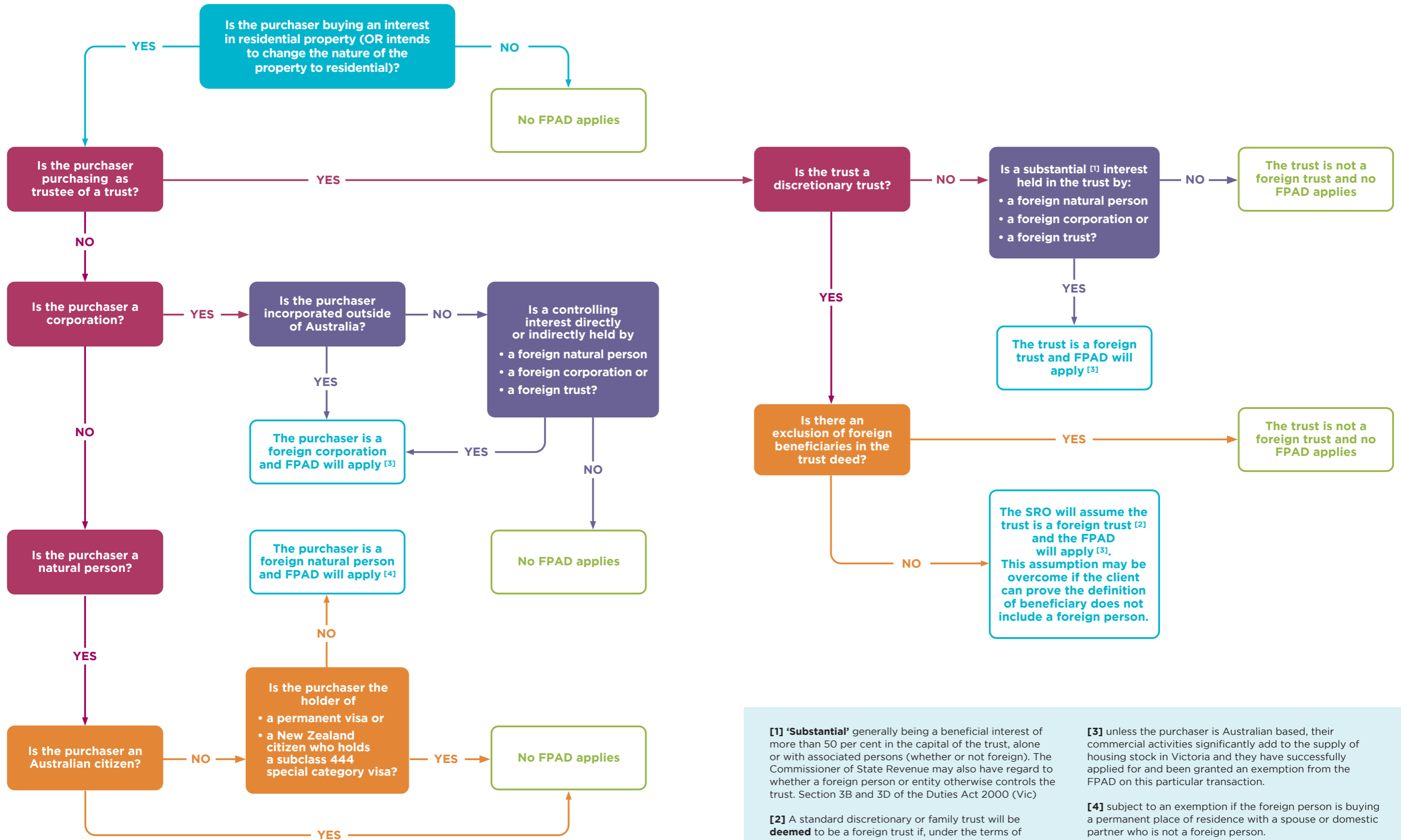


# FOREIGN PURCHASER ADDITIONAL DUTY (FPAD)

ADVISE YOUR CLIENT IF FPAD APPLIES TO THEM



**[1] 'Substantial'** generally being a beneficial interest of more than 50 per cent in the capital of the trust, alone or with associated persons (whether or not foreign). The Commissioner of State Revenue may also have regard to whether a foreign person or entity otherwise controls the trust. Section 3B and 3D of the Duties Act 2000 (Vic)

**[2]** A standard discretionary or family trust will be **deemed** to be a foreign trust if, under the terms of the trust, **any** capital beneficiary or object of the trust, whether specifically named or simply a member of a general class, is 'foreign'. Section 3B(2) of the Duties Act 2000 (Vic).

**[3]** unless the purchaser is Australian based, their commercial activities significantly add to the supply of housing stock in Victoria and they have successfully applied for and been granted an exemption from the FPAD on this particular transaction.

**[4]** subject to an exemption if the foreign person is buying a permanent place of residence with a spouse or domestic partner who is not a foreign person.

Useful link: [www.sro.vic.gov.au/foreignpurchaser#exemption](http://www.sro.vic.gov.au/foreignpurchaser#exemption)