

EXPOSURE DRAFT

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1
2 Inserts for
3 **Tax and Superannuation Laws**
4 **Amendment (Measures for a later**
5 **sitting) Bill: Miscellaneous amendments**
6
7

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2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Schedule #, items 1 to 64	The day this Act receives the Royal Assent.	
2. Schedule #, item 65	Immediately after the time specified in the <i>Tax and Superannuation Laws Amendment (2014 Measures No. 7) Act 2015</i> for the commencement of item 2 of Schedule 6 to that Act.	19 March 2015
3. Schedule #, items 66 to 83	The day this Act receives the Royal Assent.	
4. Schedule #, item 84	Immediately after the time specified in the <i>Treasury Legislation Amendment (Repeal Day) Act 2015</i> for the commencement of Division 1 of Part 1 of Schedule 2 to that Act.	25 February 2015
5. Schedule #, items 85 to 96	The day this Act receives the Royal Assent.	
6. Schedule #, item 97	Immediately after the time specified in the <i>Treasury Legislation Amendment (Repeal Day) Act 2015</i> for the commencement of Division 1 of Part 1 of Schedule 2 to that Act.	25 February 2015
7. Schedule #, item 98	Immediately after the time specified in the <i>Treasury Legislation Amendment (Repeal Day) Act 2015</i> for the commencement of Division 2 of Part 1 of Schedule 2 to that Act.	1 July 2015
8. Schedule, Part 5	The day this Act receives the Royal Assent.	

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Schedule #—Miscellaneous amendments

Part 1—Offshore information notices

Income Tax Assessment Act 1936

1 Section 264A

Repeal the section.

Income Tax Assessment Act 1997

2 Subsection 995-1(1)

Insert:

offshore document has the meaning given by section 353-25 in Schedule 1 to the *Taxation Administration Act 1953*.

offshore information has the meaning given by section 353-25 in Schedule 1 to the *Taxation Administration Act 1953*.

Petroleum Resource Rent Tax Assessment Act 1987

3 Section 108A

Repeal the section.

Register of Foreign Ownership of Agricultural Land Act 2015

4 Section 33

Repeal the section, substitute: suppress

33 Offshore information notices for persons who may have obligations under Part 3

For the purposes of this Act, Subdivision 353-B in Schedule 1 to the *Taxation Administration Act 1953* applies as if a reference in that Subdivision to an assessment of tax-related liability of a person were a reference to the determination of either or both of the following:

- (a) whether a person has or had an obligation under Part 3 of this Act;

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- 1 (b) whether a person has complied with an obligation the person
2 has or had under Part 3 of this Act.
- 3 Note 1: Subdivision 353-B in Schedule 1 to the *Taxation Administration Act*:
4 (a) lets the Commissioner give a person an offshore information
5 notice requesting the person to give the Commissioner
6 information, or a document, that is outside Australia and that the
7 Commissioner believes is relevant to an assessment of the
8 person; and
9 (b) sets out the consequences if the person does not comply with the
10 request.
- 11 Note 2: Subdivision 353-A in Schedule 1 to the *Taxation Administration Act*
12 *1953* also gives the Commissioner power to require a person to give
13 the Commissioner information or documents for the administration of
14 this Act.

15 ***Taxation Administration Act 1953***

16 **5 Paragraph 8J(2)(k)**

17 Repeal the paragraph.

18 **6 At the end of subsection 8J(2)**

19 Add:
20 ; or (q) paragraph 353-25(1)(b) or (c) in Schedule 1 to this Act.

21 **7 Before section 353-10 in Schedule 1**

22 Insert:

23 **Table of Subdivisions**

24	Guide to Division 353
25	353-A Powers to obtain information and evidence
26	353-B Powers to obtain information and evidence from overseas

27 **Guide to Division 353**

28 **353-1 What this Division is about**

29 This Division gives the Commissioner powers to obtain
30 information and evidence.

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Subdivision 353-A—Powers to obtain information and evidence

Table of sections

353-10	Commissioner's power
353-15	Access to premises, documents etc.
353-20	Checking status of specifically listed deductible gift recipients

8 At the end of Division 353 in Schedule 1

Add:

Subdivision 353-B—Powers to obtain information and evidence from overseas

Table of sections

353-25	Offshore information notices
353-30	Offshore information notices—consequence of not complying

353-25 Offshore information notices

- (1) The Commissioner may by notice in writing (an *offshore information notice*) given to you request you to do all or any of the following:
 - (a) to give the Commissioner any information that the Commissioner reasonably believes is:
 - (i) relevant to the *assessment of a *tax-related liability of yours; and
 - (ii) *offshore information;
 - (b) to produce to the Commissioner any documents that the Commissioner reasonably believes are:
 - (i) relevant to the assessment of a tax-related liability of yours; and
 - (ii) *offshore documents;
 - (c) to make copies of any documents the Commissioner could request you to produce under paragraph (b), and to produce those copies to the Commissioner.
- (2) An offshore information notice:
 - (a) must specify a period, of at least 90 days after it is given to you, within which you are to give the information or produce the documents or copies; and

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- 1 (b) must set out the effect of section 353-30; and
2 (c) may set out how the request is to be complied with; and
3 (d) may be included in the same document as a notice under
4 section 353-10.
5 A notice is not invalid merely because it does not comply with
6 paragraph (b).
- 7 (3) The Commissioner may, by notice in writing, extend the period
8 within which you are to give the information or produce the
9 documents or copies, if, before the end of that period, you apply
10 for the extension in the *approved form.
- 11 (4) If the Commissioner does not notify you, in writing, before the end
12 of the period of the Commissioner's decision on an application you
13 make under subsection (3), then the period is extended until the
14 day on which the Commissioner so notifies you.
- 15 (5) An offshore information notice may be varied or revoked in
16 accordance with subsection 33(3) of the *Acts Interpretation Act*
17 *1901*, however a variation:
18 (a) must not have the effect of shortening the period within
19 which you must give particular *offshore information, or
20 produce particular *offshore documents or copies; and
21 (b) must not have the effect that the period within which you
22 must give particular offshore information, or produce
23 particular offshore documents or copies, is less than 90 days.
- 24 (6) Nothing in this section affects the operation of section 353-10 and
25 nothing in that section affects the operation of this section.
- 26 (7) **Offshore information** is any information that is one or more of the
27 following:
28 (a) within the knowledge (whether exclusive or otherwise) of an
29 entity outside Australia;
30 (b) recorded (whether exclusively or otherwise) in a document
31 outside Australia;
32 (c) stored (whether exclusively or otherwise) by any means
33 whatsoever outside Australia.
- 34 (8) An **offshore document** is any document that is outside Australia
35 (whether or not copies are in Australia or, if the documents are
36 copies of other documents, whether or not those other documents
37 are in Australia).
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353-30 Offshore information notices—consequence of not complying

- (1) Section 8C does not apply to a request set out in an offshore information notice under section 353-25.
- (2) If you refuse or fail to comply with a request set out in an offshore information notice (including a request you are not able to comply with), the following are not admissible in evidence in proceedings under Part IVC on a review or appeal relating to a *tax-related liability of yours, except with the consent of the Commissioner:
 - (a) the *offshore information;
 - (b) the contents of the *offshore documents or copies.
- (3) In deciding whether to consent, the Commissioner must:
 - (a) have regard to whether, because of the absence of that information or those documents or copies, the remaining information or documents that are relevant to the proceedings are, or are likely to be, misleading; and
 - (b) *not* have regard to the consequences (whether direct or indirect) of an obligation arising under a *foreign law relating to the secrecy of the information, documents or copies; and
 - (c) consent if refusal would have the effect, for the purposes of the Constitution, of making any tax or penalty incontestable.
- (4) If, before the hearing of a proceeding under Part IVC on a review or appeal relating to a *tax-related liability of yours, the Commissioner forms the views that:
 - (a) you have refused or failed to comply with a request under section 353-25; and
 - (b) the Commissioner is unlikely to give the consent mentioned in subsection (3);the Commissioner must, by notice in writing, inform you that the Commissioner has formed those views. However, a failure to do so does not affect the validity of the Commissioner's decision under subsection (3).

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1 **Part 2—GST-free care**

2 *A New Tax System (Goods and Services Tax) Act 1999*

3 **9 Subsection 38-30(2)**

4 Repeal the subsection.

5 **10 Paragraph 38-30(4)(b)**

6 Omit “to be similar to a supply that is GST-free because of
7 subsection (2)”.

8 **11 Application and transitional**

9 (1) The amendments made by this Part apply in relation to supplies made
10 after the day this Act receives the Royal Assent.

11 (2) A determination made under paragraph 177-10(1)(d) of the *A New Tax*
12 *System (Goods and Services Tax) Act 1999* that is in force immediately
13 before the commencement of item 10 continues in force (and may be
14 dealt with) as if it was a determination made under
15 paragraph 177-10(1)(d) of that Act as amended by this Act of supply of
16 care of a kind.

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Part 3—Other amendments of principal Acts

A New Tax System (Goods and Services Tax) Act 1999

12 Subsection 177-10(3)

Omit “*Education Minister”, substitute “*Student Assistance Minister”.

13 Section 195-1 (paragraph (a) of the definition of *adult and community education course*)

Omit “*Education Minister”, substitute “*Student Assistance Minister”.

14 Section 195-1 (paragraph (b) of the definition of *adult and community education course*)

Omit “*Education Minister”, substitute “Student Assistance Minister”.

15 Section 195-1 (definition of *Education Minister*)

Repeal the definition.

16 Section 195-1 (paragraph (b) of the definition of *primary course*)

Omit “*Education Minister”, substitute “*Student Assistance Minister”.

17 Section 195-1 (paragraph (a) of the definition of *secondary course*)

Omit “*Education Minister”, substitute “*Student Assistance Minister”.

18 Section 195-1 (paragraph (b) of the definition of *secondary course*)

Omit “*Education Minister”, substitute “Student Assistance Minister”.

19 Section 195-1

Insert:

Student Assistance Minister has the same meaning as in the
Income Tax Assessment Act 1997.

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20 Section 195-1 (paragraph (a) of the definition of *tertiary course*)

Omit “*Education Minister”, substitute “*Student Assistance Minister”.

21 Section 195-1 (paragraph (b) of the definition of *tertiary course*)

Omit “Education Minister”, substitute “Student Assistance Minister”.

Commonwealth Grants Commission Act 1973

22 Subsection 25(2)

Omit “16AA,” (second occurring).

Income Tax Assessment Act 1936

23 Subsection 6(1) (paragraph (f) of the definition of *assessment*)

Repeal the paragraph.

24 Subsection 6(1) (definition of *Education Secretary*)

Repeal the definition.

25 Subsection 6(1)

Insert:

Student Assistance Secretary has the meaning given by the *Income Tax Assessment Act 1997*.

26 Section 202A (definition of *securities dealer*)

Repeal the definition, substitute:

securities dealer has the same meaning as in the *Income Tax Assessment Act 1997*.

27 Subsection 202CB(6)

Omit “Education Secretary”, substitute “Student Assistance Secretary”.

28 Section 271-100 in Schedule 2F

Repeal the section.

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Income Tax Assessment Act 1997

29 Subsection 25-25(4) (method statement, step 1, second dot point)

Omit:

- For a later income year, it is the amount of the expenditure reduced by the the maximum amount that you can deduct for the expenditure for each earlier income year.

substitute:

- For a later income year, it is the amount of the expenditure reduced by the maximum amount that you can deduct for the expenditure for each earlier income year.

30 Subsection 30-25(1) (table item 2.1.7, column headed “Fund, authority or institution”)

Omit “*Education Minister”, substitute “*Student Assistance Minister”.

31 Paragraph 30-30(1)(c)

Omit “*Education Minister”, substitute “*Student Assistance Minister”.

32 Paragraph 30-30(1)(d)

Omit “Education Minister”, substitute “Student Assistance Minister”.

33 Paragraph 40-25(8)(a)

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you are taken not to be using the asset for a *taxable purpose to the extent of the *disallowed capital allowance percentage; or

34 Subsection 40-180(4) (note)

Omit “40-1105”, substitute “40-1130”.

35 Subsection 40-520(1) (example)

Omit “livestock”, substitute “live stock”.

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36 Subsections 40-525(1), (2), (3) and (4) (paragraph (a) of the note)

After “taken”, insert “not”.

37 Subsection 40-630(1) (paragraph (a) of the note)

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you are taken not to be using the land for the purpose of carrying on a primary production business, or a business for the purpose of producing assessable income from the use of rural land (except a business of mining and quarrying operations), to the extent specified under subsection 250-150(3); or

38 Subsection 40-730(1) (paragraph (a) of the note)

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct expenditure you incur in relation to the land to the extent specified under subsection 250-150(3); or

39 Subsection 40-735(1) (paragraph (a) of note 2)

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct expenditure you incur in relation to the land to the extent specified under subsection 250-150(3); or

40 Subsection 40-750(1) (paragraph (a) of note 2)

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct expenditure you incur in relation to the asset to the extent specified under subsection 250-150(3); or

41 Subsection 40-755(1) (paragraph (a) of the note)

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct expenditure you incur in relation to the land to the extent specified under subsection 250-150(3); or

42 Section 40-835 (paragraph (a) of the note)

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you are taken not to be using the asset for taxable purposes to the extent specified under subsection 250-150(3); or

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43 Subsection 40-880(1) (paragraph (a) of the note)

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you cannot deduct an amount for capital expenditure you incur in relation to the asset to the extent specified under subsection 250-150(3); or

44 Subsection 43-140(1) (paragraph (a) of note 2)

Repeal the paragraph, substitute:

- (a) if section 250-150 applies—you are taken not to be using the capital work for the purpose of producing assessable income, or for the purpose of conducting R&D activities, to the extent specified under subsection 250-150(3); or

45 Subsection 52-131(9) (note)

Omit “Education Minister”, substitute “Student Assistance Minister”.

46 Subsection 122-25(3)

Omit “precluded asset”, substitute “*precluded asset*”.

47 Subsection 124-784B(2) (method statement, step 2, paragraph (b))

Repeal the paragraph, substitute:

- | |
|---|
| (b) for *live stock acquired by natural increase during that income year but before the completion time—the *cost of that live stock; and |
|---|

48 Subsection 124-784B(2) (method statement, step 2, paragraph (c))

Omit “livestock”, substitute “live stock”.

49 Paragraph 149-15(3)(e)

Omit “local governing body”, substitute “*local governing body”.

50 Paragraph 165-60(3)(a)

Omit “livestock”, substitute “*live stock”.

51 Paragraph 165-60(3)(b)

Omit “livestock”, substitute “live stock”.

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52 Subsection 165-115A(1A)

Omit “165-115A”.

53 Paragraph 165-202(1)(c)

Omit “local governing body”, substitute “*local governing body”.

54 Subsection 307-290(3)

After the formula, insert:

where:

55 Section 328-285 (note 2, first dot point)

Omit:

- special valuation rules may be used, for example, obsolete stock, natural increase of livestock, horse breeding stock; and

substitute:

- special valuation rules may be used, for example, obsolete stock, natural increase of live stock, horse breeding stock; and

56 Paragraph 355-210(1)(a)

Omit “or an external territory”.

57 Subparagraph 355-210(1)(d)(i)

Omit “and the external Territories”.

58 Subparagraph 355-210(1)(e)(i)

Omit “or an external Territory”.

59 Subparagraph 355-210(1)(e)(ii)

Omit “and the external Territories”.

60 Subsection 355-210(1) (note)

Omit “or the external Territories”.

61 Paragraph 355-215(a)

Omit “or an external Territory”.

62 Subparagraph 355-215(b)(i)

Omit “or an external Territory”.

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63 Paragraph 355-220(1)(a)

Omit “or an external Territory”.

64 Subparagraph 355-220(1)(b)(i)

Omit “or an external Territory”.

65 Paragraph 418-15(1)(d)

Omit “would be a distribution to which paragraph 207-110(1)(b) would apply”, substitute “would give rise to a *tax offset for the entity that would be a subject to the refundable tax offset rules because of paragraph 67-25(1C)(b) or (1D)(b)”.

66 Subparagraphs 418-80(3)(d)(ii) and (iii)

Repeal the subparagraphs, substitute:

(ii) an area referred to in subsection 960-505(2).

67 Subsection 418-80(3) (note)

Repeal the note.

68 Paragraph 615-10(1)(a)

Omit “no more than 5”, substitute “one or more, but not all, of the”.

69 Paragraph 701-25(4)(b)

Omit “*livestock”, substitute “*live stock”.

70 Paragraph 701-35(4)(b)

Omit “*livestock”, substitute “*live stock”.

71 Paragraph 705-30(1)(b)

Omit “*livestock”, substitute “*live stock”.

72 Subdivision 716-S (heading)

Repeal the heading, substitute:

Subdivision 716-S—Miscellaneous consequences of tax cost setting**73 Paragraph 770-135(1)(b)**

Omit “subsections (3), (5) and (6)”, substitute “subsections (3) and (5)”.

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74 Subsection 995-1(1)

Repeal the following definitions:

- (a) definition of *Education Minister*;
- (b) definition of *Education Secretary*.

75 Subsection 995-1(1) (definition of *public official*)

Omit “*Australian Government Agency”, substitute “*Australian government agency”.

76 Subsection 995-1(1)

Insert:

securities dealer means a person who, for the purposes of the *Corporations Act 2001* or for the purposes of a law of a State or Territory that corresponds to that Act, deals in securities.

77 Subsection 995-1(1) (definition of *shortfall amount*)

Omit “give”, substitute “given”.

78 Subsection 995-1(1)

Insert:

Student Assistance Minister means the Minister administering the *Student Assistance Act 1973*.

Student Assistance Secretary means the Secretary of the Department administered by the *Student Assistance Minister.

Industry Research and Development Act 1986

79 Subsection 4(1)

Insert:

Australia has the same meaning as in the *Income Tax Assessment Act 1997*.

80 Section 5

Repeal the section, substitute:

1	5 Application		
2	This Act extends to every external Territory referred to in the		
3	definition of <i>Australia</i> .		
4	81 Paragraph 28D(2)(a)		
5	Omit “or an external Territory”.		
6	82 Subsection 28D(4)		
7	Omit “or the external Territories” (wherever occurring).		
8	83 Paragraphs 28D(5)(b) and (d)		
9	Omit “and the external Territories”.		
10	<i>Product Grants and Benefits Administration Act 2000</i>		
11	84 Subsection 42(2A)		
12	Omit “section 350-10”, substitute “section 353-10”.		
13	<i>Superannuation (Unclaimed Money and Lost Members)</i>		
14	<i>Act 1999</i>		
15	85 Paragraph 20N(2)(a)		
16	Omit “1936”, substitute “1997”.		
17	<i>Taxation Administration Act 1953</i>		
18	86 Subsection 3B(1C)		
19	Omit “sections 3D and 3E,”.		
20	87 Section 14ZQ (definition of <i>starting base assessment</i>)		
21	Repeal the definition.		
22	88 Subsection 350-10(1) in Schedule 1 (table item 2)		
23	Repeal the table item, substitute:		
24	2	a notice of *assessment under a *taxation law;	(a) the assessment was properly made; and

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		(b) except in proceedings under Part IVC of this Act on a review or appeal relating to the assessment—the amounts and particulars of the assessment are correct.
3	a notice under any of the following: (a) section 18-140 in this Schedule; (b) section 102UR, 177EA or 177EB of the <i>Income Tax Assessment Act 1936</i> ; (c) section 271-90 in Schedule 2F to that Act;	(a) the notice was properly given; and (b) except in proceedings under Part IVC of this Act on a review or appeal relating to the notice—the amounts and particulars of the notice are correct.
4	a declaration under: (a) subsection 165-40(1) or 165-45(3) of the <i>*GST Act</i> ; or (b) subsection 75-40(1) or 75-45(3) of the <i>Fuel Tax Act 2006</i> ;	(a) the declaration was properly made; and (b) except in proceedings under Part IVC of this Act on a review or appeal relating to the declaration—the amounts and particulars of the declaration are correct.

89 Subsection 350-10(2) in Schedule 1

Omit “Paragraph (b) of column 1 of item 2”, substitute “Column 1 of item 4”.

90 Subsection 355-65(2) in Schedule 1 (table items 4 and 5, column headed “The record is made for or the disclosure is to ...”)

Omit “*Education Secretary”, substitute “*Student Assistance Secretary”.

91 Subsection 355-65(2) in Schedule 1 (table item 5AA)

Repeal the item, substitute:

5AA	the Secretary of the Department administered by the Minister administering the <i>Trade Support Loans Act 2014</i>	is for the purpose of administering that Act.
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1 92 Application

2 The amendment made by item 91 applies in relation to records and
3 disclosures of information on or after 23 December 2014 (regardless of
4 when the information was acquired).

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Part 4—Amendments of amending Acts

Indirect Tax Laws Amendment (Assessment) Act 2012

93 Item 262 of Schedule 1

Repeal the item, substitute:

262 Subsection 350-10(1) in Schedule 1 (table item 4)

Repeal the item.

Tax and Superannuation Laws Amendment(2014 Measures No. 7) Act 2015

94 Subsection 2(1) (table item 8)

Repeal the item.

95 Item 21 of Schedule 6

Repeal the item.

Tax and Superannuation Laws Amendment (2015 Measures No. 1) Act 2015

96 Subsection 2(1) (table item 7)

Repeal the item, substitute:

7. Schedules 2 and 3	The day this Act receives the Royal Assent.	25 June 2015
7A. Schedule 4, Part 1	The day after this Act receives the Royal Assent.	26 June 2015
7B. Schedule 4, Part 2	1 July 2021.	1 July 2021

Treasury Legislation Amendment (Repeal Day) Act 2015

97 Item 3 of Schedule 2

Repeal the item.

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98 Item 36 of Schedule 2
- 2

Repeal the item.

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1 **Part 5—Repeals**

2 *Income Tax (War-time Arrangements) Act 1942*

3 **99 The whole of the Act**

4 Repeal the Act.