



APPLICATION FORM – VARIATION

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 variations to no objection notifications and exemption certificates, other than residential real estate 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. Please enter the reference number of the application for which you are submitting a variation

FI _____

2. Is your variation of an immaterial or minor nature, for example a variation to correct a typographical error (noting that an incorrect answer to this question may cause delays in processing your application)?

- a. Yes
 b. No

3. Please select the application variation type(s)

- a. Variation to existing Exemption Certificate approval
 b. Variation to existing Land acquisition approval
 c. Variation to other approval

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:

DETAILS

1. Were conditions attached to the existing approval?

- a. Yes
- b. No (go to question 3)

2. What were the conditions? If 'Other' is selected, please specify the condition(s) in the accompanying cover letter

- a. Exemption Certificate
- b. Standard tax conditions 1 to 8
- c. Additional tax conditions
- d. Vacant commercial land conditions
- e. Other

3. What are you seeking a variation for?

- a. Conditions
- b. Longer period of time in which to undertake actions
- c. Other

Please provide details

4. Does the variation relate to a notifiable national security action or a reviewable national security action?

- a. Yes
- b. No

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.

Existing Approval Conditions Declaration

Where I am requesting an extension of the period specified in an existing approval within which to take an action, I am submitting this variation request at least two months prior to the expiration of this period.

- Yes
- No
- Not applicable
-

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

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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.