

Glossary

Aggregate substantial interest in a corporation	Where two or more persons together with any associate(s), are in a position to control not less than 40 per cent of the voting power or hold interests in not less than 40 per cent of the issued shares, of a corporation (section 9 of the FATA).
Applications approved (/approvals)	Comprises all foreign investment proposals approved either with or without conditions (unless otherwise stated).
Applications considered	Comprises all foreign investment proposals finalised between 1 July 2005 and 30 June 2006 (that is, approved, rejected, withdrawn or exempt).
Applications decided	Comprises all foreign investment proposals approved or rejected between 1 July 2005 and 30 June 2006 (that is, excluding proposals withdrawn or determined exempt).
Applications rejected	Comprises all foreign investment proposals that are either rejected under the policy or subject to a Final Order or a Divestiture Order under the FATA.
Approvals (/applications approved)	Comprises all foreign investment proposals approved either with or without conditions (unless otherwise stated).
Australian urban land corporations and trust estates	A corporation (excluding holding companies) or trust estate where more than half of its assets are in the form of Australian urban land (sections 13D and 13E of the FATA).
Corporate reorganisations	Corporate reorganisations encompass a wide range of transactions including corporate restructures and transfers of assets or shares within a multinational group.
Divestiture Order	An Order that requires an interest already acquired to be disposed of.
FIMS	The Foreign Investment Management System is the division's case management system implemented in December 2005.
Final Order	An Order that prohibits a proposed acquisition.
FIOLA	The Foreign Investment Online Application system for partial online lodgment of applications to purchase Australian real estate.

Glossary (continued)

Foreign Investment Review Board (FIRB or the Board)	A non-statutory body established in 1976 to advise the Treasurer on foreign investment policy and its administration.
Foreign person	<p>(a) A natural person not ordinarily resident in Australia;</p> <p>(b) a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest;</p> <p>(c) a corporation in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest;</p> <p>(d) the trustee of a trust estate in which a natural person not ordinarily resident in Australia or a foreign corporation holds a substantial interest; or</p> <p>(e) the trustee of a trust estate in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate substantial interest.</p> <p>(Section 5 of the FATA)</p>
Interim Order	An Order that extends the available statutory examination period and prohibits a proposed acquisition for up to a further 90 days.
Manufacturing	Comprises manufacturing industries as per ANZSIC 1993, except: - excludes newspaper, printing and publishing (included within services industry sector).
Offshore takeover	Where an offshore company (/foreign person) that holds Australian assets or conducts a business in Australia is acquired by another foreign person, and the Australian assets or businesses of the target company are valued at less than 50 per cent of its total assets.
Off-the-plan	An acquisition of a dwelling under construction or completed that has not been lived in or previously sold.
Order	An order issued under the <i>Foreign Acquisitions and Takeovers Act 1975</i> (that is, an Interim Order, Final Order, Divestiture Order, or Revocation Order).
Portfolio investment	Passive or non-direct investment.

Glossary (continued)

Proposed investment	Proposed investment associated with foreign investment proposals comprises the aggregate of acquisition costs and development expenditure in the case of existing businesses, and the aggregate of establishment costs and development expenditure in the case of new businesses.
Services	Comprises services-related industries as per ANZSIC 1993, except: <ul style="list-style-type: none">- includes newspaper, printing and publishing; and- excludes tourism (recorded as a separate industry sector).
Specific instance	The formal mechanism that provides for an examination of a multinational enterprise's conduct where that conduct is claimed to be contrary to the <i>OECD Guidelines for Multinational Enterprises</i> .
Substantial interest in a corporation	Where a person, alone or together with any associate(s), is in a position to control not less than 15 per cent of the voting power or holds interests in not less than 15 per cent of the issued shares, of a corporation (section 9 of the FATA).
Threshold	Monetary figure under either the policy or the FATA at which foreign persons are expected or required to notify a proposal to the Treasurer.

