

EXPOSURE DRAFT



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A New Tax System (Australian Business Number) Regulations 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2020

David Hurley
Governor-General

By His Excellency's Command

Michael Sukkar [**DRAFT ONLY—NOT FOR SIGNATURE**]
Minister for Housing and Assistant Treasurer

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Part 1—Introduction

1 Name

This instrument is the *A New Tax System (Australian Business Number) Regulations 2020*.

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument | 1 April 2021. | 1 April 2021 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *A New Tax System (Australian Business Number) Act 1999*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) ABN;
- (b) Australian Business Register;
- (c) entity;
- (d) Registrar.

In this instrument:

ACN has the meaning given by section 9 of the *Corporations Act 2001*.

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Part 1 Introduction

Section 5

Act means the *A New Tax System (Australian Business Number) Act 1999*.

ARBN has the meaning given by section 9 of the *Corporations Act 2001*.

Business Names Register means the Business Names Register established and maintained under section 22 of the *Business Names Registration Act 2011*.

Part 2—The Australian Business Register

6 Details to be entered in the Australian Business Register

For the purposes of paragraph 25(2)(b) of the Act, the following details to be entered in the Australian Business Register in relation to an entity are prescribed:

- (a) any business name registered to the entity on the Business Names Register;
- (b) the entity's principal place of business;
- (c) the kind of entity registered on the Register;
- (d) the industry classification code for the business conducted by the entity, by reference to the Australian and New Zealand Standard Industrial Classification (ANZSIC) 2006 published by the Australian Bureau of Statistics, as in force or existing at the time when this instrument commences;
- (e) the following details (if any) that apply to the entity:
 - (i) if the entity has an ACN—the ACN;
 - (ii) if the entity has an ARBN—the ARBN;
 - (iii) if the entity has a public officer (within the meaning of section 252 of the *Income Tax Assessment Act 1936*)—the name of the public officer;
 - (iv) if the entity is a trust—the name of the trustee or the names of the trustees;
 - (v) if the entity has an email address—the email address;
 - (vi) if the entity's ABN is changed under section 17 of the Act—the date the change takes effect;
 - (vii) if the entity's registration in the Australian Business Register is cancelled under section 18 of the Act—the date the cancellation takes effect.

7 Fee for access to the Australian Business Register

- (1) For the purposes of subsections 26(1) and 27(4) of the Act, this section prescribes the fee for the following:
 - (a) a copy of an entry in the Australian Business Register;
 - (b) a certified copy of, or extract from, the Australian Business Register.
- (2) The fee is the sum of:
 - (a) \$20 for the first page of the copy, certified copy or extract; and
 - (b) \$0.10 per page for any subsequent page.
- (3) However, the fee for a single copy of an entry in the Register is nil if the copy is given to the entity to which the entry relates.
- (4) The Registrar may reduce or waive the fee mentioned in subsection (2) if the payment of the fee would impose financial hardship on the payer.

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Part 2 The Australian Business Register

Section 8

8 Details to be included in copies of the Australian Business Register

- (1) For the purposes of paragraph 26(3)(k) of the Act, the following details are prescribed:
 - (a) if the entity's ABN is changed under section 17 of the Act—the date the change takes effect;
 - (b) if the entity's registration in the Australian Business Register is cancelled under section 18 of the Act—the date the cancellation takes effect;
 - (c) a name used for business purposes by the entity that appeared in the entry immediately before Part 2 of Schedule 2 of the *Business Names Registration (Transitional and Consequential Provisions) Act 2011* commenced.
- (2) Paragraph (1)(c) ceases to have effect on 1 November 2023.

Schedule 1—Repeals

A New Tax System (Australian Business Number) Regulations 1999

1 The whole of the instrument

Repeal the instrument.