

2008-2009

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

EXPOSURE DRAFT

TAX LAWS AMENDMENT (PRESCRIBED PRIVATE FUNDS) BILL 2009:

EXPLANATORY MATERIAL

(Circulated by the authority of the
Treasurer, the Hon Wayne Swan MP)

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Glossary

The following abbreviations and acronyms are used throughout this explanatory material.

<i>Abbreviation</i>	<i>Definition</i>
ABR	Australian Business Register
ATO	Australian Taxation Office
Commissioner	Commissioner of Taxation
DGRs	deductible gift recipients
ITAA 1997	<i>Income Tax Assessment Act 1997</i>
PPFs	prescribed private funds
TAA 1953	<i>Taxation Administration Act 1953</i>

General outline and financial impact

Private ancillary funds

Schedule # to this exposure draft amends the *Income Tax Assessment Act 1997*, the *Taxation Administration Act 1953* and the *A New Tax System (Australian Business Number) Act 1999* to improve the integrity of prescribed private funds (PPFs). The amendments among other things:

- rename PPFs as private ancillary funds;
- move the full administration of those funds under the authority of the Commissioner of Taxation (the Commissioner);
- give the Treasurer the power to make legislative guidelines about the establishment and maintenance of private ancillary funds; and
- give the Commissioner the power to impose administrative penalties on trustees that fail to comply with the guidelines and to remove or suspend trustees of non-complying funds.

Date of effect: The amendments will apply from 1 October 2009.

Proposal announced: These amendments were announced in the 2008-09 Budget by the Treasurer in Media Release No. 052 of 13 May 2008.

Financial impact: Nil.

Compliance cost impact: Low.

Chapter 1

Private ancillary funds

Outline of chapter

1.1 Schedule # to this exposure draft amends the *Income Tax Assessment Act 1997* (ITAA 1997), the *Taxation Administration Act 1953* (TAA 1953) and *A New Tax System (Australian Business Number) Act 1999* to improve the integrity of prescribed private funds (PPFs). The amendments amongst other things:

- rename PPFs as private ancillary funds;
- move the full administration of those funds under the authority of the Commissioner of Taxation (the Commissioner);
- give the Treasurer the power to make legislative guidelines about the establishment and maintenance of private ancillary funds; and
- give the Commissioner the power to impose administrative penalties on trustees that fail to comply with the guidelines and to remove or suspend trustees of non-complying funds.

Context of amendments

History

1.2 PPFs came about as a response to a report on philanthropy in Australia by the Business and Community Partnerships Working Group on Taxation Reform dated 26 March 1999.

1.3 PPFs are a form of ancillary trust fund designed to encourage private philanthropy by providing private groups, such as businesses, families and individuals, with greater flexibility to start their own trust funds for philanthropic purposes.

1.4 Donations to PPFs are tax deductible. PPFs are limited to making distributions to other deductible gift recipients (DGRs) that either

have been endorsed by the Commissioner, or are listed by name in the income tax law as a DGR.

1.5 A PPF may also be entitled to an income tax exemption if it is also endorsed as a charity or as an income tax exempt fund.

1.6 A PPF is one of two types of ancillary trust fund that can qualify for DGR status and income tax exempt status. The other type is a public ancillary fund, which is distinct from a PPF in that it must establish a public fund. Public ancillary funds are a common structure for community and fundraising foundations. Both types of ancillary fund act only as intermediaries between donors and organisations that can receive tax deductible donations.

1.7 The current PPF guidelines outline the process to be followed, and requirements to be met, in order to establish a PPF, including the requirement to establish a trust in accordance with a model trust deed. The current guidelines are unlegislated and therefore have no legal status in their own right.

Areas for improvement in the current arrangements for PPFs

1.8 The current PPF guidelines outline the requirements for PPFs in some detail, but not necessarily the objectives of those requirements. Furthermore, in cases of PPFs misusing their funds (for example, providing benefits to the donor) there is currently an ‘all or nothing’ penalty system. The Commissioner is generally limited to advising the Treasurer to declare that a particular organisation is no longer a PPF. De-listing of a PPF does not affect the deductions that have already been claimed, nor enable the protection of the PPF’s philanthropic funds into the future.

1.9 The Government announced in the 2008-09 Budget a measure to improve PPF integrity which will be achieved by:

- amending the PPF guidelines to, among other things, ensure regular valuation of assets at market rates and increase the size of compulsory distributions;
- legislating the PPF guidelines; and
- giving the Australian Taxation Office (ATO) greater regulatory powers.

1.10 At present, the Governor-General is responsible for prescribing funds as PPFs and the Treasurer is responsible for declaring a fund to no longer be a PPF.

1.11 The amendments included in Schedule # to this exposure draft implement the Government's Budget announcement to give legislative force to the PPF guidelines and to give the ATO greater regulatory powers.

1.12 The remaining elements of the Government's Budget announcement will be implemented by way of amendments to the PPF guidelines which will be made by way of a legislative instrument.

1.13 The Government released a discussion paper in November 2008 seeking public input into the implementation of the new integrity arrangements. One hundred and thirty eight submissions were received in response to the paper.

1.14 Many respondents to the discussion paper were encouraged by the Government's interest in the philanthropic sector, and in particular the proposals to simplify arrangements for PPFs, and give the ATO greater regulatory powers. However, the majority of respondents also cautioned against increasing the minimum distribution rate for PPFs to a point where PPFs are unable to exist in perpetuity. The matter of a minimum distribution rate will be considered by the Government along with other matters before the new guidelines are finalised.

Summary of new law

1.15 The amendments bring the full administration of the PPF regime under the authority of the Commissioner. This means that PPFs would no longer be 'prescribed' in the relevant legal sense but instead be endorsed by the Commissioner. This would have the effect of giving the ATO full regulatory control over PPFs and allow the ATO to take more timely action to protect the capital of a PPF.

1.16 As PPFs will no longer be prescribed, they have been renamed private ancillary funds.

1.17 The amendments give the Treasurer the power to make guidelines about the establishment and maintenance of private ancillary funds. Those guidelines are enforced through the imposition of administrative penalties.

1.18 The Commissioner will also have the power to suspend or remove trustees of private ancillary funds that breach the guidelines or other relevant Australian laws. The Commissioner's powers are reviewable by the Administrative Appeals Tribunal.

1.19 In order to provide the Commissioner with the necessary regulatory powers to protect the charitable funds of private ancillary funds it is necessary to require that all private ancillary funds have a single corporate trustee.

1.20 The amendments also facilitate changes to the Australian Business Register (ABR) so that the register can expressly identify private ancillary funds and the provision in the ITAA 1997 under which a DGR is entitled to be endorsed.

1.21 The amendments also introduce new secrecy disclosure rules. The Commissioner will be able to disclose to State and Territory Attorneys-General breaches by charities of state laws relating to trusts and charities.

Comparison of key features of new law and current law

<i>New law</i>	<i>Current law</i>
<p>The Commissioner will be responsible for determining whether a trust fund is a private ancillary fund (according to a legislative definition) and determining whether that fund is entitled to be endorsed as a DGR.</p> <p>The Commissioner's decision is reviewable by the Administrative Appeals Tribunal and the Courts.</p>	<p>The Governor-General is responsible for prescribing trust funds as PPFs.</p> <p>The Treasurer is responsible for removing prescribed PPFs.</p> <p>Once a trust fund is prescribed as a PPF it is automatically a DGR.</p> <p>These decisions are made by reference to non-binding guidelines.</p> <p>There are no formal mechanisms to appeal these decisions.</p>
<p>The Treasurer will have the power to make binding guidelines about the establishment and maintenance of private ancillary funds.</p> <p>The guidelines are a legislative instrument and are subject to review by the Parliament.</p>	<p>The existing PPF guidelines are not binding in nature.</p> <p>The Government makes reference to the guidelines in determining whether to prescribe or remove a PPF.</p> <p>The guidelines are not subject to review by the Parliament.</p>
<p>The guidelines are enforced through the imposition of administrative penalties.</p>	<p>No equivalent. The only remedy to enforce the existing guidelines is to prospectively remove the PPF status of a non-complying trust fund.</p>

<i>New law</i>	<i>Current law</i>
The Commissioner will have the power to suspend or remove trustees of private ancillary funds that consistently breach the guidelines or other relevant Australian laws.	No equivalent.
For Constitutional reasons, all private ancillary funds will be required to have a single corporate trustee.	Trustees of PPFs can be either individuals or corporations.
The ABR will expressly identify whether an entity is a private ancillary fund.	No equivalent.
The ABR will expressly identify under what provision an entity is entitled to be endorsed as a DGR.	The ABR currently only includes a statement as to whether an entity is a DGR or not.
The Commissioner will be able to disclose information to State and Territory Attorneys-General where he or she identifies a breach by a charity or private ancillary fund of state or territory law relating to trusts or charities.	The Commissioner is unable to disclose information to State and Territory Attorneys-General relating to charities.

Detailed explanation of new law

Full administration by the Commissioner

1.22 The Commissioner will have full administration of private ancillary funds. The Governor-General and Treasurer will no longer have a role in determining whether a particular trust fund is entitled to be a PPF. *[Schedule 4, items 15 and 100, item 2 in the table in section 30-15 of the ITAA 1997 and Subdivision 426-D in Schedule 1 to the TAA 1953]*

1.23 A definition of ‘private ancillary fund’ (new term for PPF) is being included in the ITAA 1997 and TAA 1953. A trust fund that meets the definition will be entitled to be endorsed as a DGR (subject to the general requirements that apply to all entities seeking endorsement as a DGR). *[Schedule 4, items 15 and 100, item 2 in the table in section 30-15 of the ITAA 1997 and section 426-105 in Schedule 1 to the TAA 1953]*

1.24 The Commissioner will be responsible for considering whether a trust fund meets the definition of a ‘private ancillary fund’ and whether that fund is then entitled to be endorsed as a DGR. *[Schedule 4, items 20, 25, 30 and 35, paragraph (c) of the cell at item 2 in the table in section 30-15, paragraph 30-17(1)(b) and subsections 30-125(1) and (2) of the ITAA 1997]*

1.25 The Commissioner will maintain his or her current role in assessing a trust fund's entitlement for endorsement as an income tax exempt entity.

1.26 A *private ancillary fund* is a trust fund if:

- it has a single trustee that is a body corporate; and
- the trustee has agreed to be bound by guidelines made by the Treasurer about the establishment and maintenance of the fund.

1.27 A PPF was not required to have a single trustee or that its trustees be bodies corporate. However, it has been necessary to impose this new requirement, for Constitutional reasons, in order to provide the Commissioner with additional regulatory powers.

1.28 Imposing a requirement for private ancillary funds to have a sole corporate trustee ensures that directors meet a minimum standard of behaviour. The *Corporations Act 2001* details the circumstances under which an individual will be automatically disqualified from managing corporations. These include where the person has:

- a conviction on indictment of an offence in relation to decisions that affect the business of a corporation or its financial standing;
- an offence involving a contravention of the *Corporations Act 2001* punishable by imprisonment for 12 months or more;
- an offence involving dishonesty punishable by more than three months imprisonment;
- conviction for an offence against the law of a foreign country punishable by more than 12 months imprisonment; or
- is an undischarged bankrupt.

[Schedule 4, item 100, section 426-105 in Schedule 1 to the TAA 1953]

1.29 In order for a trust fund to become a private ancillary fund, the trustee will need to agree to be bound by the guidelines. The trustee will indicate their agreement to be bound in a form approved by the Commissioner. *[Schedule 4, item 100, section 426-105 in Schedule 1 to the TAA 1953]*

1.30 A private ancillary fund will be entitled to be endorsed as a DGR provided they have an Australian Business Number, meet the existing conditions applying to both types of ancillary funds and comply with the guidelines. *[Schedule 4, items 30 and 35, subsections 30-125(1) and (2) of the ITAA 1997]*

1.31 If the Commissioner refuses to endorse a prospective private ancillary fund as a DGR, the fund can request a review of the decision by the Administrative Appeals Tribunal or appeal the decision to a Court. *[Schedule 4, item 95, paragraph 298-5(c) in Schedule 1 to the TAA 1953]*

Private ancillary fund guidelines

1.32 The Treasurer will be able to make binding guidelines about the establishment and maintenance of a private ancillary fund. *[Schedule 4, items 75 and 100, subsection 995-1(1) of the ITAA 1997 and section 426-107 in Schedule 1 to the TAA 1953]*

1.33 Compliance with the guidelines is a requirement for a private ancillary fund endorsement as a DGR. *[Schedule 4, items 30 and 35, subsections 30-125(1) and (2) of the ITAA 1997]*

1.34 The guidelines are a legislative instrument and are therefore subject to disallowance by either House of Parliament.

1.35 The guidelines may specify requirements about the purpose, structure and governing rules of a private ancillary fund. The guidelines may also specify matters about the ongoing governance and permitted and prohibited activities of the fund.

1.36 It is envisaged that the guidelines will specify matters such as the role and purpose of private ancillary funds; the class of entities that the fund may donate to; that the fund be not-for-profit in character; the individuals that may be directors of the fund's trustee; the minimum distribution requirements of the fund; the permitted investment strategies of the fund; and any ongoing audit requirements.

1.37 The guidelines will ensure that private ancillary funds have appropriate governance arrangements, are properly accountable and act in a manner consistent with an entity holding philanthropic funds for a broad public benefit.

Administrative penalties

1.38 Administrative penalties will be imposed on trustees and the directors of trustees that hold a private ancillary fund out as being

endorsed; entitled to be endorsed; or entitled to remain endorsed; as a DGR. *[Schedule 4, item 100, subsection 426-120(1) in Schedule 1 to the TAA 1953]*

1.39 The administrative penalties will largely result from a private ancillary fund failing to comply with the guidelines. This is because a condition of a private ancillary fund's endorsement as a DGR is that it must comply with the guidelines.

1.40 While the TAA 1953 imposes the penalty, the guidelines will determine the amount of the penalty. The amount of the penalty has been left to be determined by the guidelines so that any administrative penalty can be appropriately tailored to the nature and size of the breach taking account of the trustee's level of culpability and the particular requirement that the private ancillary fund has not complied with. *[Schedule 4, item 100, subsection 426-120(2) in Schedule 1 to the TAA 1953]*

1.41 The trustee and the directors are jointly and severally liable to any administrative penalty. As corporate trustees of private ancillary funds usually have little capital, it is necessary to also impose the penalty on the directors to effectively ensure that a private ancillary fund complies with the guidelines. Exposure to this liability promotes a minimum level of accountability amongst directors for decisions that affect the private ancillary fund.

1.42 A director that did not take part in the management of the trustee at the time the private ancillary fund breached its obligations may in certain circumstances avoid an administrative penalty.

1.43 The circumstances that the director must demonstrate is that for a good reason it would have been unreasonable to expect them to take part in the management of the trustee at that time or that they took all reasonable steps to avoid the breach. The directors' defences are objective tests that need to be proved to a Court's satisfaction. *[Schedule 4, item 100, subsections 426-120(4) to (7) in Schedule 1 to the TAA 1953]*

1.44 The penalty must not be reimbursed from the fund. *[Schedule 4, item 100, subsection 426-120(3) in Schedule 1 to the TAA 1953]*

1.45 Directors should be aware of the process for making decisions, as governed by the *Corporations Act 2001*.

1.46 Further, the Commissioner has the discretion to remit all or a part of the penalty under the normal machinery provisions for penalties.

Suspension or removal of trustees

The Commissioner's powers

1.47 The Commissioner will have the power to remove or suspend a trustee of a private ancillary fund that breaches the guidelines or any other Australian law. *[Schedule 4, item 100, section 426-125 in Schedule 1 to the TAA 1953]*

1.48 It is expected that the Commissioner would only take such action in situations that involve serious non-compliance by a private ancillary fund.

1.49 Whether the Commissioner decides to merely suspend a trustee or to remove them permanently will depend upon the nature of a breach, the circumstances of the trustee and the history of compliance.

1.50 The Commissioner is being provided with these powers in order to protect the assets of the private ancillary fund and the ongoing integrity of the tax law.

1.51 If the Commissioner chooses to suspend a trustee, it will be for a period that the Commissioner determines by reference to the circumstances. The Commissioner may also extend the suspension period as he or she considers necessary. *[Schedule 4, item 100, subsections 426-125(2) and (3) in Schedule 1 to the TAA 1953]*

1.52 If the Commissioner suspends or removes a trustee, he or she must give the trustee a written notice advising them of the decision and explaining the reasons why the decision was taken. The trustee may seek a review of the decision by the Administrative Appeals Tribunal. *[Schedule 4, item 100, subsections 426-125(5) and (6) in Schedule 1 to the TAA 1953]*

If a trustee is suspended or removed

1.53 When a trustee is suspended or removed, the Commissioner must appoint an acting trustee to undertake the duties of trustee until the suspension period has ended or a replacement trustee is appointed (as the case may be). *[Schedule 4, item 100, subsections 426-130(1) and (2) in Schedule 1 to the TAA 1953]*

1.54 An acting trustee may be an individual, body corporate or a Government authority. The Commissioner may also appoint him or herself as acting trustee. *[Schedule 4, item 100, subsection 426-130(3) in Schedule 1 to the TAA 1953]*

1.55 The Commissioner may determine the terms and conditions upon which an acting trustee is appointed. The terms and conditions

determined by the Commissioner are valid despite any limitation in an Australian law or the governing rules of the private ancillary fund. *[Schedule 4, item 100, section 426-135 in Schedule 1 to the TAA 1953]*

1.56 The Commissioner may also give directions to an acting trustee to do or not to do certain things. The acting trustee commits an offence if they contravene a direction. *[Schedule 4, item 100, section 426-160 in Schedule 1 to the TAA 1953]*

1.57 The Commissioner may terminate the appointment of an acting trustee at any time. If the Commissioner were to do so, he or she would be required to appoint a new acting trustee. *[Schedule 4, item 100, section 426-140 in Schedule 1 to the TAA 1953]*

1.58 An acting trustee may resign as acting trustee. However, the acting trustee must do so in writing given to the Commissioner. The resignation is not effective until seven days after the Commissioner receives the written resignation. *[Schedule 4, item 100, section 426-145 in Schedule 1 to the TAA 1953]*

1.59 When the Commissioner appoints an acting trustee, he or she must make an order transferring the property of the private ancillary fund from the former or suspended trustee to the acting trustee. The order has the legal effect of immediately transferring that property subject to certain limitations. *[Schedule 4, item 100, subsections 426-150(1) and (3) in Schedule 1 to the TAA 1953]*

1.60 The Commissioner must also make a subsequent order transferring the property when the appointment of an acting trustee ends. The subsequent property transfer order may be to a new acting trustee, to the previously suspended trustee or to a newly appointed trustee as appropriate. *[Schedule 4, item 100, subsection 426-150(2) in Schedule 1 to the TAA 1953]*

1.61 The Commissioner's order to transfer property does not immediately transfer property if the property is of a kind whose transfer is registrable under an Australian law. Instead, the property is transferred only after the registration process has been completed. *[Schedule 4, item 100, subsection 426-150(4) in Schedule 1 to the TAA 1953]*

1.62 A former trustee has a number of obligations to comply with following their suspension, removal or the ending of their appointment. A former trustee must:

- provide the acting or new trustee with all books relating to the fund's affairs that is in their custody, possession or control;

- provide notice to the acting or new trustee identifying all the property of the fund (as much as they possibly can); and
- provide notice to the acting or new trustee explaining how that property was accounted for.

[Schedule 4, item 100, subsections 426-165(1) to (3) in Schedule 1 to the TAA 1953]

1.63 The acting or new trustee may also require the former trustee to assist with the transfer of the property of the private ancillary fund. The acting or new trustee must do so by mandating that the former trustee take certain actions necessary for the transfer of a specific item of property to the acting or new trustee. *[Schedule 4, item 100, subsection 426-165(4) in Schedule 1 to the TAA 1953]*

1.64 A former trustee will commit an offence if they do not comply with these obligations. *[Schedule 4, item 100, subsection 426-165(5) in Schedule 1 to the TAA 1953]*

1.65 Former trustees are strictly liable for their actions relating to books, identification of property and transfer of property (that is, liable regardless of fault). This liability has been established to compel former trustees which have already been removed on the grounds of misconduct to deal fairly with the trust's property during the handover period. *[Schedule 4, item 100, subsection 426-165(6) in Schedule 1 to the TAA 1953]*

Changes to the Australian Business Register

1.66 For each private ancillary fund, the ABR must include a statement on the ABR indicating that the fund is a private ancillary fund. *[Schedule 4, items 3 and 100, paragraph 26(3)(ga) of the A New Tax System (Australian Business Number) Act 1999 and section 426-110 in Schedule 1 to the TAA 1953]*

1.67 These additional requirements will improve the integrity and transparency of private ancillary funds.

1.68 For each DGR, the ABR must identify the item in the table in section 30-15 of the ITAA 1997 under which an entity qualifies as a DGR. Consistent with the endorsement requirements, this requirement is limited to DGRs covered by items 1, 2 and 4 in the table in section 30-15. *[Schedule 4, item 45, subsection 30-229(2) of the ITAA 1997]*

1.69 These changes to the ABR will assist ancillary funds determine which DGRs they can donate monies to. By way of background, for tax integrity reasons, ancillary funds are forbidden from donating to one another. However, the ABR currently does not distinguish between different types of DGRs so it can often be difficult for an ancillary fund to confirm the eligibility of a DGR to receive donations from them. These

changes to the ABR seek to reduce these difficulties by distinguishing DGRs on the ABR by type.

Disclosure of information to the states and territories

1.70 The Commissioner will be authorised to disclose information to State and Territory Attorneys-General that relates to the non-compliance of a charity or a private ancillary fund with an Australian law.

1.71 The disclosure must be for the purposes of relevant State and Territory Attorney-General administering a state or territory law governing trusts or charities. *[Schedule 4, items 10 and 85, subsection 16(4) of the ITAA 1936 and 3C(4) of the TAA 1953]*

1.72 The States and Territories have the primary responsibility for trust law and charities law. State and Territory Attorneys-General are the ‘protectors’ of charities. Traditionally, they have had the sole responsibility for ensuring that trustees of charitable trusts act in accordance with a trust’s governing rules and relevant state law. The Attorneys-General are also the only authority with standing to take legal action in protection of a charitable trust.

1.73 In order to assist the State and Territory Attorneys-General perform their role, it is appropriate that the Commissioner be able to provide them with information concerning non-compliance that the ATO has identified as part of its compliance activities. Collaboration between ATO and State and Territory Attorneys-General should improve the integrity of charities and the protection of philanthropic funds.

Application and transitional provisions

1.74 The amendments generally apply from 1 October 2009.
[Clause #]

1.75 Existing PPFs will become private ancillary funds on 1 October 2009. The Commissioner will be taken to have endorsed all those PPFs that become private ancillary funds as DGRs on 1 October 2009. In order to comply with the new definition of private ancillary fund, all existing PPFs will also be taken to have agreed to comply with the guidelines from 1 October 2009. *[Schedule 4, item 120]*

1.76 The requirement to have a single corporate trustee will not immediately apply to existing PPFs that do not as at 1 October 2009 have a single corporate trustee. Those PPFs that do not have a single corporate trustee will have until 1 July 2011 to alter their existing arrangements.

For Constitutional reasons, those transitional private ancillary funds that do not have a single corporate trustee will not be subject to the Commissioner's new powers to suspend or remove trustees. *[Schedule 4, item 125]*

1.77 Under existing arrangements, there is often a delay between the time the Treasurer agrees to recommend to the Governor-General that a trust fund be prescribed as a PPF and date the fund is prescribed. The date a fund is prescribed is usually backdated to the day the Treasurer agrees to recommend prescription. Both the prospective funds and the Commissioner would usually act on the advice of the Treasurer until the procedural formalities for prescription are completed.

1.78 With the transfer of responsibility for these funds to the Commissioner, there is likely to be a number of funds that are yet to be prescribed. For reasons of certainty and simplicity, the Treasurer will be given the power to make a declaration after the 1 October 2009 listing those funds that have been approved but not yet prescribed. The declaration will have the effect of deeming those listed funds to have been prescribed from the date set out in the determination. *[Schedule 4, item 115]*

1.79 The ABR will be given until 1 January 2010 to update the ABR with the additional DGR endorsement category details. *[Schedule 4, items 102 and 103, subsection 30-229(2A) of the ITAA 1997 and subsection 426-110(1) in Schedule 1 to the TAA 1953]*

Consequential amendments

1.80 Use of the term 'prescribed private fund' is amended to now refer to 'private ancillary fund'. *[Schedule 4, items 15 and 50, section 30-15 and paragraph 31-10(1)(b) of the ITAA 1997]*

1.81 References to 'prescribed private fund' are being repealed and replaced with a reference to the definition of private ancillary fund. *[Schedule 4, items 5, 55, 65, 70, 75 and 80, subsection 6(1) of the ITAA 1936, paragraph 31-10(2)(b) and subsection 995-1(1) of the ITAA 1997, and subsection 2(1) of the TAA 1953]*

1.82 Table of tax related liabilities in other legislation in the TAA 1953 is amended to refer to the new penalties. *[Schedule 4, item 90, item 140 in the table in subsection 250-10(2) in Schedule 1 to the TAA 1953]*

