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## Legislative Instrument

# Australian Business Register—Transitional Registry Operations Data Standard 2022

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I, Chris Jordan, Commissioner of Taxation in my capacity as the Registrar, make this instrument under subsection 13(1) of the *Commonwealth Registers Act 2020* for the purpose of providing data standards on matters relating to the functions and powers of the Registrar in respect of the Australian Business Register.

**Chris Jordan**  
Registrar

16 June 2022

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### 1 Name

This instrument is the *Australian Business Register—Transitional Registry Operations Data Standard 2022*.

### 2 Commencement

This instrument commences immediately after the commencement of item 20 of Schedule 1 to the *Treasury Laws Amendment (Registries Modernisation and Other Measures Act 2020)*.

### 3 Authority

This instrument is made under the *Commonwealth Registers Act 2020*.

### 4 Definitions

Note: A number of terms used in this instrument are defined in the *A New Tax System (Australian Business Number) Act 1999*, including the following:

- (a) entity;
- (b) Registrar.

In this instrument:

**action** includes an act that consists of:

- (a) deciding, notifying, issuing, publishing, giving; or
- (b) asking, requesting, requiring, directing; or
- (c) applying, responding, providing, lodging; or
- (d) accepting, recording, holding, maintaining; or
- (e) certifying, providing extracts; or
- (f) accepting payment or making payment.

Note: the actions mentioned in (a) to (f) are not an exhaustive list.

**ABR Acts** means the:

- (a) *A New Tax System (Australian Business Number) Act 1999*
- (b) *A New Tax System (Goods and Services Tax) Act 1999*
- (c) *Australian Prudential Regulation Authority Act 1998*
- (d) *Income Tax Assessment Act 1936*
- (e) *Taxation Administration Act 1953*

**ABR instrument provision** means:

- (a) a provision of an instrument made under the ABR Acts; or
- (b) a provision of an old ABR instrument that:
  - (i) has been repealed (including impliedly repealed); or
  - (ii) otherwise does not apply to an action,

because of the *Treasury Laws Amendment (Registries Modernisation and Other Measures Act 2020*, as if that Act did not have that effect.

**Australian Business Registrar** means the Registrar referred to in section 28 of the *A New Tax System (Australian Business Number) Act 1999* as in force immediately before the commencement of this instrument.

**Australian Business Register** has the same meaning as in section 24 of the *A New Tax System (Australian Business Number) Act 1999* as in force immediately before the commencement of this instrument.

**old ABR Acts** means the ABR Acts as in force immediately before the commencement of this instrument.

**old ABR instrument** means an instrument or approved form made under the old ABR Acts.

**registry provision** means:

- (a) a provision of the ABR Acts that requires or permits:
  - (i) the Registrar to take an action; or
  - (ii) another entity to take an action in relation to the Registrar; or
- (b) an ABR instrument provision made for the purposes of a provision of the kind mentioned in paragraph (a) that requires or permits:
  - (i) the Australian Business Registrar to take an action; or
  - (ii) another entity to take an action in relation to Australian Business Registrar.

## **5 Actions relating to matters relating to functions and powers of the Registrar**

- (1) The Registrar may take an action under a registry provision by taking the action in accordance with the requirements (if any) of the old ABR Acts or an old ABR instrument that would have applied to the Australian Business Registrar taking the action.
- (2) Another entity may take an action in relation to the Registrar by taking the action in accordance with the requirements (if any) of the old ABR Acts or an old ABR instrument that would have applied to an entity taking the action in relation to the Australian Business Registrar or the Australian Business Register if the action:

- (a) relates to a registry provision; and
  - (b) relates to the performance of the Registrar's functions or the exercise of the Registrar's powers under the ABR Acts.
- (3) Without limiting subsections (1) and (2), an action may be taken using notices, forms or systems or any other means available to or in relation to Australian Business Registrar under the old ABR Acts or an old ABR instrument:
- (4) If the Registrar or another entity omits to take an action in relation to a registry provision in accordance with a requirement of the old ABR Acts or an old ABR instrument, the Registrar or other entity is taken to have omitted to take the action for the purposes of the ABR Acts or an instrument made under it.
- (5) For the purposes of this section, taking an action in accordance with a requirement includes taking an action in accordance with the manner, form or practice in which such a requirement could be complied with.

## **6 How the Registrar will hold, record and store registry information**

The Registrar may take an action in relation to a registry provision by holding, recording or storing information on a computer system maintained as the Australian Business Register.

Note 1: Records Authorities may be issued by the National Archives of Australia in accordance with the *Archives Act 1983*.

Note 2: A document or a copy of a document that purports to be an extract of information held in the Australian Business Register in relation to a registry provision will be an extract of information held by the Registrar for the purpose of section 23 of the *Commonwealth Registers Act 2020*.

## **7 How the Registrar uses registry information**

- (1) The Registrar may use information provided, generated or held in accordance with this instrument:
  - (a) to make a record of the information collected or generated; or
  - (b) to maintain the accuracy of information held by the Registrar; or
  - (c) for the performance of the Registrar's functions and the exercise of the Registrar's powers.
- (2) For the avoidance of doubt, the Registrar may use a system maintained as the Australian Business Register for the purpose of subsection (1).

Note: Information collected under this instrument is 'protected information' within the meaning of section 5 of the *Commonwealth Registers Act 2020* and is subject to the secrecy and disclosure provisions in Part 4 of the *Commonwealth Registers Act 2020*.