



## BUSINESS FEES – 2016-17 FINANCIAL YEAR

Section 12 of the *Foreign Acquisitions and Takeovers Fees Imposition Act 2015* provides that fees for applications and notices are indexed each financial year. The following fees apply to applications made and notices given from 1 July 2016.

### FEE SCHEDULE

Action type	Fee Payable
<b>Entity</b>	
Acquiring an interest in securities in an entity or a direct interest in an entity which is an agribusiness	Where the consideration for the acquisition is \$1 billion or less: \$25,300
A foreign government investor acquiring a direct interest in securities in an entity	Otherwise: \$101,500
Acquiring an interest in securities in an entity where prior to the proposed acquisition, the foreign person holds an interest of 50 per cent or more in the entity (but excluding internal reorganisations) <i>(Note - this does not apply if the action may be characterised in a different way. For example, for an acquisition of an interest in a land entity, a fee may still be payable for an acquisition of an interest in land)</i>	Nil (no fee)
<b>Australian Business</b>	
Acquiring interests in assets of an Australian business or a direct interest in an Australian business that is an agribusiness	Where the consideration for the acquisition is \$1 billion or less: \$25,300.
A foreign government investor acquiring a direct interest in an Australian business	Otherwise: \$101,500.
<b>Commercial land</b>	
Acquiring an interest in commercial land that is not vacant	\$25,300
Acquiring an interest in commercial land that is vacant	\$10,100
<b>Agricultural land</b>	
Acquiring an interest in agricultural land where the price of the acquisition is \$1 million or less (\$0 - \$1,000,000)	\$5,000
Acquiring an interest in agricultural land where the price of the acquisition is more than \$1 million and less than \$2 million (\$1,000,001 - \$1,999,999)	\$10,100
Acquiring an interest in agricultural land where the price of the acquisition is between \$2 million and less than \$3 million (\$2,000,000 - \$2,999,999)	\$20,300

<b>Agricultural land (continued)</b>	
Acquiring an interest in agricultural land where the price of the acquisition is between \$3 million and less than \$4 million (\$3,000,000 - \$3,999,000)	\$30,400
Acquiring an interest in agricultural land where the price of the acquisition is between \$4 million and less than \$5 million (\$4,000,000 - \$4,999,999)	\$40,600
Acquiring an interest in agricultural land where the price of the acquisition is between \$5 million and less than \$6 million (\$5,000,000 - \$5,999,999)	\$50,700
Acquiring an interest in agricultural land where the price of the acquisition is between \$6 million and less than \$7 million (\$6,000,000 - \$6,999,999)	\$60,900
Acquiring an interest in agricultural land where the price of the acquisition is between \$7 million and less than \$8 million (\$7,000,000 - \$7,999,999)	\$71,000
Acquiring an interest in agricultural land where the price of the acquisition is between \$8 million and less than \$9 million (\$8,000,000 - \$8,999,999)	\$81,200
Acquiring an interest in agricultural land where the price of the acquisition is between \$9 million and less than \$10 million (\$9,000,000 - \$9,999,999)	\$91,300
Acquiring an interest in agricultural land where the price of the acquisition is \$10 million or more (\$10,000,000 or more)	\$101,500
<b>Mining, production or exploration tenements</b>	
Acquiring an interest in a mining or production tenement (except where a foreign person (other than a foreign government investor) is acquiring an interest from an Australian government body or an entity wholly owned by an Australian government body)	\$25,300
A foreign government investor acquiring a legal or equitable interest in a mining, production or exploration tenement	\$10,100
A foreign government investor acquiring an interest of at least 10 per cent in securities in a mining, production or exploration entity	\$10,100
<b>Exemption certificates</b>	
Applying for an exemption certificate in relation to a program to acquire interests in Australian land	Where the consideration for the acquisition is \$1 billion or less: \$25,300. Otherwise: \$101,500.
Applying for an exemption certificate to acquire securities through underwriting	\$25,300

Exemption certificates (continued)	
Applying for an exemption certificate to acquire certain interests in tenements or interests in securities in mining, production or exploration entities, if those interests are not interests in Australian land.	\$25,300 or nil if the person or another entity is a member of the same wholly-owned group (see section 6(2) of the <i>Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015</i> ).
Other fee rules	
Internal reorganisation	\$10,100
Foreign government investor starting an Australian business	\$10,100
Internal reorganisations by foreign government investors involving tenements that are not an interest in Australian land	\$10,100 (the fee may be nil in particular circumstances).
Entering into an agreement relating to the affairs of an entity and under which one or more senior officers of the entity will be under an obligation to act in accordance with the directions, instructions or wishes of a foreign person who holds a substantial interest in the entity (or of an associate of such a foreign person)	\$25,300
Altering a constituent document of an entity as a result of which one or more senior officers of the entity will be under an obligation to act in accordance with the directions, instructions or wishes of a foreign person who holds a substantial interest in the entity (or of an associate of such a foreign person)	\$25,300
Special rules may apply for actions taken by wholly-owned groups – see section 14 of the <i>Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015</i>	
Variations	
Applying for a variation of an exemption certificate	\$5,000
Applying for a variation of a no objection notification	\$5,000 if for an acquisition of an interest in Australian land. Otherwise, \$10,100.
Fee otherwise would be more than 25 per cent of the consideration (de minimis rule)	
Where the fee for one or more of the actions specified above would be more than 25 per cent of the consideration for the proposed acquisition. This excludes: <ul style="list-style-type: none"> <li>• internal reorganisations;</li> <li>• entering into an agreement relating to the affairs of an entity mentioned in section 40(2)(d) of the Act;</li> <li>• altering a constituent document of an entity mentioned in section 40(2)(e) of the Act; and</li> <li>• entering into or terminating a significant agreement with an Australian business.</li> </ul>	\$1,000
Voluntary notifications	
Giving notice of a significant action that is not a notifiable action	The same fee that would be payable for a notifiable action of the same acquisition type.