

Foreign Acquisitions and Takeovers (Prohibition of Proposed Action) Order (No. 2) 2023

I, Jim Chalmers, Treasurer, being satisfied of the matters in subsection 67(1) of the *Foreign Acquisitions and Takeovers Act 1975*, make the following instrument.

Dated 20 July 2023

Dr Jim Chalmers

Treasurer

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Part 1—Preliminary

1 Name

This instrument is the *Foreign Acquisitions and Takeovers (Prohibition of Proposed Action) Order (No. 2) 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. Sections 1 to 5 and anything in this instrument not elsewhere covered by this table | The day this instrument is registered. |  |
| 2. Section 6 | The 31st day after this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made.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 Definitions

Note: Expressions have the same meaning in this instrument as in the *Foreign Acquisitions and Takeovers Act 1975* as in force from time to time—see paragraph 13(1)(b) of the *Legislation Act 2003*.

In this instrument:

***ABN*** has the meaning given by the *A New Tax System (Australian Business Number) Act 1999*.

***ACN*** has the meaning given by the *Corporations Act 2001*.

***Alita Resources*** means Alita Resources Limited (ABN 56 147 393 735).

***Austroid Australia*** means Austroid Australia Pty Ltd (ACN 664 535 899).

***Austroid Corporation*** means the corporation incorporated with that name in the State of Nevada in the United States of America.

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

Part 2—Orders

5 Prohibited proposed actions

Under subsection 67(2) of the Act, the following proposed actions are prohibited:

(a) the whole of the proposed acquisition by Austroid Corporation of an additional 90.10% interest in Alita Resources (which would have the effect of increasing Austroid Corporation’s interest in Alita Resources to 100%); and

(b) the whole of the proposed acquisition by Austroid Australia of a 100% interest in Alita Resources.

6 Directions

Under subsection 67(3) of the Act:

(a) Austroid Corporation is directed *not* to acquire any further interest in securities in Alita Resources if doing so will result in an increase in the proportion of interests it holds in Alita Resources exceeding 9.90%; and

(b) Austroid Australia is directed *not* to acquire any interest in securities in Alita Resources.