

Quarterly Report on Foreign Investment

1 July – 30 September 2023

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ISSN 2653‑7206

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*In the spirit of reconciliation, the Treasury acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples.*

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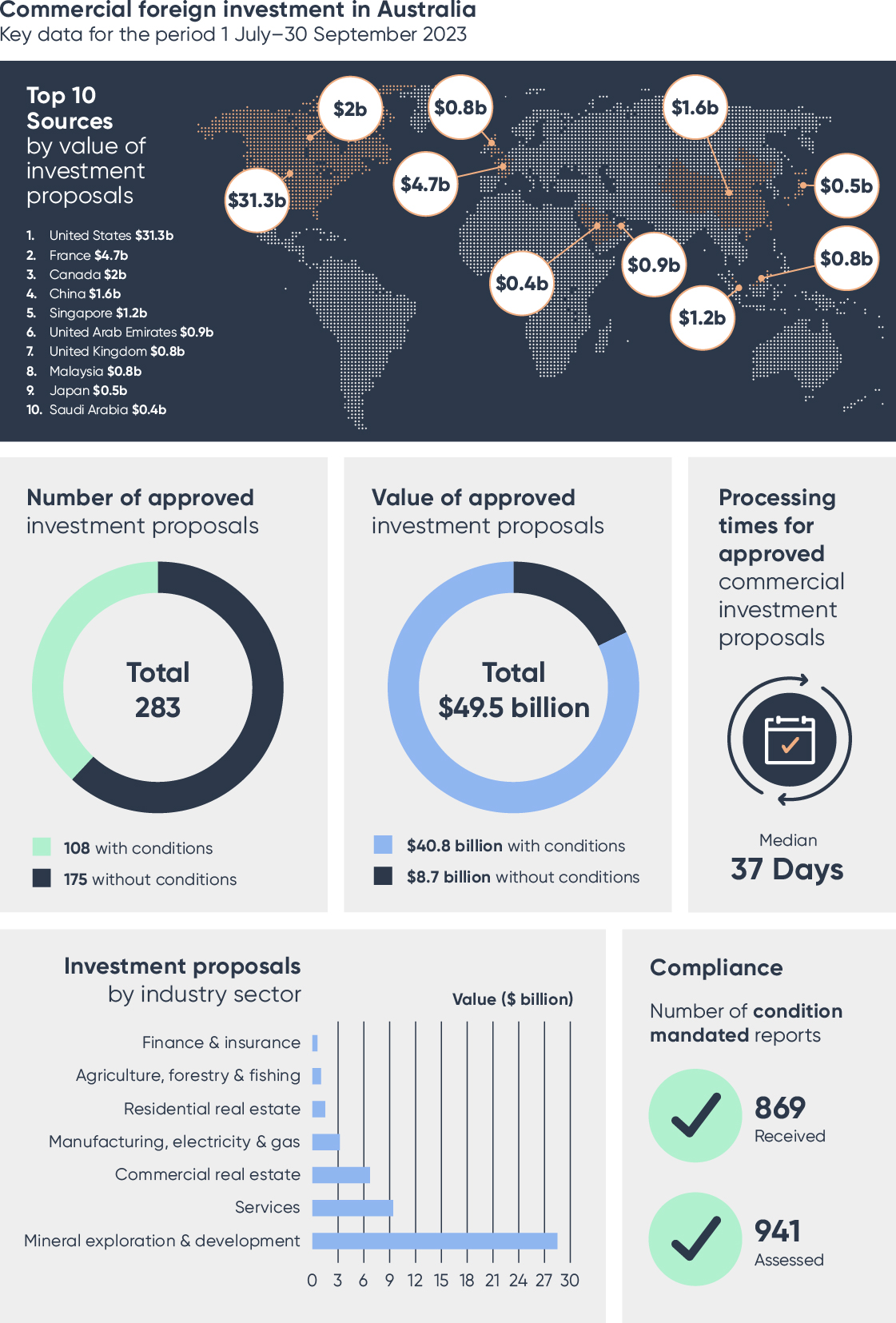
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# Key foreign investment framework data



# Foreign investment reporting 1 July to 30 September 2023

## Introduction

The Treasury is Australia’s foreign investment policy advisor and regulator. It administers the foreign investment framework, which is set by the [*Foreign Acquisitions and Takeovers Act 1975*](https://www.legislation.gov.au/Series/C2004A01402) and the [*Foreign Acquisitions and Takeovers Fees Impositions Act 2015*](https://www.legislation.gov.au/Details/C2015A00152), along with their associated regulations.

The Treasury assesses commercial investment proposals, is responsible for fostering compliance, and advises the Australian Government on all aspects of foreign investment policy. Under the foreign investment framework, the Australian Taxation Office (ATO) is responsible for residential real estate investment proposals. Under the *Foreign Acquisitions and Takeovers Act 1975*, proposed foreign investments are assessed using the national interest test or the national security test.

The Treasurer is the decision maker under Australia’s foreign investment framework. However, decision‑making delegations exist to enable Treasury portfolio ministers, Treasury and ATO officials to make decisions on foreign investment proposals on behalf of the Treasurer.

The Foreign Investment Review Board (FIRB) is a non‑statutory body which advises the Treasurer on the policy and administration of the foreign investment framework.

More information about Australia’s foreign investment regulatory system is available at <https://foreigninvestment.gov.au>.

## About this report

This is the first quarterly report for the 2023–24 financial year covering the regulation of foreign investment in Australia.

This quarterly report sets out key performance data concerning the operation of Australia’s foreign investment regulatory framework.

## Headline statistics

### Commercial investment proposals

The number of commercial investment proposals approved was 283 with a value of $49.5 billion.

The United States was the largest source for approved commercial investment proposals by value ($31.3 billion), followed by France ($4.7 billion), Canada ($2.0 billion), China ($1.6 billion) and Singapore ($1.2 billion).

Mineral exploration and development was the largest target sector for proposed investment with a total value of $28.5 billion. Services was the second largest target sector with a total value of $9.4 billion.

### Residential real estate investment proposals

The number of residential real estate investment proposals approved was 1,374 with a total value of $1.5 billion.

China was the largest source for approved residential real estate by number and value ($0.7 billion), followed by Hong Kong SAR ($0.1 billion), Vietnam ($0.1 billion), India ($0.1 billion), and Taiwan ($0.1 billion).

### Median processing times

Treasury’s median processing time for approved commercial investment proposals was 37 days.

### National security

Since January 2021, Australia’s foreign investment framework’s national security powers were strengthened to cover more types of transactions subject to mandatory notification and create a scheme for voluntary notification by investors for actions of any value which may pose national security concerns.[[1]](#footnote-2)

Of the 283 commercial foreign investment proposals approved in this quarter, 13 related to national security actions that would not have been captured prior to January 2021. Of these national security actions, 10 were mandatory notifications and 3 were voluntary notifications.

### Compliance with foreign investment legislation

Maintaining strong compliance with Australia’s foreign investment legislation is a priority for the Government. The Government expects all foreign investors are aware of, understand and comply with their obligations under Australian law, including Australia’s foreign investment laws. The [Foreign Investment Compliance Framework Policy Statement](https://firb.gov.au/sites/firb.gov.au/files/2021-01/FIRB_compliance_framework.pdf) helps foreign investors understand and meet their compliance obligations.[[2]](#footnote-3)

The compliance program aims to achieve a balance between providing assurance, detecting and remedying non‑compliance, while encouraging and supporting foreign investors to meet their obligations. Treasury takes a risk‑based and proportionate approach when responding to identified or suspected non‑compliance. This may include enforcing compliance through assurance activities, penalties and sanctions. Where there are reporting conditions on an investment, the investor must submit reports that provide evidence of their compliance.

Treasury continues to mature its regulatory approach in detecting and responding to non-compliance. Applying risk-based approaches enables Treasury to assess matters more efficiently—in this quarter, Treasury assessed 941 condition mandated reports, up from 637 in the previous quarter. Treasury’s audit activities and investigations provide pathways for more in-depth assessments of foreign investors’ compliance with conditions, including compelling the provision of information and documents where non-compliance is suspected. While Treasury’s primary compliance tool remains educating foreign investors on their obligations, Treasury has also shifted towards using more enforcement powers in response to non-compliance, including the power to issue infringement notices under the Act.

# Investment proposals

## Investment proposals by number and value

Table 1: Number of investment proposals

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Commercial** | | | | | **Residential real estate** | | | | |
|  | **Current quarter** | **Previous quarter** | **2023-24 YTD** | **2022-23** | **2021-22** | **Current quarter** | **Previous quarter** | **2023-24 YTD** | **2022-23** | **2021-22** |
| Approved with conditions | 108 | 122 | 108 | 550 | 804 | 1,003 | 1,262 | 1,003 | 4,768 | 3,667 |
| Approved without conditions | 175 | 175 | 175 | 760 | 759 | 371 | 670 | 371 | 1,808 | 1,766 |
| **Total** | **283** | **297** | **283** | **1,310** | **1,563** | **1,374** | **1,932** | **1,374** | **6,576** | **5,433** |
| Withdrawn | 98 | 41 | 98 | 149 | 205 | 22 | 20 | 22 | 74 | 144 |
| Prohibition orders | 0 | 0 | 0 | 1 | 0 |  |  |  |  |  |

Note: Tables on residential real estate exclude variations and applications processed where the outcome was exempt.

Table 2: Value of investment proposals ($ billion)

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Commercial** | | | | | **Residential real estate** | | | | |
|  | **Current quarter** | **Previous quarter** | **2023-24 YTD** | **2022-23** | **2021-22** | **Current quarter** | **Previous quarter** | **2023-24 YTD** | **2022-23** | **2021-22** |
| Approved with conditions | 40.8 | 29.0 | 40.8 | 131.6 | 270.2 | 1.1 | 1.8 | 1.1 | 6.1 | 1.6 |
| Approved without conditions | 8.7 | 5.9 | 8.7 | 39.9 | 60.3 | 0.4 | 0.6 | 0.4 | 1.8 | 6.0 |
| **Total** | **49.5** | **34.9** | **49.5** | **171.5** | **330.5** | **1.5** | **2.4** | **1.5** | **7.9** | **7.6** |

Note: Tables on residential real estate exclude variations and applications processed where the outcome was exempt.

## Approved investment proposals by investment source and industry sector

Table 3: Top 10 sources of investment by value of approved commercial investment proposals\*

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Number** | | | | | **Value ($ billion)** | | | | |
|  | **Current quarter** | **Previous quarter** | **2023‑24 YTD** | **2022 ‑23** | **2021 ‑22** | **Current quarter** | **Previous quarter** | **2023‑24 YTD** | **2022‑23** | **2021‑22** |
| United States | 119 | 141 | 119 | 598 | 746 | 31.3 | 3.0 | 31.3 | 34.5 | 118.9 |
| France | 17 | 17 | 17 | 66 | 85 | 4.7 | 0.1 | 4.7 | 0.4 | 2.5 |
| Canada | 72 | 61 | 72 | 347 | 387 | 2.0 | 1.7 | 2.0 | 14.4 | 31.5 |
| China | 38 | 48 | 38 | 200 | 273 | 1.6 | 0.8 | 1.6 | 9.5 | 4.6 |
| Singapore | 49 | 41 | 49 | 235 | 385 | 1.2 | 3.6 | 1.2 | 14.4 | 24.0 |
| United Arab Emirates | 30 | 39 | 30 | 129 | 174 | 0.9 | 1.0 | 0.9 | 3.0 | 6.1 |
| United Kingdom | 38 | 43 | 38 | 174 | 223 | 0.8 | 0.5 | 0.8 | 6.5 | 6.5 |
| Malaysia | 14 | 9 | 14 | 51 | 72 | 0.8 | 0.6 | 0.8 | 4.3 | 1.4 |
| Japan | 26 | 35 | 26 | 137 | 133 | 0.5 | 11.7 | 0.5 | 14.0 | 7.1 |
| Saudi Arabia | 9 | 19 | 9 | 77 | 83 | 0.4 | 0.1 | 0.4 | 1.2 | 0.6 |

Note: Proposals involving more than one source are counted against each source.

\* This table is sorted by the value of approved proposals in the current quarter.

Chart 1: Top 10 sources of investment by value of approved commercial investment proposals\*

\* This chart is sorted by the value of approved proposals in the current quarter.

Table 4: Top 10 sources of investment by value of approved residential real estate proposals\*

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Number** | | | | | **Value ($ billion)** | | | | | |
|  | **Current quarter** | **Previous quarter** | **2023-24 YTD** | **2022-23** | **2021-22** | **Current quarter** | **Previous quarter** | **2023-24 YTD** | **2022-23** | **2021-22** |
| China | 523 | 826 | 523 | 2,601 | 2,317 | 0.7 | 1.1 | 0.7 | 3.4 | 2.4 |
| Hong Kong (SAR) | 111 | 183 | 111 | 650 | 689 | 0.1 | 0.2 | 0.1 | 0.6 | 0.6 |
| Vietnam | 88 | 90 | 88 | 423 | 391 | 0.1 | 0.1 | 0.1 | 0.4 | 0.4 |
| India | 148 | 116 | 148 | 451 | 306 | 0.1 | 0.1 | 0.1 | 0.3 | 0.3 |
| Taiwan | 72 | 110 | 72 | 330 | 133 | 0.1 | 0.1 | 0.1 | 0.3 | 0.1 |
| Nepal | 92 | 88 | 92 | 281 | 140 | 0.1 | 0.1 | 0.1 | 0.2 | 0.1 |
| United Kingdom | 54 | 54 | 54 | 226 | 201 | 0.1 | 0.1 | 0.1 | 0.2 | 0.2 |
| Indonesia | 42 | 50 | 42 | 190 | 95 | 0.0 | 0.1 | 0.0 | 0.2 | 0.1 |
| Singapo- re | 59 | 81 | 59 | 316 | 173 | 0.0 | 0.1 | 0.0 | 0.3 | 0.1 |
| Japan | 13 | 13 | 13 | 69 | 69 | 0.0 | 0.0 | 0.0 | 0.2 | 0.1 |

\* This table is sorted by the value of approved proposals in the current quarter.

Table 5: Number and value of approved investment proposals by industry sector\*

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Number** | | | | | **Value ($ billion)** | | | | |
|  | **Current quarter** | **Previous quarter** | **2023-24 YTD** | **2022-23** | **2021-22** | **Current quarter** | **Previous quarter** | **2023-24 YTD** | **2022-23** | **2021-22** |
| Mineral exploration & development | 22 | 39 | 22 | 126 | 135 | 28.5 | 4.7 | 28.5 | 13.1 | 14.7 |
| Services | 79 | 69 | 79 | 382 | 486 | 9.4 | 12.5 | 9.4 | 42.5 | 109 |
| Commercial real estate | 117 | 99 | 117 | 431 | 61 | 6.7 | 10.1 | 6.7 | 50.2 | 66.6 |
| Manufacturing, electricity & gas | 35 | 42 | 35 | 168 | 134 | 3.2 | 4.7 | 3.2 | 24.8 | 37.2 |
| Residential real estate | 1,374 | 1,932 | 1,374 | 6,576 | 5,433 | 1.5 | 2.4 | 1.5 | 7.9 | 7.6 |
| Agriculture, forestry & fishing | 30 | 45 | 30 | 200 | 187 | 1.0 | 1.5 | 1.0 | 8.5 | 8.5 |
| Finance & insurance | 13 | 16 | 13 | 79 | 105 | 0.6 | 1.4 | 0.6 | 32.4 | 94.7 |

\* This table is sorted by the value of approved proposals in the current quarter.

# Consideration of investment proposals

## Median processing times

Table 6: Median processing times for approved commercial investment proposals

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Current quarter** | **Previous quarter** | **2023‑24 YTD** | **2022‑23** | **2021‑22** |
| 37 days | 36 days | 37 days | 41 days | 52 days |

Note: These processing times are current as of a point in time.

Chart 2: Approved investment proposal processing times (by number of days)

Note: These processing times are current as of a point in time.

Table 7: Median processing times for residential real estate investment proposals

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Current quarter** | **Previous quarter** | **2023‑24 YTD** | **2022‑23** | **2021‑22** |
| 3 days | 4 days | 3 days | 4 days | 5 days |

Note: Variations from previously published statistics are due to the reconciliation processes and capturing of foreign investment applications only.

# National Security

Table 8: Number of approved national security investment proposals

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Current quarter** | **Previous quarter** | **2023-24  YTD** | **2022‑23** | **2021‑22** |
| **Mandatory** | Approved with conditions | 2 | 2 | 2 | 15 | 15 |
| Approved without conditions | 8 | 14 | 8 | 71 | 52 |
| **Total** | **10** | **16** | **10** | **86** | **72** |
| **Voluntary** | Approved with conditions | 0 | 1 | 0 | 3 | 24 |
|  | Approved without conditions | 3 | 7 | 3 | 29 | 23 |
|  | **Total** | **3** | **8** | **3** | **32** | **47** |

Note: Proposals involving multiple actions that include both mandatory and voluntary notifications are counted against each national security category. Variations from previously reported statistics are due to this change.

Table 9: Value of approved national security investment proposals ($ billion)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Current quarter** | **Previous quarter** | **2023‑24 YTD** | **2022‑23** | **2021‑22** |
| Approved with conditions | 0.0 | 0.1 | 0.0 | 1.0 | 6.3 |
| Approved without conditions | 0.3 | 0.8 | 0.3 | 4.7 | 3.8 |
| **Total** | **0.3** | **0.9** | **0.3** | **5.7** | **10.1** |

# Compliance with foreign investment legislation

## Condition mandated reports

Table 10: Number of condition mandated reports

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Current quarter** | **Previous quarter** | **2023**‑**24**  **YTD** | **2022**-**23** | **2021**‑**22** |
| Condition mandated reports received | 869 | 633 | 869 | 2,569 | 2,005 |
| Condition mandated reports assessed \* | 941 | 637 | 941 | 3,027 | 2,524\*\* |

\* Condition mandated reports assessed may include reports carried over from the previous financial years.

\*\* As the date of assessment was not recorded for the entirety of 2021‑22, this data point is an estimate and includes assessments of reports from multiple financial years.

## Foreign investment audit program

Table 11: Number of regulator audits

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **In progress** | **Completed** | | | | |
|  | **At current quarter end** | **Current quarter** | **Previous quarter** | **2023‑24 YTD** | **2022‑23** | **2021‑22** |
| Regulator audits | 9 | 0 | 4 | 0 | 6 | 6 |

Table 12a: Number of independent audits in progress

|  |  |
| --- | --- |
|  | **At current quarter end** |
| Proposals under review | 7 |
| Reports in progress by investor | 26 |
| Reports under review by Treasury | 10 |

Table 12b: Number of independent audits completed

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Current quarter** | **Previous quarter** | **2023‑24 YTD** | **2022‑23** | **2021‑22** |
| Proposals approved | 17 | 19 | 17 | 76 | 56 |
| Reports completed | 16 | 43 | 16 | 78 | 46 |

## Referrals and assessment of potential non‑compliance

Table 13: Number of matters sourced via non‑compliance referrals and assessments by information source

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Current quarter** | **Previous quarter** | **2023‑24 YTD** | **2022‑23** | **2021‑22** |
| Self‑reported potential non‑compliance with conditions (voluntary disclosures outside mandatory reporting) | 3 | 5 | 3 | 25 | 44 |
| Failure to notify related referrals/reports from the public\* | 12 | 16 | 12 | 43 | 45 |
| Failure to notify related referrals/reports identified from other source\*\* | 10 | 11 | 10 | 47 | 29 |
| **Total** | **25** | **32** | **25** | **115** | **118** |

\* Including retrospective notifications received from investors.

\*\* Referrals from other sources can include internal referrals from other areas of the Treasury or Government, as well as Treasury‑initiated referrals as a result of media monitoring and market scanning for non‑compliance.

Table 14: Number of infringement notices issued

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Current quarter** | **Previous quarter** | **2023‑24 YTD** | **2022‑23** | **2021‑22** |
| Infringement notices issued | 0 | 0 | 0 | 1 | 0 |

## Matters under investigation

Table 15: Number of investigation matters

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **In progress** | **Completed** | | | | |
|  | **At current quarter end\*** | **Current quarter** | **Previous quarter** | **2023-24 YTD** | **2022‑23** | **2021‑22** |
| Investigations | 3 | 0 | 1 | 0 | 2 | 3 |

\* Investigations on hand at the end of the current quarter may include investigations carried over from the previous quarter.

# Methodology and glossary

## Overview

* The statistics contained in this quarterly report reflect investor intentions (not actual purchases) to acquire Australian assets that are subject to the *Foreign Acquisitions and Takeovers Act 1975*.
* Any data that may enable the identification of a particular person or organisation has been removed to preserve confidentiality.
* The statistics may include some transactions that do not actually proceed. For example, approvals in a given quarter but which are not actually implemented in that quarter or at all.
* As a result, there can be differences between these statistics on proposed investment and actual investment flows.

## General caveats

* Data capture, systems and reporting methodologies may change over time.
* Data presented from earlier quarters may have been revised since last published.
* Totals presented throughout the report may not add up due to rounding.

## Glossary

|  |  |
| --- | --- |
| **Term** | **Description** |
| Compliance | Sufficient appropriate evidence has been provided by the applicant, and/or obtained from the third parties, to demonstrate the investors’ compliance with their foreign investment obligations. |
| Condition mandated reports | Reports from investors submitted in accordance with conditions imposed on their investment proposals, including their compliance with conditions. |
| Foreign person | Foreign person means:   * an individual not ordinarily resident in Australia; * a corporation in which an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds a substantial interest; * a corporation in which 2 or more persons, each of whom is an individual not ordinarily resident in Australia, a foreign corporation or a foreign government, hold an aggregate substantial interest; * the trustee of a trust in which an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds a substantial interest; * the trustee of a trust in which 2 or more persons, each of whom is an individual not ordinarily resident in Australia, a foreign corporation or a foreign government, hold an aggregate substantial interest * a foreign government; or * any other person, or any other person that meets the conditions, prescribed by the regulations. |
| Independent audits | Audit reports prepared by independent assurance practitioners on the investors’ compliance with conditions imposed on their investments. The independent assurance practitioners are engaged by the investors and approved by the Treasury. |
| Non‑compliance | The applicant is unable to provide sufficient evidence to demonstrate compliance with their foreign investment obligations. |
| Prohibition | Under section 67 of the *Foreign Acquisitions and Takeovers Act 1975*, the Treasurer may make an order which prohibits a proposed significant action, notifiable national security action or reviewable national security action if the Treasurer is satisfied that taking the action would be contrary to the national interest or national security (as applicable). |
| Regulator audits | Risk‑based, Treasury‑led compliance assurance activity undertaken to test investors’ compliance with conditions imposed on their investments, through compelling the provision of information and documents. |
| Withdrawn | Withdrawn investment proposals are proposals withdrawn by the investor. Proposals may be withdrawn for a variety of reasons, including: the investor choosing not to proceed with or deferring a purchase; the investor being unsuccessful in a competitive tender process before the proposal was finalised; the proposed investment ‘target’ being withdrawn from the market; changes to investor consortium compositions; concerns identified by the Treasurer; or where the proposal was incorrectly lodged. |

1. See Guidance Note 8 on National Security for further information, [https://foreigninvestment.gov.au/guidance/types‑investments/national‑security](https://foreigninvestment.gov.au/guidance/types-investments/national-security) [↑](#footnote-ref-2)
2. See <https://foreigninvestment.gov.au/sites/firb.gov.au/files/2021-01/FIRB_compliance_framework.pdf> [↑](#footnote-ref-3)