

10 September 2021

Data Economy Unit  
Market Conduct Division  
Treasury  
Langton Crescent  
PARKES ACT 2600

via email: [businesscomms@treasury.gov.au](mailto:businesscomms@treasury.gov.au)

Dear Sir/Madam

### **Treasury Laws Amendment (Measures for Consultation) Bill 2021: Use of technology for meetings and related amendments**

CPA Australia and Chartered Accountants Australia and New Zealand (together 'the Major Accounting Bodies') welcome the opportunity to respond to Treasury's exposure draft legislation and explanatory memorandum on the use of technology for meetings and related amendments ('the exposure draft'). Together, we represent over 280,000 professional accountants in Australia, New Zealand and around the world.

In line with our previous [submission](#) in response to the *Treasury Laws Amendment (Measures For a Later Sitting) Bill 2021: Use of Technology for Meetings and Related Amendments*, the Major Accounting Bodies support the proposed amendments to *the Corporations Act 2001* (the Act) to permit the use of digital technologies to facilitate both the conduct of meetings and the execution of documents required under the Act. However, we reiterate the issues raised in our previous submission: to consider an overarching framework extending the ability to provide meeting-related documents electronically to the *Insolvency Practice Rules (Corporations) 2016*, as well as the company tax residence definition under current Australian income tax law.

We see this package of proposals as a step towards modernising the Act and making it more adaptable to technological change. It will also create a level of certainty for businesses, allowing them to advance with their own changes to embed digital technologies within their corporate governance structures and document processes.

#### **Giving documents electronically**

S110D of the exposure draft proposes that a document may be sent to the recipient either in a physical form or provided using electronic means (subject to being readily accessible for future reference). This approach is different from the previous proposal in s253RA of the *Treasury Laws Amendment (2021 Measures No. 1) Bill 2021*, which allowed for the provision of the document to the recipient using electronic means, with an option for the recipient to elect to receive the document in hard copy. In our view, the "digital first" approach previously proposed (s253RA) better reflects the transition to electronic communications while still retaining a hard-copy option by choice.

## Extending electronic execution of documents to other areas of statutory communications

Whilst the proposals take significant steps forward to modernising corporate communications through amendments to the Act, there are other areas of interaction with government that could also benefit from the introduction of digital technologies as part of the modernising business communications reform agenda. For example, the Australian Securities and Investments Commission (ASIC) currently requires ASIC Registered Agents and Digital Service Providers to obtain an original “wet” signature on [Form 362 Notification by a company to nominate or cease a registered agent or contract address](#) and retain the original signed form for no less than 7 years. We believe such regulatory compliance requirements could benefit from technology-based solutions to replace the current paper-based approach to regulatory compliance.

### Opt-in Pilot Program

As stated in our previous submission, referred to above, we would like to express our interest in being kept up to date on the progress of the Opt-in Pilot Program as we can reach out to our memberships to seek their interest in participation.

If you have any questions about our submission, please contact Ram Subramanian (CPA Australia) at [ram.subramanian@cpaaustralia.com.au](mailto:ram.subramanian@cpaaustralia.com.au) or Karen McWilliams (CA ANZ) at [karen.mcwilliams@charteredaccountantsanz.com](mailto:karen.mcwilliams@charteredaccountantsanz.com).

Yours sincerely

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