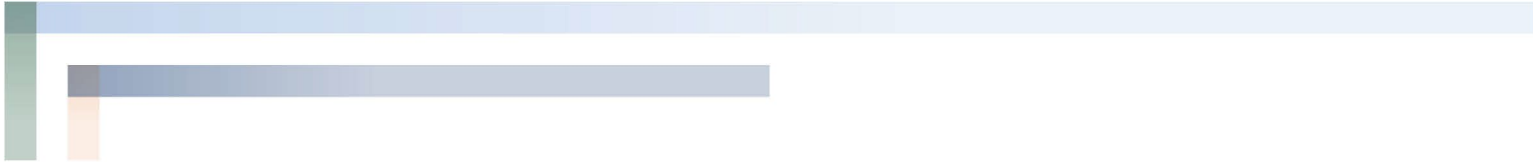




Guidance Note 15

Register of Foreign Ownership of Australian Assets

- The information provided in this Guidance Note is general advice and you should take your particular circumstances into account when determining how the law applies to you.
- Foreign persons must give notice of certain actions relating to Australian land, water, entities, businesses and other assets to the Registrar of the Register of Foreign Ownership of Australian Assets.
- Register notices must generally be given within 30 days of the day on which:
 - a foreign person acquires a relevant interest or otherwise takes an action, or
 - a person becomes a foreign person while holding a relevant interest, or
 - there is a change to a registered circumstance (for example, because a foreign person ceases to hold a relevant interest or a person ceases to be a foreign person), or
 - there is a change in the nature of an interest in land or an exploration tenement, or
 - there is a change in certain characteristics of a registrable water interest, or
 - there is a change in size of an interest in an entity or business.
- The Commissioner of Taxation is the Registrar. You can give a register notice through [Online services for foreign investors](#), which includes details about the information you must provide.
- The information on the Register is not public and can only be used, recorded or disclosed consistently with the protected information provisions of the *Foreign Acquisitions and Takeovers Act 1975* and other relevant legal requirements.
- Foreign persons must make records relating to register notices and keep those records for 5 years.



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A: Who is required to give register notices?

Foreign persons must notify the Registrar of the Register of Foreign Ownership of Australian Assets (the **Registrar**) in relation to a range of actions involving Australian land, water, entities, businesses, and other assets (known as ‘giving a register notice’), unless an exemption applies.¹

The *Key Concepts* Guidance Note explains the definition of ‘foreign person’, including in relation to corporations, trustees, and individuals (such as those not ordinarily resident in Australia, temporary residents, foreign non-residents, New Zealand citizens, and Australian citizens living overseas). The *Key Concepts* Guidance Note also explains other important concepts including the definition of ‘direct interest’ and ‘acquires an interest’.²

B: Why do register notices need to be given?

The *Foreign Acquisitions and Takeovers Act 1975* (the **Act**) establishes a regime for the notification, review and regulation of foreign investment in Australia. Part 7A of the Act establishes the Register of Foreign Ownership of Australian Assets (the **Register**), and the Register is an integral part of Australia’s foreign investment framework.

The Act requires foreign persons to give a register notice in certain situations. Penalties apply for failing to give a register notice when you are required to do so.

C: Circumstances in which register notices must be given

Acquisitions of, and other actions in relation to, certain interests

If you are a foreign person, you must give a register notice if you:

- acquire an interest in Australian land that is any of the following:³
 - a legal freehold interest, or
 - a legal or equitable interest as lessee in a lease giving rights to occupy agricultural land if the term of the lease (including any extension or renewal) is reasonably likely, at the time the interest is acquired, to exceed 5 years, or
 - a legal interest as lessee in a lease giving rights to occupy commercial land or residential land if the term of the lease (including any extension or renewal) is reasonably likely, at the time the interest is acquired, to exceed 5 years, or
 - a legal interest in a mining or production tenement, or
 - a legal interest in a security in an entity that owns Australian land, being a security that entitles the holder to a right to occupy a dwelling of a kind known as a flat or home unit situated on the land, or
 - a legal interest in a share in an Australian land corporation or agricultural land corporation, or

1 See section G of this Guidance Note.

2 Note that the meaning of ‘acquires an interest’ is affected by section 130X of the Act.

3 See section 130ZA of the Act and section 58J of the *Foreign Acquisitions and Takeovers Regulation 2015* (the **Regulation**).

- a legal interest in a unit in an Australian land trust or agricultural land trust, or
- if the trustee of an Australian land trust or agricultural land trust is a corporation—a legal interest in a share in that corporation; or
- acquire a legal interest in an exploration tenement;⁴ or
- acquire a registrable water interest and hold that interest at the end of the financial year in which the registrable water interest was acquired;⁵ or
- take an action in relation to an entity or business, if the action:
 - is a significant action,⁶ and:
 - : a no objection notification or a notice imposing conditions has been (and has not been revoked) or is given in relation to that action, or
 - : that action was notified to the Treasurer before being taken, including where a decision was not made during the applicable decision period, or
 - : that action was reviewed by the Treasurer under section 66A of the Act before it was taken, and the Treasurer gave a notice under that section; or
 - is a notifiable action;⁷ or
 - would be a significant or notifiable action if not covered by an exemption certificate;⁸ or
 - is a notifiable national security action;⁹ or
 - would be a notifiable national security action if not covered by an exemption certificate;¹⁰ or
 - is a reviewable national security action,¹¹ and:
 - : a no objection notification or a notice imposing conditions has been (and has not been revoked) or is given in relation to that action, or
 - : that action was notified to the Treasurer before being taken, including where a decision was not made during the applicable decision period, or
 - : that action was reviewed by the Treasurer under section 66A of the Act before it was taken, and the Treasurer gave a notice under that section; or

4 See section 130ZB of the Act. See also section 27B of the Regulation, which exempts from the operation of the Act interests in exploration tenements in respect of Australian land that is not national security land which are held or acquired by foreign persons who are not foreign government investors.

5 See section 130ZE of the Act.

6 See sections 40, 41, 130ZH, and 130ZI of the Act.

7 See sections 47 and 130ZJ of the Act.

8 See sections 58C and 58D of the Regulation.

9 See sections 55B and 130ZK of the Act.

10 See section 58E of the Regulation.

11 See sections 55D, 55E, 130ZL and 130ZM of the Act.

: would be a reviewable national security action if not covered by an exemption certificate; or¹²

- acquire a direct interest in an entity or business that wholly or partly carries on an Australian media business.¹³

If you are a foreign government investor, you must also give a register notice if you:

- start an Australian business;¹⁴ or
- acquire a direct interest in an Australian entity or business;¹⁵ or
- acquire a legal or equitable interest in a tenement or an interest of at least 10 per cent in securities in a mining, production, or exploration entity.¹⁶

If multiple foreign persons acquire an interest in land to which Part 7A of the Act applies as joint tenants or tenants in common, all of them are required to give a register notice.¹⁷ When giving a register notice in relation to land in which multiple foreign persons have acquired an interest as joint tenants, one interest-holder should register the interest through [Online services for foreign investors](#) first, following which the other interest-holders may add themselves to the same asset registration. When giving a register notice in relation to land in which multiple foreign persons have acquired an interest as tenants in common, each foreign person should register their proportional interest through [Online services for foreign investors](#) separately.

Becoming a foreign person while holding certain interests

You must give a register notice if you become a foreign person while:

- holding an interest in Australian land, if you would have been required to give a register notice had you acquired that interest while a foreign person, and if the interest is:¹⁸
 - a legal freehold interest, or
 - a legal or equitable interest as lessee in a lease giving rights to occupy agricultural land if the term of the lease (including any extension or renewal) is reasonably likely, at the time the interest is acquired, to exceed 5 years, or
 - a legal interest as lessee in a lease giving rights to occupy commercial land or residential land if the term of the lease (including any extension or renewal) is reasonably likely, at the time the interest is acquired, to exceed 5 years, or
 - a legal interest in a mining or production tenement, or
 - a legal interest in a security in an entity that owns Australian land, being a security that entitles the holder to a right to occupy a dwelling of a kind known as a flat or home unit situated on the land, or

12 See sections 58F and 58G of the Regulation.

13 See section 55 of the Regulation.

14 See subsection 56(1)(b) of the Regulation.

15 See subsection 56(1)(a) of the Regulation.

16 See subsection 56(1)(c) of the Regulation.

17 See section 14 of the Act.

18 See section 130ZC of the Act and sections 58J and 58K of the Regulation.

- a legal interest in a share in an Australian land corporation or agricultural land corporation, or
 - a legal interest in a unit in an Australian land trust or agricultural land trust, or
 - if the trustee of an Australian land trust or agricultural land trust is a corporation—a legal interest in a share in that corporation; or
- holding a legal interest in an exploration tenement if you would have been required to give a register notice had you acquired that interest while a foreign person;¹⁹ or
- holding a registrable water interest;²⁰ or
- holding an interest in an entity or business, if:²¹
 - the interest is:
 - : a direct interest in an Australian entity that is an agribusiness, or
 - : a direct interest in an Australian business that is an agribusiness, or
 - : a substantial interest in an Australian entity, and
 - had you acquired the interest on the day you became a foreign person, the action would have been a notifiable action under sections 47(2)(a) and/or (b) of the Act; or
- carrying on a national security business; or holding a direct interest in a national security business or an entity that carries on a national security business if, had you started to carry on the national security business or acquired the interest on the day you became a foreign person, the action would have been a notifiable national security action under sections 55B(1)(a), (b), or (c) of the Act.²²

19 See section 130ZC of the Act and section 58K of the Regulation. See also section 27B of the Regulation, which exempts from the operation of the Act interests in exploration tenements in respect of Australian land that is not national security land which are held or acquired by foreign persons who are not foreign government investors.

20 See section 130ZF of the Act.

21 See section 130ZO of the Act.

22 See section 130ZP of the Act.

Change in registered circumstance

When you give a register notice because you acquired an interest or otherwise took an action, or became a foreign person while holding an interest, a state of affairs known as a 'registered circumstance' may arise.²³

If you are a foreign person, you must give a register notice if there is a registered circumstance that relates to you and:

- the registered circumstance ceases and you are aware, or ought reasonably to have become aware, of the cessation;²⁴ or
- you cease to be a foreign person.²⁵

A registered circumstance generally ceases when you cease to hold the relevant interest.²⁶

Example 1

A foreign person acquired a legal freehold interest in Australian land and gave a register notice in relation to the acquisition. When the foreign person sells the land, the registered circumstance that arose when the initial register notice was given will cease and a register notice in relation to the sale will be required.

23 See subsections 130ZA(2), 130ZB(2), 130ZC(2), 130ZE(2), 130ZF(2), 130ZH(2), 130ZI(2), 130ZO(3), 130ZJ(2), 130ZK(2), 130ZL(2), 130ZM(2), and 130ZP(4) of the Act and subsections 58B(2), 58C(2), 58D(2), 58E(2), 58F(2), and 58G(2) of the Regulation.

24 See section 130ZQ of the Act.

25 See section 130ZR of the Act.

26 See subsections 130ZA(3), 130ZB(3), 130ZC(3), 130ZD(3), 130ZE(3), 130ZF(3), 130ZH(2), 130ZI(2), 130ZJ(2), 130ZK(2), 130ZL(2), 130ZM(2), 130ZO(3), and 130ZP(4) of the Act and subsections 58B(2), 58C(2), 58D(2), 58E(2), 58F(2), and 58G(2) of the Regulation.

Change in nature of interest in land or exploration tenement

If you are a foreign person, you must give a register notice if:

- a registered circumstance exists in relation to you; and
- you hold an interest in residential, commercial, or agricultural land, or a mining or production or exploration tenement; and
- while the registered circumstance exists, the interest you hold becomes an interest of a new kind (for example, an interest in agricultural land becomes an interest in residential land); and
- you are aware, or ought reasonably to have become aware, of this change.²⁷

Example 2

A foreign person acquired a legal freehold interest in commercial land and gave a register notice in relation to the acquisition. As a result of the completion of a housing development on the land, the land becomes residential land on 30 August. If, on 1 September, the foreign person becomes aware that the interest has become an interest in residential land, a register notice must be given within 30 days of 1 September.

Change in certain characteristics of a registrable water interest

If you are a foreign person, you must give a register notice if:²⁸

- a registered circumstance exists in relation to you that relates to a registrable water interest; and
- on any day or days in a financial year, the volume of water or the share of a water resource referred to in the registrable water interest changes; and
- you hold the registrable water interest at the end of the last day of the financial year.

Change in size of interest in an entity or business

If you are a foreign person, you must give a register notice if:

- a registered circumstance exists in relation to you that relates to an interest in an entity or business; and
- the percentage interest that you hold in the entity or business differs by 5 per cent or more from the percentage recorded on the Register; and
- you are aware, or ought reasonably to have become aware, of this change.²⁹

27 See section 130ZD of the Act.

28 See section 130ZG of the Act.

29 See section 130ZN of the Act.

D: When register notices are due

The date on which a register notice is due is usually within 30 days after a particular day (known as the ‘registrable event day’), with day one being the day after the registrable event day.³⁰

When is a register notice in relation to an interest in Australian land due?³¹

You must give a register notice in relation to an interest in Australian land covered by Part 7A of the Act within 30 days of the day you acquired the interest or became a foreign person.³²

Example 3

A foreign person received a no objection notification to take a significant action to acquire a legal freehold interest in residential land on 1 February and signed a contract for sale on 1 March. The property settled on 1 April. A register notice is required within 30 days of 1 April because that was the day on which the interest in Australian land covered by Part 7A of the Act was acquired.

Example 4

ExampleCo Pty Ltd is an Australian-owned company which holds a legal freehold interest in commercial land. A New Zealand company unconditionally agrees to acquire ExampleCo Pty Ltd on 1 March and subsequently acquires the shares in ExampleCo Pty Ltd on 1 May. ExampleCo Pty Ltd is required to give a register notice within 30 days of 1 May because on 1 May it became a foreign person while holding an interest in Australian land covered by Part 7A of the Act.

For freehold interests in land, the day you acquire the interest is the day of settlement. For leasehold interests in land, the day you acquire the interest is the earlier of the day the lease commences or the day the lease is registered.

30 See subsection 130W(2)(b) of the Act and section 36(1) of the *Acts Interpretation Act 1901*.

31 Note that this section does not discuss actions specified in Part 5 of the Regulation, which may involve interests in Australian land. Actions specified in Part 5 of the Regulation are discussed below (under ‘When is a register notice in relation to a direct interest in an entity business that wholly or partly carries on an Australian media business due?’ and ‘When is a register notice in relation to an action by a foreign government investor due?’).

32 See sections 130ZA and 130ZC of the Act.

When is a register notice in relation to an interest in an exploration tenement due? ³³

You must give a register notice in relation to a legal interest in an exploration tenement within 30 days of the day you acquired the interest or became a foreign person.³⁴

When is a register notice in relation to a registrable water interest due?

You must give a register notice in relation to a registrable water interest within 30 days of:

- the last day of the financial year in which you acquired the interest (if you were a foreign person at the time of the acquisition);³⁵ or
- the last day of the financial year in which you became a foreign person (if you became a foreign person while holding a registrable water interest).³⁶

A register notice only needs to be given if you are a foreign person and hold the registrable water interest at the end of the financial year.

Example 5

A foreign person acquires a registrable water interest on 1 April. The person is still a foreign person, and still holds that interest, on 30 June. A register notice is required within 30 days of 30 June that year.

Example 6

A non-foreign person acquires a registrable water interest on 1 February and becomes a foreign person on 1 March. The person is still a foreign person, and still holds that interest, on 30 June. A register notice is required within 30 days of 30 June that year.

33 Note that this section does not discuss actions specified in Part 5 of the Regulation, which may involve interests in exploration tenements. Actions specified in Part 5 of the Regulation are discussed below (under ‘When is a register notice in relation to a direct interest in an entity business that wholly or partly carries on an Australian media business due?’ and ‘When is a register notice in relation to an action by a foreign government investor due?’).

34 See sections 130ZB and 130ZC of the Act.

35 See section 130ZE of the Act.

36 See section 130ZF of the Act.

Example 7

A non-foreign person acquires a registrable water interest on 1 February and becomes a foreign person on 1 October. The person is still a foreign person, and still holds that interest, on 30 June the following year. A register notice is required within 30 days of 30 June the following year.

Example 8

A foreign person acquires a registrable water interest on 1 April and disposes of that interest on 14 April. The foreign person is not required to give a register notice in relation to the registrable water interest.

When is a register notice in relation to an interest in an entity or a business due? ³⁷

Usually, you must give a register notice in relation to an interest in an entity or business within 30 days of the day you took the relevant action (such as acquiring the interest) or became a foreign person.³⁸ In certain circumstances, however, you must give the register notice within 30 days of the day you became aware, or ought reasonably to have become aware, of a change in control of the entity or business, or the day on which a no objection notification or notice imposing conditions relating to the action was given.

When is a register notice in relation to a change in size of an interest in an entity or business due?

You must give a register notice in relation to a change in size of an interest in an entity or business within 30 days of the day on which you became aware, or ought reasonably to have become aware, of the change.³⁹

37 Note that this section does not discuss actions specified in Part 5 of the Regulation, which may involve interests in entities or businesses. Actions specified in Part 5 of the Regulation are discussed below (under ‘When is a register notice in relation to a direct interest in an entity business that wholly or partly carries on an Australian media business due?’ and ‘When is a register notice in relation to an action by a foreign government investor due?’).

38 See sections 130ZH, 130ZI, 130ZJ, 130ZK 130ZL, 130ZM, 130ZO, and 130ZP of the Act.

39 See section 130ZN of the Act.

When is a register notice in relation to a direct interest in an entity that wholly or partly carries on an Australian media business due?

You must give a register notice in relation to a direct interest in an entity business that wholly or partly carries on an Australian media business within 30 days of the registrable event day, which is the later of:

- the day on which you took the action; and
- the day on which you first became aware, or ought reasonably to have become aware, that the action has been taken.⁴⁰

Example 9

A foreign person notifies the Treasurer on 1 January of their proposed acquisition of a 20 per cent interest in MediaCo Pty Ltd, which is an entity that partly carries on an Australian media business. The person tells their stockbroker to acquire the interest on 1 February. The stockbroker acquires the interest on 2 February and sends an email entitled 'Acquisition of Interest in MediaCo Pty Ltd' to the person about the acquisition on 3 February. The person sees the title of the email and deletes it immediately. Because the person ought reasonably to have become aware that the action has been taken, the person is required to give a register notice within 30 days of 3 February.

When is a register notice in relation to an action by a foreign government investor due?

You must give a register notice in relation to an action by a foreign government investor within 30 days of the registrable event day, which is the later of:

- the day on which you took the action; and
- the day on which you first became aware, or ought reasonably to have become aware, that the action has been taken.⁴¹

When is a register notice in relation to an action taken under an exemption certificate due?

Generally, you must give a register notice in relation to an action taken under an exemption certificate on the same day you would have been required to if the action were taken under a no objection notification.⁴²

40 See section 58B of the Regulation.

41 See section 58B of the Regulation.

42 See Subdivision B of Division 2 of Part 5B of the Regulation.

When is a register notice in relation to a change in the nature of an interest in Australian land or an exploration tenement due?

You must give a register notice in relation to a change in the nature of an interest in Australian land or an exploration tenement within 30 days of the day on which you became aware, or ought reasonably to have become aware, of the change.⁴³

When is a register notice in relation to a change in certain characteristics of a registrable water interest due?

You must give a register notice in relation to a change in certain characteristics of a registrable water interest within 30 days of the last day of the financial year in which the volume of water or share of the water resource referred to in the registrable water interest changes.⁴⁴

When is a register notice in relation to a registered circumstance which ceases due?

You must give a register notice in relation to a registered circumstance which ceases within 30 days of the day on which you became aware, or ought reasonably to have become aware, of the cessation.⁴⁵

When is a register notice in relation to ceasing to be a foreign person due?

If you cease to be a foreign person while one or more registered circumstances relate to you, you must give a register notice within 30 days of the day on which you cease to be a foreign person. However, if a foreign person who is a natural person dies, the executor or administrator of the person's estate must give a register notice within 30 days of the day on which the executor or administrator is appointed.⁴⁶ If a foreign person which is a corporation is wound up, the liquidator of the corporation must give a register notice within 30 days of the day on which the corporation is wound up.⁴⁷

Registrable event day for interests acquired by entering agreements

When working out a registrable event day for a register notice, disregard section 15 of the Act (interests acquired by entering agreements or acquiring options).⁴⁸ Broadly, this means that you are only required to give a register notice when you actually acquire an interest, which may be later than when a person would otherwise be deemed to acquire an interest under a binding agreement for the other purposes of the Act (such as determining when an action is taken other than for the purposes of working out a registrable event day).

43 See section 130ZD of the Act.

44 See section 130ZG of the Act.

45 See section 130ZQ of the Act.

46 See subsection 130ZR(5) of the Act.

47 See subsection 130ZR(7) of the Act.

48 See section 130X of the Act.

Example 10

ExampleCo Pty Ltd is a foreign person. Under a no objection notification, it acquires a binding option to purchase 25 per cent of the shares of ExampleCo 2 Pty Ltd on 1 May, which is a significant action under section 40 of the Act. ExampleCo Pty Ltd then exercises the option on 1 July. ExampleCo Pty Ltd is required to give a register notice within 30 days of 1 July.

When working out a registrable event day for a register notice, also disregard subsections 19A(1)(b) (offer to acquire interests in assets of business) and 20(1)(b) (offer to acquire securities or rights in entity) of the Act.⁴⁹

E: How register notice requirements interact with sections 98C, 98D, and 98E of the Act

You are not required to notify the Treasurer under sections 98C, 98D, or 98E of the Act in relation to an action if you are required to give a register notice in relation to that action (other than in certain transitional cases).⁵⁰

However, if you only have notification obligations under sections 98C, 98D and/or 98E of the Act, you must meet those obligations.

Example 11

A foreign person takes a significant action under a no objection notification to acquire an easement over agricultural land. Because this kind of interest is not specified in section 58J of the Regulation, the person is not required to give a register notice in relation to the action. The person must notify the Treasurer under section 98C of the Act.

Example 12

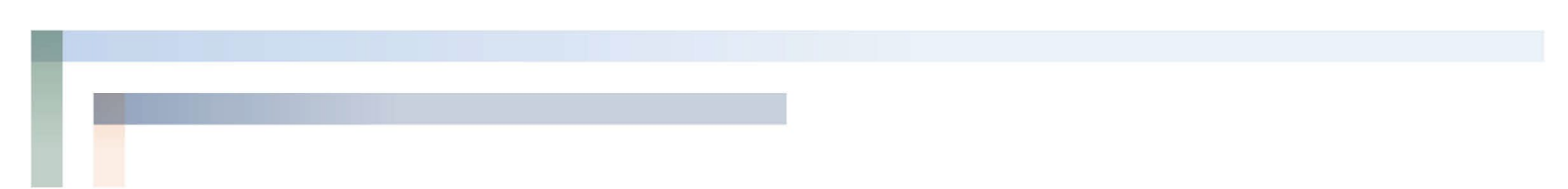
ExampleCo Pty Ltd was given a no objection notification in respect of its proposed 100 per cent acquisition of TargetCo Pty Ltd on 2 July 2023. It acquired the interests in securities in TargetCo Pty Ltd on 10 July 2023 and gave a register notice in relation to that action on 1 August. ExampleCo Pty Ltd is not required to make a report under section 98C of the Act after it takes the action. Nor is it required to make reports under section 98E of the Act.

F: How register notice requirements interact with reporting obligations under conditions

Some no objection notifications and exemption certificates issued prior to 1 July 2023 included conditions that require the recipient to provide a report to the Treasurer or Treasury on the

⁴⁹ See section 130X of the Act.

⁵⁰ See section 58H of the Regulation.



occurrence of certain events, including acquisitions or disposals of an interest covered by the no objection notification or exemption certificate.

From 1 July 2023, many such events (such as acquisitions and disposals of interests) may also give rise to an obligation to give a register notice.

Treasury will not take compliance action against foreign persons who contravene conditions imposed in a no objection notification or exemption certificate to provide a report to the Treasurer or Treasury where:

- the foreign person is under an obligation to give a register notice in relation to the same event;
- the foreign person gives the register notice in accordance with subsection 130W(2) of the Act before the time when the relevant condition requires a report to be provided to the Treasurer or Treasury; and
- the register notice includes all of the information which is required to be provided in the report to the Treasurer or Treasury or, if the register notice does not include all such information, the remaining information is provided in a report to the Treasurer or Treasury in accordance with the relevant condition.⁵¹

G: Exemptions

Preserved exemptions from giving a register notice in relation to the Register of Foreign Ownership of Water Entitlements and of Agricultural Land

There are exemptions from giving a register notice which are similar to certain exemptions in the [Register of Foreign Ownership of Water or Agricultural Land Rules 2017](#) (the **Old Rules**), including:

- the exemption provided to irrigation infrastructure operators;⁵²
- the exemption for interests in securities, assets, a trust, or Australian land held because of enforcement of securities for moneylending agreements;⁵³
- the exemption for registrable water interests held because of enforcement of securities for moneylending agreements;⁵⁴ and
- the exemption for persons in which foreign custodian corporations have interests.⁵⁵

51 These reports should be provided through the Foreign Investment Portal.

52 See section 7 of the Old Rules and section 22A of the Regulation.

53 See section 8 of the Old Rules and sections 27 and 81 of the Regulation.

54 See section 9 of the Old Rules and sections 27 and 81 of the Regulation.

55 See section 10 of the Old Rules and section 41A of the Regulation.

Exemptions in the Regulation excluding certain interests from the Act

Some sections of the Regulation exclude part or all of the Act from applying to certain interests. These exemptions are outlined in Part 3 of the Regulation.

Some of the exemptions are:

- the exemption for moneylending agreements;⁵⁶
- the exemption for revenue streams from mining or production tenements;⁵⁷
- the exemption for exploration tenements acquired by non-foreign government investors;⁵⁸
- the exemption for interests acquired by devolution by operation of law;⁵⁹
- the exemption for Australian businesses carried on by, or land acquired from, government;⁶⁰
- the exemption for acquisitions of interests in all types of Australian land by people with a close connection to Australia (including Australian citizens who are not ordinarily resident in Australia);⁶¹
- the exemption for acquisitions of interests in agricultural land by spouses and de facto partners of Australian citizens;⁶²
- the exemption for acquisitions of interests in residential land by people with a connection to Australia (including permanent and special category visa holders and the spouses and de facto partners of permanent and special category visa holders);⁶³
- the exemption for acquisitions that occur by way of a rights issue that do not result in a change in the share of ownership held following the issue;⁶⁴
- the exemption (in relation to section 130ZC of the Act) for interests held by a person when becoming a foreign person if the person would not need to give a register notice if the person were to acquire that interest while a foreign person.⁶⁵

56 See section 27 of the Regulation.

57 See section 27A of the Regulation.

58 See section 27B of the Regulation.

59 See section 29 of the Regulation.

60 See section 31 of the Regulation.

61 See section 35 of the Regulation.

62 See subsection 35(2) of the Regulation.

63 See section 38 of the Regulation.

64 see section 41 of the Regulation.

65 See section 58K of the Regulation.

H: How to give a register notice

You must give a register notice electronically through [Online services for foreign investors](#) (the service). A register notice should contain information relating to the identity of the foreign person who acquired the interest, as well as information about the interest acquired or change in registered circumstance that occurred. This information may include personal information such as names, addresses and contact details, asset details such as type, action, date of acquisition, intended usage and consideration for the interest, and change in registered circumstances such as foreign person status or divestment.⁶⁶

To use the service, you will need a myID. For information on how to set up a myID, go to [the myID website](#).

You can authorise a representative to give a register notice on your behalf. To do so, you will first need to set up access to the service. Once you have done so, you can log in to the service to authorise a representative.

Further information can be found on [the ATO website](#). If you are unable to give a register notice through the service because of technical difficulties, [contact the ATO](#).

I: How information given to the Registrar will be treated

The information on the Register will not be publicly available. The information you give to the Registrar may only be used, recorded or disclosed consistent with the protected information provisions of the Act⁶⁷ and other relevant legal requirements.

The Registrar is required to give the Treasurer, for presentation to the Parliament, an annual report using de-identified statistical information from the Register. This must occur as soon as practicable after 30 June each year.⁶⁸

66 The Foreign Acquisitions and Takeovers (Register Notices) Data Standard 2023 sets out some requirements for the giving of register notices.

67 See Division 3 of Part 7 of the Act.

68 See section 130ZY of the Act.

J: Record-keeping and penalties

Record-keeping

You must make records relating to register notices and keep those records for 5 years.⁶⁹ You may commit an offence if you do not do so.⁷⁰

Failure to give a register notice

A civil penalty may apply if you fail to give a register notice when you are required to do so.⁷¹ The Commonwealth may issue infringement notices in relation to alleged contraventions.⁷²

False or misleading information

The information given by you and your representative must be accurate, factual and complete. You may commit an offence if you provide false or misleading information or documents to a Commonwealth officer or entity.⁷³

Further information

Further information can be found on [the ATO website](#).

If you would like further information on your notification obligations as a foreign investor, we encourage you to engage with us by emailing us at foreigninvestmentcompliance@treasury.gov.au.

If you have general queries about the foreign investment framework, you can email foreigninvestmentenquiries@treasury.gov.au.

Important notice: This Guidance Note provides a summary of the relevant law. As this Note tries to avoid legal language wherever possible it 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 here. 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 Guidance Note is therefore not a substitute for obtaining your own legal advice.

69 See Division 2 of Part 7 of the Act.

70 See section 119 of the Act.

71 See section 130ZV of the Act.

72 See section 100 of the Act.

73 See Part 7.4 of the Schedule to the *Criminal Code Act 1995*.