



APPLICATION FORM – PROPOSAL

Last updated: 21 December 2020.

This Application Form should only be used in the event that the FIRB Application Portal at www.firb.gov.au is unavailable. This Application Form provides investors a method of applying for foreign investment approval for all notice and application types, other than variations and residential real estate applications (except for notifiable national security residential land applications).

This Application Form should be supported by a cover letter. This Application Form and all supporting documentation should be submitted to firbapplications@treasury.gov.au, including a list of all documents.

The FIRB Application Checklist provides guidance on what information must be included in an application cover letter. It is recommended that all applicants review the Application Checklist to ensure proposed cover letters are consistent with the information requirements prior to submission to avoid delays in processing. The Application Checklist is available on the FIRB Website.

INITIAL QUESTIONS

1. What are you applying for?

- a. Application that is not an Exemption Certificate or Internal reorganisation (go to question 2)
- b. Exemption Certificate
 - i. What duration (in months) are you seeking for this Exemption Certificate _____ (go to question 5)
- c. Internal reorganisation (go to question 5)

2. Is the applicant seeking FIRB approval for the acquisition of multiple targets?

- a. Yes (go to question 3)
- b. No (go to question 4)
- c. No property or assets being acquired (go to question 4)

3. Are all of the targets covered by the same agreement?

- a. Yes (go to question 4)
- b. No *(Targets that are not part of the same agreement will require separate applications)

4. Are you submitting this application as you were “called in” by the Treasurer?

- a. Yes - if yes, please provide the call-in reference number _____
- b. No

5. Does your application include the following actions?

- a. National interest actions only (go to ‘Contacts’)
- b. National security actions only (go to Question 6)
- c. Both national interest and national security actions (go to Question 6)

6. Does your application include notifiable national security actions?

- a. Yes (go to Question 7)
 b. No (go to Question 7)

7. Does your application include reviewable national security actions?

- a. Yes
 b. No

CONTACTS

Main Contact

Contact type

- Individual Corporation or Trust Agent

Company/Business Name:

Title: First Name: Last Name:

Phone Number: Email Address:

Contact access:

- Access to application & all notifications
 Notifications Only – all notifications
 Notifications Only – Payment Notifications
 No Access to application and no notifications

Additional Contact

Contact type

- Individual Corporation or Trust Agent

Company/Business Name:

Title: First Name: Last Name:

Phone Number: Email Address:

Contact access:

- Access to application & all notifications
 Notifications Only – all notifications
 Notifications Only – Payment Notifications
 No Access to application and no notifications

APPLICANTS

Please only fill out the relevant applicant type. If there are multiple applicants please use the additional Applicant detail forms at the back of this application form.

How many applicants in total: _____

Applicant type - Corporation (other than a Corporate Trustee)

Is this Applicant a Foreign Government Investor? YES NO

Corporation/Business Legal Name:

Country of Incorporation:

Is the corporation/business registered either in Australia or elsewhere? YES NO

If Yes, Registration Number Type: ABN ACN OTHER: (please specify type) _____

Registration Number:

Phone Number (Corporation):

Email address (Corporation):

Registered Address

Address line 1:

Address line 2:

Suburb/Town:

Country:

Please provide details of the ultimate parent entity for the organisation? (for example, the name and registration number)

Primary Contact Details

These details will allow the FIRB to contact investors (or their nominated representatives) in the future if required (for example, in relation to a scheduled report back). You may nominate more than one primary contact person and where the nominated person does not hold any of the specific positions listed below, an equivalent or similar position should be selected.

Title:

Position:

First Name:

Last Name:

Phone Number:

Email Address:

Additional Contact:

Title:

Position:

First Name:

Last Name:

Phone Number:

Email Address:

Applicant type – Individual

Is this Applicant a Foreign Government Investor? YES NO

Title:

First Name:

Last Name:

Date of Birth:

Phone Number:

Email Address:

Nationality (country):

Residential Address:

Address line 1:

Address line 2:

Suburb/Town:

Country:

Applicant type – Trust

Is this Applicant a Foreign Government Investor? YES NO

Trust Name:

Trust Type: Choose an item.

Trustee Type: **Individual/Corporation**

Country of Registration:

Additional details if **Corporation** selected:

Trustee Legal Name:

Country of Incorporation:

Phone Number (Corporation):

Email Address (Corporation):

Registered Address of Trust

Address line 1:

Address line 2:

Suburb/Town:

Country:

Primary Contact Details

These details will allow the FIRB to contact investors (or their nominated representatives) in the future if required (for example, in relation to a scheduled report back). You may nominate more than one primary contact person and where the nominated person does not hold any of the specific positions listed below, an equivalent or similar position should be selected.

Title:

Position:

First Name:

Last Name:

Phone Number:

Email Address:

Additional Contact:

Title:

Position:

First Name:

Last Name:

Phone Number:

Email Address:

ACTIONS

In this section, please list all of the Actions you are notifying.

Application that is not an Exemption Certificate or Reorganisation

Securities in an entity - Corporation

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Significant/Notifiable action/s, notifiable national security action/s and relevant provisions of the FATA/FATR	Is this corporation a trustee of an Australian Land Trust or an Australian Agricultural Land Trust	Corporation / Business Legal Name	Registration number	Country of incorporation	Location(s) of assets or operations for the target corporation (List States and Territories)	Type of interest being acquired (Direct Ownership / Security Interest / Other)	The total percentage interest the applicant already holds in the target (%)	Consideration Value (\$AUD million)	Maximum interest in the target that the applicant(s) are seeking to acquire (%)	Does this transaction involve a 'passive increase' taken to be an action under the Foreign Acquisitions and Takeovers Act 1975? (yes/no/not applicable)	Total asset value for the entity (\$AUD million)	Total global assets (\$AUD million)	Total issued securities value for the entity (\$AUD million)

Securities in an entity – Trust

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Significant/Notifiable action/s, notifiable national security action/s and relevant provisions of the FATA/FATR	Trust name	Trust country of registration	Trustee Name (company or individual)	Trustee Country of Residence or Registration	Location(s) of assets or operations for the target trust (List States and Territories)	Type of interest being acquired (Direct Ownership / Security Interest / Other)	The total percentage interest the applicant already holds in the target (%)	Consideration Value (\$AUD million)	Maximum interest in the target that the applicant(s) are seeking to acquire (%)	Does this transaction involve a 'passive increase' taken to be an action under the Foreign Acquisitions and Takeovers Act 1975? (yes/no/not applicable)	Total asset value for the entity (\$AUD million)	Total global assets (\$AUD million)	Total issued securities value for the entity (\$AUD million)

Assets

1	2	3	4	5	6	7	8	9	10
Significant/Notifiable action/s, notifiable national security action/s and relevant provisions of the FATA/FATR	Type of asset	Current asset holder name	Asset holder country of incorporation	Location(s) of the target business, property, or asset (List States and Territories)	Type of interest being acquired	The total percentage interest the applicant already holds in the target (%)	Consideration Value (\$AUD million)	Maximum interest in the target that the applicant(s) are seeking to acquire (%)	

Securities in a Land Entity - Corporation

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Significant/Notifiable action/s, notifiable national security action/s, reviewable national security action/s and relevant provisions of the FATA/FATR	Is this corporation a trustee of an Australian Land Trust or an Australian Agricultural Land Trust?	Corporation / Business Legal Name	Registration number	Country of incorporation	What is the dominant land holding?	If agricultural land - Total interests in agricultural land held by the foreign person, alone or together with one or more associates (\$AUD million)	List land types held by land entity, the location, and value (\$AUD Million)	Location(s) of the target business, property, or asset (List States and Territories)	Type of interest being acquired (Direct Ownership / Security Interest / Other)	The total percentage interest the applicant already holds in the target (%)	Consideration Value (\$AUD million)	Maximum interest in the target that the applicant(s) are seeking to acquire (%)	Total asset value for the entity (\$AUD million)	Total global assets (\$AUD million)

Securities in a Land Entity – Trust

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Significant/Notifiable action/s, notifiable national security action/s, reviewable national security action/s and relevant provisions of the FATA/FATR	Is this corporation a trustee of an Australian Land Trust or an Australian Agricultural Land Trust?	Corporation / Business Legal Name	Registration number	Trustee Name (company or individual)	What is the dominant land holding?	If agricultural land - Total interests in agricultural land held by the foreign person, alone or together with one or more associates (\$AUD million)	List land types held by land entity, the location, and value (\$AUD million)	Type of interest being acquired (Direct Ownership / Security Interest / Other)	The total percentage interest the applicant already holds in the target (%)	Consideration Value (\$AUD million)	Maximum interest in the target that the applicant(s) are seeking to acquire (%)	Total asset value for the entity (\$AUD million)	Total global assets (\$AUD million)	

Land

1	2	3	4	5	6	Highest value land title details (not Tenements)				10	11	12	13	14	
						Title reference	Title holding type (Freehold / leasehold / Licence to occupy Australia land)	Years remaining of lease (if relevant)	Highest value land title consideration value (\$AUD million)						
Significant/Notifiable action/s, notifiable national security action/s, reviewable national security action/s and relevant provisions of the FATA/FATR – please include characteristic of land as well (eg. Commercial, tenements)	Address (including suburb, state and postcode) or Tenement identifier/s and Licence Type	Commercial land only: Is the land low threshold non-vacant commercial land?	Agricultural Land only: Total land area	Total interests in agricultural land held by the foreign person, alone or together with one or more associates (\$AUD million)	Number of land titles					Location(s) of the target property in which an interest is being acquired (List States and Territories)	Type of interest being acquired (Direct Ownership / Security Interest / Other)	The total percentage interest the applicant already holds in the target (%)	Consideration Value (\$AUD million)	Maximum interest in the target that the applicant(s) are seeking to acquire (%)	

Starting a New Business

	Significant/Notifiable action/s, notifiable national security action/s, reviewable national security action/s and relevant provisions of the FATA/FATR	New business name	Registration number	Country of incorporation	Has the new business already been established?	Location(s) of the target business (List States and Territories)
1						
2						
3						
4						

Issuing securities

	Significant/Notifiable action/s, notifiable national security action/s, reviewable national security action/s and relevant provisions of the FATA/FATR	Total asset value (\$AUD million) of the entity (where entity is the proponent)	Total issued securities value (\$AUD million) for the entity (where entity is the proponent)	Further details of what is being proposed
1				
2				
3				
4				

Other

For example: Altering a constituent document or entering or terminating a significant agreement

	Significant/Notifiable action/s, notifiable national security action/s, reviewable national security action/s and relevant provisions of the FATA/FATR	Entity or Business Name	Total value of the assets for the entity or business (\$AUD million)
1			
2			
3			
4			

Exemption Certificates

Land (please list each property type, location and expected investment value on a separate line)

	Is the Exemption Certificate for Significant and Notifiable actions, notifiable national security actions and/or reviewable national security actions?	Property Type	Location(s) (List States and Territories)	Expected Investment Value (\$AUD million)
1	<i>Example: Significant and Notifiable Actions</i>	<i>Agricultural</i>		
		<i>Residential</i>		
		<i>Commercial</i>		
2				

Businesses and Entities

	Is the Exemption Certificate for Significant and Notifiable actions, notifiable national security actions and/or reviewable national security actions?	Entities/Sectors	Location(s) (List States and Territories)	Expected Investment Value (\$AUD million)
1				
2				
3				

Interest in Tenements, Mining, Production or Exploration Entities (please list each licence type, location and expected investment value on a separate line)

	Is the Exemption Certificate for Significant and Notifiable actions, notifiable national security actions and/or reviewable national security actions?	Licence Type	Location(s) (List States and Territories)	Type of mineral(s)	Expected Investment Value (\$AUD million)
1					
2					

Internal Reorganisation

Please refer to the FIRB Application Checklist (available on the FIRB website) and ensure that either the Cover Letter or a separate attachment clearly identifies all of the significant actions, notifiable actions, notifiable national security and reviewable national security actions that are being notified and includes other relevant details.

TRANSACTION DETAILS

In this section please enter the transaction details for this application

1. Is there a signed agreement in place

a. Yes (go to question 2)

b. No (go to question 4)

2. If yes, is the agreement conditional?

a. Yes (go to question 3)

b. No (go to question 4)

3. Have the Agreement conditions been met?

a. Yes

b. No

4. Are there commercial reasons that you consider warrant early consideration of the application?

a. Yes

b. No (go to Fee Details)

5. If yes, please enter the date that a decision is sought by _____

What is happening on the day of the commercial deadline? Is this a hard deadline or is there flexibility to extend the deadline?

6. What are the consequences for the applicant and target if the commercial deadline is not met?

FEE DETAILS

A final fee estimate will be provided by email following an initial assessment of your application.

1. Please provide an estimate of the fee you expect for this application. (Your estimate of the fees should be based on the information provided in this application and the guidance and legislation available on the FIRB website.)

2. Please explain how you have calculated your fee estimate

DECLARATIONS

Authorised consent declaration

I acknowledge that my client/s have authorised that I lodge a foreign investment application on their behalf. My client/s has acknowledged that I will provide and receive any personal information as required by the Treasury to assess their application. Details about the collection, use and disclosure of my client/s' personal information are set out in the Privacy Notice at the end of this form. My client/s has acknowledged that if their agent is based outside Australia, that they may not be subject to any privacy obligations or to any principles similar to the Australian Privacy Principles (APPs) and consent to any overseas disclosure of their personal information to their agent and that the APPs will not apply.

I acknowledge that my personal information will be collected by the Treasury as part of lodging my client/s foreign investment application, and that details about the use and disclosure of my personal information are set out in the Privacy Notice at the end of this form.. I acknowledge that if any other agent is appointed, they may not be subject to any privacy obligations or to any principles similar to the APPs and consent to any overseas disclosure of my personal information to other agents named in this application and that the APPs will not apply.

If required, I can provide evidence of my client/s authorisation.

- I acknowledge Authorised Consent Declaration
- Not applicable (I am not using an agent and am submitting my own application).
-

Information Use and Record Keeping etc. Declaration 1

I acknowledge that all persons on whose behalf the notice is given or application is made are aware that:

- the notice or application (and any attachments) may be shared with other government departments or agencies, for the purposes of assessing the notice or application, or for other permitted purposes under the Foreign Acquisitions and Takeovers Act 1975 (FATA) or the Taxation Administration Act 1953 (whichever is relevant)
- a fee is payable for the notice or application unless otherwise waived or remitted and the statutory timeframe for assessing the notice or application will not start until the fee has been paid, waived or remitted. It is the responsibility of the person submitting the notice or application to ensure the correct fee has been paid unless waived or remitted.
- the Treasurer may impose conditions if necessary to protect the national interest or national security. If a person fails to comply with conditions imposed by the Treasurer, they may breach the FATA and may be subject to civil penalties or prosecution and a court may make orders.
- appropriate records relating to this notice or application must be kept for the periods specified in the FATA. Failure to keep such records can be an offence and may result in fines. If requested in writing by Treasury (or the Australian Taxation Office, where relevant), additional information or documents will be provided within a specified time period.

- I acknowledge Information Use and Record Keeping etc. Declaration 1.
-

Information Use and Record Keeping etc. Declaration 2

I acknowledge that it is a criminal offence subject to prosecution and possible fines and/or imprisonment to: (a) knowingly provide false or misleading information as part of this notice or application; or (b) omit to provide information that results in this notice or application being false or misleading. I declare that to the best of my knowledge the information provided in this notice or application (and any attachments) is complete and correct.

I acknowledge Information Use and Record Keeping etc. Declaration 2.

Tax Conditions Declaration

The decision maker may impose tax conditions on a no objection decision or on the granting of an exemption certificate. The Tax Conditions Guidance Note on www.firb.gov.au contains information on tax conditions and the circumstances in which they may be applied. Before conditions can be imposed, an applicant must be given the opportunity to comment on those conditions, known as the natural justice process.

Tax conditions may be imposed to ensure that an action, if taken, will not be contrary to the national interest and to address the potential risks to revenue associated with the following:

- Capital gains tax
- Dividend withholding tax
- Transfer pricing
- Tax havens
- Consolidations
- Non - resident withholding tax
- Debt and equity risks
- Thin capitalisation
- Tax avoidance
- Tax liabilities on future disposals.

By checking the box below you acknowledge that you have referred to the tax conditions contained in the Tax Conditions Guidance Note on www.firb.gov.au and that you do not have any comments on, or concerns with, one or more of those tax conditions being imposed should the decision maker decide to do so. If you do check the box then no further discussion on those conditions will be initiated by the FIRB. If it is proposed that different tax conditions be imposed then you will be given the opportunity to comment on those different tax conditions.

By not checking the box, you are requesting that you be approached for comment during the application process if the decision maker proposes to impose tax conditions.

I do not have any comments on, or concerns with, one or more of the tax conditions contained in the Tax Conditions Guidance Note on www.firb.gov.au being imposed on a no objection decision or on the granting of an exemption certificate if the decision maker chooses to do so

Commercial Land (Vacant) Conditions Declaration

This declaration should only be completed if this application includes an application for the acquisition of an interest in vacant commercial land

The decision-maker may impose conditions on a no objection decision. The Commercial Land Guidance Note on www.firb.gov.au contains information on conditions that may be applied specifically in relation to the acquisition of vacant commercial land and the circumstances in which they may be applied. Before conditions can be imposed an applicant must be given the opportunity to comment on those conditions, known as the natural justice process.

By checking the box below you acknowledge that you have referred to the vacant commercial land conditions contained in the Commercial Land Guidance Note on www.firb.gov.au and that you do not have any comments on, or concerns with, one or more of those conditions being imposed should the decision-maker decide to do so. If you do check the box then no further discussion on those conditions will be initiated by the FIRB. If it is proposed that different conditions be imposed then you will be given the opportunity to comment on those different conditions.

By not checking the box, you are requesting that you be approached for comment during the application process if the decision-maker proposes to impose conditions.

I do not have any comments on, or concerns with, one or more of the vacant commercial land conditions contained in the Commercial Land Guidance Note on www.firb.gov.au being imposed on a no objection decision if the decision-maker chooses to do so.

Details of person lodging this application form

Signature: _____

Full name:

Organisation:

Date:

Attachments – Additional applicant details (if required)

Applicant type - Corporation (other than a Corporate Trustee)

Is this Applicant a Foreign Government Investor? YES NO

Corporation/Business Legal Name:

Country of Incorporation:

Is the corporation/business registered either in Australia or elsewhere? YES NO

If Yes, Registration Number Type: ABN ACN OTHER: (please specify type) _____

Registration Number:

Phone Number (Corporation):

Email address (Corporation):

Registered Address

Address line 1:

Address line 2:

Suburb/Town:

Country:

Please provide details of the ultimate parent entity for the organisation? (for example, the name and registration number)

Primary Contact Details

These details will allow the FIRB to contact investors (or their nominated representatives) in the future if required (for example, in relation to a scheduled report back). You may nominate more than one primary contact person and where the nominated person does not hold any of the specific positions listed below, an equivalent or similar position should be selected.

Title:

Position:

First Name:

Last Name:

Phone Number:

Email Address:

Additional Contact:

Title:

Position:

First Name:

Last Name:

Phone Number:

Email Address:

Applicant type – Individual

Is this Applicant a Foreign Government Investor? YES NO

Title:

First Name:

Last Name:

Date of Birth:

Phone Number:

Email Address:

Nationality (country):

Residential Address:

Address line 1:

Address line 2:

Suburb/Town:

Country:

Applicant type – Trust

Is this Applicant a Foreign Government Investor? YES NO

Trust Name:

Trust Type: Choose an item.

Trustee Type: **Individual / Corporation**

Country of Registration:

Additional details if **Corporation** selected:

Trustee Legal Name:

Country of Incorporation:

Phone Number (Corporation):

Email Address (Corporation):

Registered Address of Trust

Address line 1:

Address line 2:

Suburb/Town:

Country:

Primary Contact Details

These details will allow the FIRB to contact investors (or their nominated representatives) in the future if required (for example, in relation to a scheduled report back). You may nominate more than one primary contact person and where the nominated person does not hold any of the specific positions listed below, an equivalent or similar position should be selected.

Title:

Position:

First Name:

Last Name:

Phone Number:

Email Address:

Additional Contact:

Title:

Position:

First Name:

Last Name:

Phone Number:

Email Address:

PRIVACY NOTICE

The Privacy Act 1988 is the key law designed to safeguard personal information collected by Government agencies. Commonwealth Government agencies (including the Treasury and the Australian Taxation Office) must comply with the Australian Privacy Principles in Schedule 1 of the *Privacy Act 1988* when collecting, holding, using and disclosing your personal information.

The Treasury's privacy policy can be found <https://treasury.gov.au/privacy-statement/> and the Australian Taxation Office's privacy policy can be found at <https://www.ato.gov.au/about-ato/commitments-and-reporting/information-and-privacy/your-privacy/>. These policies contain important information about your privacy, including information about how you can access and seek correction of information those agencies hold about you, how you may complain about a breach of the Australian Privacy Principles and how those agencies will deal with any privacy complaint.

Collection and use of personal information

If you are an applicant, the Treasury may collect your personal information when you make a foreign investment application, or any application is made by an agent on your behalf.

If you are an agent, the Treasury may collect your personal information when:

- you use Treasury's foreign investment online application system to register as a new user, or submit, vary or withdraw an application
- another user nominates you as a secondary contact for an application
- the Treasury consults with another government agency regarding an application, or obtains information concerning payment of an application fee from the ATO.

Personal information provided will be collected, used and disclosed to assess a notice or application and may be used for other purposes including the administration of the Foreign Acquisitions and Takeovers Act 1975 (FATA), the Foreign Acquisitions and Takeovers Fees Imposition Act 2015, Australia's Foreign Investment Policy and the Tax Administration Act 1953 (TAA53). If this information is not collected, the notice or application may be of no effect and we may be unable to process the notice or application.

The information provided in a notice or application will generally be protected information under the FATA or the TAA53. Protected information may be disclosed by the Treasury to the ATO and other government agencies for the purposes of assessing notices and applications, or may be disclosed for any other purpose in the circumstances allowed for under the FATA or the TAA53 (whichever is relevant). The information will only be disclosed to an overseas recipient with the applicant's consent.

The Government respects any 'commercial-in-confidence' information it receives and ensures that appropriate security is provided.