

Contact Points:

General Inquiries: (02) 6263 3795
Overseas: (61-2) 6263 3795

Internet Website:
http://www.firb.gov.au
E-Mail: firb@treasury.gov.au



Mail application form to:

Executive Member
Foreign Investment Review Board
c/o The Treasury
Langton Crescent
CANBERRA ACT 2600 AUSTRALIA
Or fax to: (02) 6263 2940

FORM 3

FOREIGN INVESTMENT REVIEW BOARD (FIRB)

Statutory notice to acquire real estate

Form 3 Foreign Acquisitions and Takeovers Act 1975
Notice under section 26A
Sub-regulation 4(3)
Notice provided by foreign interest(s) to purchase Australian residential real estate

General Directions

- 1 The person(s) submitting this Notice must annex to the Notice any documents required under regulation 6 of the Foreign Acquisitions and Takeovers (Notices) Regulations to be annexed to this Notice.
- 2 Where the space provided in this Notice is insufficient to insert the required particulars, show the particulars in a separate annexure to this Notice.
- 3 This Notice must be signed in the manner prescribed by regulation 8 of the Foreign Acquisition and Takeovers (Notices) Regulations.

To the Treasurer

Notice is given under section 26A of the *Foreign Acquisitions and Takeovers Act 1975*, that
Insert name of natural person(s), corporation or trustee giving notice.

being the person(s) particulars in relation to whom are set out in Part I of this Notice, intends to enter into an agreement* by virtue of which he or she is to acquire an interest in
Insert name of property in which an interest is to be acquired

being an interest in Australian urban land, the details of which are set out in Part II of this Notice.

The particulars specified in Part I and Part II of this Notice, being in accordance with the directions relating to those Parts are, to the best of my knowledge, information and belief, true and correct.

Signed by:

To be signed by natural person(s) giving notice, or his or her Australian agent (if natural person not ordinarily resident in Australia); or person authorised in writing to sign this Notice on behalf of a corporation or trust estate.

Full name:

**A person who enters into an agreement of the kind referred to in sub-section 26A(3) of the Act is considered to be a person who intends to enter into an agreement.*

Please Note: In situations of actual or suspected breach of the *Foreign Acquisitions and Takeovers Act 1975*, some of your information may be passed to other Government agencies for the purpose of ensuring compliance with the other relevant Government laws (ie Department of Immigration and Multicultural Affairs, Australian Taxation Office and the Australian Federal Police).

Part I: Particulars relating to a person(s) giving notice

Directions relating to Part 1

1. Division 1 of this Part is to be completed where the person(s) giving notice is a natural person.
2. Division 2 of this Part is to be completed where the person(s) giving notice is a corporation.
3. Division 3 of this Part is to be completed where the person(s) giving notice is a trustee.

Division 1: Particulars relating to a person(s) giving notice

Full name(s):

Country where ordinarily resident
and address in that Country:

Address for service in Australia:

State or Territory:

Postcode:

Telephone (Telex):

()

Facsimile No:

()

Particulars of Australian agent (if any):

Full name:

Address for service in Australia:

State or Territory:

Postcode:

Telephone (Telex):

()

Facsimile No:

()

Division 2: Particulars relating to a corporation giving notice

Name of corporation:

Place of incorporation:

Address of Head Office:

Address of registered
Office in Australia:

State or Territory:

Postcode:

Address for service in
Australia:

State or Territory:

Postcode:

Telephone (Telex):

()

Facsimile No:

()

Part 1 Division 2 continued on the next page

If corporation giving notice is an Australian subsidiary of a foreign corporation, give details of foreign person(s) holding a substantial shareholding in Australian corporation giving notice:

Particulars of corporation's * agent (or principal officer) in Australia (if any):

* *Delete whichever is not applicable*

Full name:			
Title of principal officer:			
Address:			
State or Territory:		Postcode:	
Telephone (Telex):	()	Facsimile No:	()

Division 3: Particulars relating to trustee giving notice

Please attach a copy of trust deed to this Notice

Name of trust:			
Name of trustee:			
Address of trustee:			
Address for service in Australia:			
State or Territory:		Postcode:	
Telephone (Telex):	()	Facsimile No:	()
Particulars of Australian Agent (if any):			
Full name:			
Address:			
State or Territory:		Postcode:	
Telephone (Telex):	()	Facsimile No:	()

Part II: Particulars relating to interest in Australian urban land

Directions relating to Part II

- 1 Division 1 should be completed by persons acquiring an interest in Australian urban land referred to in paragraph 12A(1)(a) or (c) of the Act.
- 2 Division 2 should be completed by persons proposing to acquire shares in a company that owns Australian urban land (see paragraph 12A(1)(b) of the Act).
- 3 Division 3 should be completed by persons proposing to enter into an arrangement involving the share of profits or income from the use of, or dealings in, Australian urban land (see paragraph 12A(1)(d) of the Act).
- 4 Division 4 should be completed by persons proposing to acquire shares in an Australian urban land corporation (see paragraph 12A(e) of the Act).
- 5 Division 5 should be completed by persons proposing to acquire an interest in an Australian urban land trust estate, or an interest in the shares of a corporation that is a trustee of an Australian urban land trust estate (see paragraph 12A(1)(f) or (g) of the Act).

Division 1: Particulars relating to acquisitions of freehold or leasehold Australian urban land

Postal address of land:

State or Territory: Postcode:

Approximate dimensions of land:

Title reference(s):

Lot/Portion: Section: Plan:

Does the acquisition involve: (Please tick)

Freehold: Leasehold:

a licence giving rights to occupy Australian land?

If leasehold or a licence is being acquired, indicate the term of the lease or licence: **years**

and any provisions for extension:

Division 2: Particulars relating to proposed acquisition of shares in a company that owns Australian urban land

Name of company:

State or Territory where incorporated:

Address of registered office:

State or Territory: Postcode:

Telephone (Telex): () Facsimile No: ()

Part II Division 1 details continued on the next page

Details of land owned by company:

Postal addresses

State or Territory: Postcode:

Lot/Portion: Section: Plan:

Title reference(s)

Particulars of shares to be purchased:

Division 3: Particulars relating to proposed arrangement to share in profits or income from use of or dealings in Australian urban land

Particulars of proposed arrangement:

Description of the property to which the arrangement relates::

Postal addresses

State or Territory: Postcode:

Lot/Portion: Section: Plan:

Title reference(s)

Division 4: Particulars relating to proposed purchase of shares in an Australian urban land corporation

Name of corporation:

State or Territory where incorporated:

Address of registered Office in Australia:

State or Territory: Postcode:

Telephone (Telex): () Facsimile No: ()

Part II Division 4 details are continued on the next page

Details of land owned by corporation:

Postal addresses

State or Territory:

Postcode:

Lot/Portion:

Section:

Plan:

Title reference(s)

Particulars of shares to be purchased:

Division 5: Particulars relating to proposed acquisition of units in an Australian urban land trust estate or shares in a corporation that is the trustee of an Australian urban land estate

Please attach a copy of trust deed to this Notice

Name of trust:

Name of trustee:

Address of trustee:

State or Territory:

Postcode:

Telephone (Telex):

()

Facsimile No:

()

Details of land owned by trust estate:

Postal addresses

State or Territory:

Postcode:

Lot/Portion:

Section:

Plan:

Title reference(s)

Particulars of shares to be purchased:

Contact Points:

General Inquiries: (02) 6263 3795
Overseas: (61-2) 6263 3795

Internet Website:
http://www.firb.gov.au

E-Mail: firb@treasury.gov.au



Mail application form to:

Executive Member
Foreign Investment Review Board
c/o The Treasury
Parkes Place
CANBERRA ACT 2600
AUSTRALIA
Or fax to: (02) 6263 2940

R1 Form

FOREIGN INVESTMENT REVIEW BOARD (FIRB)

Application for approval to purchase residential real estate

This form should be completed by foreign **individuals** (not by companies or trusts) proposing to acquire an interest in Australian residential real estate and *must be accompanied by a completed Form 3*. If you are unclear whether this form applies to you please consult the attached information guide, the internet website or inquiry phone number above.

How to use this form

This application form has 5 sections. **Section 1** needs to be completed by **all** applicants. Depending upon the answer to the question at the bottom of this page, applicants will also need to complete **section 2** or **section 3** or **section 4** or **section 5**. Undertakings must be completed and signed by the foreign purchaser(s) or developer (where specified) unless an agent is acting under a power of attorney in which case a copy of the power of attorney should be attached.

Section 1 General information

Contact Name(s):

Phone Number: () Facsimile Number: ()

Email Address:

(Please circle correct answer)

Has the applicant(s) previously submitted a foreign investment application? **Yes** **No**

If yes, please provide the case number (if available). **FIR** **/**

Does the applicant currently own Australian residential property or vacant land? **Yes** **No**

If yes, please supply the address(es) of such property

Is the new property to be acquired at auction? **Yes** **No**

If yes, what is the date of the auction and your proposed highest bid? **/ /** **\$**

Is the **vendor** of the property a: *(Please tick correct box)*

Foreign National Australian Citizen/Permanent Resident

Are the applicant(s) proposing to acquire: *(Please tick one correct box)*

Vacant land upon which to construct a residential dwelling? (go to section 2)

A previously occupied or sold dwelling (second-hand dwelling)? (go to section 3)

A dwelling not previously occupied or sold (new dwelling), this category may include a partially constructed or newly constructed dwelling? (go to section 4)

Demolition of a residence to erect a new dwelling(s)? (go to section 5)

Other – it appears you will not be able to use the R1 form please ring general inquiries on (02) 6263 3795

Please Note: In situations of actual or suspected breach of the *Foreign Acquisitions and Takeovers Act 1975*, some of your information may be passed to other Government agencies for the purpose of ensuring compliance with the other relevant Government laws (ie Department of Immigration and Multicultural Affairs, Australian Taxation Office and the Australian Federal Police).

Section 2 Vacant land upon which to construct a residential dwelling

Information to be attached to this form

- A photocopy of the identification page of the passport(s) of the purchaser(s) clearly showing nationality, date of birth and passport number.
- A copy of the information page of the contract for the property showing the property address, vendor name, consideration paid and any special conditions relating to the proposed purchase (ie, that the contract is conditional on receiving foreign investment approval). Please note, a copy of the contract may be provided after the acquisition in the case of vacant land acquired at auction.
- Form 3 (Notice under Section 26A). Form can be obtained from www.firb.gov.au.

Undertaking. To be signed by the proposed purchaser(s) Date: ../../..

I/We _____
(insert full name(s) of natural person(s) giving undertaking)

will commence continuous construction of the proposed development on the vacant land located at _____
(insert name (address) of property in which an interest is being acquired)

within 12 months of receiving foreign investment approval.

Signed: _____
(to be signed by person(s) giving the undertaking)

Brief description of proposed development (for example, 'we will be building a four bedroom house'),

Estimated cost of development \$

Month and year when construction is expected to commence /

Section 3 Previously occupied or sold dwelling (second-hand)

Information to be attached to this form

- Photocopy of the applicant(s) temporary resident visa(s) (valid for longer than 12 months).
- A photocopy of the identification page of the passport(s) of the purchaser(s) clearly showing nationality, date of birth and passport number.
- A copy of the information page of the contract for the property showing the property address, vendor name, consideration paid and any special conditions relating to the proposed purchase (ie, that the contract is conditional on receiving foreign investment approval). Please note, a copy of the contract may be provided after the acquisition in the case of property acquired at auction.
- Form 3 (Notice under Section 26A). Form can be obtained from www.firb.gov.au.

- Undertaking.** To be signed by the proposed purchaser(s) Date: .././..

In the event that I/we

_____ *(insert full name(s) of natural person(s) giving undertaking)*

receive foreign investment approval for the purchase of the dwelling located at

_____ *(insert name (address) of property in which an interest is being acquired)*

it will be my/our principal place of residence, I/we will not rent or lease the dwelling and will sell the property to an Australian or other eligible person when I/we no longer reside in Australia, my/our visa(s) expire(s) or I/we no longer occupy the property.

Signed:

_____ *(to be signed by natural person(s) giving undertaking)*

In addition:

- If the applicant(s) has a subclass 457 temporary resident visa with **less than 12 months** remaining before it expires and the applicant was initially sponsored to Australia by their current employer, a letter from the employer is required confirming:
 - they are the employer that sponsored the initial employment application;
 - they will sponsor the applicant(s) for an extension of the current visa and the specific date they are willing to extend sponsorship until;
 - details of the employer; and
 - details of the applicant's current position, general work duties and length of employment.
- Applicants holding a subclass 560 student visa must provide a letter from their tertiary institution stating the course in which they are enrolled and its duration (indicating the completion date). Where the visa has less than twelve months remaining before it expires written assurance must be provided by the institution that the student will continue in the same course of study beyond the twelve month period.

Note There is a limit of \$300,000 for purchasers with 560 student visas and a minimum age of 18 years.

Section 4 A dwelling not previously occupied or sold (new dwellings)

Information to be attached to this form

- A photocopy of the identification page of the passport(s) of the purchaser(s) clearly showing nationality, date of birth and passport number.
- A copy of the information page of the contract for the property and any special conditions relating to the proposed purchase (ie, that the contract is conditional on receiving foreign investment approval).
- A copy of the information page of the contract for the property showing the property address, vendor name, consideration paid and any special conditions relating to the proposed purchase (ie, that the contract is conditional on receiving foreign investment approval). Please note, a copy of the contract may be provided after the acquisition in the case of property acquired at auction.
- Form 3 (Notice under Section 26A). Form can be obtained from www.firb.gov.au.

Undertaking I/We _____ Date: ../../..

(insert full name(s) of developer(s) giving undertaking)

acting on behalf of _____

(insert trading name of developer)

undertake that the dwelling located at _____

has never been previously occupied or sold.

Signed: _____

(to be signed by person(s) giving the undertaking)

In addition, where the dwelling is part of an integrated development (eg, unit or townhouse)

- Number of dwellings in the development: _____
- Number sold to date: _____
- 1** Number sold to foreigners to date: _____
- Month and year that construction of the development began or is estimated to begin **and** month and year that construction was completed or is estimated to be completed:
- Commencement Date: _____ Completion Date: _____

OR Where the dwelling is a stand alone dwelling (ie, a constructed or partially constructed or a 'house/land package')

Details in relation to a similar dwelling built by the same developer:
(See page 3 of the Information Guide for information relating to similar dwellings)

- 2** Consideration paid or expected to be paid for the similar dwelling. \$ _____
- Address of the similar dwelling. _____
- Construction dates. For *both dwellings*, month and year that construction began or is expected to begin **and** month and year that construction was completed or expected to be completed.
- Commencement Date _____ Completion Date: _____

Undertaking I/We _____ Date: ../../..

(insert full name(s) of developer(s) giving undertaking)

acting on behalf of _____

(insert trading name of developer)

undertake that the comparable property located at _____

was or will be retained for purchase by an Australian citizen.

Signed: _____

(to be signed by the person(s) giving the undertaking)

Section 5 Demolition of a residence to erect a new dwelling(s)

Information to be attached to this form

- A photocopy of the identification page of the passport(s) of the purchaser(s) clearly showing nationality, date of birth and passport number.
- A copy of the information page of the contract for the property showing the property address, vendor name, consideration paid and any special conditions relating to the proposed purchase (ie, that the contract is conditional on receiving foreign investment approval). Please note: a copy of the contract may be provided after the acquisition in the case of property acquired at auction.
- Form 3 (Notice under Section 26A). Form can be obtained from www.firb.gov.au.

- Undertaking.** To be signed by the proposed purchaser(s) Date: ../../..

I/We _____

(insert full name(s) of person(s) giving undertaking)

acting on behalf of: _____

(insert name of company, where applicable)

undertake to commence continuous construction of the new dwelling(s) located at:

(insert name (address) of property in which an interest is to be acquired)

within 12 months of receiving foreign investment approval and that the existing dwelling(s) at the above address will not be occupied from the time of acquisition to demolition.

Signed: _____

(to be signed by person(s) giving the undertaking)

- A description of the current structures existing on the land (eg a three bedroom dwelling and garden shed)

- A description of the development proposal including the number of new dwellings to be constructed and an estimate of development costs.

Where the proposal is to demolish the existing dwelling and to erect a single new dwelling

- Evidence that the existing residence is at the end of its economic life (eg, a certified valuation of the separate value of the land and dwelling, photographs of the existing residence, whether the house is currently occupied). See page 3 of the Information Guide relating to redevelopment.