1.	Sector	:	All Sectors
	Subsector	:	-
	Level of Government	:	Central
	Obligations Concerned	:	National Treatment (Article 8.4 and Article 10.3) Market Access (Article 8.5) Most-Favoured-Nation Treatment (Article 8.6 and Article 10.4) Senior Management and Board of Directors (Article 10.7)
	Description	:	Trade in Services and Investment[1] 1. The following investments[2] are subject to approval by the Australian Government and may also require notification[3] to the Australian Government: • a proposed investment by a foreign person* in an entity or Australian business valued at more than AUD275 million#; • a proposed direct investment by a foreign government investor[4] of any interest regardless of value; • a proposed investment by a foreign person* of five per cent or more in the media sector, regardless of the value of the investment; • a proposed acquisition by a foreign person* of an interest in developed commercial land[5] where the value of the interest is more than AUD275 million#, unless the land meets the conditions for the lower developed commercial land threshold of AUD60million#[6]. Investments may be refused, subject to orders, or approved, subject to conditions. Foreign persons* that do not comply with the framework may be subject to civil and criminal penalties. For greater certainty, where an investment could qualify for the application of one or more of the above screening thresholds, approval and/or notification requirements apply from the lowest applicable threshold. Separate or additional requirements may apply to measures subject to other entries in this List and to sectors, subsectors or activities subject to List B. 2. The acquisition of a stake in an existing[7] financial sector company by a foreign investor, or entry into an arrangement by a foreign investor, that would lead to an unacceptable shareholding situation or to practical control[8] of an existing financial sector company, may be refused or be subject to certain conditions[9].
	Source of Measure	:	Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment Policy; *Foreign Acquisitions and Takeovers Act 1975* (Commonwealth); *Foreign Acquisitions and Takeovers Regulations 2015* (Commonwealth); *Foreign Acquisitions and Takeovers Fees Imposition Act 2015* (Commonwealth); *Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015* (Commonwealth); *Financial Sector (Shareholdings) Act 1998* (Commonwealth); and Ministerial Statements.

* The term "foreign person" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Commonwealth) and *Foreign Acquisitions and Takeovers Regulations 2015* (Commonwealth).

This is the figure as at 1 January 2020. To be indexed annually on 1 January.

[1] For greater certainty, the terms of this entry should be interpreted in accordance with Australia's Foreign Investment Framework as at the date of entry into force of this Agreement.

[2] "Investment" means activities covered by Part II of *Foreign Acquisitions and Takeovers Act 1975* (Commonwealth) or, where applicable, Ministerial Statements on foreign investment policy. Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment.

[3] The *Foreign Acquisitions and Takeovers Fees Imposition Act 2015* (Commonwealth) and the *Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015* (Commonwealth) set the fees for foreign investment applications and notices. Fees are indexed annually on 1 July.

[4] The term "foreign government investor" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Commonwealth) and *Foreign Acquisitions and Takeovers Regulation 2015* (Commonwealth).

[5] The term "developed commercial land" means commercial land that is not vacant within the meaning of the *Foreign Acquisitions and Takeovers Act 1975* (Commonwealth) and *Foreign Acquisitions and Takeovers Regulation 2015* (Commonwealth).

[6] The conditions for the lower threshold are those set out in the *Foreign Acquisitions and Takeovers Act 1975* (Commonwealth) and *Foreign Acquisitions and Takeovers Regulation 2015* (Commonwealth).

[7] For the purposes of this entry, "existing" means in existence at the time the investment is proposed or made.

[8] "Unacceptable shareholding situation" and "practical control" have the meaning set out in the *Financial Sector (Shareholdings) Act 1998* (Commonwealth).

[9] Ministerial statements on foreign investment policy including the Treasurer's Press Release No. 28 of 9 April 1997.