



## THE TAX INSTITUTE

19 January 2022

Director  
Tax Administration Unit  
Individuals and Indirect Tax  
Treasury  
Langton Crescent Parkes ACT 2600

By email: [taxdebtconsultation@treasury.gov.au](mailto:taxdebtconsultation@treasury.gov.au)

Dear Sir/Madam,

### **Treasury Laws Amendment (Measures for Consultation) Bill 2022: Increased Tribunal powers for small business taxation decisions**

The Tax Institute welcomes the opportunity to make a submission to the Treasury in relation to the exposure draft legislation to extend the power of the AAT to pause or modify ATO debt recovery action (**Consultation**). Our comments below relate to the Treasury Laws Amendment (Measures for Consultation) Bill 2022: Increased Tribunal powers for small business taxation decisions (**Bill**) and the Explanatory Memorandum.

The Tax Institute supports the Government's policy intention of 'making it easier for small business to pause debt recovery action'.<sup>1</sup> However, we have concerns in respect of the drafting of the Bill which we do not consider gives effect to the policy underpinning the measure.

We have had the benefit of reviewing the submission prepared by the Business Law Section of the Law Council of Australia (**LCA**). The Tax Institute wholly endorses and supports the LCA's submission. Please consider the LCA's submission to be a reflection of our concerns regarding the Bill as currently drafted, and our recommendation of the preferred approach contained therein to ensure the Government's policy intention of 'Making it easier for small business to pause debt recovery action' is met.

We would be pleased to continue to work with the Treasury on the Consultation, including in respect of proposed revisions to the drafting of the Bill.

The Tax Institute is the leading forum for the tax community in Australia. We are committed to shaping the future of the tax profession and the continuous improvement of the tax system for the benefit of all. In this regard, The Tax Institute seeks to influence tax and revenue policy at the highest level with a view to achieving a better Australian tax system for all. Please refer to **Appendix A** for more about The Tax Institute.

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<sup>1</sup> 8 May 2021, Media Release, [Making it easier for small business to pause debt recovery action](#), the Treasurer, Attorney-General and Minister for Employment, Workforce, Skills, Small and Family Business.

If you would like to discuss any of the above, please contact Tax Counsel, Julie Abdalla, on 02 8223 0058.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Jerome Tse", with a stylized flourish at the end.

**Jerome Tse**

President

## **APPENDIX A**

### **About The Tax Institute**

The Tax Institute is the leading forum for the tax community in Australia. We are committed to representing our members, shaping the future of the tax profession and continuous improvement of the tax system for the benefit of all, through the advancement of knowledge, member support and advocacy.

Our membership of more than 11,000 includes tax professionals from commerce and industry, academia, government, and public practice throughout Australia. Our tax community reach extends to over 40,000 Australian business leaders, tax professionals, government employees and students through the provision of specialist, practical and accurate knowledge, and learning.

We are committed to propelling members onto the global stage, with over 7,000 of our members holding the Chartered Tax Adviser designation which represents the internationally recognised mark of expertise.

The Tax Institute was established in 1943 with the aim of improving the position of tax agents, tax law and administration. More than seven decades later, our values, friendships, and members' unselfish desire to learn from each other are central to our success.

Australia's tax system has evolved, and The Tax Institute has become increasingly respected, dynamic, and responsive, having contributed to shaping the changes that benefit our members and taxpayers today. We are known for our committed volunteers and the altruistic sharing of knowledge. Members are actively involved, ensuring that the technical products and services on offer meet the varied needs of Australia's tax professionals.