

Appendix 1

Terms of Reference

On 6 July 2011, the Senate moved that the following matters be referred to the Rural Affairs and Transport References Committee for inquiry and report by 30 November 2011.

An examination of the Foreign Investment Review Board (FIRB) national interest test (the test), including:

- (i) how the test was applied to purchases of Australian agricultural land by foreign companies, foreign sovereign funds and other entities in the past 12 months;
- (ii) how the test was applied to purchases of Australian agri-businesses by foreign companies, foreign sovereign funds and other entities in the past 12 months;
- (iii) the role of the Government, regulators and receivers, including their obligations under the Corporations Act 2001 and/or the Foreign Acquisitions and Takeovers Act 1975, including the role of the Australian Securities and Investments Commission, in upholding the test;
- (iv) the global food task and Australia's food security in the context of sovereignty;
- (v) the role of the foreign sovereign funds in acquiring Australian sovereign Assets;
- (vi) how similar national interest tests are applied to the purchase of agricultural land and agri-businesses in countries comparable to Australia; and
- (vii) any other related matters; and

In conducting this inquiry, the committee should examine ways of improving the transparency of decisions made by the FIRB under the test and all other rules which govern its operation.

