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Australian Duties and Land Tax

What you need to know

3 February 2026

Australian Duties and Land Tax

Australian Duties and Land Tax is our inaugural Australian stamp duty and land tax summary, designed to provide a practical snapshot of the headline rates, thresholds and key deadlines across every state and territory as at 3 February 2026. It is intended as a high-level tool and should not be relied on as a substitute for detailed or transaction-specific advice.

The Australian state taxes landscape continues to evolve rapidly, with frequent legislative amendments, new case law and changing administrative practice contributing to ongoing interpretative change. While this guide serves as a useful day-to-day resource, each edition also highlights 'what to watch' in the coming quarter. We look forward to seeing how those predictions unfold.

We intend to update ***Australian Duties and Land Tax*** quarterly to reflect legislative developments and reader feedback.

Please contact us if you have suggestions for future editions or wish to discuss a particular transaction or question.



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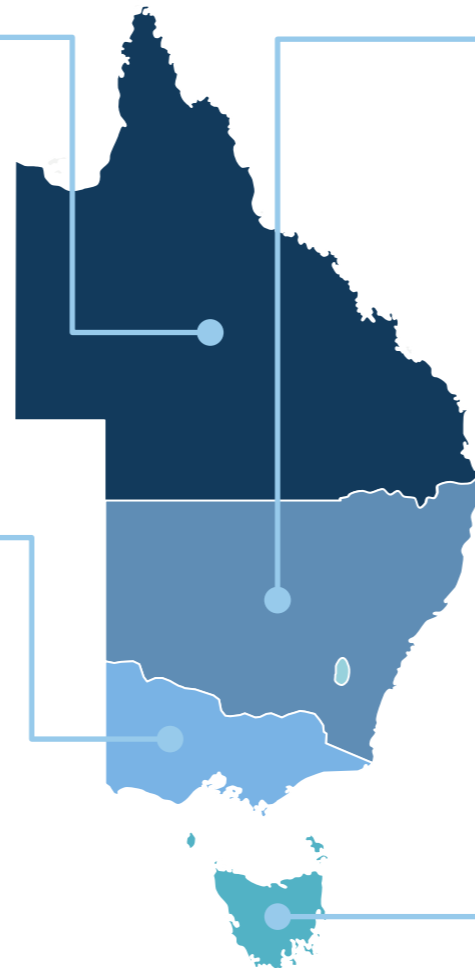
What to watch

- 1. Key cases:** We expect decisions on foundational topics such as aggregation, trust declarations, the meaning of agreement and definition of unit trust scheme in the months ahead.
- 2. Living sector exemptions:** There is a lot to get across with the new BTR guidelines in New South Wales and the long-awaited new rulings regarding Queensland ex gratia relief released just before year end. Whether fresh exemptions (and applications) are needed or if modelling assumptions remain valid are things to focus on in light of this new guidance.
- 3. State Budgets:** State Budget 'season' starts in May and ends in late June with the New South Wales and Queensland Budgets to be handed down on 23 June 2026. Look out for rate changes, new taxes, surcharges and levies and 'clarifying' amendments to unrelated provisions in increasingly omnibus budget bills.
- 4. Tax attributes and liabilities:** The actions of one unit holder or co-owner continue to have consequences for others without any action on their part. The impact of landholder duty liabilities, the loss of 'wholesale' or other statuses or the introduction of land into the Victorian CIPT regime through unilateral action are examples of things that need to be dealt with in security holder and co-owner agreements as transactions 'kick off' in the new year.
- 5. What are the limits of land?** It's not just freehold! A consistent theme over the years across all taxes has been the ever-expanding definition of the meaning of land usually by legislative change, and sometimes by case law. While it's difficult to see how the definition could get any broader, watch this space.

Australian Stamp Duty Rates and Thresholds – QLD, NSW, VIC & TAS

QUEENSLAND	
Transfer Duty ¹	Duty payable on interests in land, certain rights, intangibles, chattels and business assets (including trading stock and debts) Max. duty rate 5.75% Duty Calculator
Landholder duty ^{5,6}	Land value threshold \$2,000,000 Concessional rate for listed entities? Yes² (eff. 0.575%)
Foreign Purchaser Surcharge Duty Rate	8% (residential only)
Corporate Reconstruction Relief	Yes¹⁰
Land Tax Rates	Max. rate 2.75% Foreign owner surcharge rate (all land types) 3%

VICTORIA ⁸	
Transfer Duty ¹¹	Duty payable on interests in land and goods ³ Max. duty rate 6.5% ^{11,12} Duty Calculator
Landholder Duty	Land value threshold \$1,000,000 Concessional rate for listed entities? Yes² (eff. 0.65%)
Foreign Purchaser Surcharge Rate	8% (residential only)
Corporate Reconstruction Relief	Yes – concession only^{4,7,9}
Land Tax Rates	Max. rate 2.65% Absentee (foreign) owner surcharge rate (all land types) 4%



NEW SOUTH WALES	
Transfer Duty	Duty payable on interests in land and goods ³ Max. duty rate 5.5% ¹³ Duty Calculator
Landholder Duty	Land value threshold \$2,000,000 Concessional rate for listed entities? No²
Foreign Purchaser Surcharge Rate	9% (residential only)
Corporate Reconstruction Relief	Yes – concession only^{4,9}
Land Tax Rates	Max. rate 2% Foreign owner surcharge rate (residential only) 5%

TASMANIA	
Transfer Duty	Duty payable on interests in land and goods ³ Max. duty rate 4.5% Duty Calculator
Landholder Duty	Land value threshold \$500,000 Concessional rate for listed entities? Yes² (eff. 0.45%)
Foreign Purchaser Surcharge Rate	Residential property 8% Primary production property 1.5%
Corporate Reconstruction Relief	Yes^{7,10}
Land Tax Rates	Max. rate 1.5% Foreign owner surcharge rate (residential only) 2%

Footnotes

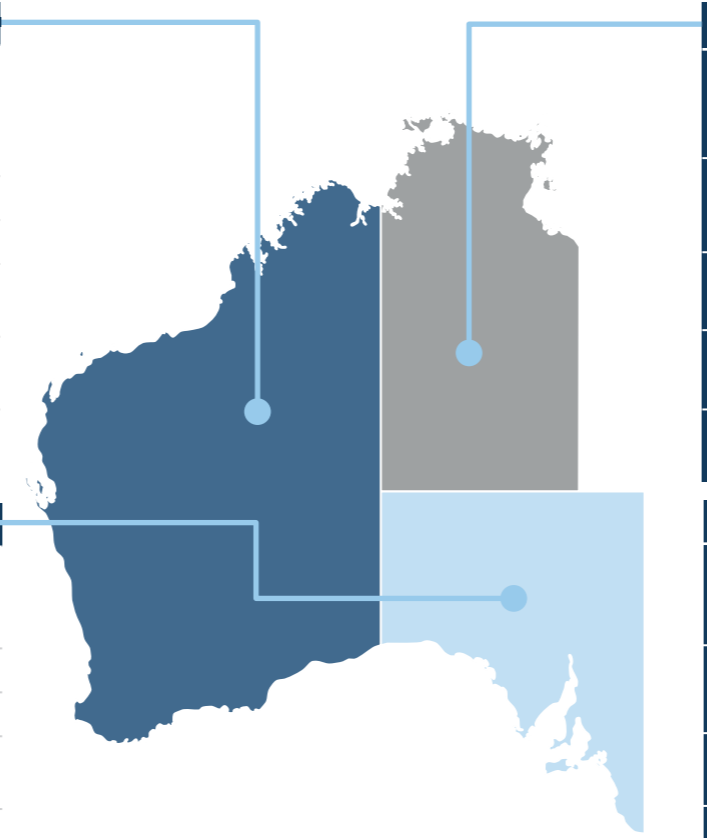
1. Not all business asset transactions are dutiable. For example, a stand alone transfer of trading stock is not dutiable.
2. The concessional rate regime for listed transactions in Tas and Qld extends to foreign purchaser surcharge duty. Full rates of surcharge duty apply to listed transactions in Vic, SA and WA. Foreign purchaser surcharge duty does not apply to listed transactions in NSW. The concessional regime is discussed further at page 5.
3. Includes goods if transferred with land (other than trading stock).
4. Concession is for 90% of the duty that usually applies. The taxpayer pays the remaining 10%.
5. Landholder duty does not apply to unlisted trusts. Transfer duty rules apply instead.

6. In Qld, the regime for private trusts generally taxes all dutiable assets (not just land related assets) and unlike landholder duty there is generally no acquisition threshold. That is, any dealing is dutiable. Acquisition thresholds (for example, 50%) can apply to wholesale trusts and certain other public unit trusts. These trusts have a special statutory definition which is generally narrower than any *Corporations Act 2001* (Cth) definition (where applicable).
7. An application for exemption cannot be made prior to the transaction occurring.
8. This summary does not include Commercial and Industrial Property Tax, Windfall Gains Tax or Vacant Residential Land Tax.
9. There are no pre-association or post-association requirements.

10. There is a pre and post-association requirement of 3 years for Qld and 1 year for Tas. There are carve outs to these rules for some newly incorporated entities and in Qld certain recently acquired group members. In Qld, the group must only comprise of companies for relief to apply.
11. Assuming the property has not entered the Commercial and Industrial Property Tax regime. Duty exemptions can apply to most common transactions for properties that are in the regime.
12. A concessional duty rate may be payable in respect of property in regional Victoria used for commercial, industrial or extractive industry purposes.
13. A premium rate (7%) applies to transfers of residential property where the value exceeds \$3,721,000. There are special rules for large lots and land with mixed uses.

Australian Stamp Duty Rates and Thresholds – WA, NT, SA and ACT

WESTERN AUSTRALIA	
Transfer Duty ¹	Interests in land, chattels, certain rights, intangibles and business assets (excluding trading stock and trade debts) Max. duty rate 5.15% Duty Calculator
Landholder duty	Land value threshold \$2,000,000 Concessional rate for listed entities? No
Foreign Purchaser Surcharge Duty Rate	7% (residential only)
Corporate Reconstruction Relief	Yes⁶
Land Tax Rates ¹²	Max. rate 2.67% Foreign owner surcharge rate N/A



NORTHERN TERRITORY	
Transfer Duty	Interests in land and chattels ¹¹ Max. duty rate 5.95% Duty Calculator
Landholder Duty	Land value threshold \$500,000 Concessional rate for listed entities? No
Foreign Purchaser Surcharge Rate	N/A
Corporate Reconstruction Relief	Yes⁷
Land Tax Rates	N/A

SOUTH AUSTRALIA	
Transfer Duty	Interests in land (residential and primary production land only) Max. duty rate 5.5% Duty Calculator
Landholder Duty	Land value threshold Nil⁵ Concessional rate for listed entities? Yes¹⁰ (eff. 0.55%)
Foreign Purchaser Surcharge Rate	7% (residential only)
Corporate Reconstruction Relief	Yes
Land Tax Rates	Max. rate 2.4% Foreign owner surcharge rate N/A

AUSTRALIAN CAPITAL TERRITORY	
Transfer Duty	Interests in land and goods (commercial) ^{2,3} 5% Interests in non-commercial 4.54%⁴ Duty Calculator
Landholder Duty	Land value threshold Nil Concessional rate for listed entities? N/A⁹
Foreign Purchaser Surcharge Rate	N/A
Corporate Reconstruction Relief	Yes⁶
Land Tax Rates	Max. rate \$1,693 plus a valuation charge ⁸ Foreign owner surcharge rate 0.75% (residential only)

Footnotes

- Not all business asset transactions are dutiable.
- Also includes goods if transferred with land (other than trading stock).
- Commercial transfer duty applies to property which is used, wholly or partly, for commercial purposes (eg industrial, business or retail). No duty applies where the dutiable value is \$2 mil or less.
- Non-commercial transfer duty applies to property used for residential or rural purposes.
- Certain trusts holding SA residential / primary production land which are not registered managed investment schemes are subject to a separate regime (with no land value or acquisition threshold).
- There is as 12 month pre and post association period in the ACT and a 3 year post association period in WA.
- The corporate reconstruction relief regime in NT is similar to Qld.
- The valuation charge is up to 1.26% of the five-year average of the unimproved value of the residential land. Land tax does not apply to commercial properties.
- Acquisition of listed entities are not subject to landholder duty in the ACT.
- The concessional rate regime for listed transactions in SA does not extend to foreign purchaser surcharge duty
- Chattels (excluding trading stock) are only dutiable if part of a transaction where other dutiable property is conveyed.
- Metropolitan region improvement tax (0.14%) also applies in metropolitan areas.

Landholder duty

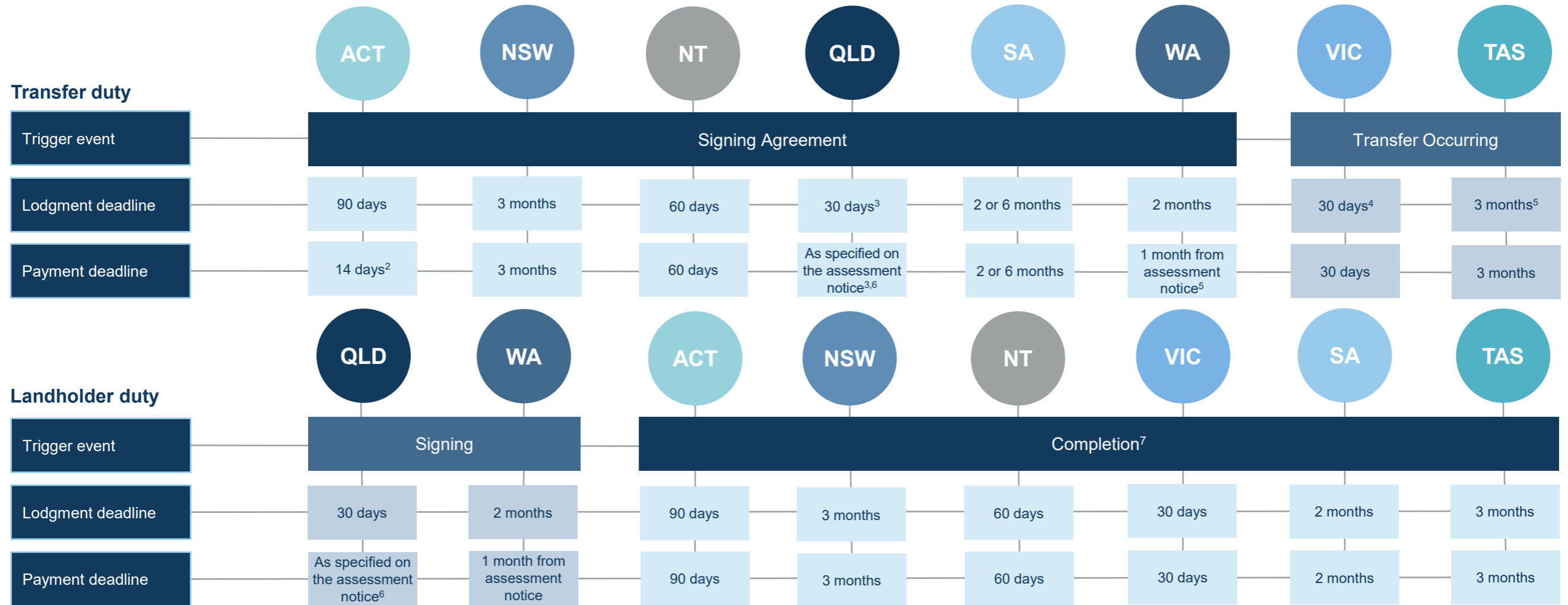


	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
"Landholdings" threshold located in relevant jurisdiction ¹	Any interest in land	\$2 million	\$500,000	\$2 million	Any interest in land ³	\$500,000	\$1 million	\$2 million
Acquisition threshold for private companies/trusts ²	50% or more	50% or more (except private unit trusts: 20% or more)	50% or more	50% or more (no minimum for private trusts) ⁴	50% or more (no minimum for some private trusts) ³	50% or more	50% or more (except private unit trusts: 20% or more)	50% or more
Landholder duty charged on goods/chattels	X ⁵	✓	X ⁵	X ⁵	X ⁵	✓	X ⁵	✓
Acquisition threshold for public companies/trusts ²	No duty on acquisition of listed entities	90% or more	90% or more ⁶	90% or more	90% or more	90% or more	90% or more	90% or more
10% concessional rate of duty for listed companies/trust	N/A	X	X	✓	✓ ⁷	✓ ⁷	✓ ^{7,8}	X
Linked entity threshold for private companies and private unit trusts	50% or more ¹⁰	20% or more	20% or more	>50% ⁹	50% or more	50% or more	20% or more	50% or more ¹⁰

Footnotes

- Broadly defined, including freehold and leasehold interests in land, easements, buildings, fixed plant and equipment (even if separately owned from the land / not a common law fixture), certain mining tenements and other forms of land tenure. In Vic, where the landholder holds land that is in the Commercial and Industrial Property Tax regime, a duty exemption may apply in relation to any landholder duty on that land.
- Includes interests held and/or acquired by the same person and/or related persons and/or by unrelated persons under an associated transaction / one arrangement.
- Residential and primary production land only. Certain trusts holding SA residential / primary production land which are not registered managed investment schemes are subject to a separate regime (with no land value or acquisition threshold).
- In Qld, the regime for private trusts generally taxes all dutiable assets (not just land related assets) and unlike landholder duty there is generally no acquisition threshold. That is, any dealing is dutiable. Acquisition thresholds (for example, 50%) can apply to wholesale trusts and certain other public unit trusts. These trusts have a special statutory definition which is generally narrower than any *Corporations Act 2001* (Cth) definition (where applicable).
- Landholder duty base includes assets physically fixed to land (even if separately owned from the land / not a common law fixture) but does not include goods. For QLD, goods are not included in landholder duty base but are included in trust acquisition duty.
- A lower significant acquisition threshold of 50% applies to an acquisition implemented as a merger vesting of shares.
- Concessional rate of 10% of the duty otherwise payable applies to listed companies and listed unit trusts (and certain unlisted widely held trusts depending on the jurisdiction). Refer to pages 2 and 3 regarding the application of this regime to foreign surcharge duty.
- Duty applies at a concessional rate of 10% of the duty otherwise payable for listed entities and for conversion of private entities to listed / certain unlisted widely held entities. However, duty will apply at the general rate in VIC if the entity has been listed for less than 12 months or, in the case of a widely held trust, it has satisfied the definition of that term for less than 12 months at the date of the relevant acquisition or, in the case of a declared public unit trust scheme, it has been registered for less than 12 months at the date of the relevant acquisition.
- Qld applies the *Corporations Act* subsidiary test which looks beyond ownership interests to concepts such as control. There is no threshold for trusts.
- In WA, a higher 90% threshold can apply where the entity is linked to a listed corporation or unit trust. In NSW, generally a listed corporation or unit trust cannot be linked to a private company or unit trust.

Duty triggers and deadlines¹



Footnotes

- As a practical matter, it may be necessary to lodge and pay duty much earlier in order to complete/register a transaction, in particular land sales through PEXA. Timing of duty lodgements needs to be carefully planned so as not to hold up / delay completion.
- If the instrument is to be registered with the Registrar-General, payment is to be made within 14 days of registration.
- This period may be extended for certain conditional agreements. If the transaction is subject to self-assessment, payment must be made within 14 days.
- Some Victorian dutiable transactions should be lodged at least 30 days before settlement / completion so that an assessment can be obtained and duty paid within the statutory deadline for payment.
- Special rules may apply to the timing of the payment of duty in relation to certain agreements.
- Typically 30 days from date of assessment notice. In certain cases interest can accrue before the 30 days expire.
- NSW also has special deeming provisions that can deem a relevant acquisition to occur earlier than completion (for example, on the first anniversary of the execution of an agreement for the relevant acquisition). In QLD and WA, the trigger event is completion if the entity is not a landholder at signing but is a landholder at completion.

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