



## Monetary thresholds applicable from 1 January 2026<sup>1</sup>

**Important notice:** This document provides a general summary of the relevant law and therefore may include some generalisations about the law. Some provisions of the law referred to have exceptions or important qualifications, not all of which may be described in this document. The Commonwealth does not guarantee the accuracy, currency or completeness of any information contained in this document and will not accept responsibility for any loss caused by reliance on it. Your particular circumstances must be taken into account when determining how the law applies to you. This document is therefore not a substitute for obtaining your own legal advice.

### Land investments

Investor	Target	Type of interest	Monetary threshold <sup>2</sup>
All investors	National security land	Any <sup>3</sup>	
	Residential land		\$0 or more
	Vacant commercial land		
Private investors from certain FTA partners <sup>4</sup>	Agricultural land	Any <sup>3</sup>	For Chile, New Zealand, and the United States—more than \$1,498 million
			Others—more than \$15 million (cumulative)

<sup>1</sup> Monetary thresholds are indexed annually on 1 January, except for the more than \$15 million (cumulative) threshold for agricultural land and the more than \$50 million threshold for agricultural land for Thailand investors, which are not indexed.

<sup>2</sup> The monetary threshold test is met in relation to an acquisition of an interest in a land entity if the acquisition meets the monetary threshold test in relation to the entity action or the land action (see subsection 53(2) of the *Foreign Acquisitions and Takeovers Act 1975 (FATA)*).

<sup>3</sup> “Interest in Australian land” is defined in section 12 of the FATA.

<sup>4</sup> The certain FTA partners are: Chile, China, Hong Kong, Japan, New Zealand, Peru, Singapore, the Republic of Korea, the United States of America, the United Kingdom and any other countries not otherwise listed (other than Australia) for which the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (**CPTPP**), done at Santiago on 8 March 2018, is in force (i.e. Brunei Darussalam, Canada, Mexico, Malaysia and Vietnam). To be eligible for these thresholds, the immediate acquirer must be an entity formed in one of these countries. An investor acquiring through a subsidiary incorporated in another jurisdiction will be subject to the relevant thresholds of the subsidiary’s jurisdiction.

Investor	Target	Type of interest	Monetary threshold <sup>2</sup>
<b>Private investors not from certain FTA partners</b>	Developed commercial land	Any <sup>3</sup>	More than \$1,498 million <sup>5</sup>
	Mining or production tenements	Any <sup>3</sup>	For Chile, New Zealand, Peru, and the United States—more than \$1,498 million
			For Hong Kong, \$75 million
			Others, \$0 or more
	Agricultural land	Any <sup>3</sup>	For Thailand—more than \$50 million
			Others—more than \$15 million (cumulative)
	Developed commercial land	Any <sup>3</sup>	More than \$347 million
			If the land is sensitive <sup>6</sup> —more than \$75 million
	Mining or production tenements	Any <sup>3</sup>	For India, non-sensitive land for the supply of services—more than \$560 million <sup>7</sup>
			\$0 or more
<b>Foreign government investors</b>	All investments	Any <sup>3</sup>	\$0 or more

<sup>5</sup> For Hong Kong investors, however, where developed commercial land is also sensitive land (see subsections 52(5) and (6) of the *Foreign Acquisitions and Takeovers Regulation 2015 (FATR)*), a threshold of \$75 million will apply.

<sup>6</sup> Sensitive developed commercial land (see subsection 52(6) of the FATR) includes: land leased to the Commonwealth or a State or Territory government or government body; land fitted out for sensitive or bulk data storage businesses; land fitted out for the storage, handling or disposal of security-sensitive biological agents; land on which there is a mining operation; some land on which information is stored or on which there are telecommunications transmission facilities; and public infrastructure (for example, an airport or port).

<sup>7</sup> This applies to developed commercial land acquired predominantly for the supply of a service through a commercial presence in Australia (see subsection 52(5), table item 3A of the FATR).

## Other investments

Investor	Target	Type of interest <sup>8</sup>	Monetary threshold
All investors	National security businesses / entities carrying on a national security business	Direct interest (generally 10 per cent or more) <sup>9</sup>	\$0 or more
	Australian media businesses / entities carrying on an Australian media business		
	Starting a national security business	N/A	N/A
	Exploration tenements over national security land	Any <sup>10</sup>	\$0 or more
Private investors from certain FTA partners <sup>11</sup>	Entities not carrying on a sensitive business	Substantial interest (20 per cent or more) <sup>12</sup>	More than \$1,498 million
	Entities carrying on a sensitive business <sup>13</sup>		More than \$347 million

<sup>8</sup> Where two or more parties are “associates” under section 6 of the FATA, their interests in a business (section 16A) or entity (section 17) are taken together for the purpose of assessing whether an interest of a specified percentage, including a direct or substantial interest, is acquired. See also footnote 15.

<sup>9</sup> “Direct interest” in an entity or business is defined by section 16 of the FATR. A direct interest is generally an interest of at least 10 per cent, though a lower percentage holding may also be a direct interest in certain circumstances.

<sup>10</sup> See subsection 55B(1)(e) of the FATA and section 27B of the FATR.

<sup>11</sup> The certain FTA partners are: Chile, China, Hong Kong, Japan, New Zealand, Peru, Singapore, the Republic of Korea, the United States of America, the United Kingdom and any other countries not otherwise listed (other than Australia) for which the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), done at Santiago on 8 March 2018, is in force (i.e. Brunei Darussalam, Canada, Mexico, Malaysia and Vietnam). To be eligible for these thresholds, the immediate acquirer must be an entity formed in one of these countries. An investor acquiring through a subsidiary incorporated in another jurisdiction will be subject to the relevant thresholds of the subsidiary’s jurisdiction.

<sup>12</sup> “Substantial interest” is defined by section 4 of the FATA.

<sup>13</sup> Sensitive businesses (see section 22 of the FATR) include businesses carried on in the following sectors/fields: media; telecommunications; transport; defence and military related activities; encryption and security technologies and communications systems; the extraction of uranium or plutonium; or the operation of nuclear facilities.

Investor	Target	Type of interest <sup>8</sup>	Monetary threshold
	Agribusinesses (entities and businesses)	Direct interest (generally 10 per cent or more) <sup>9</sup>	More than \$75 million (cumulative)
Private investors not from certain FTA partners	Entities (carrying on sensitive and non-sensitive businesses)	Substantial interest (20 per cent or more) <sup>10</sup>	More than \$347 million
	Entities carrying on a non-sensitive service business <sup>13</sup>		For India—more than \$560 million <sup>14</sup>
	Agribusinesses (entities and businesses)	Direct interest (generally 10 per cent or more) <sup>9</sup>	More than \$75 million (cumulative)
Foreign government investors <sup>15</sup>	Tenements	Any	\$0 or more
	Australian entities / Australian businesses	Direct interest (generally 10 per cent or more) <sup>9</sup>	\$0 or more <sup>16</sup>
	Starting an Australian business	N/A	N/A
	Mining, production or exploration entities	10 per cent or more	\$0 or more <sup>17</sup>

<sup>14</sup> See subsection 51(2) of the FATR.

<sup>15</sup> A foreign government investor in relation to a country is an associate of all other foreign government investors in relation to that country (see paragraph 6(1)(l) of the FATA). See footnote 8.

<sup>16</sup> Some limited exceptions to this rule apply (see subsections 56(3) to (6) of the FATR).

<sup>17</sup> A limited exception to this rule applies (see subsection 56(7) of the FATR).