



30 September 2020

Mr Chadd Gunton
Treasury
Langton Cres
Parkes ACT 2600

By email: Chadd.Gunton@Treasury.gov.au

Dear Chadd

Remake of sun-setting Australian Business Number regulations

Chartered Accountants Australia and New Zealand (CA ANZ) appreciates the opportunity to comment on the remaking of the sun-setting Australian Business Number (ABN) regulations.

CA ANZ has no objections but makes the following comments.

It is noted that the original regulations were due to expire on 1 April 2019 but were extended twice for 12 months so that they now expire on 1 April 2021. The extensions were granted on the basis that the Government had announced in the 2018-19 Budget that it would consult on, and design, a new regulatory framework for ABNs, and that it was expected that any renewed ABN regulations would cease to be in force within 24 months of the original sunseting date.

Treasury issued a consultation paper about modernising the ABN system on 20 July 2018. But there have been no further announcements about this matter. It is likely that the modernisation of business registers programme of work (which includes the ABN register along with over 30 Australian Investment and Security Commission registers) may affect the proposed regulations. However, no further extension is available under section 51 of the Legislation Act 2003.

The exposure draft regulations have been updated to reflect changes in drafting styles, eliminate redundant provisions (e.g. the existing regulations refer to section 30(30)(c)(viii) and 30(3)(d)(vi) which no longer exist), and inserts some additional definitions to improve clarity.

One of the existing provisions which is not replicated in the exposure draft relates to the requirement that a person declare in writing that the information given to the registrar is accurate and complete. From discussions with Treasury it is understood that this has not been replicated as it replicates the approved form provisions in Division 388 of the Taxation Administration Act which is referenced in the A New Tax System (Australian Business Number) Act 1999.

If you would like to discuss any aspect of this submission, please contact Susan Franks on 0401 997 342.

Yours sincerely

Michael Croker
Tax Leader Australia

