

Table of registerable interests

Land		
Section in the Act requiring notice be given	Details of actions requiring notice	Time to Notify
S 130ZA(1)(a) - a foreign person acquires an interest (other than an equitable interest) in Australian land	<p>The requirement covers acquisitions of interests in land that may not have required prior approval from the Treasurer (e.g., interests in developed commercial land by private foreign investors under the applicable monetary threshold).</p> <p>The requirement captures all types of land: agricultural, commercial and residential. However, interests in Australian land entities are proposed to be excluded from the Register requirement under the Regulations.</p> <p>NOTE: entry into licences to occupy land (where FIRB approval is not required) do not need to be registered.</p>	Within 30 days of the interest being acquired.
S 130ZA(1)(b) - a foreign person acquires an equitable interest in agricultural land pursuant to a lease or licence with a term likely to exceed five years	This requirement would cover the acquisition of equitable interests in pastoral leases.	Within 30 days of the interest being acquired.
S 130ZB - a foreign person acquires an interest (other than an equitable interest) in an exploration tenement	Private foreign investors (i.e., non-foreign government investors) must notify the ATO even though they typically do not require prior approval from the Treasurer to acquire a legal interest in an exploration tenement.	Within 30 days of the interest being acquired.
<p>S 130ZC - a person becomes a foreign person while holding:</p> <ul style="list-style-type: none"> • an interest (other than an equitable interest) in Australian land; • an equitable interest in agricultural land pursuant to a lease or licence with a term likely to exceed five years; or • an interest (other than an equitable interest) in an exploration tenement. 	<p>The foreign acquirer and Australian target may have separate obligations to notify the ATO for Register purposes.</p> <p>A foreign person that acquires an Australian target may require approval from the Treasurer, and will also have an obligation to notify the ATO for Register purposes of the acquisition.</p> <p>The Australian target, which becomes a foreign person under section 4 of the Act following the acquisition, has a separate obligation to give a register notice under this section.</p>	Within 30 days of the day on which the person becomes a foreign person.
S 130ZD - there is a change in the nature of the interest in Australian land held by a foreign person	This requirement covers situations where land held by a foreign person changes from one type of land to another (e.g., agricultural land becomes commercial land).	Within 30 days of the first day the person is aware, or ought reasonably to have become aware, of the change.

Water interests		
Section in the Act requiring notice be given	Details of actions requiring notice	Time to Notify
S 130ZE - a foreign person acquires a 'registrable water interest' during a financial year and holds the interest at the end of the last day of the financial year	This obligation will replace foreign investors' obligations under the <i>Register of Foreign Ownership of Water or Agricultural Land Act 2015</i> (Cth).	Within 30 days of the end of the financial year.
S 130ZF - a person becomes a foreign person while holding a registrable water interest	See above in relation to point 1 of this table.	Within 30 days of the last day of the financial year in which the person becomes a foreign person.
S 130ZG - there is a change in certain characteristics of a registrable water interest held by a foreign person	This requirement applies where the volume of water or share of a water resource referred to in the registrable water interest changes.	Within 30 days of the last day of the financial year.

National security		
Section in the Act requiring notice be given	Details of actions requiring notice	Time to Notify
S 130ZK - a foreign person takes a notifiable national security action under section 55B of the Act	This requirement does not cover acquiring an interest in national security land (such actions will be covered under section 130ZA).	Within 30 days of the action being taken.
S 130ZL - a foreign person takes a 'reviewable national security action' under section 55D of the Act (entities)	Notice must be provided if a 'reviewable national security action' under section 55D of the Act occurs and: <ul style="list-style-type: none"> • 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. 	Within 30 days of the registrable event day (date of action or receipt of no objection notification).
S 130ZM - a foreign person takes a reviewable national security action under section 55E of the Act (businesses)	See above in S 130ZL.	Within 30 days of the registrable event day (date of action or receipt of no objection notification).
S 130ZP - a person becomes a foreign person while carrying on or holding an interest in a national security business	Refer to section 8AA of the Regulations for the definition of 'national security business'.	Within 30 days of the day on which the person becomes a foreign person.

Entities of businesses		
Section in the Act requiring notice be given	Details of actions requiring notice	Time to Notify
S 130ZE - a foreign person acquires a 'registrable water interest' during a financial year and holds the interest at the end of the last day of the financial year	This obligation will replace foreign investors' obligations under the <i>Register of Foreign Ownership of Water or Agricultural Land Act 2015</i> (Cth).	Within 30 days of the end of the financial year.
S 130ZH - a foreign person takes a 'significant action' under section 40 of the Act (entities – i.e., share acquisitions or acquisitions of units in unit trusts, or taking certain actions in relation to an entity)	Notice must be provided if a 'significant action' under section 40 of the Act occurs and: <ul style="list-style-type: none"> • 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. 	Within 30 days of the registrable event day (date of action, 'change in control', or receipt of no objection notification).
S 130ZI - a foreign person takes a significant action under section 41 of the Act (businesses, i.e., asset acquisitions, or entering / terminating a significant agreement with a business)	As above in S 130ZH.	Within 30 days of the registrable event day (date of action, 'change in control', or receipt of no objection notification).
S 130ZJ - a foreign person takes a notifiable action under section 47 of the Act (entities and businesses)	This requirement does not cover notifiable actions to acquire interests in Australian land (this is covered already under section 130ZA).	Within 30 days of the action being taken.
S 130ZN - a foreign person's interest in an entity or business differs by more than 5% from what was previously notified to the ATO	Equitable interests are disregarded for the purposes of the 5% analysis.	Within 30 days of the first day the person is aware, or ought reasonably to have become aware, of the difference.
S 130ZO - a person becomes a foreign person while holding an interest in an entity or business	This requirement applies only where, had the person been a foreign person on the day the interest in the entity or business was acquired, the acquisition would have been a notifiable action under section 47 of the Act.	Within 30 days of the day on which the person becomes a foreign person.

Australian media business

Section in the Act requiring notice be given	Details of actions requiring notice	Time to Notify
S 58B - a foreign person acquires a direct interest in an entity or business that wholly or partly carries on an Australian media business	Refer to section 13A of the Regulations for the definition of 'Australian media business'.	Within 30 days of the registrable event day (date depends on circumstances).

Foreign government investors

Section in the Act requiring notice be given	Details of actions requiring notice	Time to Notify
S 58B - a foreign government investor, and takes an action under subsection 56(1) of the Regulations	Section 56(1) of the Regulations covers foreign government investors: <ul style="list-style-type: none"> • acquiring a direct interest in an Australian entity or Australian business; • starting an Australian business; • acquiring a legal or equitable interest in a tenement; and • acquiring an interest of at least 10% in the securities of a mining, production or exploration entity. 	Within 30 days of the registrable event day (date depends on circumstances).

Exemption certificates

Section in the Act requiring notice be given	Details of actions requiring notice	Time to Notify
S 58C-58J - a foreign person takes an action covered by an exemption certificate	The exposure draft regulations generally treat actions covered by exemption certificates as if they were subject to the other relevant Register requirements in the Act.	Generally, within 30 days of taking the action.

Other changes in circumstance

Section in the Act requiring notice be given	Details of actions requiring notice	Time to Notify
S 130ZQ - a 'registered circumstance' ceases (a 'registered circumstance' exists once a person gives a register notice to the ATO)	This requirement applies when a foreign person has given a register notice pursuant to any of the above requirements, and the relevant circumstances cease (e.g., the foreign person divests its interest in an asset).	Generally, within 30 days of the day on which the foreign person is aware, or ought reasonably to have become aware, that the registered circumstance had ceased.
S 130ZR - a foreign person ceases to be a foreign person while registered circumstances exist	This requirement applies when a foreign person has given a register notice pursuant to any of the above requirements, and they cease to be a foreign person after having given such a notice.	Within 30 days of the day on which the person ceases to be a foreign person.