



# Foreign Investment Portal: pre-submission checklist

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

Residential real estate applications are administered by the Australian Taxation Office (ATO). For guidance on applying for approval to buy Australian residential property as a foreign person, see the [ATO's conditions](#).

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## Introduction

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

Providing accurate and comprehensive information in your submission will help streamline the assessment process.

This checklist's information is not exhaustive, and Treasury may request more information during the assessment process if necessary.

## Using the checklist

- The checklist broadly follows the structure and format of the portal submissions form. Some questions involve selecting from a set of options and others require substantive text responses.
- You must complete each section before you can progress to the next. You can save your submission and exit the portal at any time. You can return to your draft submission when you are ready.

## Checklist

All submissions must include the following details:

### Investor details

You must supply the required information based on the investor type:

## Individual

- ☐ Given family names
- ☐ Date of birth
- ☐ Place and country
- ☐ Residential address.

## Foreign government

- ☐ Legal name
- ☐ Country
- ☐ Address
- ☐ Main business address.

## Yet to be incorporated corporation or established trust

- ☐ Investor/s details that will hold interest
- ☐ Country of incorporation
- ☐ Main business address.

## Entity, trust (including trustee) or unincorporated limited partnership

- ☐ Legal name, trading names, country of incorporation
- ☐ Australian Business Number (ABN)/Australian Company Number (ACN)/Australian Registered Body Number (ARBN) or
- ☐ Legal name of the trust or unincorporated limited partnership and its general partners, and their respective main business and services of notice addresses.

## Information required for all investor types

- ☐ Contact details for the portal user linked to the account making the submission
- ☐ Email address or
- ☐ Address for the services of notice and portal alerts
- ☐ Identify the direct acquirer(s)
- ☐ For some target types, you may need to list any associates of the investor(s) that are also taking an interest in the target. Include these in the *Target* section.

If an investor is an **individual**, provide:

- ☐ given and family names, date of birth, place and country of birth and residential address.

If an investor is a **foreign government**, provide:

- ☐ the legal name and country of the foreign government, address of the foreign government and main business address.

If the investor is a **yet to be incorporated corporation** or a **yet to be established trust**, provide:

- ☐ details of the investors that will hold an interest in the yet to be incorporated corporation or trust and the country of incorporation and main business address.

If the investor is an **entity, trust (including trustee) or unincorporated limited partnership**, provide incorporation information of the entity:

- ☐ legal name, trading names, country of incorporation
- ☐ Australian Business Number (ABN)/Australian Company Number (ACN)/Australian Registered Body Number (ARBN) or
- ☐ legal name of the trust or unincorporated limited partnership and its general partners, and their respective main business and service of notice addresses.

## Ultimate Ownership and control details

For guidance on how to complete this section, see the *Ultimate ownership instructions*.

- ☐ Identify the ultimate owners of the investor(s) that hold a proportionate interest of 5 per cent or more in the investor(s). For each ultimate owner you will need to provide details of their country of origin and identify if they are a foreign government investor.
- ☐ If relevant, you must provide details of any individuals or entities that exercise control over the investor(s). Include details of the types of rights and details of any fund managers.
- ☐ Any structure diagrams of the investor(s) and their ultimate owners should be uploaded in this section. Additionally, any financial statements and records should also be included.

### Foreign government investor details

- ☐ You will need to identify if the investor(s) are foreign government investors and provide an explanation as to why. This will need to be done for each investor in the submission.

### Commercial deadlines

- ☐ You may wish to notify Treasury whether any actions are subject to commercial deadlines. Include this in the *Add agreement* section of the submission.

## Target details

Each Target Type corresponds with an action (or actions) under the Foreign Acquisitions and Takeovers Act 1975 (the Act) and its regulations. Each Target Type will generate a set of questions to identify the actions the investor(s) propose to take and support the Treasury's assessment of your proposal.

### Australian land

You must use this target type if the investor(s) are proposing to acquire an interest in Australian land. This includes agricultural land, commercial land and residential land.

You may need to provide the following information about the target:

- ☐ The name of the target land, the action types, the kind of land to be acquired.

- ☐ If there are multiple investors, details of the ownership split and their relationship.
- ☐ Target land title information including land title references and address, 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.
- ☐ The type of interest being acquired. If an interest other than a freehold interest is acquired, specify the term of the leasehold, licence or other interest being acquired.
- ☐ Percentage interests held by the investor before and after the action is taken and the consideration payable for the target land.
- ☐ Details on whether the target land is considered sensitive land or national security land and any development plans, including the Australian opportunity requirement.

### Tenements

You must use this target type if the investor(s) are proposing to acquire an interest in a tenement.

This includes a mining or production tenement (that is or is not an interest in Australian land) or an exploration tenement.

You may need to provide the following information about the target:

- ☐ The name of the tenement(s), the action types and kind of tenement(s) to be acquired.
- ☐ If there are multiple investors, details of the ownership split and their relationship.
- ☐ Tenement information including tenement identifier(s), address, license type, term end date, maps or survey plans, description of the tenement(s).
- ☐ If a mining or production tenement is also an interest in Australian land:
- ☐ Land title information, address, maps or survey plans, size of the land, current owner and their relationship with the investor(s), current use of the land and any fixtures, structures or buildings on the land.
- ☐ The type of interest being acquired, details on whether the target land is considered sensitive land or national security land.
- ☐ Percentage interests held by the investor(s) before and after the action is taken and the consideration payable for the tenement(s).

### Land entity

You must use this target type if the investor(s) are proposing to acquire an interest or securities in an entity that is a land entity or a mining, production or exploration entity.

You may need to provide the following information about the target:

- ☐ The name of the target land entity, the action type(s), the kind of land entity.
- ☐ If there are multiple investors, details of the ownership split and their relationship.
- ☐ Legal name, country of incorporation, ABN, ACN or ARBN and main business address.

- ☐ Percentage interests held by the investor(s) before and after the action is taken, the consideration payable for the tenement and the total asset value and total issued securities value of the target.
- ☐ Whether the action will result in a change of control in the target.
- ☐ Whether the investor(s) will be acquiring a direct interest in the target.
- ☐ The major activities of the target and the clientele of the target.
- ☐ Details of whether the target carries on an agribusiness, sensitive business, Australian media business or national security business.
- ☐ Details on the target's land and tenement holdings, including the value, type of land or tenement holding, state and term end date.
- ☐ Details on whether the target land is considered sensitive land or national security land.
- ☐ Whether the target's business collects, stores or has access to client data.
- ☐ Structure diagrams of the target land entity illustrating the ownership of the target prior to and after the proposed transaction, including up to the ultimate owner.
- ☐ Details on how the transaction will occur, including reference to the Australian opportunity requirements.

#### Other entity

You must use this target type if the investor(s) are proposing to acquire an interest or securities in an entity that is **not** a land entity or a mining, production or exploration entity.

You may need to provide the following information about the target:

- ☐ The legal name of the entity, the action type(s), the kind of interest being acquired.
- ☐ The type of entity, country of incorporation, ABN, ACN or ARBN, main business address.
- ☐ If there are multiple investors, details of the ownership split and their relationship.
- ☐ Percentage interests held by the investor(s) before and after the action, the consideration, the total asset value and total issued securities value of the target.
- ☐ Whether the action will result in a change of control in the target.
- ☐ Whether the investor(s) will be acquiring a direct interest in the target.
- ☐ What are the major activities of the target entity and the clientele of the target.
- ☐ Details of whether the target carries on an agribusiness, sensitive business, Australian media business or national security business.
- ☐ Details on whether the target collects, stores or has access to client data.
- ☐ Structure diagrams of the target illustrating the ownership of the target entity prior to and after the proposed transaction, including up to the ultimate owner.

- ☐ Details on how the transaction will occur, including reference to any exemptions.

### Issued securities

You must use this target type if the investor(s) will be issued securities in an entity.

You may need to provide the following information:

- ☐ The legal name of the entity, the action type(s), the kind of interest being acquired, the type of entity, country of incorporation, ABN, ACN or ARBN, main business address.
- ☐ If there are multiple investors, details of the ownership split and their relationship.
- ☐ Details of the major Australian business activities and assets of the investor.
- ☐ The target entity's primary ANZSIC code, its primary commercial activities.
- ☐ Whether the issue of securities to the investor will result in a change of control.
- ☐ Description of the securities to be issued (including any associated participation and preference rights).
- ☐ The total value of the securities to be issued, the total asset value of the entity issuing the securities, the total issued securities value of the entity issuing the securities.
- ☐ Details on whether the target collects, stores or has access to client data.

### Australian business (or its assets)

You must use this target type if the investor(s) are proposing to acquire an interest in an Australian business or in the assets of an Australian business.

You may need to provide the following information about the target:

- ☐ The legal name of the business, the action type(s), the kind of interest being acquired in the business, ABN, ACN or ARBN, main business address.
- ☐ If there are multiple investors, details of the ownership split and their relationship.
- ☐ Details of who is currently carrying on the target business, the percentage interests held by the investor in the business or assets before and after the action is taken.
- ☐ Whether the investor will be acquiring a direct interest in the target entity.
- ☐ The consideration payable for the business, the target business's primary ANZSIC code, the target business' clientele and major Australian business activities.
- ☐ Details of whether the target also carries on an agribusiness, sensitive business, Australian media business or national security business.
- ☐ Details on whether the target collects, stores or has access to client data.
- ☐ Sale agreement and structure diagrams of the target illustrating the ownership of the target entity prior to and after the transaction, including up to the ultimate owner.

### New business

You must use this target type if the investor(s) are proposing to start a new Australian business.

You may need to provide the following information about the target:

- ☐ The legal name of the target business, the action type, the proposed name of the new business (if known), total capital investment for the new business.
- ☐ If there are multiple investors, details of their relationship.
- ☐ Structure diagram of the new business structure.
- ☐ Details of whether the proposed new business already exists elsewhere in the world.
- ☐ Description of the primary commercial activities of the new business, location of where it will operate and its head office location, the primary ANZSIC code for the new business.
- ☐ The number of full-time employees that are expected to be employed.
- ☐ Details of whether the new business will be a national security business.

### Agreements and constituent documents

You must use this target type if the investor(s) are entering, altering or terminating an agreement or constituent document.

You may need to provide the following information about the target:

- ☐ The name and description of the agreement or constituent document, the action type(s), whether the investor(s) are entering, altering or terminating an agreement or document.
- ☐ If there are multiple investors, details of their relationship.
- ☐ The entity the agreement or constituent document relates to, the ANSZIC code, details of the primary commercial activities of the entity and the total asset value of the entity.
- ☐ Whether the action will result in a change in control of the business or entity.
- ☐ Details of who will be under an obligation to act in accordance with the directions, instructions or wishes of a foreign person.
- ☐ Whether the related target business or entity's business carries on an agribusiness, sensitive business, Australian media business or national security business.
- ☐ Whether the target entity or business collects, stores or has access to client data.

## Australian Taxation Office

### Financing questionnaire

For acquisitions of \$50 million or more in the following, complete the Australian Taxation Office financing questionnaire:

- a freehold interest in Australian land

- an interest or an issue of securities in an entity
- Australian business or assets and
- land or business exemption certificates.

The questionnaire is in the submission form and on the [Foreign Investment website](#).

## Contextual questions

You should provide this information where relevant to your submission.

### Impact questions

- ☐ The commercial rationale behind the proposed actions.
- ☐ The economic benefits and considerations of the proposed actions.
- ☐ The investors' intentions or plans for the future operations or governance of the target(s).
- ☐ How the actions will affect Australia's ability to protect its strategic and security interests.
- ☐ Whether any regulatory agencies/bodies have been engaged in connection with the actions.

### Investor character and compliance

- ☐ Whether the investor(s) have ever been non-compliant with conditions in previous no objection notifications, exemption certificates, or notices imposing conditions issued to them.
- ☐ In the previous 10 years, whether the 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 the investor(s) have ever entered into formal insolvency or bankruptcy.
- ☐ Whether the 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 the investor(s), or related entities have been the subject of domestic or international investigations, rulings or ineligibilities, or conditions imposed by other regulators as a part of previous foreign investment.
- ☐ Whether the investor(s) have ever been non-compliant with any Australian foreign investment laws, or the foreign investment law of a foreign jurisdiction.

### Significant action questions

- ☐ Whether the investors compete directly or indirectly with the targets or operate upstream or downstream in any of the proposed targets' supply chain.
- ☐ Outline the likely effect of the proposed actions on competition (such as market share), including any overlapping products or services and key competitors.



- ☐ The likely impacts of the proposed actions on government policies (including taxation), the environment and native title.
- ☐ The likely impacts of the proposed actions on Australia's community and its economy.