

# EXPOSURE DRAFT

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Inserts for  
**Treasury Laws Amendment (Measures  
for Consultation) Bill 2022:  
Strengthening the ABN system**

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**Commencement information**

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Schedule 1	The first 1 January, 1 April, 1 July or 1 October to occur after the day this Act receives the Royal Assent.	

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## Schedule 1—Strengthening the ABN system

### *A New Tax System (Australian Business Number) Act 1999*

#### **1 At the end of section 10**

Add:

- (3) Despite subsection (1), the \*Registrar must not register \*you if:
- (a) you were previously registered under this section; and
  - (b) your registration was cancelled under paragraph 18(1)(d) for failing to lodge \*income tax returns for 2 or more \*income years within the period specified by the Commissioner of Taxation for lodgement of the returns; and
  - (c) the Registrar is not satisfied that you have lodged, or have made arrangements with the Commissioner of Taxation to lodge, income tax returns for the relevant income years.

#### **2 After section 14**

Insert:

#### **14A You may notify Registrar of ongoing requirement for ABN and confirm currency of information**

- (1) If \*you are registered under section 10, you may notify the \*Registrar from time to time that:
- (a) you still require your \*ABN; and
  - (b) all information you have given to the Registrar remains accurate and complete.

Note: The Registrar may cancel your registration if you have not notified the Registrar under this subsection within the last 12 months (see paragraph 18(1)(e)).

- (2) A notification must be in the \*approved form.
- (3) A notification under subsection (1) may be given at the same time as notification of a change in circumstances given under subsection 14(1).

#### **3 After paragraph 18(1)(c) (before the notes)**

Insert:

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- 1 ; or (d) in relation to 2 or more \*income years (whether or not they  
2 are consecutive income years):
- 3 (i) you are required to lodge an \*income tax return for the  
4 income year; and
- 5 (ii) you have not lodged a return for the income year; and
- 6 (iii) the period specified by the Commissioner of Taxation  
7 for lodgement of the return has ended; or
- 8 (e) you have not, within the 12 months immediately before the  
9 Registrar's decision to cancel your registration, notified the  
10 Registrar under subsection 14A(1) (about still requiring your  
11 ABN and the currency of information given to the Registrar).

## 4 At the end of subsection 18(1)

12 Add:

- 13
- 14 Note 3: If your registration is cancelled under paragraph (1)(d) for failing to  
15 lodge income tax returns, the Registrar must, in certain circumstances,  
16 reinstate your registration (see paragraph 19(1)(b)).
- 17 Note 4: Your registration may be cancelled under paragraph (1)(d) even if  
18 your registration has been reinstated under paragraph 19(1)(b)—for  
19 example, because you do not lodge the income tax returns in  
20 accordance with an arrangement made with the Commissioner of  
21 Taxation.

## 5 Subsection 19(1)

22 Repeal the subsection, substitute:

- 23
- 24 (1) The \*Registrar must reinstate \*your registration, or the registration  
25 of your representative if:
- 26 (a) the Registrar is satisfied that the registration should not have  
27 been cancelled; or
- 28 (b) in a case where your registration is cancelled under  
29 paragraph 18(1)(d)—the Registrar is satisfied that you have  
30 lodged, or have made arrangements with the Commissioner  
31 of Taxation to lodge, the relevant \*income tax returns; or
- 32 (c) in a case where your registration is cancelled under  
33 paragraph 18(1)(e)—you notify the Registrar under  
34 subsection 14A(1) that you still require your \*ABN and  
35 confirm the currency of the information you have given to  
36 the Registrar.

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## 1    **6 Section 41**

2            Insert:

3                    *income tax return* has the meaning given by subsection 995-1(1)  
4                    of the \*ITAA 1997.

5                    *income year* has the meaning given by subsection 995-1(1) of the  
6                    \*ITAA 1997.

## 7    **7 Application of amendments**

8    (1)    Paragraph 18(1)(d) of the *A New Tax System (Australian Business*  
9            *Number) Act 1999*, as inserted by this Schedule, applies in relation to  
10           income years commencing on or after 1 July 2022.

11   (2)    Paragraph 18(1)(e) of the *A New Tax System (Australian Business*  
12           *Number) Act 1999*, as inserted by this Schedule, applies in relation to a  
13           decision made by the Registrar on or after 1 July 2024 to cancel an  
14           entity's registration for an ABN (whether the registration took effect  
15           before, on or after that day).