



## Foreign Acquisitions and Takeovers (Manner of Notification and Application) Approvals 2025

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I, Thomas Stoddart, Acting Assistant Secretary, Practice and Systems Branch, Foreign Investment Division, Department of the Treasury, delegate of the Secretary to the Treasury, approve the following manners for giving notices or making applications under the *Foreign Acquisitions and Takeovers Act 1975*.

Dated                    20 January 2025

Thomas Stoddart  
Acting Assistant Secretary  
Practice and Systems Branch  
Foreign Investment Division  
Department of the Treasury

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## Part 1—Preliminary

### 1 Name

This instrument is the *Foreign Acquisitions and Takeovers (Manner of Notification and Application) Approvals 2025*.

### 2 Commencement

- (1) Each provision of 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 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Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 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:

**ATO foreign investment email address** means the email address `FIPResidential@ato.gov.au`.

**ATO Online Services** means the electronic application forms made available for foreign investors accessible from `onlineservices.ato.gov.au/ForeignInvestor/`.

**build-to-rent development** means a development of a building on land where:

- (a) the building has, or will have, 50 or more dwellings; and

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- (b) each of those dwellings:
  - (i) is, or will be, made available to the public to be tenanted by way of lease for periods of 5 years or more; or
  - (ii) is being tenanted by way of lease as a result of being made available to the public to be tenanted by way of lease for periods of 5 years or more; and
- (c) all the dwellings, and common areas for the dwellings, are owned, or are intended to be owned, by a single person at any one time.

**Treasury Application Portal** means the web portal by way of the “submit a proposal” link on the webpage at [www.foreigninvestment.gov.au](http://www.foreigninvestment.gov.au).

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

**the Regulation** means the *Foreign Acquisitions and Takeovers Regulation 2015*.

**Treasury application email address** means the email address [foreigninvestmentapplications@treasury.gov.au](mailto:foreigninvestmentapplications@treasury.gov.au).

**Treasury audit email address** means the email address [foreigninvestmentaudit@treasury.gov.au](mailto:foreigninvestmentaudit@treasury.gov.au).

**Treasury compliance email address** means the email address [foreigninvestmentcompliance@treasury.gov.au](mailto:foreigninvestmentcompliance@treasury.gov.au).

**Treasury enquiries email address** means the email address [foreigninvestmentenquiries@treasury.gov.au](mailto:foreigninvestmentenquiries@treasury.gov.au).

**Treasury notification email address** means the email address [foreigninvestmentnotifications@treasury.gov.au](mailto:foreigninvestmentnotifications@treasury.gov.au).

## Part 2—Approved manner for giving notices or making applications under the Act

### 6 Approved manner of notification and application

Under subsection 135(1) of the Act, for each type of notice or application mentioned in an item in the following table, the manner mentioned in that item of the table for the giving of the notice or making of the application is approved.

Item	Type of notice or application	Approved manner for giving of the notice or making of the application
1	<p>Notices given in relation to any of the following:</p> <p>(a) notifiable actions (other than notifiable actions which relate only to interests in residential land);</p> <p>(b) significant actions (other than significant actions which relate only to interests in residential land);</p> <p>(c) notifiable national security actions;</p> <p>(d) reviewable national security actions.</p>	<p>One of the following manners:</p> <p>(a) if the Treasury Application Portal is online—through the Treasury Application Portal;</p> <p>(b) if the Treasury Application Portal is offline—by completing the form ‘Application Form – Proposal’ (available at <a href="http://www.foreigninvestment.gov.au">www.foreigninvestment.gov.au</a>) and sending the completed form by electronic mail to the Treasury application email address.</p>
2	<p>Applications made for variations to no objection notifications given in relation to any of the following:</p> <p>(a) actions described in paragraph 75(1)(b) of the Act (other than actions which only relate to interests in residential land);</p> <p>(b) significant actions (other than significant actions which only relate to interests in residential land);</p> <p>(c) notifiable national security actions;</p> <p>(d) reviewable national security actions.</p>	<p>One of the following manners:</p> <p>(a) if the Treasury Application Portal is online—through the Treasury Application Portal;</p> <p>(b) if the Treasury Application Portal is offline—by completing the form ‘Application Form – Variation’ (available at <a href="http://www.foreigninvestment.gov.au">www.foreigninvestment.gov.au</a>) and sending the completed form by electronic mail to the Treasury application email address.</p>
3	<p>Applications made for exemption certificates under any of the following provisions:</p> <p>(a) section 58 of the Act;</p> <p>(b) sections 42, 43, 43BA and 43BB of the Regulation.</p>	<p>One of the following manners:</p> <p>(a) if the Treasury Application Portal is online—through the Treasury Application Portal;</p> <p>(b) if the Treasury Application Portal is offline—by completing the form ‘Application Form – Proposal’ (available at <a href="http://www.foreigninvestment.gov.au">www.foreigninvestment.gov.au</a>) and sending the completed form by electronic mail to the Treasury application email address.</p>
4	<p>Applications made for variations to exemption certificates made under any of the following provisions:</p>	<p>One of the following manners:</p>

**Part 2** Approved manner for giving notices or making applications under the Act

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<b>Item</b>	<b>Type of notice or application</b>	<b>Approved manner for giving of the notice or making of the application</b>
	(a) section 58 of the Act (b) sections 42, 43, 43BA and 43BB of the Regulation.	(a) if the Treasury Application Portal is online—through the Treasury Application Portal; (b) if the Treasury Application Portal is offline—by completing the form ‘Application Form – Variation’ (available at <a href="http://www.foreigninvestment.gov.au">www.foreigninvestment.gov.au</a> ) and sending the completed form by electronic mail to the Treasury application email address.
5	Notices given in relation to any of the following: (a) notifiable actions which relate only to interests in residential land; (b) significant actions which relate only to interests in residential land.	Through the ATO Online Services (except in relation to a build-to-rent development). In relation to a build-to-rent development—one of the following: (a) if the Treasury Application Portal is online—through the Treasury Application Portal; (b) if the Treasury Application Portal is offline—by completing the form ‘Application Form – Proposal’ (available at <a href="http://www.foreigninvestment.gov.au">www.foreigninvestment.gov.au</a> ) and sending the completed form by electronic mail to the Treasury application email address.
6	Applications made for variations to no objection notifications given in relation to any of the following: (a) actions described in paragraph 75(1)(b) of the Act which relate only to interests in residential land; (b) significant actions which relate only to interests in residential land.	Through the ATO Online Services (except in relation to a build-to-rent development). In relation to a build-to-rent development—one of the following: (a) if the Treasury Application Portal is online—through the Treasury Application Portal; (b) if the Treasury Application Portal is offline—by completing the form ‘Application Form – Proposal’ (available at <a href="http://www.foreigninvestment.gov.au">www.foreigninvestment.gov.au</a> ) and sending the completed form by electronic mail to the Treasury application email address.
7	Applications made for exemption certificates under any of the following provisions: (a) sections 57 and 59 of the Act; (b) sections 43A and 43B of the Regulation.	Through the ATO Online Services.



<b>Item</b>	<b>Type of notice or application</b>	<b>Approved manner for giving of the notice or making of the application</b>
8	Applications made for variations to exemption certificates made under any of the following provisions: (a) sections 57 or 59 of the Act, (b) sections 43A and 43B of the Regulation.	Through the ATO Online Services.
9	Notices required under a condition included in any of the following: (a) an exemption certificate made under any of the following provisions: (i) section 58 of the Act; (ii) sections 42, 43, 43BA and 43BB of the Regulation; (b) a no objection notification (other than a no objection notification which relates only to interests in residential land); or (c) another notice imposing conditions (other than a notice which relates only to interests in residential land).	Any of the following manners: (a) if an email address is specified in a certificate, notification or notice mentioned in paragraphs (a), (b) or (c) for giving this type of notice—by electronic mail to that email address; (b) in all cases—by electronic mail to the Treasury compliance email address.
10	Notices required under a condition included in any of the following: (a) an exemption certificate made under any of the following provisions: (i) section 57 and 59 of the Act; (ii) sections 43A and 43B of the Regulation; (b) a no objection notification which relates only to interests in residential land; (c) another notice imposing conditions which relates only to interests in residential land.	Any of the following manners: (a) if an email address is specified in a certificate, notification or notice mentioned in paragraphs (a), (b) or (c) for giving this type of notice—by electronic mail to that email address; (b) in all cases—by electronic mail to FIRBcompliance@ato.gov.au.
11	A notification made for the purposes of paragraph 101(1)(b) of the Act (other than a notice which relates only to interests in residential land).	Any of the following manners: (a) by electronic mail to the Treasury compliance email address; (b) by electronic mail to the Treasury application email address; (c) if the Treasury Application Portal is online and accepts the kind of notification—through the Treasury Application Portal; (d) by electronic mail to the Treasury enquiries email address; (e) by electronic mail to the Treasury notification email address; (f) by electronic mail to the Treasury audit email address.

**Part 2** Approved manner for giving notices or making applications under the Act

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<b>Item</b>	<b>Type of notice or application</b>	<b>Approved manner for giving of the notice or making of the application</b>
12	A notification made for the purposes of paragraph 101(1)(b) of the Act which relates only to interests in residential land.	Any of the following manners: (a) by completing the ‘Disclosure and Tip-off’ form available at <a href="http://www.ato.gov.au">www.ato.gov.au</a> ; (b) by electronic mail to <a href="mailto:FIRBcompliance@ato.gov.au">FIRBcompliance@ato.gov.au</a> ; (c) by electronic mail to ATO foreign investment email address.
13	Notices given for the purposes of subsections 98C(2), 98D(2) and 98E(3) of the Act.	By electronic mail to the Treasury notification email address.
14	Types of notices and applications not mentioned in any other item of this table.	One of the following manners: (a) if the Treasury Application Portal is online and accepts the kind of notice—through the Treasury Application Portal; (b) if the Treasury Application Portal is offline or cannot accept the kind of notice—by electronic mail to the Treasury application email address.

## **Schedule 1—Repeals**

### ***Foreign Acquisitions and Takeovers (Manner of Notification and Application) Approval 2020***

#### **1 The whole of the instrument**

Repeal the instrument.