



# **Foreign Acquisitions and Takeovers Amendment (Government Infrastructure) Regulation 2016**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 24 March 2016

Peter Cosgrove  
Governor-General

By His Excellency's Command

Scott Morrison  
Treasurer

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## 1 Name

This is the *Foreign Acquisitions and Takeovers Amendment (Government Infrastructure) Regulation 2016*.

## 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	31 March 2016.	31 March 2016

Note: This table relates only to the provisions of this instrument as originally made.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 the *Foreign Acquisitions and Takeovers Act 1975*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Foreign Acquisitions and Takeovers Regulation 2015*

#### 1 Section 5

Insert:

*inter-modal transfer facility* has the meaning given by the *National Land Transport Act 2014*.

#### 2 Subsection 31(2)

Repeal the subsection, substitute:

- (2) However, subsection (1) does not apply in relation to:
- (a) an acquisition of an interest by a foreign government investor; or
  - (b) an acquisition of an interest in Australian land if the interest is, or includes, an interest in any of the following infrastructure:
    - (i) public infrastructure, except in relation to public roads;
    - (ii) infrastructure for existing or proposed roads, existing or proposed railways, or existing or proposed inter-modal transfer facilities, within the National Land Transport Network (within the meaning of the *National Land Transport Act 2014*);
    - (iii) infrastructure for existing or proposed roads, existing or proposed railways, or existing or proposed inter-modal transfer facilities, that are designated under a law of a State or Territory as either significant or controlled by the State or Territory;
    - (iv) the infrastructure (or part of the infrastructure) of a telecommunications network;
    - (v) a nuclear facility; or

Note: The infrastructure mentioned in this paragraph is relevant to national security.

- (c) an Australian business that holds an interest in Australian land to which paragraph (b) applies.

Example: A result of paragraph (c) applying to an Australian business is that an acquisition of an interest in the business, in a corporation that carries on the business or in a holding company of such a corporation might be a *significant action*: see sections 40 and 41 of the Act.

#### 3 At the end of Part 7

Add:

#### **67 Application of *Foreign Acquisitions and Takeovers Amendment (Government Infrastructure) Regulation 2016***

Paragraphs 31(2)(b) and (c), as amended by the *Foreign Acquisitions and Takeovers Amendment (Government Infrastructure) Regulation 2016*, do not apply in relation to an agreement that:

- (a) relates to the acquisition of an interest in Australian land, or to an Australian business; and
- (b) was entered into before 31 March 2016.