
TREASURY LAWS AMENDMENT (TAX TRANSPARENCY) BILL 2018

EXPOSURE DRAFT EXPLANATORY MATERIALS

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Chapter 1

Transparency of taxation debts

Outline of chapter

1.1 Schedule # to this Bill amends the TAA 1953 to allow taxation officers to disclose the tax debt information of a particular business to credit reporting bureaus when certain conditions and safeguards are satisfied.

1.2 This will allow tax debts to be placed on a similar footing as other debts, strengthening the incentives for businesses to pay their debts in a timely manner and effectively engage with the ATO to avoid having their tax debt information disclosed.

1.3 The amendments will reduce unfair financial advantage obtained by businesses that do not pay their tax on time and contributes to more informed decision making within the business community by enabling businesses to make a more complete assessment of the credit worthiness of other businesses.

1.4 All legislative references in this Chapter are to Schedule 1 to the TAA 1953 unless otherwise stated.

Context of amendments

1.5 In the 2016-17 Mid-Year Economic and Fiscal Outlook, the Government announced a measure to allow taxation officers to report to credit reporting bureaus the tax debt information of businesses that do not effectively engage with the ATO to manage their tax debts. This Schedule implements this measure by providing an exception to the general prohibition on taxation officers disclosing protected information contained in Division 355 for disclosures of this kind.

1.6 The legislative framework will ensure that a taxpayer's tax debt information may only be disclosed to credit reporting bureaus where certain conditions and safeguards are satisfied. The legislative framework will include conditions to be set out in a legislative instrument made by the Minister which establish whether a type of taxpayer can be subject to the new disclosure arrangements, such as the taxpayer being a business with an ABN, and having a tax debt, of which at least \$10,000 is overdue for more than 90 days. This reflects the criteria that the Government announced in the 2016-17 Mid-Year Economic and Fiscal Outlook would initially be applied for the purposes of the measure.

1.7 The legislative framework will also include procedural conditions and safeguards that the Commissioner must satisfy before disclosing a taxpayer's tax debt information. This ensures the taxpayer is made aware that the Commissioner is considering disclosing their information and affords taxpayers with an opportunity to engage with the ATO to prevent their debts from being reported. This will be supported by rigorous administrative arrangements that will provide taxpayers with the opportunity to initiate a review process prior to any disclosure or to correct the information proposed to be reported.

1.8 Allowing taxation officers to report tax debt information to credit reporting bureaus in the specified circumstances will:

- support more informed decision making within the business community by making overdue tax debts more visible;
- encourage taxpayers to engage with the ATO to manage their tax debts; and
- reduce the unfair advantage obtained by businesses that do not pay their tax on time.

1.9 Disclosing tax debt information to credit reporting bureaus will allow businesses and credit providers to make a more complete assessment of the credit worthiness of a business. A credit reporting bureau collects, holds and discloses an entity's debt information to other interested parties for a fee, typically in the form of a credit worthiness report. The impact of the rules providing for the confidentiality of taxpayer information is that other businesses that regularly assess the creditworthiness of potential commercial partners would usually be unaware of the existence of any overdue tax debt.

1.10 Currently, the first time creditors may learn that a business has an overdue tax debt is after another creditor or the ATO commences legal action to recover the debt. Tax debt information from the ATO would provide a new and significant piece of information which will improve a business's ability to make informed decisions about the risk of extending credit or terms of trade to a business with unpaid debts.

1.11 The tax debt information disclosed by the ATO will not necessarily present a complete picture of a business's outstanding tax debts. Some limitations on the information that may be disclosed will be inbuilt into the legislative framework. Such limitations strike a balance between improving the transparency of tax debt information in the business community and providing fairness for businesses with overdue tax debts. For example, it is expected that tax debt amounts that are being disputed in various forums, and tax debt amounts that are being paid under a payment arrangement will not be disclosed.

1.12 Another limitation is that only information about debts known to the Commissioner can be disclosed. An entity that has outstanding lodgment obligations may have debts owed to the Commissioner, which are not known to the Commissioner. Although there will still be limitations on the visibility of tax debt information, the amendments take a significant step towards improving the transparency of overdue tax debts in the business community.

1.13 The amendments reduce the incentive for a taxpayer to prioritise the payment of their non-tax debts over their tax debts given both types of debt may affect the taxpayer's credit worthiness. This increases the incentive for taxpayers to pay their tax debts in a timely manner and will reduce the unfair competitive advantage obtained by taxpayers that do not pay their tax debts on time over taxpayers who comply with their tax obligations.

1.14 The amendments provide the ATO with additional options to deal with taxpayers that are choosing not to effectively engage with them to manage their tax debts, complementing the ATO's existing debt collection activities and strategies. The ATO already has a comprehensive engagement strategy, which is targeted to taxpayers based on the previous engagement history and circumstances of the taxpayer, to increase the likelihood of the taxpayer engaging with the ATO.

1.15 The ATO's existing debt collection activities may include phone calls, letters, text messages, referral to a debt collection agency or other pre-litigation action. In some cases, more significant action is warranted, including garnishee orders (which involves redirecting money owed to a taxpayer by third parties to the Commissioner to reduce the taxpayer's tax debt) or recovery through the courts.

1.16 The consequences for a taxpayer of having their tax debt information disclosed to credit reporting bureaus can potentially be very serious. For example, such information could lead to difficulty accessing finance, which could have broader ramifications for the business. This is similar to the consequences that could arise as a result of other potential debt collection options available to the ATO. For example, where the ATO issues a garnishee order to the taxpayer's bank it can provide a signal to the bank that the taxpayer has a tax debt and where the ATO institutes debt recovery proceedings through the courts, the tax debt information of the taxpayer will become public.

1.17 Given the potential consequences of disclosure for a particular taxpayer, the amendments should encourage taxpayers to engage with the ATO preventing their debts from being reported, or motivate some taxpayers to promptly resolve their tax debt and voluntarily comply with their tax obligations.

1.18 Given the potential consequences of disclosure for a particular taxpayer, the procedural conditions and safeguards that the Commissioner must satisfy before disclosing a taxpayer's tax debt information are important features of the legislative framework. In addition, the framework is being designed to ensure the ATO will not disclose the taxpayer's tax debt information if there is an ongoing complaint into the Commissioner's intention to disclose a taxpayer's tax debt information or an ongoing review involving the underlying tax liability to which the tax debt relates.

1.19 It is expected that the Commissioner will adopt an administrative approach that ensures taxpayers have access to an inexpensive and simple review process prior to their tax debt information being disclosed by the Commissioner. A taxpayer should be able to access an internal ATO review process, as well as a complaints process conducted by a body independent of the ATO. Where possible, existing and well-understood processes for review and complaints will be utilised.

1.20 As the ATO is not compelled to disclose the tax debt information of taxpayers, the ATO is able to temporarily exclude a taxpayer from disclosure while the taxpayer is experiencing exceptional circumstances preventing them from managing their debts. For example, where a taxpayer's ability to pay their tax debts has been affected by a natural disaster.

Summary of new law

1.21 Schedule # to this Bill amends the TAA 1953 to allow taxation officers to disclose the tax debt information of a particular business to credit reporting bureaus when certain conditions and safeguards are satisfied.

1.22 This will allow tax debts to be placed on a similar footing as other debts, strengthening the incentives for businesses to pay their debts in a timely manner and effectively engage with the ATO to avoid having their tax debt information disclosed.

1.23 The amendments will reduce unfair financial advantage obtained by businesses that do not pay their tax on time and contribute to more informed decision making within the business community by enabling businesses to make a more complete assessment of the credit worthiness of other businesses.

Comparison of key features of new law and current law

<i>New law</i>	<i>Current law</i>
<i>Ability of taxation officers to disclose protected information to credit reporting bureaus</i>	
<p>The exceptions to the confidentiality of taxpayer information offences are expanded, such that if certain conditions and safeguards are met, taxation officers can disclose protected information relating to a particular taxpayer’s tax debts to credit reporting bureaus.</p> <p>The disclosure must be for the purpose of enabling the credit reporting bureau to prepare, update or issue a credit worthiness report in relation to a particular taxpayer.</p> <p>Generally, the taxpayer whose information is to be disclosed must be within the class of entity declared in a legislative instrument made by the Minister. However, this does <i>not</i> apply if the taxpayer is no longer in the declared class of entity, but the disclosure relates to the reasons why the entity is no longer included in the declared class and is for the purpose of enabling the credit reporting bureau to update or correct credit worthiness reports in relation to the taxpayer.</p> <p>In addition, a disclosure will only be permitted if all of the following procedural conditions are met:</p> <ul style="list-style-type: none"> • the Commissioner has notified the taxpayer at least 21 days before disclosure; and • the Commissioner has consulted with the Inspector-General of Taxation. <p>However, these procedural conditions do not apply for disclosures to update, correct or confirm</p>	<p>It is an offence (punishable by two years imprisonment) for a taxation officer to disclose protected information, such as information relating to a particular taxpayer’s tax debt unless an exception to the offence applies.</p> <p>There are no exceptions relating to disclosing protected information relating to a particular taxpayer’s tax debts to credit reporting bureaus.</p>

information previously disclosed.	
<i>Ability of third parties to on-disclose protected information</i>	
<p>It is an exception to the offence for an entity other than a taxation officer to on-disclose protected information (such as an entity’s tax debt information) if:</p> <ul style="list-style-type: none"> • the information was originally disclosed by a taxation officer under the new exception to the confidentiality of taxpayer information offences (refer above); and • the entity making the record or disclosure is not the credit reporting bureau to which the information was originally disclosed. 	<p>It is an offence (punishable by two years imprisonment) for an entity (other than a taxation officer) to on-disclose or record protected information acquired from a taxation officer.</p> <p>However, the offence does not apply in certain specified circumstances. For example, the offence does not apply if the information was already available to the public.</p>

Detailed explanation of new law

Allowing taxation officers to disclose tax debt information to credit reporting bureaus

Overview

1.24 Under subsection 355-25(1), it is an offence (punishable by two years imprisonment) for a taxation officer to disclose or record protected information acquired in their capacity as a taxation officer. This offence protects the confidentiality of taxpayer information, including information relating to a taxpayer’s tax debts.

1.25 These amendments ensure that taxation officers will not be liable for an offence for disclosing to a credit reporting bureau the tax debt information of a particular taxpayer, provided that:

- the disclosure is to a credit reporting bureau; and
- the record or disclosure is of information that relates to the tax debts of a taxpayer that is within the class of entity whose tax debt may be disclosed, as set out in a legislative instrument to be made by the Minister; and
- the disclosure is for the purpose of enabling the credit reporting bureau to prepare, issue, update, correct or confirm a credit worthiness report in relation to a particular taxpayer; and

- the procedural conditions for disclosure of the taxpayer's information have been met. *[Schedule #, item 2, subsection 355-72(1)]*

1.26 Allowing taxation officers to report protected information relating to a particular taxpayer's tax debts to credit reporting bureaus in the specified circumstances will:

- support more informed decision making within the business community by making overdue tax debts more visible;
- encourage taxpayers to engage with the ATO to manage their tax debts; and
- reduce the unfair advantage obtained by businesses that do not pay their tax on time. For further information see paragraphs 1.8 to 1.17.

1.27 Before initially disclosing a taxpayer's tax debt information, taxation officers must ensure compliance with certain procedural conditions. The procedural conditions are to notify the taxpayer whose information is to be reported at least 21 days before disclosure and to consult with the Inspector-General of Taxation prior to disclosure. A taxation officer failing to comply with such conditions or disclosing a taxpayer's tax debt information where the taxpayer did not satisfy the criteria for disclosure may be liable for an offence under subsection 355-25(1). *[Schedule #, item 2, paragraph 355-72(1)(e)]*

1.28 After the initial disclosure of a taxpayer's tax debt information, and while that entity remains within the class of entity whose tax debt may be disclosed, taxation officers may make further disclosures of the taxpayer's tax debt information without the need to satisfy the procedural conditions. For example, it would be expected that after the initial disclosure, the Commissioner would routinely disclose the balance of a taxpayer's overdue tax debt to allow credit reporting bureaus to maintain accurate and up-to-date information. The balance of a taxpayer's overdue tax debt would be calculated incorporating any new tax debts that become overdue following the initial disclosure.

1.29 The Commissioner may also disclose the tax debt information of an entity which no longer meets the criteria for disclosure set out by the Minister in a legislative instrument, where the disclosure relates to the reasons why an entity no longer meets the criteria and is for the purpose of enabling a credit reporting bureau to update or correct the information in a credit worthiness report in relation to that entity. Taxation officers will not be required to satisfy the procedural conditions in relation to updates or corrections. *[Schedule #, item 2, subsection 355-72(4)]*

1.30 This allows the Commissioner to promptly notify a credit reporting bureau that a particular taxpayer no longer falls within the class

of entities whose tax debt information can be disclosed. In such a situation, it is expected that the Commissioner will instruct credit reporting bureaus to remove the tax debt information of the taxpayer.

1.31 If such a taxpayer once again falls within the class of entities whose tax debt information can be disclosed, taxation officers must treat the potential disclosure of the taxpayer's tax debt information as an initial disclosure. That is, taxation officers must ensure that the procedural conditions have been satisfied prior to any disclosure of the taxpayer's tax debt information.

1.32 Consistent with most of the other exceptions to the confidentiality of taxpayer information provisions in Division 355, the Commissioner is not obliged to disclose the relevant information. In other words, the Commissioner is permitted, but not required, to disclose the tax debt information of a particular taxpayer, once the conditions relating to an exception are satisfied.

Credit reporting bureaus

1.33 The amendments allow taxation officers to disclose information to an entity the Commissioner considers prepares and issues credit worthiness reports in relation to other entities. The Commissioner must publish a list of credit reporting bureaus on the ATO website. *[Schedule #, item 2, subsections 355-72(6) and (7)]*

1.34 For the avoidance of doubt, the list of credit reporting bureaus is not a legislative instrument within the meaning of subsection 8(1) of the *Legislation Act 2003* as the action is administrative in nature. *[Schedule #, item 2, subsection 355-72(8)]*

1.35 As the Commissioner has discretion regarding whether or not to make a disclosure (once the conditions have been satisfied), the Commissioner has flexibility to establish appropriate administrative arrangements to ensure an entity which the Commissioner intends to disclose information to complies with any terms and conditions the Commissioner considers appropriate. For example, the Commissioner may choose to only disclose to a credit reporting bureau that has agreed to maintain particular processes, safeguards and mechanisms to ensure taxpayer information is appropriately managed.

1.36 The Commissioner also has flexibility to decide that a particular credit reporting bureau should no longer receive tax debt information from the Commissioner.

Disclosure must be for specified purpose and be of tax debt information

1.37 In order to rely on the exception to the offence protecting the confidentiality of taxpayer information, the disclosure must be of information that relates to the tax debts of an entity and be for the purpose

of enabling the credit reporting bureau to prepare, issue, update, correct or confirm a credit worthiness report in relation to a particular entity.

[Schedule #, item 2, paragraphs 355-72(1)(c) and (d)]

1.38 This allows credit reporting bureaus to provide their customers with more complete information to improve their ability to make informed decisions about the risk of extending credit or terms of trade to a business with unpaid debts. This may involve the dissemination of a credit worthiness report or a product other than a credit worthiness report, which provides information about an entity's credit worthiness. For further information, see paragraph 1.69.

1.39 It is expected that disclosures of information that relate to the tax debts of a taxpayer and are made for the requisite purpose will include unique identifiers for a business, such as the taxpayer's ABN and legal name, and their disclosable tax debt amount. The disclosable tax debt amount is the balance of the entity's overdue tax debt.

1.40 The information that may be disclosed must relate to a taxpayer's tax debts within the meaning of section 8AAZA of the TAA 1953. This includes primary tax debts such as income tax debts, activity statement debts, superannuation debts and penalties and interest charge debts, and secondary tax debts such as amounts due under a court order.

1.41 Information that corrects an error in the information previously disclosed or updates this information, or provides a reason for the correction or update, may also be disclosed.

1.42 The type of information that may be disclosed as a result of these amendments is referred to in this Chapter as 'tax debt information'.

1.43 These amendments do not authorise the disclosure of an entity's tax file number, as this information is protected under the TAA 1953, the *Income Tax Assessment Act 1936* and the *Privacy (Tax File Number) Rule 2015*.

Class of entity whose tax debt information may be disclosed

1.44 The amendments provide that the Minister may by (disallowable) legislative instrument determine the class of entity whose tax debt information may be disclosed by the Commissioner. Specifying the class of entity in a legislative instrument provides the Government with flexibility to update the criteria promptly to ensure it delivers the right policy outcome. It also provides an appropriate level of Parliamentary scrutiny around the criteria as the instrument will be disallowable. *[Schedule #, item 2, subsection 355-72(5)]*

1.45 In order to rely on the exception to the offence protecting the confidentiality of taxpayer information introduced by these amendments, a legislative instrument must be in place. That is, such a legislative

instrument must be registered on the Federal Register of Legislation and have commenced before any disclosures of tax debt information can occur. [*Schedule #, item 2, paragraph 355-72(1)(c)*]

1.46 A taxation officer must disclose in accordance with the legislative instrument. It remains an offence for the taxation officer to disclose information where they have failed to comply with the requirements in the instrument. However, a taxation officer may disclose the tax debt information of an entity that no longer falls within the class declared in the instrument in limited circumstances. For further information see paragraph 1.29.

1.47 The legislative instrument is expected to specify that an entity is within the class of entity whose tax debt information may be reported if the entity is a business with an ABN with a tax debt, of which at least \$10,000 is overdue for more than 90 days. This reflects the criteria that will initially be applied for the purposes of the measure, which was announced by the Government in the 2016-17 Mid-Year Economic and Fiscal Outlook.

1.48 In addition, it is expected that the legislative instrument will specify other criteria which ensure that taxation officers cannot disclose the tax debt information of a taxpayer in certain circumstances. Some examples are:

- where the Inspector-General of Taxation has advised the Commissioner that the Inspector-General of Taxation has an active complaint relating to the disclosure of the tax debt information of the taxpayer; or
- where a taxpayer is effectively engaging with the ATO to manage their tax debt by undertaking specific actions.

1.49 As the Commissioner has discretion regarding whether or not to disclose the tax debt information of a particular taxpayer, the Commissioner may choose to exclude a taxpayer from disclosure for other reasons that are not determined in the legislative instrument. For public transparency, the Commissioner may set out such additional circumstances in ATO guidance.

Procedural conditions for initial disclosure

1.50 In order to rely on the exception to the offence protecting the confidentiality of taxpayer information, in addition to being for the specified purpose, the initial disclosure of an entity's tax debt information to a credit reporting bureau must meet certain conditions. That is, a disclosure that is not information that simply updates, corrects or confirms information previously disclosed will only be permitted if, at the time of the disclosure, all of the following procedural conditions are met:

- the Commissioner has notified the taxpayer at least 21 days before disclosure; and
- the Commissioner has consulted with the Inspector-General of Taxation.

Notification of intention to disclose

1.51 Before a taxation officer can disclose the tax debt information of a taxpayer, the Commissioner must notify the taxpayer in writing that the Commissioner intends to disclose their tax debt information at least 21 days before the information is disclosed. The notice must set out particular information and must be served on the taxpayer. *[Schedule #, item 2, subsections 355-72(2) and (3)]*

1.52 This notification requirement does not apply where the information is disclosed to update, correct or confirm the information previously disclosed. This allows corrections to the information to be made quickly and for the ATO to regularly confirm that information previously disclosed remains up-to-date. *[Schedule #, item 2, paragraph 355-72(2)(b)]*

1.53 It will remain an offence under subsection 355-25(1) for a taxation officer to disclose tax debt information if the taxation officer does not comply with this notification requirement.

1.54 The notice must be served on the taxpayer. The Commissioner may serve a document on a person in accordance with the rules set out in Division 4 of the *Taxation Administration Regulations 2017*. These rules allow the Commissioner to serve a document to a person's preferred address for service, which may include a physical address, a postal address or an electronic address. Section 28A of the *Acts Interpretation Act 1901* also provides rules about how documents may be served on natural persons and body corporates. *[Schedule #, item 2, paragraph 355-72(3)(e)]*

1.55 The notice must:

- set out the type of information to be disclosed, including the balance of the tax debts payable by the taxpayer at the time the notice is given; and
- explain how a taxpayer may make a complaint in relation to the proposed disclosure of their information. *[Schedule #, item 2, paragraphs 355-72(3)(b), (c) and (d)]*

1.56 The notice will allow a taxpayer to assess whether they need to correct the information that may be reported or otherwise make a complaint in relation to the disclosure.

1.57 It is expected that the notice will set out how the taxpayer can effectively engage with the ATO to manage their tax debt or otherwise

take steps to ensure they are excluded from disclosure. As such, the notice will provide the taxpayer with the opportunity to prevent the disclosure of their tax debt information.

1.58 At the end of the 21 day period, if the taxpayer still meets the criteria for disclosure as set out in the Minister's legislative instrument, and the other legislative requirements are met, the Commissioner may disclose the taxpayer's tax debt information.

Consultation with Inspector-General of Taxation

1.59 Before a taxation officer can initially disclose the tax debt information of a taxpayer, the Commissioner must consult with the Inspector-General of Taxation in relation to the disclosure of the information. This requirement does not apply where the information is disclosed to update, correct or confirm the information previously disclosed. This allows updates and corrections to information previously disclosed to be made promptly. *[Schedule #, item 2, subparagraph 355-72(1)(e)(i)]*

1.60 The Inspector-General of Taxation is a body that is empowered to conduct investigations, including investigations into action affecting a particular entity that:

- is taken by a tax official; and
- relates to tax administration matters; and
- is the subject of a complaint by that entity to the Inspector-General of Taxation.

1.61 The requirement for taxation officers to consult with the Inspector-General of Taxation prior to making a disclosure of an entity's tax debt information is designed as an independent check or safeguard to ensure that the Commissioner does not disclose the tax debt information of an entity inappropriately.

1.62 The Inspector-General of Taxation is already empowered to conduct investigations into complaints made by particular taxpayers about the disclosure of their tax debt information as part of the Inspector-General of Taxation's existing functions set out in the *Inspector-General of Taxation Act 2003*.

1.63 It is anticipated that a taxpayer that has been given a notification of the Commissioner's intention to disclose their tax debt information and is not satisfied with the complaint mechanisms provided by the ATO may wish to lodge a complaint with the Inspector-General of Taxation.

1.64 It is expected that the legislative instrument declaring the class of entity whose tax debt information may be disclosed by the Commissioner will further facilitate involvement of the Inspector-General of Taxation in the process by only permitting a disclosure where the Inspector-General of Taxation has not advised that it is conducting such

an investigation relating to the Commissioner's intention to disclose the taxpayer's tax debt information. In order to rely on the exception to the offence protecting the confidentiality of tax information, taxation officers will be required to take reasonable steps to confirm that such an investigation is not underway before making the disclosure.

1.65 These aspects of the exposure draft amendments may be modified by adding additional detail once the protocols relating to the Inspector-General of Taxation's functions under the new disclosure arrangements are further developed.

Allowing third parties to on-disclose tax debt information

1.66 The policy intent of this measure is to allow credit reporting bureaus to use the tax debt information of particular entities to prepare a credit worthiness report, which will be made available to various third parties, such as banks and other businesses seeking to make a more complete assessment of the entity's credit worthiness. Such third parties may need to record or otherwise deal with this information in the course of their businesses.

1.67 It is an offence (punishable by two years imprisonment) under section 355-155 for an entity (other than a taxation officer) to on-disclose or record protected information acquired from a taxation officer.

1.68 A credit reporting bureau will not be liable for an offence under section 355-155 (on-disclosure of protected information by other people) if they record or disclose the protected information for the original purpose, or in connection with the original purpose of the disclosure (see section 355-175). That is, the credit reporting bureau may use tax debt information concerning a particular entity for preparing, updating and issuing a credit worthiness report in relation to that entity.

1.69 It is expected that credit reporting bureaus will provide a credit worthiness report to their customers for a fee, which has been prepared using information from a range of sources, including tax debt information from the ATO. A credit reporting bureau may also use an entity's tax debt information to prepare and disseminate to interested parties other products which provide information about an entity's credit worthiness, such as a risk alert. This would be a purpose in connection with the original purpose of the disclosure.

1.70 Generally, these type of activities are likely to constitute making the information 'publicly available' for the purposes of section 355-170 (which provides an exception to the offence in section 355-155 (on-disclosure of protected information by other people) if the information was already available to the public). However, section 355-170 may not apply to protect third parties where the information is only available to select customers.

1.71 For the avoidance of doubt, these amendments ensure that the customers of a credit reporting bureau and any other third parties subsequently dealing with tax debt information are not exposed to criminal sanctions for recording or on-disclosing the information. *[Schedule #, item 3, section 355-215]*

Consequential amendments

1.72 This Schedule includes consequential amendments to define ‘credit reporting bureau’ in section 995-1 of the *Income Tax Assessment Act 1997* and insert notes to assist users of the legislation. *[Schedule #, items 1 and 3, subsection 995-1(1) of the Income Tax Assessment Act 1997 and notes to subsections 355-72(1) and (4) and section 355-215]*

Application and transitional provisions

1.73 The amendments apply in relation to records and disclosures of information on or after the first 1 January, 1 April, 1 July or 1 October to occur after the day the Bill receives Royal Assent (regardless of whether the information was acquired before, on or after that day). *[Schedule #, item 4]*

1.74 Additionally, the amendments do not authorise records or disclosures of information until a legislative instrument determining the class of entity whose tax debt information may be disclosed by the Commissioner is in force. *[Schedule #, item 2, paragraph 355-72(1)(c)]*