

# **A New Tax System (Australian Business Number) Amendment Regulations 2003 (No. 1) 2003 No. 169**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 2003 No. 169**

#### **Issued by authority of the Minister for Revenue and Assistant Treasurer**

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

A New Tax System (Australian Business Number) Amendment Regulations 2003 (No. 1)

Section 31 of the *A New Tax System (Australian Business Number) Act 1999* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The main objects of the Act, stated in section 3 of the Act, are to make dealings with the Government easier for businesses and to reduce the number of registration and reporting requirements imposed on businesses by Commonwealth, State or Territory governments. These objects are achieved by allowing the Registrar to disclose information collected under the Act in certain circumstances; otherwise, section 30 of the Act restricts the recording and disclosure of protected information.

The purpose of these Regulations was to insert the Australian Trade Commission as a prescribed body which may record and disclose protected Australian Business Number (ABN) information.

ABN information may be recorded or disclosed only in accordance with subsection 30(3) of the Act. Subparagraphs 30(3)(c)(viii) and 30(3)(d)(vi) of the Act provide that information may be disclosed by the Registrar or a person authorised by the Registrar, to prescribed bodies for prescribed purposes. Regulation 9 of A New Tax System (Australian Business Number) Regulations 1999 (the Regulations) lists the prescribed bodies and purposes, such as an Agency Head (as defined in the *Public Service Act 1999*) for the purpose of carrying out the functions of the Agency.

The Australian Trade Commission did not fall within any of the categories of government departments and bodies listed in paragraphs 30(3)(c) and 30(3)(d) of the Act because it is a body corporate. However, it was consistent with the objects of the Act to prescribe the Australian Trade Commission under Regulation 9.

The Regulations inserted the Australian Trade Commission in Regulation 9 as a prescribed body, and the purpose of carrying out a function of the Australian Trade Commission is a prescribed purpose for that body. The Australian Trade Commission means the Australian Trade Commission that is established by the *Australian Trade Commission Act 1985*.

Details of the regulations are as follows:

Regulation 1: Names the Regulations.

Regulation 2: Provides that regulations commence on gazettal.

Regulation 3: Provides that Schedule 1 amends the A New Tax System (Australian Business Number) Regulations 1999.

Schedule 1: Omits *'that body.'* from paragraph 9(1)(c) and inserts *'that body; and'*

Schedule 2: Inserts proposed paragraph 9(1)(d) into Regulation 9. Provides that the Australian Trade Commission is a prescribed body for the prescribed purposes.

Schedule 3: Provides a definition of *Australian Trade Commission* under Subregulation 9(2).

The regulations commenced on gazettal.

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