



Australian Government
Australian Taxation Office

Register of Foreign Ownership of Agricultural Land

Report of registrations as at 30 June 2018

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Introduction

The *Register of Foreign Ownership of Agricultural Land* (the Agricultural Land Register) was established to provide greater transparency about the level of foreign ownership of Australia's agricultural land.

The Commissioner of Taxation reports annually to the Treasurer on the operation of the *Register of Foreign Ownership of Water or Agricultural Land Act 2015* (the Act) and is required to publish aggregate statistics of foreign ownership each year. This is the third report of the Agricultural Land Register (Agland 2018) and includes registrations made by foreign persons between 1 July 2015 and 30 June 2018.

Foreign persons are required to register their interests in agricultural land within 30 days of a specified event occurring, this includes the acquisition or disposal of those interests. Details of these events are at [Attachment A](#) and details of the information collected during registration are at [Attachment E](#). The definition of 'foreign person' includes entities with a level of foreign ownership of at least 20 per cent, so the Agricultural Land Register captures entities even when the majority of shareholders are Australian. The definition of 'foreign person' is at [Attachment B](#).

The ATO is required to report on data from the register in aggregated format only. Consistent with Australia's broader foreign investment screening regime, the details of investors are not made publicly available. The taxation law also restricts the release of information which could identify, or be used to identify, an individual or entity.

A quick note on methodology

The ATO has undertaken additional comparative analyses using Australian Bureau of Statistics (ABS) information on agricultural land holdings in Australia to estimate the relative proportion of foreign interests in Australian agricultural land.

To calculate the estimated proportion of foreign interests in agricultural land, a benchmark measure of the total agricultural land area in Australia is used. The benchmark is taken from agricultural commodity surveys or censuses conducted by the ABS.

The Rural Environment and Agricultural Commodities Survey (REACS) is conducted annually in the years between the five-yearly Agricultural Census. The previous Agricultural Land Register report (Agland 2017) used the data from the ABS 2015-2016 *Agricultural Census*. This year, the ABS 2016-2017 *Rural Environment and Agricultural Commodities Survey (REACS)* is used. The REACS uses a sample methodology to estimate the total agricultural land area. As such, the estimates are subject to sampling variability.

See [7121.0 - Agricultural Commodities, Australia, 2016-17 – Explanatory Notes](#) for more information on the ABS 2016-17 REACS.

Care should be taken when relying on this comparative analysis as differences in population between the Agricultural Land Register and ABS commodity surveys and censuses exist which affect the accuracy and reliability of this analysis¹.

Figures in the tables have been rounded. Any discrepancies in the tables between totals and sums of components are due to rounding.

The statistics in this report need to be interpreted in conjunction with the information about the methodologies used, provided in [Attachment C](#).

¹ In particular, it should be noted that the ABS does not capture entities whose primary business activity is forestry as part of their agricultural surveys or census.

Summary of key findings

The total area of agricultural land in Australia with a level of foreign ownership has risen from 50.5 million hectares at 30 June 2017 to 52.6 million hectares at 30 June 2018.

Based on comparisons with ABS data, the estimated proportion of agricultural land with a level of foreign interest at 30 June 2018 was 13.4 per cent.

The level of foreign interest in agricultural land has remained relatively stable over the past three years. Table 1 shows the proportion of agricultural land with a level of foreign ownership between 2015-2018.²

Table 1: Agricultural land with a level of foreign interest – 3 year comparison

Agland report	Total foreign interest held '000 ha [^]	Total Australian agricultural land* ('000 ha)	Agricultural land with a level of foreign interest
2015-2016	52,147	384,558	13.6
2016-2017	50,515	371,078	13.6
2017-2018	52,602	393,797	13.4

Notes:

- > * Estimates for total Australian agricultural land employ the most recent data release from [ABS Catalogue 7121.0](#) available at the time of publishing each respective Agland report.
- > [^] Estimates for total foreign interest in Australian agricultural land are taken from the Agricultural Land Register. [Attachments A](#) and [C](#) provide further information.

Key findings on a national basis include:

- > Around 80 per cent of foreign held agricultural land is held on a leasehold basis.
- > Over 85 per cent of foreign held agricultural land is used for livestock purposes.
- > The United Kingdom remains the largest foreign agricultural land holder (2.6 per cent of agricultural land), followed by China (2.3 per cent of agricultural land) and the United States of America (0.7 per cent of agricultural land).
- > There has been an increase in the use of foreign held agricultural land for crops and horticulture. While livestock usage shows an increase between Agland 2017 and this report, the figure has returned to 2015-2016 level.
- > Over 92 per cent of foreign held agricultural land is held within Australian incorporated entities.
- > Changes in agricultural land interests by country of ownership compared to Agland 2017 can be attributed to:

² Care should be taken when comparing percentage foreign ownership of agricultural land across years as estimates are taken from annually-updated ABS REACS. These are subject to sampling variability. For example, the 2016-17 ABS REACS reported a 6 per cent increase in the total amount of agricultural land across Australia with the total area increasing from 371 million hectares in 2015-16 to 393 million hectares in 2016-17.

- new registrations of acquisitions of agricultural land that have settled since 1 July 2017;
 - agricultural land that has been sold to Australian entities and has been removed from the register;
 - agricultural land that has been sold to other foreign entities with a different foreign country of ownership; and
 - foreign entity restructures which have resulted in a change of the foreign entity's status as a foreign person.
- > There have been several transactions involving large land holdings which has contributed to an increase of agricultural land with a level of foreign ownership.

Key findings on a state and territory basis include:

All states and territories had increases in the amount of agricultural land with a level of foreign ownership:

- Western Australia with an increase of 6.9 per cent (890,000ha)
- Northern Territory also with an increase of 6.9 per cent (951,000ha); and
- Queensland with the lowest increase of 0.06 per cent (10,000ha).

The report includes a breakdown of foreign held agricultural land on a regional basis, using ABS Statistical Area³ (SA4) level standards.

³ The Australian Statistical Geography Standard (ASGS) is the Australian Bureau of Statistics' geographical framework, effective from July 2016.

Findings

Table 2: Area of agricultural land with a level of foreign interest – 30 June 2018

State/ Territory	Foreign interests (‘000 ha)			Australian agricultural land (‘000 ha)	Foreign interests (%)
	2015-2016	2016-2017	2017-2018	2016-2017 REACS	2017-2018 ⁴
NSW/ACT	2,375	2,487	2,553	55,439	4.6
VIC	607	634	660	10,852	6.1
QLD	17,658	15,748	15,758	137,955	11.4
WA	8,841	12,809	13,699	83,770	16.4
SA	7,156	4,796	4,933	49,720	9.9
TAS	342	354	362	1,480	24.5
NT	15,169	13,686	14,637	54,580	26.8
Total	52,147	50,515	52,602	393,797	13.4

Notes:

- > The area of agricultural land with a level of foreign interest by state and territory is compared to the latest benchmark information, by state and territory from the ABS REACS to identify the estimated proportion of agricultural land that has a level of foreign interest.
- > The ‘foreign interest %’ is the ratio of foreign held agricultural land to the total of agricultural land for each state and territory.
- > Differences between the Agricultural Land Register and ABS commodity surveys and censuses exist which affect the accuracy and reliability of the above proportions.
 - For example, the ABS total agricultural land figure does not include agricultural land held by entities whose primary business activity is forestry. The proportion of agricultural land that is foreign owned for some state/territories that have a large portion of forestry is therefore likely overstated, especially Tasmania and Victoria.
- > See tables 6A and 6B for further details on land usage by state or territory.
- > Information on historical agricultural land totals (from ABS) is contained in [Attachment D](#).

⁴ Refer to Agland 2017 for previous year’s proportion of foreign held agricultural land.

Table 3: Foreign interests in freehold and leasehold land – 30 June 2018

State/ Territory	Freehold (‘000 ha)	Leasehold (‘000 ha)	Split of freehold and leasehold land per State/Territory	
			Freehold %	Leasehold %
NSW/ACT	2,317	686	77.2	22.8
VIC	606	85	87.7	12.3
QLD	5,429	11,036	33.0	67.0
WA	1,080	12,620	7.9	92.1
SA	277	4,659	5.6	94.4
TAS	313	49	86.5	13.5
NT	66	14,571	0.5	99.6
Total	10,088	43,707	18.8	81.3

Notes:

- > The ratio of freehold and leasehold land to the total foreign held land by state and territory is shown in this table.
- > In some instances, the same property has been separately registered by a foreign person with a freehold interest in the land and a foreign person with a leasehold interest in the land, as required under the Act. Land size information from both registrations has been included in Table 3 only.
- > As a result, the total hectares held by foreign persons is greater in Table 3 than elsewhere in this report.

Table 4: Summary of foreign interests in Australian agricultural land – Number of properties held comparison

State/Territory	No. of properties				
	2015-2016	2016-2017	% change	2017-2018	% change
NSW/ACT	1,798	1,949	8.4	2,213	13.6
VIC	1,558	1,726	10.8	1,889	9.4
QLD	1,345	1,356	0.8	1,477	8.9
WA	917	1,214	32.4	1,382	13.8
SA	614	612	-0.3	679	11.0
TAS	911	924	1.4	988	6.9
NT	91	75	-17.6	81	8.0
Total	7,234	7,856	8.6	8,709	10.9

Notes:

- > The movement in the number of properties between each year is indicated as “% change” per state and territory.
- > The 2017-2018 property count is compared to the 2016-2017 property count to show the % change.

Table 5: Summary of foreign interests in agricultural land – Land size comparison

State/Territory	'000ha				
	2015-2016	2016-2017	% change	2017-2018	% change
NSW/ACT	2,375	2,487	4.7	2,553	2.6
VIC	607	634	4.5	660	4.1
QLD	17,658	15,748	-10.8	15,758	0.1
WA	8,841	12,809	44.9	13,699	7.0
SA	7,156	4,796	-33.0	4,933	2.9
TAS	342	354	3.5	362	2.3
NT	15,169	13,686	-9.8	14,637	7.0
Total	52,147	50,515	-3.1	52,602	4.1

Notes:

- > The movement in the land size between each year is indicated as “% change” per state or territory.
- > The 2017-2018 property size is compared to the 2016-2017 property size to show the % change.
- > It is not possible to reconcile the % changes reflected in Table 5 against annual movements in the estimate of the % of total agricultural land held by foreign persons due to annual fluctuations in ABS total agricultural land estimates.

Table 6A: Foreign interests in agricultural land by land use ('000 ha) – 30 June 2018

State/ Territory	Crops	Livestock	Horticulture	Other farming	Forestry	Non- farming	Unreported
NSW/ACT	642	1,370	81	42	88	92	238
VIC	89	98	7	16	415	18	17
QLD	359	13,294	88	13	349	186	1,469
WA	558	11,935	105	23	172	391	516
SA	21	4,775	7	8	81	37	4
TAS	6	58	18	3	268	5	4
NT	1	13,662	0	0	11	16	946
Total	1,675	45,192	306	105	1,383⁵	746	3,184

Notes:

- > Land use is split by state and territory across categories collected in the register.
- > In some cases the registrant did not report the land use, this is shown in the 'Unreported' column.

Table 6B: Foreign interests in agricultural land by land use ('000 ha) – Comparison

Land use	2015-2016	2016-2017	% change	2017-2018	% change
Crops	1,479	1,639	10.8	1,675	2.2
Livestock	45,785	42,954	-6.2	45,192	5.2
Horticulture	190	296	55.8	306	3.4
Other farming	77	118	53.3	105	-11.0
Forestry ⁶	1,409	1,422	0.9	1,383	-2.7
Non-farming	827	882	6.7	746	-15.4
Unreported	2,381	3,204	34.6	3,189	-0.5

Notes:

- > The movement in the land usage each year is indicated as "% change" per category.
- > The 2017-2018 land usage is compared to the 2016-2017 land usage to show the % change.
- > In some cases the registrant did not report the land use, this is shown in the 'Unreported' column.

⁵ The ABS does not capture entities whose primary business activity is forestry as part of their agricultural surveys or census, however forestry land holdings are captured as part of the Agricultural Land Register.

⁶ The ABS does not capture entities whose primary business activity is forestry as part of their agricultural surveys or census, however forestry land holdings are captured as part of the Agricultural Land Register.

Table 7A: Size of foreign agricultural land interests by source country - Top 10

Country	Foreign owned portion (‘000 ha)	
	2016-2017	2017-2018
United Kingdom	9,752	10,239
China	9,112	9,169
United States of America	2,550	2,655
Netherlands	2,509	2,540
Bahamas	0.2	2,201
Canada	2,034	1,984
Switzerland	1,888	1,944
Hong Kong	279	1,273
Philippines	1,121	1,120
Saudi Arabia	660	665
Singapore	1,763	512
South Africa	648	648

Table 7B: Australian portion of foreign held land

	2016-2017 (‘000 ha)	2017-2018 (‘000 ha)	% change
Total for all foreign countries	36,573	39,232	7.3
Australian portion of foreign held land	13,942	13,369	-4.1
Total area of land with a portion of foreign ownership	50,515	52,602	4.1

Notes:

- > Table 7A: Singapore and South Africa are shown for information only as they were in the previous Agland 2017 – Top 10 countries table.
- > Table 7B: The share of Australian investors’ equity in land is captured by the register. The register can capture entities with foreign ownership of 20 per cent share or more, which means there may be a significant portion of Australian equity in those same parcels of land.

Background information on obtaining source country information

As part of the registration information, entities and trusts are required to provide their country of nationality. Source country information has been verified using information provided by registrants, Australian Taxation Office (ATO) data sources and manual data collection.

Where the registered owner is an individual, the nationality the person reported in their registration is treated as the source country. Where the registered owner is a company or trust, the nationality of the beneficial owner is used to determine the source country. Where the beneficial owner is identified as an Australian citizen who is not ordinarily resident in Australia (and hence a foreign person), the source country has been allocated to the country they are ordinarily resident in.

The beneficial owner is determined by using resources within ATO and other agencies such as Department of Immigration and Border Protection and ASIC. Where shares or interests are widely held, the agricultural land held by the entity or trust is attributed to a source country based on the location of the directors or the country where the entity is headquartered or publicly listed depending on information available.

The attribution of a source country to foreign held agricultural land continues to evolve as new information on beneficial ownership comes to light.

Adjustment to methodology in Agland 2017

In the 'foreign owned portion' column of Table 7A the amount of registered agricultural land held by the entity or trust is apportioned according to the interest held by that foreign investor.

For example, CattleCo, a foreign person, is ultimately owned by United Kingdom investors (30 per cent) and Australian investors (70 per cent). CattleCo owns 2 million hectares of agricultural land. This ownership would be reflected in Table 7A with 0.6 million hectares of the agricultural land apportioned to the United Kingdom (which represents 30 per cent) and 1.4 million hectares to Australia (representing the remaining 70 per cent).

In Agland 2016, the size of agricultural land interests by source country was determined by attributing all of the agricultural land held by foreign owners to foreign countries *regardless* of the level of Australian interest in the entity. In this instance, Table 5 of Agland 2016 would have apportioned 2 million hectares of the land to United Kingdom, with none of the land being apportioned to Australia.

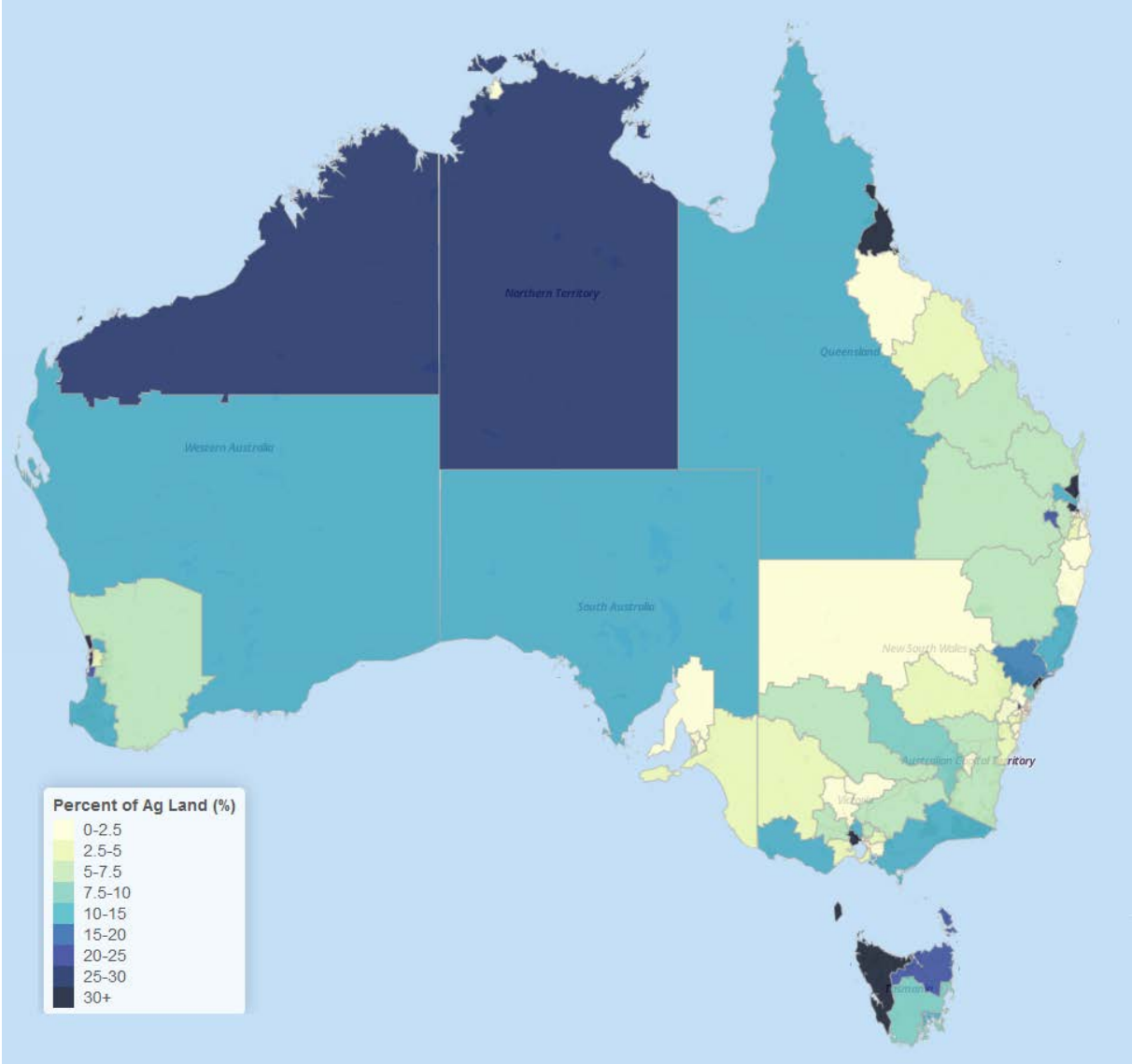
The revised approach which commenced with the Agland 2017 report better reflects the actual level of foreign interest attributed to a country, given that an entity or trust may only hold an interest of 20 per cent or more to meet the definition of 'foreign person' (refer to [Attachment B](#)). It also better reflects the level of foreign interest where a consortium from multiple countries holds the land.

Figures using both the Agland 2016 approach (**Area of land with foreign interests**) and the revised approach (**Foreign owned portion**) were included in the 2017 Agland report only as a transition between the two methodologies.

The change in methodology after Agland 2016, means that foreign ownership information cannot be directly compared between Agland 2016 and Agland 2018 results.

Chart 1: Proportion of agricultural land with a level of foreign ownership, by Statistical Area Level 4 (SA4)

The following chart represents the proportion of agricultural land with a level of foreign ownership for each SA4 regional area.



Notes:

- > Chart 1 is produced by calculating the proportion of agricultural land with a level of foreign ownership for each SA4 regional area. This is calculated by dividing the total amount of foreign held agricultural land in each region by the total amount of agricultural land in each region.
- > The total amount of foreign held agricultural land in each region uses data collected by the ATO to 30 June 2018. As the ATO only collects data on foreign holdings, ABS data on total land holdings is used to calculate the proportion of foreign owned land in each region. The ABS 2016-17 REACS along with the ABS Statistical Area 4 (SA4) standards⁷ was used for this purpose.

⁷ The Australian Statistical Geography Standard (ASGS) is the Australian Bureau of Statistics' geographical framework, effective from July 2016.

- > This information is for illustrative purposes only and care should be taken when using this information.
- > Differences between the Agricultural Land Register and ABS commodity surveys and censuses exist which affect the accuracy and reliability of this analysis.

For example, the ABS total agricultural land figure does not include agricultural land held by entities whose primary business activity is forestry. This is likely to overstate the proportion of agricultural land that is foreign owned in regions that have a large portion of forestry such as Victoria and Tasmania.

Attachment A: Background

The Agricultural Land Register was established on 1 July 2015 and is administered by the ATO. The Act requires foreign persons with an interest in agricultural land to register that interest on the Agricultural Land Register, regardless of the value of the land.

Ultimately the obligation to register correctly lies with the foreign person and penalties exist under the *Taxation Administration Act 1953* where a person fails to register correctly. Section 16 of the Act allows the Commissioner to correct or update information on the Agricultural Land Register.

Investors are required to notify the ATO within 30 days if they:

- > are a foreign person starting to hold agricultural land; or
- > are a foreign person ceasing to hold agricultural land; or
- > become a foreign person while holding agricultural land; or
- > cease to be a foreign person while holding agricultural land; or
- > are a foreign person holding land that becomes agricultural land; or
- > are a foreign person holding land that ceases to be agricultural land.

An interest in agricultural land includes a freehold interest or the right to occupy land under a lease (including a sublease or licence) where the term of the lease or licence (including any extension or renewal) is reasonably likely to exceed five years.

A stocktake was conducted between 1 July 2015 and 29 February 2016 to enable existing foreign person landholders to register their land. During this time, the ATO used data matching to identify and contact investors who may have met the definition of foreign person and who held Australian land that may have met the definition of agricultural land.

Attachment B: Definitions

This attachment provides information on the definitions of ‘foreign person’ and ‘agricultural land’ as detailed in the Act. Further information on the definitions can be found in the Guidance Notes on the Foreign Investment Review Board (FIRB) website at: www.firb.gov.au.

‘foreign person’

The term ‘foreign person’ is defined in section 4 of the Act. It states that the term has the same meaning as ‘foreign person’ as defined in section 4 of the *Foreign Acquisitions and Takeovers Act 1975*.

In general, a ‘foreign person’ is:

- > an individual not ordinarily resident in Australia⁸; or
- > a foreign government or foreign government investor; or
- > a corporation, trustee of a trust or general partner of a limited partnership where an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds a substantial interest of at least 20 per cent; or
- > a corporation, trustee of a trust or general partner of a limited partnership in which two or more foreign persons hold an aggregate substantial interest of at least 40 per cent.

‘agricultural land’

‘Agricultural land’ is defined in section 4 of the Act as land in Australia that is used, or that could reasonably be used, for a primary production business.

Section 5 of the Act provides that rules may be made that specify land that will not be considered agricultural land for the purposes of the Agricultural Land Register. The *Register of Foreign Ownership of Water or Agricultural Land Rules 2017* provides that the following land will not be considered agricultural land for the purposes of the Act⁹:

- > Land that is not currently being wholly or predominantly used at that time for a primary production business and:
 - zoning approval is required from government before the land could be used for primary production; or
 - the land is currently used, or proposed to be used for mining or activities ancillary to mining; or
 - the land is used for environmental protection or conservation under a law of the Commonwealth, a state or a territory or a legally binding agreement; or
 - the land is located within an area that has been approved by a government authority as an industrial estate; or
 - the size of the land is under one hectare; or

⁸ As defined in section 5 of the *Foreign Acquisitions and Takeovers Act 1975*.

⁹ Land that is not agricultural land for the purposes of the *Register of Foreign Ownership of Water or Agricultural Land Act 2015* is outlined in section 44 of the *Foreign Acquisitions and Takeovers Regulation 2015*.

- the land has been approved by a government authority for use as a tourist facility, an outdoor education establishment or an outdoor recreation facility that is open to the public; or
 - an application has been made to re-zone the land to not allow the land to be used for a primary production business, or approval has been sought to use the land for mining activities; or
 - the land is used for wind or solar power station(s), including when an approval is in place to allow the wind or solar farm to be established or operated on the land, or the land was acquired solely for the purpose of meeting a requirement of government approval for the solar or wind farm.
- > Land where the only primary production business the land could reasonably be used for is a primary production business relating to submerged plants and animals.

Attachment C: Methodology

This is an overview of the main methodological caveats that apply to the data in this report.

- > Data was extracted from the Agricultural Land Register database on 30 June 2018.
- > Some registrations have been altered in accordance with section 16 of the Act when it has been determined via data matching or manual data collection that the registrant has provided incorrect information. The validation of registrations is an ongoing exercise, with information validated using third party data sources and manual data collection.
- > Registrants were able to enter the area of their land holdings onto the Agricultural Land Register in any unit of measurement during the stocktake. The ATO has converted into hectares any land holdings reported in a different unit of measurement. Registrants are now required to enter the area of their land holding in metres squared (m²) which is then converted to hectares for reporting purposes.
- > Entities and trusts were required to report their country of incorporation and the nationality of the owner. However, this is not necessarily a reflection of the foreign source country of the investor. Source country information has been obtained using information provided by registrants, ATO data sources and manual data collection.¹⁰
- > Properties are given a unique identifier in the form of a composite of the property name/address, suburb and state/territory. Counts of properties were based on instances of unique identifiers.
- > Properties were assigned geographic coordinates using a geocoding algorithm. Each property was assigned a Statistical Area (Level 4) based on its geographic coordinates, (shown in Chart 1).
- > In some instances, the same property has been registered twice - by a foreign person with a *freehold* interest in the land and by another foreign person with a *leasehold* interest in the land, as required under the Act. In this instance, to avoid double counting, only the freehold interest was counted. However, in Table 3, the land size information from both freehold and leasehold registrations has been included.
- > Note: The definition of agricultural land under the *Foreign Acquisitions and Takeovers Act 1975* includes 'land in Australia that is used, or that could reasonably be used, for primary production purposes'. Due to the broad nature of this definition it is possible that the Agricultural Land Register includes land that is not captured as part of the ABS *Agricultural Census* or ABS REACS. This may have the effect of overstating the total proportion of Australian agricultural land that is foreign held. Importantly, entities whose primary business is forestry are not captured by ABS agricultural data that has been used for comparative purposes in this report.

¹⁰ In some cases, the nationality or country of incorporation of a nominal investor may have been identified, rather than the nationality or country of incorporation of the ultimate beneficial owner.

Attachment D: ABS historical data

Total area of agricultural land comparison – ABS Agricultural land

State/ Territory	2015-2016 Agricultural Census (‘000 ha)	2016-2017 REACS (‘000 ha)	% Change
NSW/ACT	53,464	55,439	3.7
VIC	10,676	10,852	1.6
QLD	127,551	137,955	8.2
WA	76,802	83,770	9.1
SA	47,580	49,720	4.5
TAS	1,459	1,480	1.4
NT	53,546	54,580	1.9
Total	371,078	393,797	6.1

Notes:

- > A comparison of total area of agricultural land split by state and territory over the last 2 years illustrates movement in all agricultural land in Australia using ABS data.
- > The movement in agricultural land between each year is indicated as “% change” per state and territory.
- > The increase in total area of agricultural land has offset the increase in agricultural land with a level of foreign interest.

Attachment E: Land registration form fields

Each registrant must complete the following mandatory fields:

Contact details

- > Name
- > Position
- > Address
- > Mobile/cell number
- > Contact email

Reason for registration

- > Acquisition of agricultural land
- > Cease to hold agricultural land
- > Change in status: To or from foreign person
- > Change in status: To or from agricultural land

Entity/ownership details

- > Name
- > Country of incorporation (where registrant is a trust or company)
- > Reason why the company/trust is a foreign person
- > Address
- > Date of birth
- > Nationality (where registrant is an individual or where country of incorporation is entered as Australia)
- > Address
- > Mobile/cell number
- > Contact email

Land title details

- > Property address
- > Title information
- > Land area
- > Land use
- > Land value
- > Title holding type (leasehold or freehold)
- > Date of event
- > Percentage interest in the land

