

Our Ref: BPM.500079



25 March 2015

Manager  
International Investment and Trade Unit  
Foreign Investment and Trade Policy Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600

By Email [foreigninvestmentconsultation@treasury.gov.au](mailto:foreigninvestmentconsultation@treasury.gov.au)

Dear Sir

### **Strengthening Australia's Foreign Investment Framework**

Colin Biggers & Paisley is a national law firm with offices in Sydney, Brisbane and Melbourne.

In relation to the recent Government options paper on foreign investment, we submit that there should be no application fee payable in connection with the purchase of new residential property by foreign persons.

For new residential property, compliance and monitoring costs are negligible. Foreign persons are not barred from buying new residential property, provided that Treasury is notified. The notification process is relatively straight forward from a compliance perspective and generally requires no ongoing monitoring, as foreign purchasers may hold such property indefinitely and there is no requirement to dispose of it at any particular time.

Public and media interest has focused on breaches relating to the purchase of established residential property that may not be purchased by foreign persons, unless they are temporary residents. Compliance and monitoring in this area should not be subsidised by foreign persons buying new residential property. Nor should it be subsidised by the Australian development industry - for example, in connection with "off the plan" pre-approvals.

The only change affecting foreign buyers of new residential property is the proposed new register of foreign buyers. This register should be maintained by the land titles office. This will eliminate any ATO administrative costs; and appropriate notation on title should cost no more than about \$100 - similar to the cost of the other dealings on Australia's land title registers.

The imposition of an application fee on new residential property potentially constitutes a tax on the property development industry. Such a new tax is not justifiable. It is an unfair imposition on a leading sector of our economy and non productive.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Brendan Maier', with a long horizontal line extending to the right.

**Brendan Maier**  
Partner  
Email: [bpm@cbp.com.au](mailto:bpm@cbp.com.au)  
Direct Line: +61 2 8281 4682

T 61 2 8281 4555  
F 61 2 8281 4567  
E [law@cbp.com.au](mailto:law@cbp.com.au)  
I [www.cbp.com.au](http://www.cbp.com.au)

Level 42, 2 Park Street  
Sydney NSW 2000  
Australia  
ABN 38 941 300 979

GPO Box 214  
Sydney NSW 2001  
Australia  
DX 280 Sydney

**Colin Biggers  
& Paisley**  
Brisbane Melbourne  
& Sydney  
ADVOC network member