



Foreign Investment Portal: exemption certificate pre-submission checklist

This checklist sets out the information required to complete a new exemption certificate submission (except residential real estate applications) through the Foreign Investment Portal.

Introduction

This pre-submission checklist prepares you to complete a foreign investment exemption certificate submission in the portal.

Providing accurate and comprehensive information will streamline the assessment process and reduce potential delays.

The checklist is not exhaustive and additional information may be requested during the assessment process if required.

Using the checklist

- It follows the structure of the portal submission form, providing guidance for each section.
- You must provide substantive information in uploaded document(s) where indicated. This is critical for the assessment of your exemption certificate.
- Submissions must include sufficient detail about proposed acquisitions to be assessed against the national interest or national security tests.
- You can save your progress and exit the portal at any time, allowing you to continue your submission when you are ready.
- For more information about exemption certificates, see [Guidance Note 9](#).

Checklist

Investor details – for all exemption certificates

You must provide the following information in the submission form:

- ☐ If an investor is an individual, given and family names, date of birth, place and country of birth, and residential address.
- ☐ If an investor is a foreign government, legal name and country of the foreign government, address of the foreign government, and main business address.
- ☐ If an investor is a yet to be incorporated corporation or a yet to be established trust, details of the investor(s) that will hold interests in the yet to be incorporated corporation or trust, and the intended country of incorporation.
- ☐ If an investor is an entity, trust (including trustee) or unincorporated limited partnership, incorporation information of the entity including:
 - o legal name, trading names, country of incorporation
 - o Australian Business Number (ABN), Australian Company Number (ACN), or Australian Registered Body Number (ARBN), and
 - o legal name of the trust or unincorporated limited partnership and its general partners, and their respective main business and service of notice addresses.
- ☐ Identify the primary investor applying for the exemption certificate(s). Where there are multiple investors applying for an exemption certificate (particularly where coverage of an exemption certificate is sought for multiple subsidiaries within the same corporate group), the primary investor should be the head entity of a corporate group.
- ☐ All investors must provide the point of contact for the account making the submission and the email address and/or address for the services of notice and Portal alerts.

Ultimate ownership and control details

- ☐ Identify the ultimate owners of the primary investor that hold a proportionate interest of 5 per cent or more in the primary investor. For each ultimate owner you will need to provide details of their country of origin and identify if they are a foreign government investor.

Note – for guidance on completing this section, see the [Ultimate ownership instructions](#).
- ☐ If relevant, you must provide details of any individuals or entities that exercise control over the investor(s) applying for the exemption certificate. Include details of the types of rights and details of any fund managers.
- ☐ Upload any structure diagrams of the investor(s) and their ultimate owners, along with relevant financial statements and records.

Foreign government investor details

- ☐ Identify whether the investor(s) are foreign government investors and provide an explanation for each investor included in the submission.

General details – for all exemption certificates

You must provide the following information in the submission form:

- ☐ Proposed duration of the exemption certificate(s)
 - If the proposed duration is longer than 12 months, provide reasons for the extended period.
***Note**– Exemption certificates are generally issued for 12 months for first time exemption certificate holders. Longer durations are considered on a case-by-case basis for investors with a demonstrated compliance history under the foreign investment framework.*
- ☐ Commercial deadlines for consideration, including:
 - what will occur on the commercial deadline
 - the consequences if the commercial deadline is not met.
- ☐ Total financial limits for each proposed exemption certificate, and if applicable, any proposed acquisition financial limits.
 - If an uncapped financial limit is proposed, provide the reasons for requesting an uncapped exemption certificate.

Supporting information

You may need to provide the following information in your uploaded documents:

- ☐ The commercial rationale for the proposed exemption certificate(s), including information about the size, significance of the proposed program of acquisitions, relevance to new or existing investment strategies, and advantages or opportunities it presents to the investor(s).
- ☐ Details of any economic benefits.
- ☐ Future intentions for the operations or governance of acquisitions made under the exemption certificate(s). Where relevant, impacts on employment arrangements, board composition, management structures, strategic direction or capital investment.
- ☐ Details of any impacts on Australia's ability to protect its strategic and security interests, or steps taken to mitigate those impacts.
- ☐ Whether any regulatory agencies or bodies have been engaged in connection with the exemption certificate, including details of engagements, approvals and contacts.
- ☐ The effect on competition (such as market share, overlapping products or services) as a result of proposed acquisitions made under the exemption certificate(s) other than notifiable national security or reviewable national security exemption certificates.

Financing questionnaire

You must provide the following information with your uploaded documents:

- ☐ Details of the funding arrangements for acquisitions made under the proposed exemption certificate(s), including any debt and sources of funding.
- ☐ For exemption certificates (other than notifiable national security, reviewable national security and passive foreign government exemption certificates) with financial limits of \$50 million or more, completed additional tax questions.

For more information on financing, see the [Additional taxation questions fact sheet](#).

Investor character and compliance

You may need to provide the following information with your uploaded documents:

- ☐ Whether any investor(s) have ever been non-compliant with conditions in previous no objection notifications, exemption certificates, or notices imposing conditions.
- ☐ In the previous 10 years, whether any investor(s) have been convicted of a criminal offence or ordered to pay a penalty under any law in Australia or a law of a foreign jurisdiction.
- ☐ Whether any investor(s) have ever entered into formal insolvency or bankruptcy.
- ☐ Whether any investor(s) are currently the subject of any criminal investigation, or proceedings, any investigation or disciplinary action by a professional association (or have been in the previous 10 years, and an adverse finding was made).
- ☐ Whether any investor(s), or related entities have been the subject of domestic or international investigations, rulings or ineligibilities, or conditions imposed by other regulators as part of previous foreign investments.
- ☐ Whether any investor(s) have ever been non-compliant with any Australian foreign investment laws or the foreign investment law of a foreign jurisdiction.

Specific exemption certificate information requirements

Australian land

- ☐ You must provide the following information in the submission form:
 - Types of land type acquisitions you want the exemption certificate to cover. If you are unsure which types you will proceed with, it is best to include all that might apply, to ensure they are exempted.
 - For each individual land type that is to be covered in the proposed exemption certificate, you will need to provide the following details:
 - Whether the land is national security land. If yes, you will also need to apply for a Notifiable National Security Action exemption certificate.
 - Which Australian states the land will be located in. If unknown, then an explanation will be required.

- Whether any of acquisitions under the proposed exemption certificate are for a build-to-rent project. If so, include details of the proposed project. Additional guidance on build-to-rent projects is available in [Guidance Note 10](#).
- For exemption certificates relating to mining or production tenements (interests which are interests in Australian land), details of the type of minerals, oils, or gases that you may seek to recover via these tenements. In addition to this, you will need to identify where any are listed on Australia's Critical Minerals List and Strategic Materials List.

☐ You may need to provide the following information with your uploaded document(s):

- The type of interest you are proposing to acquire (freehold, leasehold, licence or other). If other, then you must also provide details.
 - Where the target is a lease, licence or other, details of the arrangements including any possible extensions.
- Whether the land is national security land.
- Intended permitted purpose for the acquisition of the land.
- Lands title information including land title reference, address, post code, local government area, maps or survey plans, size of the target land, current owner and their relationship with the investor, current use of the land and any fixtures, structures or buildings on the land. Clearly note if any of these details are not yet known.
- Details of the geographic area in which you propose to acquire interest, specifying whether the area is a local government area (LGA) or significant urban area (SUA) that does not comprise entire Australian states or territories, or postal code, or across an entire Australian state or territory. Where applicable, include the following:
 - Australian Bureau of Statistics (ABS) codes and names for the LGA, SUA or postal area.
 - If specific locations are not yet known, provide an explanation outlining why the information is unavailable.
- If infrastructure assets are included in the proposed acquisition, provide details and the reason for their inclusion.
 - Details of what processes you will have in place to ensure the land is managed in Australia's national interest.
- For a commercial land target that is sensitive land (see [Guidance Note 4](#)):
 - Details of all sensitive land types that apply to the land proposed to be acquired.
 - Why you propose to acquire sensitive land.
 - Details of what processes you will have in place to ensure sensitive land is managed in Australia's national interest.

Tenements and mining, production or exploration entities

You will need to provide the following information in the submission form:

- ☐ The types of actions the investor(s) are seeking to apply to the proposed exemption certificate.

☐ For exemption certificate(s) concerning the acquisition of interests in exploration tenements or interests in mining or production tenements (interests that are not interests in Australian land).

- o Location of the tenements.
- o Types of minerals, oils or gases explored, prospected, extracted on the tenements and whether any are listed on Australia's Critical Minerals List and Strategic Materials List.

☐ For exemption certificate(s) concerning the acquisition of interests in the securities of mining, production or exploration entities:

- o Location of the entities and their operations.
- o Types of minerals, oils or gases explored, prospected or extracted by the entities and whether any are listed on Australia's Critical Minerals List and Strategic Materials List.

You may need to provide the following information with your uploaded document(s):

☐ For exemption certificate(s) concerning the acquisition of interests in exploration tenements or interests in mining or production tenements (interests that are not interests in Australian land):

- o Any specific identifying details of tenements including tenement numbers/identifiers (if known). Include any project names, sectors or land types.
- o Details of the geographic area in which you propose to acquire the interests, specifying whether the area is a local government area (LGA) or significant urban area (SUA) that does not comprise entire Australian states or territories, or postal code, or across an entire Australian state or territory. Where applicable, include the following:
 - o Australian Bureau of Statistics (ABS) codes and names for the LGA, SUA or postal area.
 - o If specific locations are not known, provide an explanation as to why this is unknown.
- o The intended permitted purpose for the acquisition of tenements.
- o The types of interests to be acquired under the exemption certificate.
- o Current use of the land associated with the tenements.
- o Details of any apportionment of the total financial limit of the exemption certificate.

☐ For exemption certificate(s) concerning the acquisition of interests in the securities of mining, production or exploration entities:

- o Any identifying details of the mining, production or exploration entities (if known).
- o The types of businesses the entities carry on.
- o The intended permitted purpose for the acquisition of the interests in the securities of mining, production or exploration entities.
- o Details of any apportionment of the total financial limit of the exemption certificate.

Businesses and entities

☐ You will need to provide the following information in the submission form:

- o The types of actions the investor(s) are seeking to apply to the exemption certificate.
- o All applicable Australian and New Zealand Standard Industrial Classification (ANZSIC) codes for the types of businesses and/or entities.
- o Any specific information about the businesses and/or entities, including identifying information, workforce size and any specific commercial activities.

- The states or territories where the entities or businesses operate or are located.

☐ You may need to provide the following information with your uploaded document(s):

- The intended permitted purpose for the businesses and/or entities.
- The relevant ANZSIC codes for the businesses and/or entities (if the scope of the proposed exemption certificate is to be defined by ANZSIC code).
- Locations of the businesses and/or entities (if the scope of the proposed exemption certificate is to be defined by location).
- The names of the businesses and/or entities, if specific businesses and/or entities are known.
- Provide any further relevant details about types of businesses and/or entities in which the investor(s) intends to acquire interests in under this proposed exemption certificate. Include any further known information about names, locations, sectors, etc.
- Whether the exemption certificate includes or excludes acquisitions of interests in businesses or entities that are (or carry on) sensitive businesses as defined by s 22 of the *Foreign Acquisitions and Takeovers Regulation 2015*.
- Details of any apportionment of the total financial limit of the proposed exemption certificate.

Notifiable National Security Actions

☐ You will need to provide the following information in the submission form:

- Notifiable national security action type(s) the investor(s) propose to take.
- States or territories where national security business or land will be located.
- If starting a national security business, acquiring a direct interest in an entity that carries on a national security business or acquiring a direct interest in a national security business:
 - Applicable ANZSIC codes.
 - Specific details about the business: name, number of full-time employees, whether business already exists somewhere in the world.
 - Information to determine the scope of the national security business
- If acquiring an interest in Australian national security land:
 - Types of land.
 - Whether any acquisitions will be for purposes of build-to-rent projects.
 - If acquiring a legal or equitable interest in exploration tenements in respect of national security land:
 - Types of tenements and types of land, and
 - Types of minerals, oils or gases explored, prospected or extracted by the entities and whether any are listed on Australia's Critical Minerals List and Strategic Materials List.

☐ You may need to provide the following information with your uploaded document(s):

- Why the investor(s) intend to take the actions.
- For actions relating to acquiring interests in national security businesses:
 - Intended permitted purpose(s) for the national security businesses.
 - Total number of national security businesses to be started or acquired.
 - Kinds of national security business(es) to be started or acquired (as per s 8AA of *Foreign Acquisitions and Takeovers Regulation 2015*) and details on how the business(es) meet the definitions.

- Processes the investor(s) will have in place to ensure the national security business(es) are managed in Australia's national interest.
- For actions relating to acquiring interests in national security land:
 - Where the investor(s) propose to acquire interests, including postcodes.
 - If within known local government areas (LGAs) or significant urban areas (SUAs), which do not, in total comprise entire states or territories, details of these LGAs or SUAs.
 - If locations are not known, provide details as to why this is unknown.
 - All known specific land title(s) or street address(es).
 - If the land is a Defence premises: the type of interest or occupancy and whether there are any agreements or arrangements on the use of the land by Defence.
 - If the Commonwealth, as represented by an agency in the national intelligence community, has an interest in the land: the identity of the agency; the type of interest or occupancy; and whether there are any agreements or arrangements on the use of the land by the agency.
 - If acquiring a leasehold interest or a license interest: duration(s) of the lease(s) or licence(s), including any possible extension or renewal option(s).

Reviewable National Security Actions

☐ You will need to provide the following information in the submission form:

- Action type(s) the investor(s) propose to take.
- If investor(s) are acquiring interests in an Australian business/entity or starting an Australian business:
 - All applicable ANZSIC codes for the business(es).
 - States or territories where the business(es) will be located.
 - Specific details about the business: name, number of full-time employees, whether the business already exists somewhere in the world.
 - Information to determine the scope of the business.
- If issuing securities in an entity:
 - All applicable ANZSIC codes for the entity.
 - States or territories where the entity will be located.
 - Specific details about the entity the investor(s) propose to issue securities in: name, number of full-time employees, whether the business already exists somewhere in the world.
- If acquiring interest in Australian land:
 - Types of land.
 - States or territories where land will be located.
 - Whether any acquisitions will be for purposes of build-to-rent projects
 - If acquiring mining or production tenements:
 - Types of minerals, oils or gases explored, prospected or extracted by the entities and whether any are listed on Australia's Critical Minerals List and Strategic Materials List.
- If entering or terminating an agreement and/or altering a constituent document:
 - Specific details of the relevant activities applicable to the exemption certificate.

☐ You may need to provide the following information with your uploaded document(s):

- Why the proposed action(s) are possibly reviewable national security action(s).
- For interests in an Australian business/entity or starting an Australian business:
 - The intended permitted purpose(s) for the businesses or entities
- If issuing securities in an entity:
 - How many and what type of securities will be issued
- If starting an Australian business:
 - Total number of businesses proposed to be started.
 - All details about any national security businesses to be started.
- If acquiring an interest in Australian land:
 - The intended permitted purpose(s) for the land
 - If acquiring a leasehold interest or a license interest, duration(s) of the lease(s) or licence(s), including possible extension or renewal option(s).
 - Where the investor(s) propose to acquire interests, including postcodes.
 - If within known local government areas (LGAs) or significant urban areas (SUAs), which do not, in total comprise entire states or territories, details of these LGAs or SUAs. If locations are not known, provide details as to why this is unknown.
 - All known specific land title(s) or street address(es).
- If acquiring mining or production tenements:
 - If known, the tenement identifiers in which interests will be acquired.
 - If unknown, the type(s) of interests proposed to be acquired.

Passive Foreign Government Investor

☐ You will need to provide the following information in the submission form:

- Details about how the scheme is controlled.
- Identifying the person(s) who control the scheme.
- The degree of interests in, influence or control over the person(s) controlling the scheme.
- How investment decisions are made, and the extent investor(s) have input into investment decisions.
- How the 'passive' investor requirements are met by the scheme entities
- Details of any foreign government investors with an interest in the scheme not otherwise specified as investors in the submission.
- Details about the scheme and how it satisfies the passivity requirements.
- Whether it is a closed or open-ended fund.
- Intentions for new investors to enter the fund.
- End date of close-ended funds.
- The constituent document(s) for the scheme.
- The scheme's investment strategy, including the details of any target sectors and ANZSIC codes.

Note— for more information about passive foreign government investor exemption certificates and their requirements, see [Guidance Note 9](#).