



Treasury Laws Amendment (Mutual Equity Interests) Regulations 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 21 March 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

Stuart Robert
Assistant Treasurer

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
<i>Income Tax Assessment Regulations 1997</i>		2

1 Name

This instrument is the *Treasury Laws Amendment (Mutual Equity Interests) Regulations 2019*.

2 Commencement

(1) Each provision of this instrument 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. The whole of this instrument	The day after this instrument is registered.	26 March 2019

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Income Tax Assessment Act 1997*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Income Tax Assessment Regulations 1997

1 At the end of Part 5

Add:

910-1.11 Transitional arrangements arising out of the *Treasury Laws Amendment (Mutual Equity Interests) Regulations 2019*

The amendment of these Regulations made by Schedule 1 to the *Treasury Laws Amendment (Mutual Equity Interests) Regulations 2019* applies in relation to a relevant term subordinated note that is issued on or after the commencement of the *Treasury Laws Amendment (Mutual Equity Interests) Regulations 2019*.

2 Subregulation 974-135F(4)

Repeal the subregulation, substitute:

- (4) In this regulation, a condition applying to the obligation is a ***non-viability condition*** if the condition has the effect that if a non-viability trigger event occurs the note must be:
 - (a) written off; or
 - (b) converted into ordinary shares of the issuer of the note or a parent entity of the issuer; or
 - (c) converted into mutual equity interests of the issuer of the note or a parent entity of the issuer.

3 At the end of regulation 974-135F

Add:

- (6) In this regulation, ***mutual equity interests*** has the same meaning as in section 11CAA of the *Banking Act 1959*.