

Treasury Laws Amendment (2024 Tax and Other Measures No. 1) Act 2024

No. 135, 2024

An Act to amend the law relating to taxation, and for related purposes

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Treasury Laws Amendment (2024 Tax and Other Measures No. 1) Act 2024

No. 135, 2024

An Act to amend the law relating to taxation, and for related purposes

[*Assented to 10 December 2024*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Treasury Laws Amendment (2024 Tax and Other Measures No. 1) Act 2024*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | 10 December 2024 |
| 2. Schedule 1 | The first 1 January, 1 April, 1 July or 1 October to occur after the day this Act receives the Royal Assent. | 1 January 2025 |
| 3. Schedule 2 | The day after this Act receives the Royal Assent. | 11 December 2024 |
| 4. Schedules 3 and 4 | The first 1 January, 1 April, 1 July or 1 October to occur after the day this Act receives the Royal Assent. | 1 January 2025 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Foreign resident capital gains withholding payments

Taxation Administration Act 1953

1 Paragraph 14‑200(3)(a) in Schedule 1

Omit “12.5%”, substitute “15%”.

2 Paragraph 14‑205(4)(a) in Schedule 1

Omit “12.5%”, substitute “15%”.

3 Subsection 14‑215(1) in Schedule 1 (heading)

Repeal the heading.

4 Subsection 14‑215(1) in Schedule 1

Omit “(1)”.

5 Paragraph 14‑215(1)(a) in Schedule 1

Repeal the paragraph.

6 Subsections 14‑215(2) and (3) in Schedule 1

Repeal the subsections.

7 Application

The amendments made by this Schedule apply in relation to acquisitions that occur on or after the later of:

(a) the start of 1 January 2025; and

(b) the commencement of this Schedule.

Schedule 2—Allowing employers to make single touch payroll declarations for extended periods

Taxation Administration Act 1953

1 At the end of subsection 388‑65(1) in Schedule 1

Add:

Note: This subsection does not apply if a declaration is made in accordance with subsection 389‑35(2) in relation to a notification of an amount under Division 389 (see paragraph 389‑35(3)(a)).

2 At the end of section 388‑70 in Schedule 1

Add:

Note: For a notification of an amount under Division 389, a reference to a declaration in paragraph 388‑70(b) may also be a reference to a declaration made in accordance with subsection 389‑35(2) (see paragraph 389‑35(3)(c)).

3 Section 389‑1 in Schedule 1 (after the paragraph beginning “In many cases”)

Insert:

Employers may make a declaration that authorises an agent to give the Commissioner one or more notifications of an amount under this Division for a period of up to 12 months.

4 Before section 389‑5 in Schedule 1

Insert:

Operative provisions

5 At the end of Division 389 in Schedule 1

Add:

389‑35 Declaration where agent gives notification under this Division

(1) This section applies if a notification of an amount that is required or permitted to be given under this Division is to be given to the Commissioner in the \*approved form by an agent on behalf of an entity.

(2) The entity may make a declaration in writing:

(a) stating that the entity has authorised the agent to give one or more notifications under this Division to the Commissioner; and

(b) declaring that any information the entity has provided, or will provide, to the agent for the preparation of any such notifications is, or will be, true and correct; and

(c) specifying the day the declaration is made and the maximum period for the declaration (which must not exceed 12 months starting on the day the declaration is made).

(3) If the entity makes a declaration under subsection (2), then for the period in subsection (4):

(a) subsection 388‑65(1) does not apply in relation to any notifications to be given by the agent on behalf of the entity under this Division; and

(b) subsections 388‑65(2) to (6) apply to the declaration in the same way those subsections apply to a declaration made under subsection 388‑65(1); and

(c) for the purposes of section 388‑70, the declaration is taken to be a declaration of the kind mentioned in paragraph 388‑70(b).

(4) The period for a declaration made under subsection (2):

(a) begins on the day the declaration is made; and

(b) ends on the earliest of:

(i) the last day of the period specified in the declaration; or

(ii) if the entity withdraws the declaration—the day the agent is notified of the withdrawal; or

(iii) if there is a material change in the relationship between the entity and the agent, or in the affairs of the entity since the declaration was made—the day the agent becomes aware of the change or is notified of the change by the entity.

Schedule 3—Self‑amendments by small and medium businesses

Income Tax Assessment Act 1936

1 Subsection 170(1) (after table item 3)

Insert:

|  |  |  |
| --- | --- | --- |
| 3A | The Commissioner may amend an assessment of an individual, a company or a person (in the capacity of a trustee of a trust estate) for a year of income within 4 years after the day on which the Commissioner gives notice of the assessment to the taxpayer if:  (a) the individual, company or trust is a small business entity or a medium business entity for the year; and  (b) the individual, company or trustee applies for an amendment in the approved form before the end of that 4 year period; and  (c) the Commissioner could amend the assessment within 2 years under item 1, 2 or 3; and  (d) the period within which the Commissioner could amend the assessment under item 1, 2 or 3 has ended.  The Commissioner may amend the assessment to give effect to the decision on the application. | This item is subject to items 5 and 6. |

2 After subsection 170(2)

Insert:

(2A) The Commissioner cannot amend an amended assessment under item 3A of the table in subsection (1) if the period of 4 years after the day on which the Commissioner gives notice of the original assessment concerned has ended.

3 Paragraph 170(3)(a)

Omit “or 3”, substitute “, 3 or 3A”.

Taxation Administration Act 1953

4 Subparagraph 14ZW(1)(aa)(i)

Omit “or 3”, substitute “, 3 or 3A”.

5 Subparagraph 14ZW(1A)(b)(i)

Omit “or 3”, substitute “, 3 or 3A”.

6 Application of amendments

The amendments made by this Schedule apply in relation to assessments issued after the commencement of this Schedule for income years starting on or after 1 July 2024.

Schedule 4—Reducing the use of cheques for tax refunds

Taxation Administration Act 1953

1 After section 8AAZLGB

Insert:

8AAZLGC Retaining refunds while Commissioner obtains financial institution details

Commissioner may retain an amount

(1) The Commissioner may retain an amount that the Commissioner otherwise would have to refund to an entity under section 8AAZLF, if the entity has not nominated in the approved form a financial institution account that is:

(a) maintained at a branch or office of the institution that is in Australia; and

(b) held by:

(i) the entity, or the entity and some other entity; or

(ii) the entity’s registered tax agent or BAS agent; or

(iii) a legal practitioner as trustee or executor for the entity.

(2) However, the Commissioner may not retain under this section an amount of a refund of an RBA surplus, or excess non‑RBA credit that relates to an RBA, if primary tax debts arising under:

(a) any of the BAS provisions (as defined in subsection 995‑1(1) of the *Income Tax Assessment Act 1997*); or

(b) any of the petroleum resource rent tax provisions (as defined in that subsection);

have been allocated to that RBA.

Note: For refunds covered by this subsection, see instead section 8AAZLH.

Informing the entity of the retention of the amount

(3) The Commissioner must inform the entity (by serving a document on the entity or by other means) that the Commissioner has retained the amount under this section.

(4) In informing the entity that the amount is retained, the Commissioner must also notify the entity that:

(a) the entity may nominate in the approved form a financial institution account for the purposes of this section; and

(b) a failure to nominate such an account may delay payment of the amount.

(5) A failure to comply with subsection (3) or (4) does not affect the validity of the decision to retain the amount.

How long the amount may be retained

(6) The Commissioner may retain the amount until the earlier of:

(a) the end of the day after the entity gives to the Commissioner a nomination in the approved form of a financial institution account for the purposes of this section; and

(b) the end of the period of 90 days from when the Commissioner otherwise would have to refund the amount to the entity.

2 Application

The amendments made by this Schedule apply to amounts that the Commissioner would have to refund on or after the commencement of this Schedule.

[*Minister’s second reading speech made in—*

*House of Representatives on 12 September2024*

*Senate on 18 November 2024*]

(108/24)