



Register of Foreign Ownership of Water or Agricultural Land Act 2015

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About this compilation

This compilation

This is a compilation of the *Register of Foreign Ownership of Water or Agricultural Land Act 2015* that shows the text of the law as amended and in force on 7 December 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to provide for the collection of information, and publication of statistics, about foreign interests in certain water or land, and for related purposes

Part 1—Preliminary

1 Short title

This Act may be cited as the *Register of Foreign Ownership of Water or Agricultural Land Act 2015*.

2 Commencement

- (1) Each provision of this Act 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 Act	At the same time as Schedule 1 to the <i>Foreign Acquisitions and Takeovers Legislation Amendment Act 2015</i> commences.	1 December 2015

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

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

3 Simplified outline of this Act

The Commissioner must keep 2 registers under this Act.

The first register is the Register of Foreign Ownership of Agricultural Land, which contains:

- (a) information the Commissioner obtains about foreign persons' holdings of agricultural land; and
- (b) published statistics derived from that information.

Foreign persons must give notice to the Commissioner of:

- (a) their holdings of agricultural land as at the start of 1 July 2015; and
- (b) later events causing agricultural land to start or cease to be held by foreign persons.

The second register is the Register of Foreign Ownership of Water Entitlements, which contains:

- (a) information the Commissioner obtains about foreign persons' holdings of certain water entitlements and contractual water rights; and
- (b) published statistics derived from that information.

Foreign persons must give notice to the Commissioner of:

- (a) their holdings of such water entitlements and contractual water rights as at the end of 30 November 2017; and
- (b) later events causing such entitlements or rights to start or cease to be held by foreign persons, notice of which must be given annually.

The Commissioner must give the Minister reports, including statistics from each register, for presentation to the Parliament.

The provisions in Schedule 1 to the *Taxation Administration Act 1953* about confidentiality of information control what can be done

with information in the registers (apart from the published statistics).

4 Definitions

In this Act:

agricultural land means land in Australia that is used, or that could reasonably be used, for a primary production business.

Note: The rules may provide that land is not agricultural land (see section 5).

Australia, when used in a geographical sense, includes the external Territories.

Australian water access entitlement means a perpetual or ongoing entitlement, by or under a law of a State or Territory, to exclusive access to a share of the water resources of an area in the State or Territory.

cease:

- (a) in relation to holding a freehold interest in, or a right to occupy, agricultural land—has a meaning affected by section 6; or
- (b) in relation to holding a registrable water entitlement or a contractual water right—has a meaning affected by section 6A.

Commissioner means the Commissioner of Taxation.

contract includes a deed.

contractual water right of a person means a contractual right that the person holds (alone or jointly) to all or part of another person's:

- (a) registrable water entitlement; or
- (b) water allocation; or
- (c) right of a kind specified in the rules.

foreign person has the same meaning as in the *Foreign Acquisitions and Takeovers Act 1975*.

Section 4

freehold interest of a person in land means a legal interest in an estate in fee simple in the land that the person holds (alone, as a tenant in common or as a joint tenant).

land includes a building or a part of a building.

lease includes a sublease.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997*.

registrable water entitlement has the meaning given by section 5A.

registration trigger time:

- (a) in relation to a right held by a person to occupy land under a lease or licence—means the latest of the following times:
 - (i) the time the person started to hold the right;
 - (ii) the time the person became a foreign person;
 - (iii) the time the land became agricultural land;
 - (iv) the start of 1 July 2015; or
- (b) in relation to a contractual water right held by a person—means the latest of the following times:
 - (i) the time the person started to hold the right;
 - (ii) the time the person became a foreign person;
 - (iii) the start of 1 December 2017.

rules means rules made under section 35.

start:

- (a) in relation to holding a freehold interest in, or a right to occupy, land—has a meaning affected by section 6; or
- (b) in relation to holding a registrable water entitlement or a contractual water right—has a meaning affected by section 6A.

water allocation means the specific volume of water allocated to an Australian water access entitlement in a given period.

water resource means:

- (a) surface water or ground water; or
- (b) a watercourse, lake, wetland or aquifer (whether or not it currently has water in it).

An expression used in this definition that is also used in the *Water Act 2007* has the same meaning as in that Act.

5 Rules may specify that land is not agricultural land

- (1) The rules may provide that land of a specified kind is not agricultural land for the purposes of this Act.
- (2) Those rules have effect despite the definition of *agricultural land* in section 4.

5A Meaning of *registrable water entitlement*

- (1) A *registrable water entitlement* of a person is any of the following rights that the person holds (alone or jointly):
 - (a) an irrigation right (within the meaning of the *Water Act 2007*) that relates to a water resource in Australia;
 - (b) a right (including an Australian water access entitlement) conferred by or under a law of a State or Territory to do either or both of the following:
 - (i) to hold water from a water resource in Australia;
 - (ii) to take water from a water resource in Australia.
- (2) However, a *registrable water entitlement* does not include:
 - (a) stock and domestic rights; or
 - (b) riparian rights; or
 - (c) water allocations; or
 - (d) a right of a kind specified in the rules.

Section 6

6 Starting and ceasing to hold freehold interests in, and rights to occupy, land

Starting

- (1) A person starts to hold a freehold interest in, or right to occupy, land even if:
 - (a) the person starts to hold the interest or right jointly with one or more other persons; or
 - (b) the person already holds or has previously held such an interest or right in other land.

Ceasing

- (2) A person ceases to hold a freehold interest in, or right to occupy, agricultural land even if the person continues to hold another such interest or right in other agricultural land.

This section is not limiting

- (3) This section does not limit when a person starts or ceases to hold a freehold interest in, or right to occupy, land.

6A Starting and ceasing to hold water entitlements and rights

Starting

- (1) A person starts to hold a registrable water entitlement or a contractual water right even if:
 - (a) the person starts to hold the entitlement or right jointly with one or more other persons; or
 - (b) the person already holds or has previously held another registrable water entitlement or contractual water right.

Ceasing

- (2) A person ceases to hold a registrable water entitlement, or contractual water right, even if the person continues to hold another such entitlement or right.

This section is not limiting

- (3) This section does not limit when a person starts or ceases to hold a registrable water entitlement or contractual water right.

7 Extension to external Territories

This Act extends to every external Territory.

8 Extraterritoriality

This Act applies both within and outside Australia.

9 This Act binds the Crown

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to a pecuniary penalty or to be prosecuted for an offence.

10 Concurrent operation of State and Territory laws

This Act is not intended to exclude or limit the operation of a law of a State or Territory to the extent that that law is capable of operating concurrently with this Act.

11 Severability

- (1) Without limiting its effect apart from each of the following subsections of this section, this Act also has effect as provided by that subsection.
- (2) This Act also has the effect it would have if each reference to a foreign person were expressly confined to an individual who is outside Australia.
- (3) This Act also has the effect it would have if each reference to a foreign person were expressly confined to an alien (within the meaning of paragraph 51(xix) of the Constitution).

Section 11

- (4) This Act also has the effect it would have if each reference to a foreign person were expressly confined to a corporation that:
- (a) is described in paragraph (b) or (c) of the definition of **foreign person** in section 4 of the *Foreign Acquisitions and Takeovers Act 1975*; and
 - (b) is a foreign corporation, or a trading or financial corporation, to which paragraph 51(xx) of the Constitution applies.
- (5) This Act also has the effect it would have if each reference to a foreign person were expressly confined to a trustee who:
- (a) is a trustee of a trust described in paragraph (d) or (e) of the definition of **foreign person** in section 4 of the *Foreign Acquisitions and Takeovers Act 1975*; and
 - (b) is:
 - (i) an individual outside Australia; or
 - (ii) an alien (within the meaning of paragraph 51(xix) of the Constitution); or
 - (iii) a foreign corporation, or a trading or financial corporation, to which paragraph 51(xx) of the Constitution applies.
- (6) This Act also has the effect it would have if each reference to land were expressly confined to land within a Territory.
- (7) This Act also has the effect it would have if each reference to a water resource were expressly confined to a water resource within a Territory.

Part 2—Register of Foreign Ownership of Agricultural Land

12 Simplified outline of this Part

The Commissioner must keep a Register of Foreign Ownership of Agricultural Land, in 2 parts.

The basic part contains information the Commissioner obtains about foreign persons' holdings of agricultural land.

The statistical part, which must be published on a website, contains statistics derived from the information in the basic part.

The Commissioner may correct and update this register.

13 Commissioner must keep this register

The Commissioner must keep a Register of Foreign Ownership of Agricultural Land.

14 Parts of this register

- (1) The Commissioner must keep this register in 2 separate parts:
 - (a) the basic part; and
 - (b) the statistical part.
- (2) The basic part must contain:
 - (a) all the information obtained by the Commissioner under Part 3; and
 - (b) any information added under section 15; and
 - (c) any corrections or updates of information described in paragraph (a) or (b) that are made under section 16.

Section 15

- (3) The statistical part must contain statistics derived by the Commissioner from information in the basic part of this register, and any corrections or updates of those statistics.
- (4) The statistics in the statistical part must not identify, or be reasonably capable of being used to identify, a person.

15 Commissioner may add information to basic part of this register

The Commissioner may add to the basic part of this register any information obtained by the Commissioner (other than information obtained under Part 3) relating to:

- (a) the holding by a foreign person at the start of 1 July 2015 of an interest or right described in subsection 19(1); or
- (b) an event that is described in Subdivision B of Division 3 of Part 3 and that occurs after the start of 1 July 2015.

Note 1: Information obtained under Part 3 must be included in the basic part of this register.

Note 2: Although the information described in this section is information about matters that must be notified to the Commissioner under Part 3, the Commissioner may obtain that information in other ways, such as by the exercise of powers under section 33 of this Act or Division 353 in Schedule 1 to the *Taxation Administration Act 1953*.

16 Commissioner may correct or update information in this register

The Commissioner may correct or update information in the basic part, or the statistical part, of this register.

17 Statistical part of this register to be published on website

The Commissioner must publish on a website the statistical part of this register.

Part 3—Requirements to give information about foreign holdings of agricultural land

Division 1—Simplified outline of this Part

18 Simplified outline of this Part

After the commencement of this Act, a foreign person who held agricultural land at the start of 1 July 2015 must give the Commissioner notice of the holding.

If an event happens after the start of 1 July 2015 causing agricultural land to start or cease to be held by a particular foreign person, the person must give the Commissioner notice of the event after the commencement of this Act.

If a person required to give notice dies or is wound up before doing so, the person's executor or liquidator must give the notice. An agent may give notice for a person.

The rules may provide for exemptions from these requirements.

Division 2—Foreign holdings of agricultural land on 1 July 2015

19 Notification of foreign persons' holdings of agricultural land as at 1 July 2015

- (1) This section applies if, at the start of 1 July 2015, a foreign person held:
- (a) a freehold interest in agricultural land; or
 - (b) a right to occupy agricultural land under a lease or licence whose remaining term (including any extension or renewal) was (at the start of 1 July 2015) reasonably likely to exceed 5 years.
- (2) The person must give notice of the holding to the Commissioner in the approved form before the end of 30 days starting on the day this section commences.

Note 1: Subdivision 388-B in Schedule 1 to the *Taxation Administration Act 1953* contains rules about giving notices in the approved form. Subdivision 286-C in that Schedule provides for an administrative penalty for failure to give notice in the approved form on time.

Note 2: Division 4 requires or permits other persons to give notice of the event in some cases.

Note 3: The rules may provide for exemptions from requirements of this Part (see section 30).

Division 3—Changes in foreign holdings of agricultural land

Subdivision A—Requirement to notify Commissioner of events affecting foreign holding of agricultural land

20 Notification of changes of foreign persons' holdings of agricultural land

A person must give the Commissioner notice, in the approved form, of an event described in Subdivision B involving the person and occurring after the start of 1 July 2015. The person must do so before the end of 30 days after the later of:

- (a) the occurrence of the event; and
- (b) the commencement of this section.

Note 1: Subdivision 388-B in Schedule 1 to the *Taxation Administration Act 1953* contains rules about giving notices in the approved form. Subdivision 286-C in that Schedule provides for an administrative penalty for failure to give notice in the approved form on time.

Note 2: Division 4 requires or permits other persons to give notice of the event in some cases.

Note 3: The rules may provide for exemptions from requirements of this Part (see section 30).

Subdivision B—Events that must be notified

21 Foreign person starting to hold agricultural land

One event is that a foreign person starts to hold:

- (a) a freehold interest in agricultural land; or
- (b) a right to occupy agricultural land under a lease or licence whose term (including any extension or renewal) after the person starts to hold the right is reasonably likely to exceed 5 years.

Section 22

22 Foreign person ceasing to hold agricultural land

Another event is that a foreign person ceases to hold:

- (a) a freehold interest in agricultural land; or
- (b) a right to occupy agricultural land under a lease or licence whose term (including any extension or renewal) after the registration trigger time was (at that time) reasonably likely to exceed 5 years.

23 Becoming a foreign person while holding agricultural land

Another event is that a person becomes a foreign person while holding:

- (a) a freehold interest in agricultural land; or
- (b) a right to occupy agricultural land under a lease or licence whose term (including any extension or renewal) after the person becomes a foreign person is reasonably likely to exceed 5 years.

24 Ceasing to be a foreign person while holding agricultural land

Another event is that a person ceases to be a foreign person while holding:

- (a) a freehold interest in agricultural land; or
- (b) a right to occupy agricultural land under a lease or licence whose term (including any extension or renewal) after the registration trigger time was (at that time) reasonably likely to exceed 5 years.

25 Land becoming agricultural land while held by a foreign person

Another event is that land becomes agricultural land while a foreign person holds:

- (a) a freehold interest in the land; or
- (b) a right to occupy the land under a lease or licence whose term (including any extension or renewal) after the time the land

becomes agricultural land is (at that time) reasonably likely to exceed 5 years.

26 Land ceasing to be agricultural land while held by a foreign person

Another event is that land ceases to be agricultural land while a foreign person holds:

- (a) a freehold interest in the land; or
- (b) a right to occupy the land under a lease or licence whose term (including any extension or renewal) after the registration trigger time was (at that time) reasonably likely to exceed 5 years.

Division 4—Giving of notice by agents

27 Requirement for executors and administrators to give notice for persons who die

- (1) If a person who is required by section 19 or 20 to give notice dies before giving the notice, the executor or administrator of the person's estate must give notice in accordance with that section.
- (2) Subsection (1) applies even if the person dies before the commencement of section 19 or 20.

28 Requirement for corporate liquidators to give notice

- (1) If a person who is required by section 19 or 20 to give notice is a corporation and is wound up before giving the notice, the liquidator of the corporation must give notice in accordance with that section.
- (2) Subsection (1) applies even if the corporation is wound up before the commencement of section 19 or 20.

29 Agents may give notice

A person required by section 19, 20, 27 or 28 to give notice is taken to have complied with the requirement if someone else gives notice, in accordance with that section, on the person's behalf.

Division 5—Exemptions from requirements to give notice

30 Rules may exempt from requirements to give notice

The rules may provide that this Part, or specified provisions of this Part, do not apply in relation to either all persons or persons specified by the rules, either generally or in circumstances specified by the rules.

Part 3A—Register of Foreign Ownership of Water Entitlements

30A Simplified outline of this Part

The Commissioner must keep a Register of Foreign Ownership of Water Entitlements, in 2 parts.

The basic part contains information the Commissioner obtains about foreign persons' holdings of certain water entitlements and contractual water rights.

The statistical part, which must be published on a website, contains statistics derived from the information in the basic part.

The Commissioner may correct and update this register.

30B Commissioner must keep this register

The Commissioner must keep a Register of Foreign Ownership of Water Entitlements.

30C Parts of this register

- (1) The Commissioner must keep this register in 2 separate parts:
 - (a) the basic part; and
 - (b) the statistical part.
- (2) The basic part must contain:
 - (a) all the information obtained by the Commissioner under Part 3B; and
 - (b) any information added under section 30D; and
 - (c) any corrections or updates of information described in paragraph (a) or (b) that are made under section 30E.

- (3) The statistical part must contain statistics derived by the Commissioner from information in the basic part of this register, and any corrections or updates of those statistics.
- (4) The statistics in the statistical part must not identify, or be reasonably capable of being used to identify, a person.

30D Commissioner may add information to basic part of this register

The Commissioner may add to the basic part of this register any information obtained by the Commissioner (other than information obtained under Part 3B) relating to:

- (a) the holding by a foreign person at the end of 30 November 2017 of an entitlement or right described in subsection 30H(1); or
- (b) an event that is described in Subdivision B of Division 3 of Part 3B and that occurs on or after 1 December 2017.

Note 1: Information obtained under Part 3B must be included in the basic part of this register.

Note 2: Although the information described in this section is information about matters that must be notified to the Commissioner under Part 3B, the Commissioner may obtain that information in other ways, such as by the exercise of powers under section 33 of this Act or Division 353 in Schedule 1 to the *Taxation Administration Act 1953*.

30E Commissioner may correct or update information in this register

The Commissioner may correct or update information in the basic part, or the statistical part, of this register.

30F Statistical part of this register to be published on website

The Commissioner must publish on a website the statistical part of this register.

Part 3B Requirements to give information about foreign holdings of water entitlements

Division 1 Simplified outline of this Part

Section 30G

**Part 3B—Requirements to give information about
foreign holdings of water entitlements**

Division 1—Simplified outline of this Part

30G Simplified outline of this Part

Foreign persons who will hold, or who hold, certain water entitlements or contractual water rights at the end of 30 November 2017 must give the Commissioner notice of those holdings.

If an event occurs on or after 1 December 2017 causing such entitlements or rights to start or cease to be held by a particular foreign person, the person must give the Commissioner notice of the event. Such notices must be given annually.

If a person required to give notice dies or is wound up before doing so, the person's executor or liquidator must give the notice. An agent may give notice for a person.

The rules may provide for exemptions from these requirements.

Division 2—Foreign holdings of water entitlements or contractual water rights on 30 November 2017

30H Notification of foreign persons' holdings of water entitlements or contractual water rights as on 30 November 2017

- (1) This section applies if a foreign person will hold, or holds, either of the following at the end of 30 November 2017:
 - (a) a registrable water entitlement;
 - (b) a contractual water right under a contract whose remaining term (including any extension or renewal) is (at the end of 30 November 2017) reasonably likely to exceed 5 years.
- (2) The person must give notice of the holding to the Commissioner in the approved form during the period:
 - (a) starting on 1 July 2017; and
 - (b) ending on the later of:
 - (i) 30 November 2017; and
 - (ii) the 30th day after the day the person starts to hold that entitlement or right.

Note 1: Subdivision 388-B in Schedule 1 to the *Taxation Administration Act 1953* contains rules about giving notices in the approved form. Subdivision 286-C in that Schedule provides for an administrative penalty for failure to give notice in the approved form on time.

Note 2: Division 4 requires or permits other persons to give notice of the event in some cases.

Note 3: The rules may provide for exemptions from requirements of this Part (see section 30U).

30J Notification of changes to these holdings that occur before 1 December 2017

If:

- (a) a person gives notice of a holding under section 30H; and

Part 3B Requirements to give information about foreign holdings of water entitlements
Division 2 Foreign holdings of water entitlements or contractual water rights on 30 November 2017

Section 30J

- (b) an event of a kind described in section 30M, 30P or 30Q occurs in relation to the holding before 1 December 2017; the person must give the Commissioner notice, in the approved form, of the event before the later of:
- (c) 1 December 2017; and
 - (d) the end of 30 days after the occurrence of the event.

Division 3—Changes in foreign holdings of water entitlements or contractual water rights

Subdivision A—Requirement to notify of events affecting foreign holding of these entitlements or rights

30K Notification of changes of foreign persons' holdings of water entitlements or contractual water rights

- (1) A person must give the Commissioner notice, in the approved form, of the events described in Subdivision B that:
- (a) involve the person; and
 - (b) occur during a financial year; and
 - (c) relate to a registrable water entitlement or a contractual water right.

The person must do so before the end of 30 days after the end of the financial year.

- Note 1: Subdivision 388-B in Schedule 1 to the *Taxation Administration Act 1953* contains rules about giving notices in the approved form. Subdivision 286-C in that Schedule provides for an administrative penalty for failure to give notice in the approved form on time.
- Note 2: If the person's notice misses an event occurring during the financial year, a further notice will need to be given.
- Note 3: Division 4 requires or permits other persons to give notice of the events in some cases.
- Note 4: The rules may provide for exemptions from requirements of this Part (see section 30U).

- (2) Subsection (1) applies to:
- (a) the period starting on 1 December 2017 and ending on 30 June 2018 as if that period were a financial year; and
 - (b) the 2018-19 financial year and each later financial year.

Exceptions

- (3) Subsection (1) does not apply to:
-

Section 30L

- (a) a person if the person is not a foreign person:
 - (i) at the end of the financial year; and
 - (ii) at the end of the previous financial year; or
- (b) an entitlement or right if the person does not hold the entitlement or right:
 - (i) at the end of the financial year; and
 - (ii) at the end of the previous financial year.

Subdivision B—Events that must be notified

30L Foreign person starting to hold a water entitlement or contractual water right

One event is that a foreign person starts to hold:

- (a) a registrable water entitlement; or
- (b) a contractual water right under a contract whose term (including any extension or renewal) after the person starts to hold the right is reasonably likely to exceed 5 years.

30M Foreign person ceasing to hold a water entitlement or contractual water right

Another event is that a foreign person ceases to hold:

- (a) a registrable water entitlement; or
- (b) a contractual water right under a contract whose term (including any extension or renewal) after the registration trigger time was (at that time) reasonably likely to exceed 5 years.

30N Becoming a foreign person while holding a water entitlement or contractual water right

Another event is that a person becomes a foreign person while holding:

- (a) a registrable water entitlement; or

- (b) a contractual water right under a contract whose term (including any extension or renewal) after the person becomes a foreign person is reasonably likely to exceed 5 years.

30P Ceasing to be a foreign person while holding a water entitlement or contractual water right

Another event is that a person ceases to be a foreign person while holding:

- (a) a registrable water entitlement; or
- (b) a contractual water right under a contract whose term (including any extension or renewal) after the registration trigger time was (at that time) reasonably likely to exceed 5 years.

30Q Change to certain characteristics of a water entitlement or contractual water right

Another event is a change to the volume of water, or to the share of a water resource, referred to in either of the following rights held by a foreign person:

- (a) a registrable water entitlement;
- (b) a contractual water right under a contract whose term (including any extension or renewal) after the registration trigger time was (at that time) reasonably likely to exceed 5 years.

Division 4—Giving of notice by agents

30R Requirement for executors and administrators to give notice for persons who die

If a person who is required by section 30H, 30J or 30K to give notice dies before giving the notice, the executor or administrator of the person's estate must give notice in accordance with that section.

30S Requirement for corporate liquidators to give notice

If a person who is required by section 30H, 30J or 30K to give notice is a corporation and is wound up before giving the notice, the liquidator of the corporation must give notice in accordance with that section.

30T Agents may give notice

A person required by section 30H, 30J, 30K, 30R or 30S to give notice is taken to have complied with the requirement if someone else gives notice, in accordance with that section, on the person's behalf.

Division 5—Exemptions from requirements to give notice

30U Rules may exempt from requirements to give notice

The rules may provide that this Part, or specified provisions of this Part, do not apply in relation to either all persons or persons specified by the rules, either generally or in circumstances specified by the rules.

Part 4—Miscellaneous

31 Simplified outline of this Part

The Commissioner has the general administration of this Act, so it is a taxation law for the purposes of the *Taxation Administration Act 1953*, which contains various supplementary provisions.

The Commissioner may request a person to give information from outside Australia that is relevant to the person's compliance with Part 3 or 3B.

The Commissioner must give the Minister periodic reports, at least annually, for presentation to Parliament.

The Minister may make rules for the purposes of this Act.

32 Commissioner has the general administration of this Act

The Commissioner has the general administration of this Act.

Note: This Act is therefore a taxation law for the purposes of the *Taxation Administration Act 1953* (among other laws). That Act contains a wide range of provisions about gathering, protecting and dealing with information, the exercise of powers and the performance of functions, under taxation laws, and the enforcement of taxation laws.

33 Offshore information notices for persons who may have obligations under Part 3 or 3B

For the purposes of this Act, section 264A of the *Income Tax Assessment Act 1936* applies as if:

- (a) a reference in that section to an assessment of a taxpayer were a reference to the determination of either or both of the following:

- (i) whether a person has or had an obligation under Part 3 or 3B of this Act;
- (ii) whether a person has complied with an obligation the person has or had under Part 3 or 3B of this Act; and
- (b) a reference in that section to a taxpayer were a reference to a person to whom the determination described in paragraph (a) relates or is to relate; and
- (c) a reference in that section to that Act included a reference to this Act.

Note 1: Section 264A of the *Income Tax Assessment Act 1936*:

- (a) lets the Commissioner give a taxpayer an offshore information notice requesting the taxpayer to give the Commissioner information, or a document, that is outside Australia and that the Commissioner believes is relevant to an assessment of the taxpayer; and
- (b) sets out the consequences if the taxpayer does not comply with the request.

Note 2: Division 353 in Schedule 1 to the *Taxation Administration Act 1953* also gives the Commissioner power to require a person to give the Commissioner information or documents for the administration of this Act.

34 Periodic report

- (1) The Commissioner must give the Minister, for presentation to the Parliament, a report that:
 - (a) is on the operation of this Act; and
 - (b) includes statistics derived by the Commissioner from:
 - (i) information in the basic part of the Register of Foreign Ownership of Agricultural Land kept under section 13; and
 - (ii) information in the basic part of the Register of Foreign Ownership of Water Entitlements kept under section 30B.
- (2) The Commissioner must do so as soon as practicable after:
 - (a) each 30 June in a year; or
 - (b) each occurrence in a year of a date prescribed by the rules.

Section 34A

Note: See also section 34C of the *Acts Interpretation Act 1901*, which contains extra rules about periodic reports.

34A Productivity Commission inquiry—Parts 3A and 3B

- (1) Before the end of the period of 3 years after the commencement of this section, the Minister administering the *Productivity Commission Act 1998* (the **Productivity Minister**) must, under paragraph 6(1)(a) of that Act, refer to the Productivity Commission for inquiry the matter of the effectiveness of the scheme set out in Parts 3A and 3B of this Act, including an assessment of the costs and benefits of that scheme.
- (2) In referring the matter to the Productivity Commission for inquiry, the Productivity Minister must:
 - (a) under paragraph 11(1)(b) of the *Productivity Commission Act 1998*, specify that the Productivity Commission must submit its report on the inquiry to the Productivity Minister within 5 years of the commencement of this section; and
 - (b) under paragraph 11(1)(d) of that Act, require the Productivity Commission to make recommendations in relation to the matter.

Note: Under section 12 of the *Productivity Commission Act 1998*, the Productivity Minister must cause a copy of the Productivity Commission's report to be tabled in each House of the Parliament.

- (3) For the purposes of paragraph 6(1)(a) of the *Productivity Commission Act 1998*, the matter mentioned in subsection (1) of this section is taken to be a matter relating to industry, industry development and productivity.

35 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

- (2) To avoid doubt, the rules may not do the following:
- (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Register of Foreign Ownership of Agricultural Land Act 2015	151, 2015	25 Nov 2015	1 Dec 2015 (s 2(1) item 1)	
Foreign Acquisitions and Takeovers Legislation Amendment Act 2015	150, 2015	25 Nov 2015	Sch 5 (items 1, 2): 1 Dec 2015 (s 2(1) item 5)	—
Register of Foreign Ownership of Agricultural Land Amendment (Water) Act 2016	96, 2016	7 Dec 2016	Sch 1 (items 1–34, 34 (2nd occurring)): 7 Dec 2016 (s 2(1))	Sch 1 (item 34 (1st occurring))

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am No 96, 2016
Part 1	
s 1	am No 96, 2016
s 3	rs No 96, 2016
s 4	am No 96, 2016
s 5A	ad No 96, 2016
s 6A	ad No 96, 2016
s 11	am No 96, 2016
Part 2	
Part 2 heading	rs No 96, 2016
s 12	am No 96, 2016
s 13	am No 96, 2016
s 14	am No 96, 2016
s 15	am No 96, 2016
s 16	am No 96, 2016
s 17	am No 96, 2016
Part 3A	
Part 3A	ad No 96, 2016
s 30A	ad No 96, 2016
s 30B	ad No 96, 2016
s 30C	ad No 96, 2016
s 30D	ad No 96, 2016
s 30E	ad No 96, 2016
s 30F	ad No 96, 2016
Part 3B	
Part 3B	ad No 96, 2016
Division 1	
s 30G	ad No 96, 2016

Endnote 4—Amendment history

Provision affected	How affected
Division 2	
s 30H	ad No 96, 2016
s 30J	ad No 96, 2016
Division 3	
Subdivision A	
s 30K	ad No 96, 2016
Subdivision B	
s 30L	ad No 96, 2016
s 30M	ad No 96, 2016
s 30N	ad No 96, 2016
s 30P	ad No 96, 2016
s 30Q	ad No 96, 2016
Division 4	
s 30R	ad No 96, 2016
s 30S	ad No 96, 2016
s 30T	ad No 96, 2016
Division 5	
s 30U	ad No 96, 2016
Part 4	
s 31	am No 150, 2015; No 96, 2016
s 33	am No 96, 2016
s 34	am No 96, 2016
s 34A	ad No 150, 2015
	rs No 96, 2016