# EXPLANATORY STATEMENT

## Issued by authority of the Treasurer

*Taxation Administration 1953*

*Taxation Administration (Data Sharing –Relevant COVID-19 Business Support Program) Amendment Declaration (No. 1) 2021*

The *Taxation Administration Act 1953* (the Act) provides for the administration of certain Acts relating to taxation, and for related purposes.

Subsection 355-65(10) in Schedule 1 to the Act provides that the Minister may, by legislative instrument, declare a program administered by an Australian government agency to be a relevant COVID-19 business support program for the purposes of item 12 of Table 7 in subsection 355-65(8) in Schedule 1 to the Act.

The Minister may make a declaration if the Minister is satisfied that the program is, in effect, in response to economic impacts of the coronavirus, and directed at supporting businesses that have been significantly disrupted as a result of a public health directive.

As part of ongoing responses to the Coronavirus pandemic, State and Territory governments are providing grants to certain businesses to help them manage the impacts of the pandemic on their business operations.

The *Taxation Administration (Data Sharing—Relevant COVID-19 Business Support Program) Declaration 2021* (the Principal Declaration) declared certain programs administered by government agencies of the Commonwealth, New South Wales, Victoria and Queensland as relevant COVID-19 business support programs.

The purpose of the *Taxation Administration (Data Sharing –Relevant COVID-19 Business Support Program) Amendment Declaration (No. 1) 2021* (the Amendment Declaration) is to amend the table in section 5 of the Principal Declaration, to declare additional programs in South Australia and the Australian Capital Territory as relevant COVID‑19 business support programs. The Amendment Declaration also adds Revenue NSW and Queensland Treasury’s Office of State Revenue as administering agencies of previously declared programs following administrative changes in those jurisdictions.

The effect of a program being declared a COVID-19 business support program is to create an exception to general prohibition on disclosing protected tax information in section 355-25 in Schedule 1 to the Act, enabling a taxation officer to share the protected information for the purpose of administering the declared program.

The Australian government agency receiving the protected information must only use the information for the purposes for which it was disclosed.  The Act provides offences relating to the misuse of disclosed information.

Consultation was undertaken with the Australian Taxation Office as the administering agency of the Act, and the governments of New South Wales, Queensland, South Australia and Australian Capital Territory, who requested the amendments.

Details of the amendments are set out in Attachment A.

The instrument is a legislative instrument for the purposes of the *Legislation Act 2003*.

The instrument commenced on the day after it was registered to the Federal Register of Legislation.

An exemption from the Regulation Impact Statement requirements was granted by the Prime Minister as there were urgent and unforeseen circumstances.

A statement of Compatibility with Human Rights is at Attachment B.

**ATTACHMENT A**

**Details of the *Taxation Administration (Data Sharing–Relevant COVID-19 Business Support Program) Amendment Declaration (No. 1) 2021***

Section 1 – Name

This section provides that the name of the instrument is the *Taxation Administration (Data Sharing –Relevant COVID-19 Business Support Program) Amendment Declaration (No. 1) 2021*.

Section 2 – Commencement

This section prescribes that the instrument commences on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

The instrument is made under the *Taxation Administration Act 1953* (the Act).

Section 4 – Schedules

This section provides that each instrument that is specified in a Schedule to the instrument will be amended or repealed as set out in the applicable items in the Schedule, and any other item in the Schedule to the instrument has effect according to its terms.

Schedule 1 – Amendments

Items 1, 2 and 4 amend items 2-15, 2-20, 2-35, 2-40 and 2-45 of the table in section 5 of the *Taxation Administration (Data Sharing –Relevant COVID-19 Business Support Program) Declaration 2021* to add Revenue NSW as another administering agency of the programs listed in those items.

Item 4 amends item 4-5 of the same table to add Queensland Treasury’s Office of State Revenue as another administering agency of the program listed in that item.

Item 5 adds new items to the same table to declare the following programs in South Australia and the Australian Capital Territory as relevant COVID-19 business support programs for the purposes of item 12 of Table 7 in subsection 355-65(8) in Schedule 1 to the Act:

*South Australia*

* COVID-19 Additional Business Support Grant
* COVID-19 Business Support Grant
* Major Events Support Grant

*Australian Capital Territory*

* Accommodation and Tourism Venue Operator Support Program
* Commercial Tenancy Relief
* COVID-19 Business Support Grant
* COVID-19 Small Business Hardship Scheme
* Small Tourism Operator COVID Recovery Payment

Details of the additional programs are set out below.

**South Australia programs**

The COVID-19 Additional Business Support Grant builds on the COVID-19 Business Support Grant and provides financial assistance to local industry sectors that were significantly impacted by the COVID-19 density and other trading restrictions applicable from 28 July 2021 to 10 August 2021 (inclusive).

The COVID-19 Business Support Grant provides financial assistance to local small and medium-sized businesses that suffered a significant loss of income or have been forced to close as a result of the restrictions imposed from 20 July 2021 to 26 July 2021 (inclusive).

The Major Events Support Grant provides financial assistance to the operators of major one-off events impacted by the State’s lockdown in July 2021 and subsequent trading restrictions.

**Australian Capital Territory programs**

The Accommodation and Tourism Venue Operator Support Program provides full rebate on fixed water and sewerage charges for the first two quarters of 2020-21 to accommodation providers and private tourism venue operators who experienced significant revenue loss in July 2021.

The Commercial Tenancy Relief supported commercial landlords who reduced rent for their tenants whose business income had been directly affected by COVID-19. The assistance was available from the June quarter of 2019-20 to the March quarter of 2020-21.

The COVID-19 Business Support Grant provides financial assistance to local businesses that experienced significant reduction in turnover due to restricted trading conditions during the lockdown period in August and September 2021.

The COVID-19 Small Business Hardship Scheme provides credits for payroll tax, utility charges, rates and other selected fees and charges to eligible small businesses who experienced significant revenue loss due to restricted trading conditions during the lockdown period in August and September 2021.

The Small Tourism Operator COVID Recovery Payment provides additional rebate on eligible expenses incurred in June and July 2021 to small tourism operators who receive less than $15,000 under the Accommodation and Tourism Venue Operator Support Program.

**ATTACHMENT B**

### Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### Taxation Administration (Data Sharing – Relevant COVID-19 Business Support Program) Amendment Declaration (No.1) 2021

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### Overview of the Legislative Instrument

The purpose of the *Taxation Administration (Data Sharing –Relevant COVID-19 Business Support Program) Amendment Declaration (No. 1) 2021* is to amend the *Taxation Administration (Data Sharing –Relevant COVID-19 Business Support Program) Declaration 2021*, to declare certain programs in South Australia and the Australian Capital Territory as relevant COVID-19 business support programs for the purposes of assisting State and Territory administer their respective COVID-19 business support programs.

### Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

### Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.