

LI 2023/21 -



Foreign Acquisitions and Takeovers (Register Notices) Data Standard 2023

I, Chris Jordan, Commissioner of Taxation in my capacity as Registrar, make the following instrument.

Dated 11 May 2023

Chris Jordan
Registrar

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1 Name

This instrument is the *Foreign Acquisitions and Takeovers (Register Notices) Data Standard 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|---------------------------------|---|--------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The later of: a) the day after it is registered; and b) the day after Part 2 of Schedule 3 to the <i>Foreign Investment Reform (Protecting Australia's National Security) Act 2020</i> commences. | |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 130ZZ(1) of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 4 of the Act, including the following:

- (a) constituent document;
- (b) foreign person;
- (c) registered circumstance;
- (d) register notice;
- (e) registrable event day;
- (f) registrable water interest;
- (g) significant agreement.

In this instrument:

Act means the *Foreign Acquisitions and Takeovers Act 1975*.

ANZSIC code means Australian and New Zealand Standard Industrial Classification code.

registrable interest means an interest to which Division 3 of Part 7A of the Act applies.

5 Giving a register notice

- (1) A register notice must be given via the electronic platform made available by the Registrar.
- (2) If the information cannot be provided via that electronic platform, the Registrar may allow the information to be provided in another manner (such as via another electronic form).

Note: Subsection 14(4) of the *Legislation Act 2003* applies to any forms made under this subsection.

6 Information or documents that must accompany a register notice

- (1) A person must provide information or documents to accompany a register notice when they are requested to do so by the Registrar.

Note: The time at which the register notice is required to be given is set out in section 130W of the Act and may be extended under section 130Z of the Act.

- (2) Before or after a register notice has been given, the Registrar may request information or documents to accompany the notice to establish or verify:
 - (a) the identity of:
 - (i) relevant individuals, where the register notice is submitted by an individual, or a partnership involving individuals, or their agent;
 - (ii) a company or trustee, where the register notice is submitted by the company or trustee, or their agent;
 - (iii) an agent, and their authority to act on behalf of another person, where the register notice is submitted by the agent on behalf of another person; and
 - (iv) a foreign person, where the register notice is submitted by the foreign person or their agent;
 - (b) the reason for providing the register notice;
 - (c) the date the registrable interest was acquired, or the registered circumstance came or ceased to exist;
 - (d) the registrable event day;
 - (e) the consideration paid for the registrable interest;
 - (f) the percentage of the registrable interest held or owned;
 - (g) for a registrable interest that is an interest in Australian land:
 - (i) the land title details;
 - (ii) the title holding type;
 - (iii) the nature or type of the land (including whether it is commercial, residential or agricultural land);
 - (iv) the current and intended use of the land;
 - (v) the location of the land;
 - (vi) the size of the land; and
 - (vii) information about any relevant lease;

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- (h) for a registrable interest that is a registrable water interest:
 - (i) water entitlement details;
 - (ii) water licence details;
 - (iii) the current and intended use of the water; and
 - (iv) information about any relevant lease;
 - (i) for a registrable interest that is an exploration tenement or a mining and production tenement:
 - (i) tenement licence details;
 - (ii) the relevant ANZSIC code;
 - (iii) the relevant land size;
 - (iv) the location of the tenement; and
 - (v) information about any relevant lease;
 - (j) for a registrable interest that is an interest in an Australian business or entity, or in the assets of an Australian business or entity:
 - (i) the business or entity name;
 - (ii) the business or entity identifier (such as the Australian Business Number or Australian Company Number);
 - (iii) the relevant ANZSIC code;
 - (iv) the main location of the business or entity;
 - (v) the business structure and the industry sector of the business or entity; and
 - (vi) the circumstances in which a significant agreement was entered into or terminated, or a constituent document was altered.

Note: Information collected under this data standard is “protected information” within the meaning of section 120 of the Act.

7 Combining register notices

The Registrar may combine register notices given under Division 3 of Part 7A of the Act into a single notice.

8 Correcting or updating information held by the Registrar

- (1) The Registrar may correct or update any information recorded or held in the Register if the Registrar has reason to believe that the information is incorrect or there is information missing.
- (2) A person must inform the Registrar if they believe there are errors in, or corrections are required to, information held in the Register.

9 Communication with the Registrar

- (1) The Registrar will communicate electronically with:
 - (a) a person who has provided information to the Registrar; and
 - (b) any other person who is permitted by law to access information in relation to a register notice.

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- (2) If a person referred to in subsection (1) is unable to communicate electronically, the Registrar may choose to communicate with them in another manner.

10 Requirement for signed declaration

A person who submits a register notice must provide a signed declaration that:

- (a) they are the applicant, or authorised to act on behalf of the applicant, identified in the register notice; and
- (b) the information provided in the register notice is true and correct.

Note 1: Section 10 of the *Electronic Transactions Act 1999* applies in relation to a requirement under Commonwealth law for a person to provide a signature.

Note 2: A person may commit an offence if they knowingly give false or misleading information or documents (see sections 137.1 and 137.2 of the Schedule to the *Criminal Code Act 1995*).

11 Compliance with data standard

The Registrar may accept that a register notice meets the requirements of this data standard if the notice substantially complies with those requirements, or has only such variations that the Registrar considers appropriate having regard to the person's circumstances.