

Foreign Acquisitions and Takeovers (Notices) Regulations 1975

Statutory Rules 1975 No. 226 as amended

made under the

Foreign Acquisitions and Takeovers Act 1975

This compilation was prepared on 6 June 2009[[1]](#footnote-1)  
taking into account amendments up to SLI 2009 No. 104

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney‑General’s Department, Canberra

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Notes

1 Name of Regulations [*see* Note 1]

These Regulations are the *Foreign Acquisitions and Takeovers (Notices) Regulations 1975*.

2 Commencement [*see* Note 1]

These Regulations shall come into operation on the date of commencement of the Act.

3 Interpretation

In these Regulations, ***the Act*** means the *Foreign Acquisitions and Takeovers Act 1975*.

4 Prescribed forms of notice

(1) The prescribed form of notice under section 25 of the Act is Form 1 in Schedule 1.

(2) The prescribed form of notice under section 26 of the Act is Form 2 in Schedule 1.

(3) The prescribed form of notice for section 26A of the Act is:

(a) unless paragraph (b) or (c) applies — Form 3 in Schedule 1; and

(b) if a natural person acquires an interest in Australian residential land — Form 4 in Schedule 1; and

(c) if a company or trust estate acquires an interest in Australian residential land — Form 5 in Schedule 1.

5 Balance sheet and profit and loss account to be furnished by corporation

Where a corporation furnishes a notice under section 25 of the Act stating that:

(a) the corporation proposes to enter into an agreement, being an agreement in relation to the affairs of the corporation;

(b) the corporation proposes to enter into or terminate an arrangement, being an arrangement in relation to an Australian business of the corporation;

(c) the corporation proposes issue shares; or

(d) it is proposed to alter a constituent document of the corporation;

the corporation shall annex to the notice a copy of the balance sheet and a copy of the profit and loss account of the corporation for each period in relation to which a profit and loss account of the corporation has been laid before it in general meeting during the preceding four years.

6 Documents relating to agreement or arrangement

Where a person furnishes:

(a) a notice under section 25 of the Act stating that the person proposes to enter into an agreement, being an agreement of the kind referred to in section 20 of the Act, or to enter into or terminate an arrangement, being an arrangement of the kind referred to in section 21 of the Act; or

(b) a notice under section 26 of the Act;

the person shall annex to the notice copies of all documents and other papers in the person’s possession or control relating to or evidencing the agreement or arrangement to which the notice relates.

*Note*See section 27 of the Act for compliance with forms.

7 Constituent document

Where a corporation furnishes a notice under section 25 of the Act stating that it is proposed to alter a constituent document of the corporation, the corporation shall annex to the notice a copy of that constituent document.

8 Person signing notice

(1) A notice under section 25 or 26 of the Act furnished by a natural person shall be signed:

(a) if the person is not ordinarily resident in Australia — by that person or by his Australian agent; or

(b) in any other case — by the person furnishing the notice.

(2) A notice under section 25 or 26 of the Act furnished by a corporation shall be signed by a person authorized in writing by the corporation to sign the notice for and on behalf of the corporation.

*Note*See section 27 of the Act for compliance with forms.

Schedule [*Omitted*]

Notes to the Foreign Acquisitions and Takeovers (Notices) Regulations 1975

Note 1

The *Foreign Acquisitions and Takeovers (Notices) Regulations 1975* (in force under the *Foreign Acquisitions and Takeovers Act 1975*) as shown in this compilation comprise Statutory Rules 1975 No. 226 amended as indicated in the Tables below.

Table of Instruments

|  |  |  |  |
| --- | --- | --- | --- |
| Year and  number | Date of notification  in *Gazette* or FRLI registration | Date of commencement | Application, saving or transitional provisions |
| 1975 No. 226 | 30 Dec 1975 | 1 Jan 1976 (*see* r. 2 and *Gazette* 1975, No. S267) |  |
| 1976 No. 203 | 23 Sept 1976 | Rr. 1 and 3: 1 Jan 1976 Remainder: 23 Sept 1976 | — |
| 1989 No. 178 | 6 July 1989 | 6 July 1989 | R. 1 (as am by 1989 No. 197) |
| as amended by |  |  |  |
| 1989 No. 197 | 31 July 1989 | 1 Aug 1989 | — |
| 2009 No. 53 | 30 Mar 2009 (*see* F2009L01190) | Rr. 1–3 and Schedule 1: 2 Dec 2006  Rr. 4, 5, Schedules 2  and 3: 31 Mar 2009 | — |
| 2009 No. 104 | 5 June 2009 (*see* F2009L02155) | 6 June 2009 | — |

Table of Amendments

|  |  |
| --- | --- |
| ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted | |
| Provision affected | How affected |
| R. 1 | am. 1989 No. 178 |
|  | rs. 2009 No. 53 |
| R. 3 | am. 1989 No. 178 |
| R. 4 | am. 1989 No. 178; 2009 No. 53; 2009 No. 104 |
| R. 6 | rs. 1976 No. 203 |
|  | am. 1989 No. 178; 2009 No. 53 |
| Note to r. 6 | ad. 2009 No. 53 |
| R. 8 | am. 1989 No. 178; 2009 No. 53 |
| Note to r. 8 | ad. 2009 No. 53 |
| Heading to Schedule | rep. 2009 No. 104 |
| Schedule | am. 1976 No. 203 |
|  | rs. 1989 No. 178 |
|  | am. 2009 No. 53 |
| **Schedule 1** |  |
| Heading to Schedule 1 | ad. 2009 No. 104 |
| Schedule 1 | am. 2009 No. 104 |

1. The version shown here is an edited version. The latest compilation of the Regulations can be accessed via ComLaw (Commonwealth Law) at www.comlaw.gov.au. [↑](#footnote-ref-1)