



Australian Government

The Board of Taxation

POST-IMPLEMENTATION REVIEW OF THE TAX DESIGN REVIEW PANEL RECOMMENDATIONS

Discussion Paper

the **board** of **taxation**
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February 2011

Post-implementation review of the Tax Design Review Panel recommendations

Discussion paper

Board of Taxation

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FOREWORD

On 22 August 2008, the then Assistant Treasury released the Tax Design Review Panel's report *Better Tax Design and Implementation*. The report made 26 recommendations and all were accepted in principle by the Government.

Recommendation 26 of the Tax Design Review Panel's report recommended that:

The Government should ask the Board of Taxation to review the tax design process after two years and report to Government on the extent to which there are demonstrated improvements.

The then Assistant Treasurer wrote to the Board of Taxation in September 2008, requesting that the Board of Taxation conduct a review of the tax design review process recommended by the Tax Design Review Panel. The Board was asked to commence the review in late 2010 and to report to the Assistant Treasurer on whether there have been any improvements as a result of implementing the Panel's recommendations.

The Board has appointed a Working Group of its members comprising Mr Peter Quiggin PSM (Chairman), Mr Keith James, Ms Elizabeth Jameson and Mr Dick Warburton AO to oversee the Board's review. In addition the Board has asked Mr Neil Wilson, Chair of the Tax Design Review Panel, to be a member of the Board's Working Group.

This paper sets out the Board's findings of its review of the tax design process over the past two years and the extent to which the recommendations made by the Tax Design Review Panel have been implemented. It also draws preliminary conclusions as to the extent to which there have been demonstrated improvements in that process, but invites submissions from industry, other stakeholders and the public which will shape the Board's final conclusions on whether improvements have resulted. These conclusions will be set out in a report to the Government which the Board expects to finalise by 30 June 2011.

The Board asks that submissions be made by 28 March 2011.

Richard Warburton AO
Chairman of the Board of Taxation

Peter Quiggin PSM
Chairman of the Working Group

CHAPTER 1: INTRODUCTION

BACKGROUND

1.1 On 8 February 2008, the then Assistant Treasurer and Minister for Competition Policy and Consumer Affairs announced the appointment of a Tax Design Review Panel (the Review Panel) to examine how to reduce delays in the introduction of tax legislation and improve the quality of tax law changes.

1.2 The Review Panel was asked to examine:

- Options to reduce the delay between the announcement of proposed changes to tax laws and the introduction into Parliament of associated tax legislation;
- How the quality of the law can be improved through enhanced community consultation, particularly in the development of tax policy changes prior to the announcement of specific changes; and
- Methods to increase community input into the prioritisation of changes to tax laws.

1.3 The Review Panel concluded its review and finalised its report to the Minister on 30 April 2008, titled *Better Tax Design and Implementation*. The report made 26 recommendations, which are replicated at Appendix B to this paper. The full report can be accessed at the following link:

http://www.treasury.gov.au/documents/1342/PDF/tax_design_review_panel_report.pdf

1.4 The Government released the Review Panel's report on 22 August 2008, accepting, in principle, all 26 of the Review Panel's recommendations.

SCOPE OF REVIEW

1.5 Recommendation 26 of the Review Panel's report recommended that:

The Government should ask the Board of Taxation to review the tax design process after two years and report to Government on the extent to which there are demonstrated improvements.

1.6 The Minister wrote to the Board of Taxation in September 2008, asking that the Board conduct a review of the tax design review process. The Board was asked to commence the review in late 2010 and to report to the Minister on whether there have been any improvements as a result of implementing the Review Panel's 26 recommendations over the two year period.

1.7 Recommendations 16, 17 and 18 of the Review Panel's report related to the Tax Issues Entry System. The implementation of these three recommendations has already been considered by the Board in its review of the Tax Issues Entry System which commenced in early 2010. Accordingly, those recommendations will not be revisited in this review.

1.8 No date was set by which the Board was to report to the Minister. The Board aims to finalise its report by 30 June 2011.

REVIEW TEAM

1.9 The Board has appointed a Working Group of its members comprising Mr Peter Quiggin PSM (Chairman), Mr Keith James, Ms Elizabeth Jameson and Mr Dick Warburton AO to oversee the Board's review. In addition, the Board has asked Mr Neil Wilson, Chair of the Tax Design Review Panel, to be a member of the Board's Working Group.

REVIEW PROCESS

Collection of data over the review period

1.10 The Board has obtained data from Treasury relating to the tax changes announced during the two year review period from 22 August 2008 to 21 August 2010. The Board has used the data received from Treasury to form the charts, tables and statistics presented in this discussion paper.

1.11 The Board has not sought Treasury's comments on the conclusions the discussion paper draws from the data but invites Treasury to make a formal submission to this post-implementation review.

1.12 A summary of the raw data is set out in Appendices C to F of this paper. The data is divided into the following three categories:

- *Measures Introduced and Enacted* – this covers tax measures announced, introduced and enacted during the review period.

- *Measures Introduced and Lapsed* – this covers tax measures which were announced and introduced into Parliament during the review period, but which subsequently lapsed at the time the 2010 election was called on 19 July 2010.
- *Measures Announced but not Introduced* – this covers tax measures which were announced but not yet introduced during the review period.

1.13 The outcomes for the tax design process revealed by the data and a preliminary evaluation of whether improvements have resulted from the implementation of the Review Panel's recommendations are outlined in Chapter 2 of this paper.

Submissions

1.14 The Board seeks comments from interested parties on their experience of the tax design process during the review period and, in particular, on what improvements have resulted from the implementation of the Review Panel's recommendations.

1.15 The Board invites written submissions from interested parties. Submissions should address the scope of review set out in paragraphs 1.5 to 1.8 and the issues and questions raised throughout Chapter 2 of this paper. A consolidated list of the questions appears at Appendix A.

1.16 It is not expected that each submission will necessarily address all of the questions raised in the discussion paper.

1.17 The closing date for submissions is 28 March 2011. Submissions can be sent by:

Mail to: The Board of Taxation
 c/ The Treasury
 Langton Crescent
 CANBERRA ACT 2600

Fax to: 02 6263 4471

Email to: taxboard@treasury.gov.au

1.18 Stakeholders making submissions should note that Board members, the review team, and those assisting it, will have access to all submissions. All information (including name and contact details) contained in submissions may be made available to the public on the Board's website unless it is indicated that all or part of the submission is to remain in confidence. Automatically generated confidentiality statements in emails do not suffice for this purpose. Respondents who would like only part of their submission to remain in confidence should provide this information marked as such in a separate attachment. A request for a submission that is marked 'confidential' to be made available under the *Freedom of Information Act 1982* (Commonwealth) will be determined in accordance with that Act.

Consultation meetings

1.19 The Board is planning public consultation meetings in Sydney and Melbourne in March as a further mechanism for obtaining views and to assist stakeholders in preparing written submissions. Information regarding the consultation meetings can be found on the Board of Taxation website, www.taxboard.gov.au or by calling the Board's Secretariat on 02 6263 4364.

The Board's report

1.20 The Board will consider the comments raised by stakeholders in their submissions. However, the Board's report and its recommendations will reflect the Board's independent judgement.

1.21 The Board aims to finalise its report by 30 June 2011.

CHAPTER 2: EVALUATING WHETHER IMPROVEMENTS HAVE BEEN MADE AS A RESULT OF TAX DESIGN REVIEW PANEL RECOMMENDATIONS

2.1 For the purposes of this review, the 26 recommendations of the Tax Design Review Panel have been grouped into four broad subject areas:

- (i) *The timing of legislation* – recommendations 3, 4, 13, 19, 20 and 21;
- (ii) *The quality and quantity of consultation* – recommendations 1, 5, 6, 7, 8, 9, 10 and 11;
- (iii) *Involvement of the private sector* – recommendations 1, 2, 12 and 22; and
- (iv) *Other recommendations* – recommendations 14, 15, 23, 24, 25 and 26.

2.2 The outcomes revealed by the data under each of these four broad areas and a preliminary evaluation of whether improvements have resulted from the implementation of the Tax Design Review Panel's recommendations under each of those areas follow.

2.3 For the purposes of assessing the extent to which each of the recommendations has been implemented and whether they have resulted in improvements in the tax design process, tax measures which relate to tax treaties, deductible gift recipients and tax rate/threshold changes have not been taken into account. These measures generally fall outside the scope of the Tax Design Review Panel's recommendations and their inclusion may distort the Board's assessment of the extent to which improvements have been made in the tax design process for new tax measures.

TIMING OF LEGISLATION

2.4 Recommendations 3, 4, 13, 19, 20 and 21 broadly relate to the timing of legislation. The full text of each of the recommendations appears below.

2.5 To assess the extent to which each of the recommendations has been implemented and whether they have resulted in demonstrable improvements in the tax design process, the following data was collected in relation to each tax measure announced during the period 22 August 2008 to 21 August 2010 (the review period):

- (a) the date of the announcement of the measure;
- (b) whether the measure is prospective or retrospective;
- (c) each Parliamentary sitting for which the measure was on the list of measures to be introduced;
- (d) the date the measure was introduced;
- (e) the date that the Bill containing the measure received Royal Assent; and
- (f) if the measure is not to be proceeded with, the date on which that was announced.

2.6 A summary of this information is set out in Appendices C and D of this paper.

Evaluation of data collected

TDRP Recommendation 3: Changes should be prospective and introduced within 12 months

The Government should ensure that announced tax changes generally apply prospectively (that is, from a date following enactment of the legislation). The Government should aim to introduce legislation for such measures within 12 months of announcement.

TDRP Recommendation 4: Retrospective changes should be introduced within six months

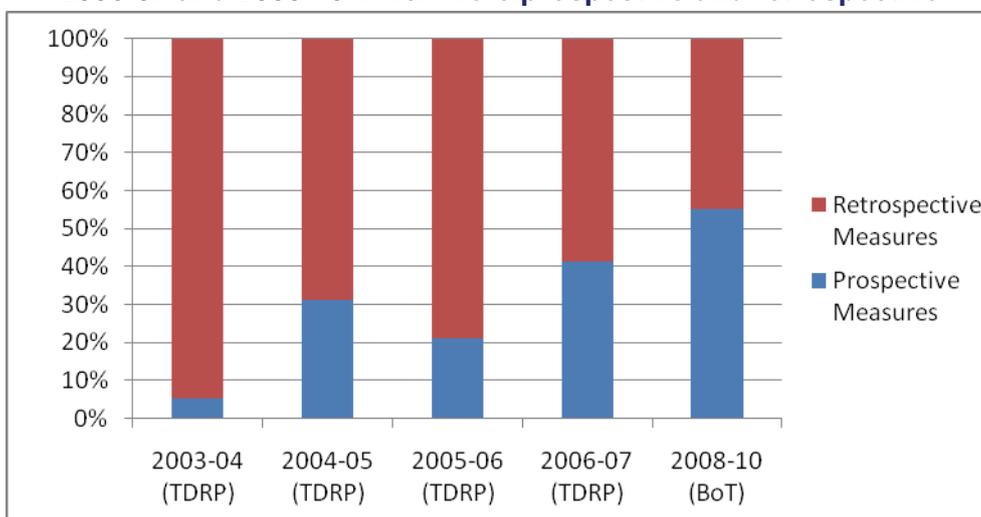
In circumstances where retrospective measures are appropriate, the Government should aim to introduce legislation within six months of announcement, recognising that in order to meet this timeframe it may be necessary to reduce the time allowed for consultation.

2.7 Consistent with the analysis in the Tax Design Review Panel's report, prospective measures are those where the date of effect is on or after the date of royal assent, and

retrospective measures are those where the date of effect precedes royal assent. As also explained in the Review Panel’s report, it may be reasonable for the Government to enact legislation in some instances which, although technically retrospective on this definition, operates from the date of announcement rather than from royal assent – an example is an investment allowance applying from the date of announcement so as to avoid an investment deferral whilst waiting for the legislation to be enacted.¹

2.8 Of the 49 tax measures announced and enacted during the review period, 27 measures were prospective (55 per cent) and 22 measures were retrospective (45 per cent). This compares with the Review Panel’s findings that 95 per cent of measures in the 2003-04 year were retrospective, in the 2004-05 year 69 per cent were retrospective, in the 2005-06 year 79 per cent were retrospective and in the 2006-07 year 59 per cent were retrospective.² This information is set out in Chart 2.1 below.

Chart 2.1: Comparison of the proportions of measures enacted in 2003-04 to 2006-07 and 2008-10 which were prospective and retrospective



2.9 The data indicates that the proportion of measures enacted that operate prospectively has steadily increased since 2003, with a decreasing number of tax changes applying retrospectively. Comments are invited on whether this increasing percentage of prospective measures has enabled taxpayers to more effectively structure their tax affairs.

2.10 Of the 22 retrospective measures enacted during the review period, nine were measures which took effect on or after the date of announcement (41 per cent), and 13 were measures which took effect prior to their announcement (59 per cent).

1 Pages 25-27, Tax Design Review Panel Report – *Better Design and Implementation*.

2 Page 15, Tax Design Review Panel Report – *Better Design and Implementation*. Note, the figures compiled by the Review Panel excluded measures relating to listed deductible gift recipients and technical corrections.

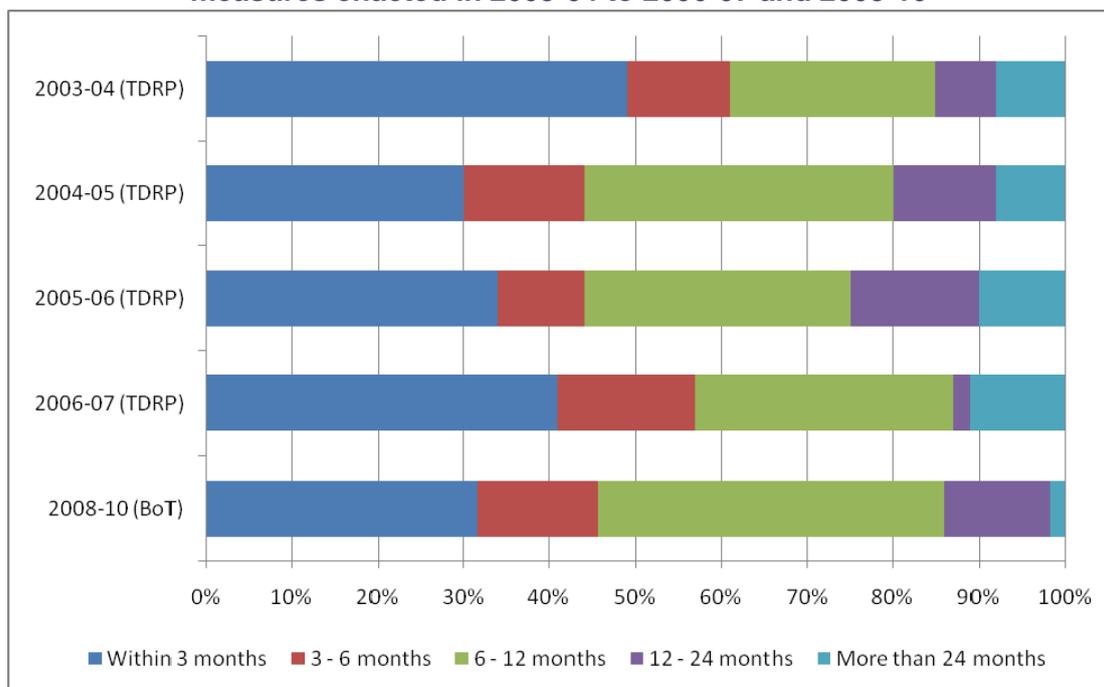
2.11 Legislation for 28 prospective measures announced during the review period was introduced into Parliament during that period. Of these, 26 measures (93 per cent) were introduced within the recommended 12 months of their announcement.

2.12 Legislation for 26 retrospective measures announced during the review period was introduced into Parliament during that period. Of these, 20 measures (77 per cent) were introduced within the recommended 6 months of their announcement.

2.13 The average time between measures being announced and legislation being introduced was 6.2 months over the review period. This compares with the average of 8.5 months over the period considered by the Review Panel (from 2003-04 to 2006-07).³

2.14 Chart 2.2 illustrates the time between announcement and introduction of measures introduced into Parliament during the review period, and compares this with the Review Panel’s findings for measures introduced between 2003 and 2007.

Chart 2.2: Comparison of time between announcement and introduction of measures enacted in 2003-04 to 2006-07 and 2008-10



2.15 The data indicates a majority of measures announced and introduced during the review period were introduced within the recommended time frames (of 6 and 12 months). The Board invites comments on whether this outcome has lessened concerns about delays in introducing legislation for announced measures.

³ Page 14, Tax Design Review Panel Report – *Better Design and Implementation*.

TDRP Recommendation 13: Treasury's project management approach

The Treasury should seek continuous improvement in its project management techniques and capabilities.

2.16 The Treasury advises that its Revenue Group maintains a detailed tax design process map to assist policy units plan and deliver tax projects. The process map provides a framework which draws together guidelines and project management tools for the various stages of the tax design process. It is updated on an ongoing basis to reflect quality improvements and changes to processes, and training is conducted regularly across the Group. The Group's Senior Executive, Legislation Management Committee and Tax Specialists' Network co-ordinate the development of legislation across the Group. The Group's Legislation Management Unit also assists policy units prepare timelines for tax policy projects which ensure consultation and legislation processes are taken into account.

TDRP Recommendation 19: Publish a forward work program on announced measures

The Government should publish a rolling forward work program setting out the consultation it plans for announced tax measures and indicating the legislation it plans to introduce in the next sittings. When a delay occurs, the forward work program should be amended to reflect the delay and to explain the reasons for it.

2.17 The Government has commenced publishing a Forward Work Program for Announced Tax and Superannuation Measures. The first of these Programs was published on 12 February 2009 setting out the Government's consultation plans for announced tax measures and indicating the legislation it planned to introduce in the Autumn 2009 sittings.

2.18 Subsequent Forward Work Programs during the review period were published on 17 June 2009, 11 August 2009 and 25 February 2010. Due to the intervention of the 2010 elections, no Forward Work Program was released for the Spring 2010 sittings. The most recent Program, released on 10 February 2011, can be accessed at: http://www.treasury.gov.au/documents/1483/PDF/Forward_Work_Program_for_Tax_Measures_20110210_v2.pdf

2.19 The Board welcomes comments on whether the publication of this Forward Work Program has increased certainty and eased concerns about delays in introducing tax changes.

TDRP Recommendation 20: Process to deal with unenacted announcements

As soon as practicable, the Government should announce its position in relation to all unlegislated announcements of the previous Government. For those measures that are to be adopted, the Government should announce an indicative work program for their implementation (in accordance with Recommendation 19).

2.20 The Treasurer and the then Assistant Treasurer and Minister for Competition Policy and Consumer Affairs, in a media release dated 13 May 2008, announced the Government's position on the majority of the stock of tax measures which had been announced, but not enacted, by the former Government. The announcement also outlined an indicative timetable for implementing those measures the Government had decided should proceed.

2.21 The Government has subsequently announced its position on all but three of the measures identified in Category 5 of that media release as ones for which final decisions were still to be reached.

TDRP Recommendation 21: Periodically review unenacted measures

The Government should periodically review any stock of unlegislated announcements and provide certainty to the community by dealing with any measures that are not to proceed.

2.22 The Treasury advises that progress of individual announced measures was reviewed by the Government on an ad hoc basis as required. A wider review of unlegislated measures has not been necessary during the review period as all measures announced by the Government were proceeding and being progressed.

Q 2.1: Issues/Questions

The Board seeks stakeholder comments on:

- whether the increase in the proportion of prospective measures announced during the review period has enabled taxpayers to more effectively structure their tax affairs;
- whether the introduction of a majority of measures within the recommended time frames (of 6 and 12 months) has lessened concerns about delays in introducing legislation for announced measures;
- whether the Government's publication of the Forward Work Program for Announced Tax and Superannuation Measures has increased certainty and eased concerns about delays in introducing tax changes;
- whether the information collected and presented in this discussion paper in relation to recommendations on the timing of legislation accords with the perception and understanding of industry; and
- whether there is any further evidence/information which the Board should consider in its review of the recommendations on the timing of legislation? If so, please provide this to the Board for its consideration.

QUALITY AND QUANTITY OF CONSULTATION

2.23 Recommendations 1, 5, 6, 7, 8, 9, 10 and 11 broadly relate to the quality and quantity of consultation in the design of tax measures. The full text of each of the recommendations appears below.

2.24 To assess the extent to which each of the recommendations has been implemented and whether they have resulted in demonstrable improvements in the tax design process, the following data was collected in relation to each tax measure announced during the period 22 August 2008 to 21 August 2010 (the review period):

- (a) whether consultation occurred on:
 - (i) the pre-policy decision;
 - (ii) the design of the announced measure;
 - (iii) the draft legislation;
- (b) the type of consultation undertaken (public or targeted);
- (c) the persons/organisations approached;
- (d) the persons/organisations participating;
- (e) the persons/organisations making submissions;
- (f) the details of timing relevant to consultation, comprising:
 - (i) the date of release of material;
 - (ii) the closing date for submissions;
 - (iii) consultation meeting dates;
 - (iv) the dates of receipt of submissions;
- (g) the extent of changes resulting from consultation; and
- (h) the type of changes resulting from consultation (policy changes, technical corrections or drafting changes).

2.25 A summary of this information is set out in Appendices C to F of this paper.

Evaluation of data collected

TDRP Recommendation 1: Pre-announcement consultation on policy design

The Government should generally consult on tax changes at the initial policy design stage, prior to any Government announcement. For major policy changes, consultation should include public consultation on policy design (for example, via the release of a discussion paper). Where possible, the agreement of the States and Territories should be sought on GST changes prior to any Federal Government announcement.

2.26 The table below shows the number of measures announced during the review period which were the subject of pre-announcement consultation and whether that consultation was public or confidential. The measures are divided into those announced as part of a Budget (“Budget measures”) and those announced outside a Budget context (“non-Budget measures”).

Measures announced during the review period	Total measures	Measures with Pre-announcement Consultation		Measures involving both open public and confidential pre-announcement consultations	Measures involving open public pre-announcement consultations only	Measures involving confidential pre-announcement consultations only
Budget measures	56	21	(38%)	13	6	2
Measures Introduced & enacted	30	16	(53%)	10	4	2
Measures Introduced & lapsed	4	0	(0%)	0	0	0
Measures announced but not introduced	22	5	(23%)	3	2	0
Non-Budget measures	34	6	(18%)	0	4	2
Measures Introduced & enacted	19	3	(16%)	0	2	1
Measures Introduced & lapsed	4	1	(25%)	0	1	0
Measures announced but not introduced	11	2	(18%)	0	1	1
All measures	90	27	(30%)	13	10	4

2.27 The Tax Design Review Panel noted in its report that there may be circumstances in which the Government would choose not to consult at the policy design stage, such as in the formulation of its Budget.⁴ The data indicates that of the 90 measures announced during the review period, 56 were announced as part of a Budget (62 per cent). Nevertheless, pre-announcement consultation was undertaken by the Government on 21 of these measures.

2.28 Of the 34 non-Budget measures announced during the review period, six measures (18 per cent) were the subject of pre-announcement consultation – four via

⁴ Page 24, Tax Design Review Panel Report – *Better Design and Implementation*.

open public consultations undertaken by the Board of Taxation, and two via confidential consultations. The Board notes that of the non-Budget measures which did not involve pre-announcement consultation, nine were minor, administrative or concessional measures.

2.29 The specific tax measures which were the subject of pre-announcement consultation including pre-announcement consultation via the Board of Taxation are listed in Appendix E.

2.30 Consultation with the States and Territories has been increasingly undertaken prior to any Federal Government announcement of GST changes. Prior to the 2009-10 Budget, details of GST changes proposed to be made in that Budget were provided to a meeting of State and Territory representatives of the GST Administration Sub-Committee. Similarly, prior to the 2010-11 Budget, details of GST changes proposed by that budget were provided to State and Territory representatives of the GST Policy and Administration Subgroup. Consultation with the States and Territories on GST measures announced outside the Budget context (for example in response to court decisions) has also been undertaken where possible. Where it was not possible to secure the formal agreement of the States and Territories to GST measures prior to their announcement, either in the Budget or otherwise, the measures were announced as 'subject to State and Territory agreement'.

2.31 The Board invites comments on whether pre-announcement consultation, where it has occurred, has increased certainty for taxpayers.

2.32 The Board also invites comments (supported by practical examples) of instances where pre-announcement consultation, if it had occurred, would have resulted in more effective policy design than that reached by post-announcement consultation on the design of the announced policy and the draft legislation.

TDRP Recommendation 6: Two-stage public consultation after announcement

The Government should ensure that post-announcement consultation on substantive tax measures occurs at two stages: (i) on the design of the announced policy; and (ii) on the draft legislation.

TDRP Recommendation 7: Post-announcement consultation should be public

The Government should generally adopt public consultation for post announcement consultations to ensure that all stakeholders have the opportunity to contribute to the process.

2.33 The table below shows, for the 57 tax measures announced and enacted or lapsed during the review period, how many were the subject of post-announcement consultation on the design of the announced policy and how many were the subject of

consultation on the draft legislation.⁵ The table also shows whether that consultation was public or confidential.

Measures announced during the review period	Total measures	Consultation on announced policy		Number of those with open or targeted public consultations		Number of those with confidential consultations		Consultation on draft legislation		Number of those with open or targeted public consultations		Number of those with confidential consultations	
Measures introduced & enacted	49	20	(41%)	20	(100%)	0	(0%)	33 ⁶	(67%)	32	(97%)	2	(6%)
Measures introduced & lapsed	8	6	(75%)	6	(100%)	0	(0%)	6	(75%)	5	(83%)	1	(17%)
Total measures	57	26	(46%)	26	(100%)	0	(0%)	39	(68%)	37	(95%)	3	(8%)

2.34 The specific tax measures which involved post-announcement consultation or consultation on draft legislation are listed in Appendix F.

2.35 The data indicates that 46 per cent of the 57 measures announced and introduced during the review period were the subject of post-announcement consultation on the design of the announced policy, and 68 per cent were the subject of consultation on the draft legislation. The Board notes that 11 measures which did not involve consultation at the post-announcement or the draft legislation stage were minor, administrative or concessional measures. For the remaining measures, consultation was not undertaken because the available timeframe for introduction into Parliament was too limited.

2.36 Comments are invited on those instances where consultation was not undertaken, but might have been beneficial.

2.37 Where consultation has taken place, the data indicates that the vast majority involved public consultation, with a relatively small number of confidential consultations being undertaken. Comments are invited on whether this has enabled stakeholders to have sufficient involvement in consultations on tax measures relevant to them over the two year review period.

TDRP Recommendation 10: Consultation summary on Treasury website

The Government should post a consultation summary on the Treasury website when legislation for the measure is introduced into Parliament.

2.38 During the review period, written submissions were provided to the Government through a consultation process for 41 of the measures announced and

⁵ Note, measures announced but not yet introduced during the review period have not been included in the table because consultation was still underway or yet to commence.

⁶ Note, one tax measure had both public consultations undertaken on the first release of draft legislation, and confidential consultations undertaken on subsequent version of draft legislation.

introduced. A consultation summary for 38 of these measures (93 per cent) was posted on the Treasury website.

2.39 The Board seeks comments on whether the posting of consultation summaries for almost all measures consulted upon has provided improved feedback and greater certainty for stakeholders participating in the consultation process. Comments are also invited on the quality of the Government’s consultation summaries.

TDRP Recommendation 5: Announcements should include detail of proposed changes

The Government should ensure that press releases advising of tax changes are accompanied by a separate Treasury document providing a level of detail similar to that in the drafting instructions Treasury provides to OPC. The separate document should describe the consultation timetable and include the details of the Treasury contact for the measure.

2.40 The table below shows the number of tax measures announced during the review period which were accompanied by a separate Treasury document (a discussion paper) providing details of the proposed changes.

Measures announced during the review period	Number of announced measures	Number of announced measures accompanied by a discussion paper at time of announcement		Number of announced measures accompanied by a discussion paper released after announcement		Average delay in release of discussion paper after announcement of measure (mths)
Enacted Measures	49	10	(20%)	10	(20%)	1.6 mths
Lapsed Measures	8	4	(50%)	2	(25%)	5.5 mths
Measures Not Introduced	33	9	(27%)	5	(15%)	2.1 mths
All measures	90	23	(26%)	17	(19%)	2.2 mths

2.41 The data indicates that one quarter of all measures announced during the review period were accompanied by a discussion paper at the same time as the announcement. A discussion paper was subsequently released for a further 19 per cent of measures, with an average lag of 2.2 months. It is noted that of the measures which were not accompanied by a discussion paper, 11 were minor, administrative or concessional measures.

2.42 The Board understands that in some cases the release of the discussion paper was delayed to stagger the release of papers and the due dates for comments.

2.43 Where discussion papers were released, they included details of the Treasury contacts responsible for the measure.

2.44 Comments are invited on whether the release of discussion papers for just under half of the measures announced during the two year review period has caused uncertainty for taxpayers in managing their tax affairs.

TDRP Recommendation 8: Post-announcement consultation — four weeks at each stage

The time allowed for post-announcement consultation should be a minimum of four weeks on the policy design and four weeks on the draft legislation.

TDRP Recommendation 9: Drafting priority to allow for consultation

To facilitate the timely introduction of substantive tax measures and in recognition of the need to consult on draft legislation, the Government should ensure that the priority accorded to the drafting of legislation required for consultation purposes would allow the legislation to be drafted by the date by which it needs to be released for consultation.

2.45 The time periods allowed for post-announcement consultation on measures announced during the review period are set out in the table below.

Post-announcement consultations undertaken during the review period	Measures which involved consultations	Number of post-announcement consultations undertaken	Average consultation period length (days)	Number of consultation periods under 28 days		Minimum consultation period (days)	Maximum consultation period (days)
Enacted measures	34	53	25.4	22	(41.5%)	6	49
Consultation on policy design		19	29.3	2	(10.5%)	7	39
Consultation on draft legislation		34	23.2	20	(58.8%)	6	49
Lapsed measures	7	11	28.9	4	(36.4%)	15	49
Consultation on policy design		4	34.8	0	(0.0%)	28	43
Consultation on draft legislation		7	25.6	4	(57.1%)	15	49
Measures not introduced	17	20	38.2	4	(20.0%)	15	80
Consultation on policy design		15	41.5	2	(13.3%)	15	80
Consultation on draft legislation		5	28.4	2	(40.0%)	18	46
All measures	58	84	28.9	30	(35.7%)	6	80
Consultation on policy design		38	34.7	4	(10.5%)	7	80
Consultation on draft legislation		46	24.1	26	(56.5%)	6	49

2.46 The data indicates that on average, the time period for consultation on policy design was 34 days which exceeds the recommended four week period. However, the average time period for consultation on draft legislation of 24 days is below the recommended four week period. Overall, 30 of the 84 consultation periods held were shorter than the recommended 28 day period (36 per cent).

2.47 The specific tax measures with the shortest and longest consultation periods are listed below.

Shortest consultation periods:

- (i) *Measure: Exemption of income earned in overseas employment* – 6 day period for consultation on draft legislation from 12 May 2009 to 18 May 2009.
- (ii) *Measure: Reforming the taxation of employee share schemes* – 7 day period for consultation on policy design from 5 June 2009 to 12 June 2009, and 7 day period for consultation on transitional provisions draft legislation from 15 September 2009 to 22 September 2009.
- (iii) *Measure: Definition of a Managed Investment Trust* – 7 day period for consultation on draft legislation from 16 April 2010 to 23 April 2010.
- (iv) *Measure: GST and cross-border transport supplies* – 7 day period for consultation on draft legislation from 26 February 2010 to 5 March 2010.

Longest consultation periods:

- (i) *Measure: GST Margin Scheme Review* – 80 day period for consultation on policy design from 12 May 2009 to 31 July 2009.
- (ii) *Measure: GST Financial Supply Provisions* – 80 day period for consultation on policy design from 12 May 2009 to 31 July 2009.
- (iii) *Measure: Improvements to Taxation Running Balance Accounts & Interest on Overpayments* – 80 day period for consultation on policy design from 20 May 2010 to 8 August 2010.
- (iv) *Measure: Repeal of the foreign investment fund and deemed present entitlement rules* – 49 day period for consultation on draft legislation from 18 December 2009 to 5 February 2010.
- (v) *Measure: Introduce new R&D tax credit* – 49 day period for consultation on draft legislation from 18 December 2009 to 5 February 2010.

2.48 The shortest period for consultation on draft legislation was for a Budget measure with a 1 July start date in the same year. In several instances, the shortened periods of consultation had been preceded by lengthier consultations at an earlier stage. Some of the references are to a second round of consultation on the draft legislation. Treasury also advised that on a number of occasions substantial discussions with stakeholders were undertaken outside the formal process and are not included in this data.

2.49 Comments are invited on whether the consultation arrangements on the policy design of announced measures have allowed sufficient time for issues to be identified and addressed before the drafting of legislation. Comment is also sought on whether the consultation arrangements on draft legislation have allowed sufficient time for issues to be identified, addressed and resolved before the introduction of legislation into Parliament.

2.50 To determine priority for Office of Parliamentary Counsel (OPC) to draft tax legislation for consultation purposes, the Treasury makes a recommendation to the Minister following consultation with the OPC. The Minister makes a recommendation to the Parliamentary Business Committee which decides priorities taking into account the Government's overall legislative priorities. The Board invites comments (from Treasury and others) on whether the prioritisation process is adequate to ensure legislation is being drafted by the date by which it needs to be released for consultation.

TDRP Recommendation 11: Simultaneous approval to consult on draft legislation

The Government should amend its approval processes so that, when seeking the Prime Minister's or Cabinet's policy approval for a tax measure, the Treasury Minister is also able to seek approval to release draft legislation for public consultation, without having to seek further approval.

2.51 The Government's approval processes enable Treasury ministers to seek approval to release draft legislation for public consultation when seeking policy approval for a measure. Once approval is obtained, Treasury ministers may release draft legislation for consultation without having to seek further approval, unless further policy approval is required.

Further information required on the quality of consultations

2.52 The Board recognises that the data collected to date is more an indicator of the *quantity* of consultation undertaken during the review period rather than the *quality* of that consultation.

2.53 However one statistical indicator of the quality of consultation is the number of measures amended as a result of the consultation process. This is summarised in the table below.⁷

⁷ Note, measures announced but not yet introduced during the review period have not been included in the table because consultation was still underway or yet to commence.

Measures announced during the review period	Measures where written submissions were received	Measures amended as a result of consultation		Policy change amendments		Technical correction amendments		Drafting change amendments	
Measures introduced & enacted	34	27	(79%)	13	(38%)	8	(24%)	17	(50%)
Measures introduced & lapsed	7	7	(100%)	2	(29%)	2	(29%)	5	(71%)
Total measures	41	34	(83%)	15	(37%)	10	(24%)	22	(54%)

2.54 The table shows that of the 41 measures for which written submissions were received, changes were made to either the policy detail or the draft legislation for 34 measures as a result of consultation (83 per cent). Of the seven measures which received submissions where no changes were made, the Board notes that four received submissions supporting the details of the measure.

2.55 To supplement this limited statistical evidence, the Board invites stakeholder comments on the quality of consultation undertaken during the review period at each of the 3 stages: pre-announcement consultation on policy design, post announcement consultation on the design of the announced policy, and consultation on the draft legislation. The Board also invites suggestions as to the manner in which the Board could evaluate the quality of the consultation process based on the experience of stakeholders.

2.56 This information will assist the Board evaluate whether improvements have resulted from the implementation of the Review Panel's recommendations, and identify any new recommendations which may be required.

Q 2.2: Issues/Questions

The Board seeks stakeholder comments on:

- whether the pre-announcement consultation which has been undertaken by the Government (including pre-announcement consultation through the Board of Taxation) has increased certainty for taxpayers;
- what instances of pre-announcement consultation could have been undertaken which would have resulted in more effective policy design than that reached by post-announcement consultation on the design of the announced policy and the draft legislation;
- instances where post-announcement consultation was not undertaken, but which might have been beneficial in refining the policy design or the draft legislation;
- whether the increased use of public consultation relative to confidential consultation has enabled stakeholders to have sufficient involvement in consultations on tax measures relevant to them over the two year review period;

Q 2.2: Issues/Questions (continued)

- whether the posting of consultation summaries for almost all measures consulted upon has provided improved feedback for stakeholders participating in the consultation process;
- whether the release of discussion papers for just under half of the measures announced during the two year review period has caused uncertainty for taxpayers in managing their tax affairs;
- whether the fact the minimum recommended time period (of four weeks) for post-announcement consultation on policy design has on average been met during the review period has allowed sufficient time for the public to identify issues, and for them to be addressed, before the legislation is drafted;
- whether the fact the minimum recommended time period (of four weeks) for consultation on draft legislation during the review period has broadly been met has allowed sufficient time for the public to identify issues, and for them to be addressed and resolved before the legislation is introduced into Parliament;
- whether the prioritisation process undertaken by Treasury and OPC is adequate in ensuring legislation is being drafted by the date by which it needs to be released for consultation;
- whether the information collected and presented in this discussion paper in relation to recommendations on the quantity of consultation accords with the perception and understanding of industry;
- relevant and factual information on the quality of the consultation that was undertaken by the Government in relation to tax measures announced during the review period;
- suggestions as to the manner in which the Board could evaluate the quality of the consultation process based on the experience of stakeholders; and
- whether there is any further evidence/information which the Board should consider in its review of the recommendations on the quality and quantity of consultation? If so, please provide this to the Board for its consideration.

INVOLVEMENT OF THE PRIVATE SECTOR

2.57 Recommendations 1, 2, 12 and 22 broadly relate to the involvement of the private sector in the design of tax measures. The full text of each of the recommendations appears below.

2.58 To assess the extent to which each of the recommendations has been implemented and whether they have resulted in demonstrable improvements in the tax design process, the following data was collected in relation to each tax measure announced during the period 22 August 2008 to 21 August 2010 (the review period):

- (a) whether the measure was developed by a tri-partite design team (comprising Treasury, Australian Taxation Office (ATO) and private sector participants);
- (b) whether the Office of Parliamentary Counsel (OPC) was involved in the policy design stage; and
- (c) whether a tri-partite design team monitored the early implementation of substantive new law.

Evaluation of data collected

TDRP Recommendation 1: Pre-announcement consultation on policy design

... For smaller changes, Treasury should engage the best available private sector experts on a paid professional basis to provide confidential advice on policy design ...

TDRP Recommendation 12: Engage private sector specialists

In accordance with Recommendation 1, the Treasury should engage external experts to ensure tax design is better informed by practical knowledge of the tax law, industry structures and commercial practices.

TDRP Recommendation 2: Tri-partite design teams

Substantive tax changes should be developed by a tri-partite team led by the Treasury, which includes tax officers and private sector experts. The team should have carriage of the measure throughout the design phase and should also monitor its implementation. Where appropriate, the Office of Parliamentary Counsel (OPC) should also be involved at the policy design stage.

TDRP Recommendation 22: Monitor early implementation of new law

The tri-partite design team should monitor the early implementation of substantive new law to ensure that the legislation is operating as intended by identifying legislative refinements that are needed and ensuring that appropriate administrative products and guidance material are in place.

2.59 External private sector experts were engaged on a paid professional basis to provide advice in relation to seven of the 90 tax measures announced during the review period (8 per cent), as follows:

- *Measure: Reform the foreign source income anti-tax deferral rules*
- *Measure: Make adjustments to the Income Tax Assessment Act 1997 to ensure the proper functioning of the CGT to improve the ability of businesses to restructure*
- *Measure: Make changes to GST cross-border transaction rules*
- *Measure: Further amendments to the Taxation Of Financial Arrangements – Tranche 2*
- *Measure: Improvements to Taxation Running Balance Accounts and Interest on Overpayments*
- *Measure: Restructure the current GST margin scheme provisions*
- *Measure: Improve the integrity of specific financial provisions in the GST law*

2.60 The level of participation of the private sector consultants in the resulting tri-partite design teams varied. In respect of one measure, *Reform of the foreign source income anti-tax deferral rules*, the involvement of the private sector consultant has been extensive. In others, including the *Further amendments to the Taxation Of Financial Arrangements – Tranche 2* measure, their involvement has been less extensive, with greater reliance being placed on the input of a wide cross-section of the private sector through comprehensive public consultation.

2.61 The data indicates the Office of Parliamentary Counsel (OPC) was involved at the policy design stage for only one tax measure during the review period – *Reform of the foreign source income anti-tax deferral rules*.

2.62 The data also indicates that none of the seven tri-partite teams were used to monitor the early implementation of substantive tax measures during the review period. However, the Board notes that Treasury officers and private sector experts were involved in ATO consultative forums which monitored the implementation of substantive changes in tax laws during the review period.

2.63 Nevertheless, the data above suggests these recommendations were not materially implemented during the review period. The Board invites comments from Treasury on its experience with the tri-partite design team arrangements and its plans for their future use.

2.64 The Board also invites suggestions from stakeholders, particularly those with experience of the process, as to how the engagement of private sector experts in consultations / tri-partite design teams could be improved and the reasons why those suggestions could be expected to lead to improvements in tax design.

2.65 Comments are also invited from stakeholders on whether the limited involvement of tri-partite teams in the tax design process has impacted on the quality of the tax measures announced during the review period. Comments should take into account the increasing opportunities provided for private sector input through public and confidential consultations during the review period. Specifically, during the review period consultation was undertaken pre-announcement (either by Treasury or via the Board of Taxation) in respect of 30 per cent of measures; on the announced policy for 46 per cent of measures; and on draft legislation for 68 per cent of measures.

Q 2.3: Issues/Questions

The Board seeks comments:

- from Treasury on its experience with the tri-partite design team arrangements and its plans for their future use;
- from stakeholders on their experience with the engagement of private sector experts by the Government and the resulting tri-partite design team arrangements;
- on whether the engagement of private sector experts and the involvement of tri-partite design teams in the tax design process has enhanced the quality of the tax measures announced during the review period;
- on whether the Government's limited use of tri-partite design teams during the review period, and increasing reliance on public consultation, suggests some modification of the tri-partite design team concept proposed by the Review Panel is appropriate;
- on suggestions as to how the engagement of private sector experts could be improved, based on the experiences of stakeholders, and the reasons why those suggestions could be expected to lead to improvements in tax design;
- on whether the information collected and presented in relation to recommendations on the involvement of the private sector accords with the perception and understanding of industry; and
- on whether there is any further evidence/information the Board should consider in its review of the recommendations on the involvement of the private sector? If so, please provide this to the Board for its consideration.

OTHER RECOMMENDATIONS

2.66 The full text of the remaining recommendations made by the Review Panel, namely Recommendations 14, 15, 23, 24, 25 and 26, appears below.

2.67 Data was collected to assess the extent to which each of the recommendations has been implemented and whether they have resulted in demonstrable improvements in the tax design process.

Evaluation of data collected

TDRP Recommendation 14: No change to current drafting arrangements

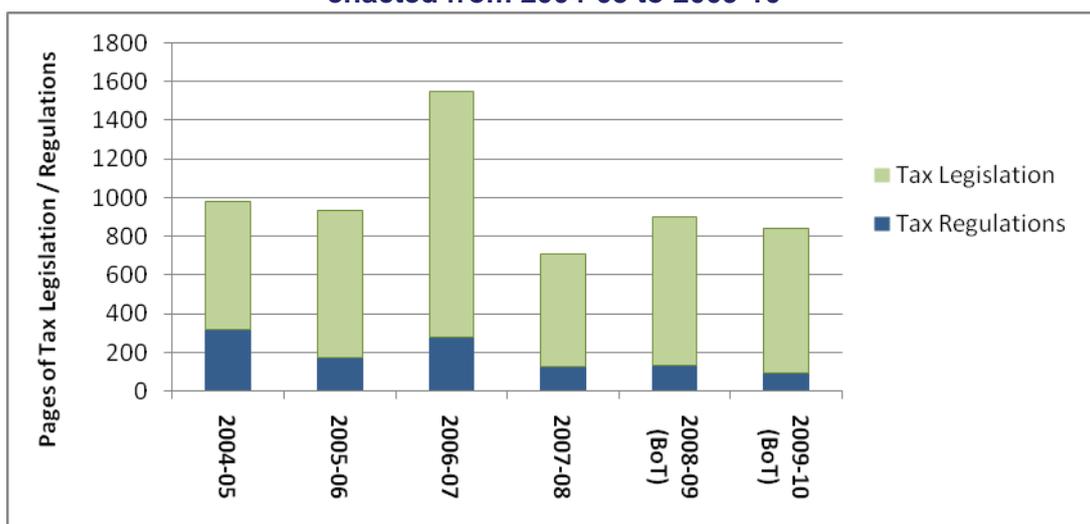
The Government should not outsource the legislative drafting function nor should the use of regulations be expanded.

TDRP Recommendation 15: No change to the location of drafting resources

The Government should not establish a dedicated tax drafting resource within the Treasury.

2.68 During the review period, the legislative drafting function was not outsourced, nor was a dedicated tax drafting resource established within the Treasury. The legislative drafting function remained the responsibility of OPC.

Chart 2.3: Comparison between pages of tax legislation and tax regulations enacted from 2004-05 to 2009-10



2.69 Chart 2.3 shows the number of pages of tax regulations enacted during each of the two income years of the review period, compared with the four preceding income

years. The data indicates the use of regulations was not expanded during the review period.

TDRP Recommendation 23: Board of Taxation to perform more post-implementation reviews

The Government should more frequently ask the Board of Taxation to conduct a formal post-implementation review of major policy initiatives, after two to three years of operation.

2.70 During the review period, the Government asked the Board of Taxation to conduct two formal post-implementation reviews of major policy initiatives. These comprised the following:

- The post-implementation review of the alienation of personal services income. This review was requested by the then Assistant Treasurer on 3 June 2009 and completed by the Board in October 2009; and
- The post-implementation review into certain aspects of the tax consolidation regime. This review is currently being undertaken by the Board. A discussion paper was released by the Board in November 2009 and a position paper was released on 13 October 2010.

2.71 The Board also undertook a review of the Tax Issues Entry System in 2010, following its first year of operation.

2.72 Prior to the review period, the Board had, since its establishment in August 2000, undertaken two post-implementation reviews. These were in relation to small business capital gains tax concessions (completed in October 2005) and non-commercial losses (completed in June 2004).

TDRP Recommendation 24: Investigate powers to grant extra-statutory concessions

The Government should consider whether the Commissioner of Taxation should be given further power to modify the tax law to give relief to taxpayers, or whether there are preferable ways in which the Commissioner could provide extra-statutory concessions in appropriate circumstances.

2.73 On 12 May 2009, the Treasury released a discussion paper entitled 'Extra-statutory concessions power for the Commissioner of Taxation' for public consultation. The discussion paper explores whether the Commissioner of Taxation should have an extra-statutory concession power to modify tax laws to give relief to taxpayers in appropriate circumstances.

2.74 Treasury has received 11 submissions from the public in response to the discussion paper. These can be accessed at the following link:

<http://www.treasury.gov.au/contentitem.asp?ContentID=1681&NavID=037>

2.75 The Government has not made any further announcement in relation to this matter.

TDRP Recommendation 25: A mechanism to implement the recommendations

The Government should ensure there is a mechanism in place to drive the implementation of the new tax design process.

2.76 The Treasury advises that its Senior Executive drives the implementation of the new tax design processes. They are assisted by the Group's Legislation Management Committee, Tax Specialists' Network and Tax Policy Network, as well as the Group's tax design process map. As outlined in paragraph 2.16 above, the tax design process map assists Treasury officers plan and deliver tax projects.

2.77 The ATO plans to develop a practice statement confirming its role in tri-partite legislative development, including the timing of the ATO's involvement and details of its interactions with Treasury and other stakeholders.

TDRP Recommendation 26: Review implementation of recommendations after two years

The Government should ask the Board of Taxation to review the tax design process after two years and report to Government on the extent to which there are demonstrated improvements.

2.78 This recommendation has instigated the current review by the Board to evaluate the implementation of the Review Panel's recommendations.

Q 2.4: Issues/Questions

The Board seeks stakeholder comments on:

- whether the information collected and presented in relation to recommendations 14, 15, 23, 24 and 25 accords with the perception and understanding of industry; and
- whether there is any further evidence/information the Board should consider in its review of these recommendations? If so, please provide this to the Board for its consideration.

GLOSSARY

ATO	Australian Taxation Office
The Board	Board of Taxation (also 'BoT')
NTLG	National Tax Liaison Group
OPC	Office of Parliamentary Counsel
Review Panel	The Tax Design Review Panel (also 'TDRP')
Review period	The two year period from 22 August 2008 to 21 August 2010

APPENDIX A: QUESTIONS

Q 2.1: Issues/Questions

The Board seeks stakeholder comments on:

- whether the increase in the proportion of prospective measures announced during the review period has enabled taxpayers to more effectively structure their tax affairs;
- whether the introduction of a majority of measures within the recommended time frames (of 6 and 12 months) has lessened concerns about delays in introducing legislation for announced measures;
- whether the Government's publication of the Forward Work Program for Announced Tax and Superannuation Measures has increased certainty and eased concerns about delays in introducing tax changes;
- whether the information collected and presented in this discussion paper in relation to recommendations on the timing of legislation accords with the perception and understanding of industry; and
- whether there is any further evidence / information which the Board should consider in its review of the recommendations on the timing of legislation? If so, please provide this to the Board for its consideration.

Q 2.2: Issues/Questions

The Board seeks stakeholder comments on:

- whether the pre-announcement consultation which has been undertaken by the Government (including pre-announcement consultation through the Board of Taxation) has increased certainty for taxpayers;
- what instances of pre-announcement consultation could have been undertaken which would have resulted in more effective policy design than that reached by post-announcement consultation on the design of the announced policy and the draft legislation;
- instances where post-announcement consultation was not undertaken, but which might have been beneficial in refining the policy design or the draft legislation;
- whether the increased use of public consultation relative to confidential consultation has enabled stakeholders to have sufficient involvement in consultations on tax measures relevant to them over the two year review period;

- whether the posting of consultation summaries for almost all measures consulted upon has provided improved feedback for stakeholders participating in the consultation process;
- whether the release of discussion papers for just under half of the measures announced during the two year review period has caused uncertainty for taxpayers in managing their tax affairs;
- whether the fact the minimum recommended time period (of four weeks) for post-announcement consultation on policy design has on average been met during the review period has allowed sufficient time for the public to identify issues, and for them to be addressed, before the legislation is drafted;
- whether the fact the minimum recommended time period (of four weeks) for consultation on draft legislation during the review period has broadly been met has allowed sufficient time for the public to identify issues, and for them to be addressed and resolved before the legislation is introduced into Parliament;
- whether the prioritisation process undertaken by Treasury and OPC is adequate in ensuring legislation is being drafted by the date by which it needs to be released for consultation;
- whether the information collected and presented in this discussion paper in relation to recommendations on the quantity of consultation accords with the perception and understanding of industry;
- relevant and factual information on the quality of the consultation that was undertaken by the Government in relation to tax measures announced during the review period;
- suggestions as to the manner in which the Board could evaluate the quality of the consultation process based on the experience of stakeholders; and
- whether there is any further evidence/information which the Board should consider in its review of the recommendations on the quality and quantity of consultation? If so, please provide this to the Board for its consideration.

Q 2.3: Issues/Questions

The Board seeks comments:

- from Treasury on its experience with the tri-partite design team arrangements and its plans for their future use;
- from stakeholders on their experience with the engagement of private sector experts by the Government and the resulting tri-partite design team arrangements;

- on whether the engagement of private sector experts and the involvement of tri-partite design teams in the tax design process has enhanced the quality of the tax measures announced during the review period;
- on whether the Government's limited use of tri-partite design teams during the review period, and increasing reliance on public consultation, suggests some modification of the tri-partite design team concept proposed by the Review Panel is appropriate;
- on suggestions as to how the engagement of private sector experts could be improved, based on the experiences of stakeholders, and the reasons why those suggestions could be expected to lead to improvements in tax design;
- on whether the information collected and presented in relation to recommendations on the involvement of the private sector accords with the perception and understanding of industry; and
- on whether there is any further evidence / information the Board should consider in its review of the recommendations on the involvement of the private sector? If so, please provide this to the Board for its consideration.

Q 2.4: Issues/Questions

The Board seeks stakeholder comments on:

- whether the information collected and presented in relation to recommendations 14, 15, 23, 24 and 25 accords with the perception and understanding of industry; and
- whether there is any further evidence / information the Board should consider in its review of these recommendations? If so, please provide this to the Board for its consideration.

APPENDIX B: RECOMMENDATIONS MADE BY THE TAX DESIGN REVIEW PANEL

TDRP Recommendation 1: Pre-announcement consultation on policy design

The Government should generally consult on tax changes at the initial policy design stage, prior to any Government announcement. For major policy changes, consultation should include public consultation on policy design (for example, via the release of a discussion paper). For smaller changes, Treasury should engage the best available private sector experts on a paid professional basis to provide confidential advice on policy design. Where possible, the agreement of the States and Territories should be sought on GST changes prior to any Federal Government announcement.

TDRP Recommendation 2: Tri-partite design teams

Substantive tax changes should be developed by a tri-partite team led by the Treasury, which includes tax officers and private sector experts. The team should have carriage of the measure throughout the design phase and should also monitor its implementation. Where appropriate, the Office of Parliamentary Counsel (OPC) should also be involved at the policy design stage.

TDRP Recommendation 3: Changes should be prospective and introduced within 12 months

The Government should ensure that announced tax changes generally apply prospectively (that is, from a date following enactment of the legislation). The Government should aim to introduce legislation for such measures within 12 months of announcement.

TDRP Recommendation 4: Retrospective changes should be introduced within six months

In circumstances where retrospective measures are appropriate, the Government should aim to introduce legislation within six months of announcement, recognising that in order to meet this timeframe it may be necessary to reduce the time allowed for consultation.

TDRP Recommendation 5: Announcements should include detail of proposed changes

The Government should ensure that press releases advising of tax changes are accompanied by a separate Treasury document providing a level of detail similar to that in the drafting instructions Treasury provides to OPC. The separate document should describe the consultation timetable and include the details of the Treasury contact for the measure.

TDRP Recommendation 6: Two-stage public consultation after announcement

The Government should ensure that post-announcement consultation on substantive tax measures occurs at two stages: (i) on the design of the announced policy; and (ii) on the draft legislation.

TDRP Recommendation 7: Post-announcement consultation should be public

The Government should generally adopt public consultation for post announcement consultations to ensure that all stakeholders have the opportunity to contribute to the process.

TDRP Recommendation 8: Post-announcement consultation — four weeks at each stage

The time allowed for post-announcement consultation should be a minimum of four weeks on the policy design and four weeks on the draft legislation.

TDRP Recommendation 9: Drafting priority to allow for consultation

To facilitate the timely introduction of substantive tax measures and in recognition of the need to consult on draft legislation, the Government should ensure that the priority accorded to the drafting of legislation required for consultation purposes would allow the legislation to be drafted by the date by which it needs to be released for consultation.

TDRP Recommendation 10: Consultation summary on Treasury website

The Government should post a consultation summary on the Treasury website when legislation for the measure is introduced into Parliament.

TDRP Recommendation 11: Simultaneous approval to consult on draft legislation

The Government should amend its approval processes so that, when seeking the Prime Minister's or Cabinet's policy approval for a tax measure, the Treasury Minister is also able to seek approval to release draft legislation for public consultation, without having to seek further approval.

TDRP Recommendation 12: Engage private sector specialists

In accordance with Recommendation 1, the Treasury should engage external experts to ensure tax design is better informed by practical knowledge of the tax law, industry structures and commercial practices.

TDRP Recommendation 13: Treasury's project management approach

The Treasury should seek continuous improvement in its project management techniques and capabilities.

TDRP Recommendation 14: No change to current drafting arrangements

The Government should not outsource the legislative drafting function nor should the use of regulations be expanded.

TDRP Recommendation 15: No change to the location of drafting resources

The Government should not establish a dedicated tax drafting resource within the Treasury.

TDRP Recommendation 16: Greater priority to care and maintenance

The Government should ensure greater priority is given to the ongoing care and maintenance of the tax system.

TDRP Recommendation 17: Adopt the Board of Taxation's 2007 TIES recommendation

The Government should pilot the Tax Issues Entry System (TIES) to identify legislative and administrative issues relating to the care and maintenance of the tax system. The Board of Taxation should review the operation of the system after 12 months.

TDRP Recommendation 18: Board of Taxation to advise on TIES priorities

The Government should ask the Board of Taxation to consult with the community and provide advice to the Government on how issues identified through TIES should be prioritised. The Board's advice to the Minister should be made public.

TDRP Recommendation 19: Publish a forward work program on announced measures

The Government should publish a rolling forward work program setting out the consultation it plans for announced tax measures and indicating the legislation it plans to introduce in the next sittings. When a delay occurs, the forward work program should be amended to reflect the delay and to explain the reasons for it.

TDRP Recommendation 20: Process to deal with unenacted announcements

As soon as practicable, the Government should announce its position in relation to all unlegislated announcements of the previous Government. For those measures that are to be adopted, the Government should announce an indicative work program for their implementation (in accordance with Recommendation 19).

TDRP Recommendation 21: Periodically review unenacted measures

The Government should periodically review any stock of unlegislated announcements and provide certainty to the community by dealing with any measures that are not to proceed.

TDRP Recommendation 22: Monitor early implementation of new law

The tri-partite design team should monitor the early implementation of substantive new law to ensure that the legislation is operating as intended by identifying legislative refinements that are needed and ensuring that appropriate administrative products and guidance material are in place.

TDRP Recommendation 23: Board of Taxation to perform more post-implementation reviews

The Government should more frequently ask the Board of Taxation to conduct a formal post-implementation review of major policy initiatives, after two to three years of operation.

TDRP Recommendation 24: Investigate powers to grant extra-statutory concessions

The Government should consider whether the Commissioner of Taxation should be given further power to modify the tax law to give relief to taxpayers, or whether there are preferable ways in which the Commissioner could provide extra-statutory concessions in appropriate circumstances.

TDRP Recommendation 25: A mechanism to implement the recommendations

The Government should ensure there is a mechanism in place to drive the implementation of the new tax design process.

TDRP Recommendation 26: Review implementation of recommendations after two years

The Government should ask the Board of Taxation to review the tax design process after two years and report to Government on the extent to which there are demonstrated improvements.

APPENDIX C: MEASURES ANNOUNCED BETWEEN 22 AUGUST 2008 AND 21 AUGUST 2010

Measures introduced and enacted

Measure	Announcement	Start date	Drafting Instructions sent	Introduced	Royal Assent	Time between Announcement & Introduction	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announcement	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
1 Increasing the Medicare levy surcharge thresholds	23-Sep-08	1 July 2008 - Retrospective	14-May-08	25-Sep-08	31-Oct-08	2 days, <12 months				Y	No	No	No	No					
2 Assistance to individuals and communities affected by the Victorian bushfires and North Queensland floods	10-Feb-09	1 July 2008 - Retrospective		3-Dec-08	26-Mar-09	69 days, <12 months	Y				No	No	No	No					
3 Payment to taxpayer	3-Feb-09	Royal Assent - Prospective		12-Feb-09	18-Feb-09	9 days, <12 months	Y				No	No	No	No					
4 Australia-British Virgin Islands Agreement	28-Oct-08	Royal Assent - Prospective	1-Dec-08	19-Mar-09	8-Oct-09	142 days, <12 months		Y			No	No	No	No					
5 Australia-Isle of Man Agreement	30-Jan-09	Royal Assent - Prospective	1-Dec-08	19-Mar-09	8-Oct-09	48 days, <12 months		Y			No	No	No	No					
6 Small Business and General Business Tax Break	12-Dec-08	1 July 2008 - Retrospective		19-Mar-09	22-May-09	97 days, <12 months	Y				No	No	No	Yes 13 days	OP	65	Y	Y	PC
7 Validation of increased duty on alcoholic beverages	15-Apr-09	14 May 2009 - Prospective	16-Apr-09	12-May-09	13-May-09	27 days, <12 months	Y				No	No	No	No					
8 Reduction in 2009-10 PAYG instalments	28-Mar-09	1 July 2009 - Prospective	1-Apr-09	14-May-09	24-Jun-09	47 days, <12 months				Y	No	No	No	No					
9 Petroleum resource rent tax: minor changes	12-May-09	1 July 2008 - Retrospective	29-Aug-07	14-May-09	24-Jun-09	2 days, <12 months	Y				No	No	No	No					
10 Exemption of income earned in overseas employment	12-May-09	1 July 2009 - Prospective	6-May-09	27-May-09	29-Jun-09	15 days, <12 months	Y				No	No	Yes 6 days	Yes 6 days	OP	5	Y	N	DC
11 Temporary reduction in the Government co-contribution	12-May-09	1 July 2009 - Prospective	30-Apr-09	27-May-09	29-Jun-09	15 days, <12 months	Y				No	No	No	No					
12 Reduction in the concessional contributions cap	12-May-09	1 July 2009 - Prospective	30-Apr-09	27-May-09	29-Jun-09	15 days, <12 months	Y				No	No	No	No					

** OP — open public, TP — targeted public, C — confidential

*** PC — policy changes, TC — technical corrections, DC — drafting changes.

Measures introduced and enacted (continued)

Measure	Announcement	Start date	Drafting Instructions sent	Introduced	Royal Assent	Time between Announcement & Introduction	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announcement	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
13 Medicare levy and Medicare levy surcharge low-income thresholds	12-May-09	July 2008 - Retrospective	14-Apr-09	28-May-09	23-Jun-09	16 days, <12 months				Y	No	No	No	No					
14 Lift the expenditure cap for eligibility to the Research and Development Tax Offset	12-May-09	July 2009 - Retrospective	25-May-09	25-Jun-09	18-Sep-09	44 days, <12 months	Y				No	No	No	No					
15 Demutualisation of friendly societies	24-Oct-08	July 2008 - Retrospective	24-Nov-08	25-Jun-09	18-Sep-09	244 days, <12 months	Y				No	No	Yes 28 days	Yes 28 days	TP	7	Y	Y	TC
16 Minor amendments	20-May-09	Royal Assent - Prospective		25-Jun-09	18-Sep-09	36 days, <12 months	Y				No	No	No	No					
17 GST and representatives of incapacitated entities	6-Feb-09	July 2000 - Retrospective	17-Feb-09	16-Sep-09	4-Dec-09	222 days, <12 months	Y				Yes	No	No	Yes 25 days	TP	8	Y	Y	PC, TC, DC
18 Pay as you go instalments and taxation of financial arrangements interactions	4-Sep-09	July 2010 - Prospective	12-Aug-09	16-Sep-09	4-Dec-09	12 days, <12 months	Y				No	No	No	No					
19 Continence Aids Payment Scheme	12-May-09	July 2009 - Retrospective	11-Aug-09	16-Sep-09	4-Dec-09	127 days, <12 months	Y				No	No	No	No					
20 Interest withholding tax — extension of eligibility for exemption to Commonwealth issued debt	21-Aug-09	Royal Assent - Prospective	13-Aug-09	16-Sep-09	4-Dec-09	26 days, <12 months	Y				No	No	No	Yes 7 days	OP	1	N	Y	-
21 2009 Victorian Bushfire Appeal Trust Account	17-Aug-09	23 January 2009 - Retrospective	25-Aug-09	16-Sep-09	4-Dec-09	30 days, <12 months	Y				No	Yes	No	Yes 21 days	OP, C	11	Y	Y	TC
22 Resale royalty right for visual artists	9-Feb-09	July 2009 - Retrospective	8-Dec-09	16-Sep-09	9-Dec-09	219 days, <12 months	Y				No	No	No	No					
23 Reforming the taxation of employee share schemes	12-May-09	July 2009 - Retrospective	26-May-09	21-Oct-09	14-Dec-09	162 days, <12 months	Y				Yes	Yes	Yes 7 days	Yes 17 days, 7 days	OP, C	95	Y	Y	DC
24 Non-commercial losses	12-May-09	July 2009 - Retrospective	30-Apr-09	21-Oct-09	14-Dec-09	162 days, <12 months	Y				No	No	No	Yes 30 days	OP	17	Y	Y	PC

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Measures introduced and enacted (continued)

Measure	Announcement	Start date	Drafting Instructions sent	Introduced	Royal Assent	Time between Announcement & Introduction	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announcement	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC) ***
25 Superannuation — Payment of lost member accounts to the Commissioner of Taxation	12-May-09	1 July 2010 - Prospective	18-May-09	21-Oct-09	14-Dec-09	162 days, <12 months	Y				No	No	Yes 35 days	Yes 21 days	OP	37	Y	Y	DC
26 Dual listed company arrangement	22-Oct-09	Royal Assent - Prospective	9-Jul-09	25-Nov-09	11-Mar-10	34 days, <12 months	Y				No	No	No	No					
27 The Australia-New Zealand Convention	29-Jun-09	Royal Assent - Prospective	9-Jul-09	25-Nov-09	11-Mar-10	149 days, <12 months		Y			No	Yes	Yes	Yes	C	13	Y	N	PC
28 The Second Protocol with Belgium	25-Jun-09	1 January 2010 - Retrospective	9-Jul-09	25-Nov-09	11-Mar-10	153 days, <12 months		Y			No	No	No	No					
29 The Australia-Jersey Agreement	15-Jun-09	Royal Assent - Prospective	9-Jul-09	25-Nov-09	11-Mar-10	163 days, <12 months		Y			No	No	No	No					
30 Creating a consistent four-year period for claiming input tax credits and fuel tax credits	12-May-09	12 May 2009 - Retrospective	13-Jul-09	25-Nov-09	24-Mar-10	197 days, <12 months	Y				Yes	Yes	Yes 29 days	Yes 21 days	OP, C	11	Y	Y	DC
31 Australian External Territory refund collection system	12-May-09	1 July 2010 - Prospective	6-Aug-09	25-Nov-09	24-Mar-10	197 days, <12 months	Y				Yes	Yes	No	Yes 21 days	OP, C	2	N	Y	-
32 Agency provisions	12-May-09	1 July 2010 - Prospective	14-Jul-09	25-Nov-09	24-Mar-10	197 days, <12 months	Y				Yes	Yes	No	Yes 21 days	OP, C	4	Y	Y	DC
33 Gambling activities by entities outside Australia	12-May-09	Royal Assent - Prospective	17-Aug-09	25-Nov-09	24-Mar-10	197 days, <12 months	Y				Yes	Yes	No	Yes 21 days	OP, C	2	N	Y	-
34 Recovering overpaid refunds	12-May-09	Royal Assent - Prospective	21-Aug-09	25-Nov-09	24-Mar-10	197 days, <12 months	Y				Yes	Yes	Yes 28 days	Yes 21 days	OP, C	7	N	Y	-
35 GST and associates provisions	12-May-09	Royal Assent - Prospective	29-Jul-09	25-Nov-09	24-Mar-10	197 days, <12 months	Y				Yes	Yes	No	Yes 21 days	OP, C	4	N	Y	-
36 Removal of capital gains tax trust cloning exception and provision of limited fixed trust roll-over	12-May-09	1 November 2008 - Retrospective	13-Nov-08	25-Nov-09	24-Mar-10	197 days, <12 months	Y				No	No	Yes 28 days	Yes 28 days	TP	18	Y	Y	PC, TC
37 Loss relief for merging superannuation funds	23-Dec-08	24 December 2008 - Retrospective	16-Mar-09	25-Nov-09	24-Mar-10	337 days, <12 months	Y				No	No	Yes 28 days	Yes 28 days	OP	31	Y	Y	PC, TC
38 Exempt annuity business of life insurance companies	12-May-09	1 July 2000 - Retrospective	15-Jul-09	25-Nov-09	24-Mar-10	197 days, <12 months	Y				No	No	Yes 31 days	Yes 12 days	OP, C	3	Y	Y	PC

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Measures introduced and enacted (continued)

Measure	Announcement	Start date	Drafting Instructions sent	Introduced	Royal Assent	Time between Announcement & Introduction	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announcement	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
39	Specifically listed deductible gift recipients - The Green Institute Limited	2-Nov-09 24 June 2009 - Retrospective	11-Aug-09	25-Nov-09	24-Mar-10	23 days, <12 months			Y		No	No	No	No					
40	Specifically listed deductible gift recipients - United States Studies Centre Limited	2-Nov-09 27 July 2009 - Retrospective	11-Aug-09	25-Nov-09	24-Mar-10	23 days, <12 months			Y		No	No	No	No					
41	Specifically listed deductible gift recipients - change the name of the organisation Dymocks Literacy Foundation Limited to Dymocks Children's Charities Limited	2-Nov-09 4 June 2009 - Retrospective	11-Aug-09	25-Nov-09	24-Mar-10	23 days, <12 months			Y		No	No	No	No					
42	Income Recovery Subsidy for the North Western Queensland flood	2-Nov-09 1 July 2008 - Retrospective	27-Oct-09	25-Nov-09	24-Mar-10	23 days, <12 months	Y				No	No	No	No					
43	Excise manufacture and spirits	2-Nov-09 Royal Assent - Prospective	8-Sep-09	25-Nov-09	24-Mar-10	23 days, <12 months	Y				No	No	No	No					
44	Forestry managed investment schemes	21-Oct-09 1 July 2007 - Retrospective	11-Nov-09	10-Feb-10	3-Jun-10	112 days, <12 months	Y				No	No	No	No					
45	Miscellaneous amendments	30-Nov-09 3 June 2010 - Prospective		10-Feb-10	3-Jun-10	72 days, <12 months	Y				No	No	No	Yes 46 days	OP	4	Y	Y	DC
46	Adjustments for third party payments	12-May-09 1 July 2010 - Prospective	14-Jul-09	10-Feb-10	24-Mar-10	274 days, <12 months	Y				Yes	Yes	Yes	Yes	OP, C	7	Y	Y	TC
47	Attribution of input tax credits	12-May-09 1 July 2010 - Prospective	24-Aug-09	10-Feb-10	24-Mar-10	274 days, <12 months	Y				Yes	No	Yes	Yes	OP	9	N	Y	-
48	Managed investment trust - capital treatment and taxation of carried interests	12-May-09 1 July 2008 - Retrospective	29-Jul-09	10-Feb-10	3-Jun-10	274 days, <12 months	Y				Yes	No	Yes	Yes	OP	41	Y	Y	PC
49	Transfer of Provisions - income tax law rewrites	13-Mar-09 1 July 2010 - Prospective		17-Mar-10	29-Jun-10	369 days, >12 months, LATE	Y				No	No	No	Yes 43 days	OP	6	Y	Y	TC, DC

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Measures introduced and enacted (continued)

Measure	Announcement	Start date	Drafting Instructions sent	Introduced	Royal Assent	Time between Announcement & Introduction	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announcement	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***	
50	Improving fairness and integrity in the tax system: distributions to entities connected with a private company	12-May-09	12-Aug-09	17-Mar-10	28-Jun-10	309 days, <12 months	Y				No	No	Yes 28 days	Yes 28 days	OP	37	Y	Y	PC, DC	
51	Extending the tax file number withholding arrangements to closely held trusts, including family trusts	12-May-09	11-Nov-09	17-Mar-10	28-Jun-10	309 days, <12 months	Y				No	No	Yes 29 days	Yes 14 days	OP	16	Y	Y	PC, DC	
52	Bail Peace Park Association Inc.	16 December 2009 - Retrospective	8-Feb-10	17-Mar-10	28-Jun-10	90 days, <12 months		Y			No	No	No	No						
53	Income tax exemption: Global Carbon Capture and Storage Institute Limited	2-Nov-09	16-Dec-09	17-Mar-10	28-Jun-10	135 days, <12 months		Y			No	No	No	No						
54	Repeal of certain unlimited periods for amending assessments	12-May-09	9-Apr-09	17-Mar-10	28-Jun-10	309 days, <12 months	Y				No	Yes 56 days	No	No	OP, C	12	Y	Y	PC	
55	GST groups and GST joint ventures	12-May-09	13-Jul-09 30-Oct-09	18-Mar-10	28-Jun-10	310 days, <12 months	Y				Yes	No	Yes 29 days	Yes 31 days	OP	18	Y	Y	PC, TC, DC	
56	Adopting the general rulings system for indirect taxes and excise	12-May-09	26-Oct-09	18-Mar-10	28-Jun-10	310 days, <12 months	Y				Yes	Yes	Yes 29 days	Yes 31 days	OP, C	12	Y	Y	PC, DC	
57	Tax invoices	12-May-09	17-Aug-09	18-Mar-10	28-Jun-10	310 days, <12 months	Y				Yes	Yes	Yes 29 days	Yes 31 days	OP, C	12	Y	Y	PC, DC	
58	Increased tax on tobacco products	29-Apr-10		12-May-10	28-Jun-10	13 days, <12 months			Y		No	No	No	No						
59	Repeal of the foreign investment fund and deemed present entitlement rules	12-May-09	7-Aug-09	13-May-10	14-Jul-10	366 days, >12 months, LATE	Y				Yes	No	No	Yes 49 days	OP	8	Y	Y	DC	
60	Medicare Levy and Medicare Levy Surcharge Thresholds	11-May-10	29-Mar-10	13-May-10	28-Jun-10	2 days, <12 months				Y	No	No	No	No						
61	Government co-contribution for low income earners	11-May-10	28-Apr-10	26-May-10	28-Jun-10	15 days, <12 months				Y	No	No	No	No						

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Measures introduced and enacted (continued)

Measure	Announcement	Start date	Drafting Instructions sent	Introduced	Royal Assent	Time between Announcement & Introduction	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announcement	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
62 Thin capitalisation — modification of the rules in relation to the application of accounting standards for authorised deposit-taking institutions	12-May-09	1 January 2009 - Retrospective		26-May-10	29-Jun-10	379 days, >12 months, LATE	Y				No	No	No	Yes 29 days	OP	2	Y	Y	DC
63 Special Disability Trusts — changes to the taxation of unexpended income	12-May-09	1 July 2008 - Retrospective		26-May-10	29-Jun-10	379 days, >12 months, LATE	Y				No	No	Yes 27 days	Yes 12 days	OP	18	N	Y	-
64 Definition of a managed investment trust	10-Feb-10	1 July 2010 - Prospective		26-May-10	29-Jun-10	105 days, <12 months	Y				Yes	No	Yes 39 days	Yes 7 days	OP	29	Y	Y	DC
65 GST and cross-border transport supplies	12-May-09	1 July 2010 - Prospective		26-May-10	29-Jun-10	379 days, >12 months, LATE	Y				No	Yes	Yes 36 days	Yes 14 days	OP, C	10	Y	Y	DC

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Measures introduced and lapsed

Measure	Announcement	Start Date	Dis sent	Introduced	Time between Announcement & Introduction	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
1	Make amendments to foreign currency rules	13-May-08	1 July 2003 - Retrospective	No record	23-Jun-10	771 days, >6 months, LATE	Y			No	No	Yes	No	TP	0	Y	N	TC
2	Amend the secrecy and disclosure provisions in the tax law	13-Mar-09	Royal Assent - Prospective	5-Jan-07	19-Nov-09	251 days, <12 months	Y			No	No	Yes 43 days	Yes 35 days	OP	50	Y	Y	DC
3	Give the force of law to the Second Protocol with Singapore	8-Sep-09	22 December 2010 - Unknown	21-Dec-09	23-Jun-10	288 days, <12 months	Y			No	No	No	No					
4	Introduce a new R&D tax credit	12-May-09	1 July 2010 - Unknown	7-Sep-09	13-May-10	366 days, >12 months, LATE	Y			No	No	Yes 38 days	Yes 49 days, 19 days	OP	383	Y	Y	PC, TC, DC
5	Provide transitional relief regarding the deduction of insurance premiums relating to the payment of disability superannuation benefits by complying superannuation funds	13-Oct-09	23 November 2009 - Retrospective	27-Apr-10	24-Jun-10	254 days, >6 months, LATE	Y			Yes	No	Yes via NTLG	Yes 28 days	OP	7	Y	Y	DC
6	A tax treaty with Turkey	28-Apr-10	Royal Assent - Prospective		1-Jul-10	64 days, <12 months	Y			No	No	Yes	Not yet	C				
7	Unclaimed superannuation monies held by the States and Territories; and minor superannuation amendments	11-May-10	16 November 2010 - Unknown	10-Dec-09	24-Jun-10	44 days, <12 months	Y			No	No	No	Yes 16 days	C	7	Y	N	DC

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Measures introduced and lapsed (continued)

Measure	Announcement	Start Date	Dis sent	Introduced	Time between Announcement & Introduction	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
8 Amend the GST third party payment adjustment provisions to remove an opportunity to use third party payments to artificially reduce GST liabilities in certain situations	26-May-10	1 July 2010 - Unknown	11-May-10	23-Jun-10	28 days, <12 months	Y				No	No	No	No	TP	6	Y	Y	PC
9 Provide a capital gains tax roll-over for changes to water entitlements and provision for exit fees	27-Feb-09	1 July 2005 - Retrospective	17-Nov-09 16-Mar-09	23-Jun-10	481 days, >6 months, LATE	Y				No	No	Yes 28 days	Yes 17 days	TP	6	Y	Y	PC
10 Align the requirements of the scrip for scrip roll-over with the requirements of the Corporations Act 2001 regulating takeovers and schemes of arrangement	6-Jan-10	6 January 2010 - Retrospective	16-Feb-10	23-Jun-10	168 days, <6 months	Y				No	No	Yes 30 days	Yes 15 days	TP	10	Y	Y	DC
11 Increase the threshold above which a taxpayer may claim the net medical expenses tax offset (the claim threshold) to \$2,000 and commence annually indexing the claim threshold to the consumer price, with effect from 1 July 2010; (the first indexation adjustment to the claim threshold will occur on 1 July 2011)	11-May-10	1 July 2010 - Unknown	12-May-10	23-Jun-10	43 days, <12 months				Y	No	No	No	No					
12 Amend certain organisations as specifically listed deductible gift recipients - One Laptop per Child	27-May-10	27 May 2010 - Retrospective	25-May-10	23-Jun-10	27 days, <6 months			Y		No	No	No	No					

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Measures introduced and lapsed (continued)

Measure	Announcement	Start Date	Dis sent	Introduced	Time between Announcement & Introduction	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
13 Amend certain organisations as specifically listed deductible gift recipients - Extension of Xanana Vocational Educational Trust	11-May-10	21 July 2005 - Retrospective	25-May-10	23-Jun-10	43 days, <6 months			Y		No	No	No	No	OP, C	11	Y	Y	DC
14 Amend the gift provisions to extend DGR support to volunteer fire brigades	28-Feb-10	Royal Assent - Prospective	18-Jan-10	23-Jun-10	115 days, <12 months			Y		No	Yes	Yes	Yes	OP, C		Y		

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Measures announced but not introduced

Measure	Announcement	Start Date	Dis sent	Introduced	Time between Announcement & 22 Aug 2010	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
1 Change the taxation of the capital gains tax main residence exemption for special disability trusts	12-May-09	1 July 2009 - Retrospective	28-Jul-09	N/A	467 days, >6 months, LATE	Y				No	No	Yes 27 days	Not yet	OP	13*			
2 Resolve CGT issues relating to instalment warrants	10-Mar-10	1 July 2007 - Retrospective	27-May-10	N/A	165 days, <6 months	Y				No	No	Yes 30 days	Not yet	OP	9*			
3 Provide relief from CGT for compulsory acquisition for part of a CGT asset	19-Mar-09	Royal Assent - Prospective	16-Mar-09	N/A	521 days, >12 months, LATE	Y				No	No	Yes 29 days	Yes 29 days	OP	2	N	Y	-
4 Reform the foreign source income anti-tax deferral rules	12-May-09	TBC - Unknown	7-Aug-09	N/A	467 days, >12 months, LATE	Y				No	No	Yes 28 days, 55 days	Yes 46 days	OP	69*	Y		PC,TC
5 Improve the capital gains tax treatment of earmout agreements	12-May-10	17 October 2007 - Retrospective	27-May-10	N/A	102 days, <6 months	Y				No	No	Yes 30 days	Not yet	OP	5*			
6 Make technical amendments to the Uniform Capital Allowance regime (Division 40)	12-May-09	1 July 2009 - Retrospective	11-Jun-09	N/A	467 days, >6 months, LATE	Y				No	No	No	Not yet					
7 Implement the Board of Taxation recommendations relating to the taxation of off-market share buybacks	12-May-09	Royal Assent - Prospective	8-Oct-09	N/A	467 days, >12 months, LATE	Y				Yes	No	Yes 39 days	Not yet	OP	10*			
8 Make adjustments to the Income Tax Assessment Act 1997 to ensure the proper functioning of the CGT to improve the ability of businesses to restructure	11-May-10	11 May 2010 - Retrospective	19-Jul-10	N/A	103 days, <6 months	Y				No	No	Yes 31 days	Not yet	OP	3*			

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 * Further submissions still yet to be received as at 21 August 2010.

Measures Announced but not Introduced (continued)

Measure	Announcement	Start Date	Dis sent	Introduced	Time between Announcement & 22 Aug 2010	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
9	Implement the Board of Taxation's recommendations arising from the review of the legal framework for the administration of the GST (second tranche)	12-May-09	1 July 2010 - Retrospective	various	N/A	467 days, >6 months, LATE	Y			Yes	No	No	No					
10	Give the force of law to the Third Protocol with Malaysia	24-Feb-10	TBC - Unknown	9-Jul-10	N/A	179 days, <12 months	Y			No	No	No	No					
11	Give the force of law to the Convention with Chile	12-Mar-10	TBC - Unknown	9-Jul-10	N/A	163 days, <12 months	Y			No	Yes	Yes	No	OP, C	4	Y	N	PC
12	Amend the 'in Australia' requirements in Division 50 of the Income Tax Assessment Act 1997	12-May-09	Royal Assent - Prospective	Not sent	N/A	467 days, >12 months, LATE	Y			No	No	No	Not yet					
13	Introduce a new regulatory framework for public ancillary funds	11-May-10	1 July 2011 - Unknown	Not sent	N/A	103 days, <12 months	Y			No	No	Not yet	Not yet					
14	Amend two eligibility criteria for the firm tax offsets, to make Australia a more attractive destination for film making and enable more Australian businesses, particularly small businesses, to benefit from the tax offsets.	11-May-10	1 July 2010 - Retrospective		N/A	103 days, <6 months	Y			No	No	No	Yes 18 days	OP	2	N	Y	-
15	Response by the Government to the Board of Taxation's Review — Managed investment trusts	7-May-10	1 July 2011 - Unknown	Not sent	N/A	107 days, <12 months	Y			Yes	No	Not yet	Not yet					
16	Provide an income tax deduction for terminal medical condition insurance premiums paid by superannuation funds and retirement savings account providers	11-May-10	16 February 2008 - Retrospective	27-Apr-10	N/A	103 days, <6 months	Y			No	No	No	Yes 21 days	OP	2	N	Y	-

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Measures Announced but not Introduced (continued)

Measure	Announcement	Start Date	Dis sent	Introduced	Time between Announcement & 22 Aug 2010	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
17	Introduce a specific anti-avoidance rule to ensure that Australian residents cannot defer or avoid a tax liability for income held in foreign accumulation funds (anti-roll up rule)	12-May-09	TBC - Unknown	7-Aug-09	N/A	467 days, >12 months, LATE	Y			No	No	Yes 28 days	Yes 28 days	OP	36*	Y		TC
18	Give the force of law to the revised treaty with the United Kingdom	28-Oct-08	TBC - Unknown	Not sent		663 days, >12 months, LATE	Y			No	Yes	Yes	Not yet	C				
19	Reduce company tax rate	2-May-10	1 July 2013 - Unknown	25-Oct-10	N/A	112 days, <12 months			Y	No	No	No	No					
20	Increase the superannuation guarantee rate to 12 per cent	2-May-10	30 June 2012 - Unknown	Not sent	N/A	112 days, <12 months	Y			No	No	No	No					
21	Enable small businesses to write-off all depreciable assets costing less than \$5,000 in the year of purchase and allow most other assets to be depreciated in a single pool at a 30 per cent rate from the 2012-13 income year	2-May-10	1 July 2012 - Unknown	Not sent	N/A	112 days, <12 months	Y			No	No	No	Not yet					
22	Reduce the company tax rate for small business companies to 29 per cent from the 2012-2013 income year	2-May-10	1 July 2012 - Unknown	25-Oct-10	N/A	112 days, <12 months			Y	No	No	No	Not yet					
23	Increase concessional contribution caps for individuals aged over 50 with superannuation account balances under \$500,000	2-May-10	1 July 2012 - Unknown	Not sent	N/A	112 days, <12 months	Y			No	No	Not yet	Not yet					
24	Provide a superannuation contributions tax rebate for low income earners	2-May-10	1 July 2012 - Unknown	Not sent	N/A	112 days, <12 months	Y			No	No	Not yet	Not yet					

** OP — open public, TP — targeted public, C — confidential
 *** PC — policy changes, TC — technical corrections, DC — drafting changes.

* Further submissions still yet to be received as at 21 August 2010.

Measures Announced but not Introduced (continued)

Measure	Announcement	Start Date	Dis sent	Introduced	Time between Announcement & 22 Aug 2010	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
25 Raise the superannuation guarantee age limit from 70 to 75	2-May-10	1 July 2013 - Unknown	Not sent	N/A	112 days, <12 months	Y				No	No	No	No					
26 Make changes to GST cross-border transaction rules	11-May-10	1 July 2012 - Unknown	Not sent	N/A	103 days, <12 months	Y				Yes	Yes	Not yet	Not yet	C				
27 Extend the period in which recreational boats may be exported GST-free	11-May-10	1 July 2011 - Unknown	Not sent	N/A	103 days, <12 months	Y				No	No	Not yet						
28 Amend consolidation rules — calculation and collection of income tax liabilities	11-May-10	1 July 2002 - Retrospective		N/A	103 days, <6 months	Y				No	No	Yes 42 days	Not yet	OP, C	2*			
29 Amend the fuel tax arrangements for fuel ethanol	11-May-10	1 July 2011 - Unknown		N/A	103 days, <12 months	Y				No	No	Yes 28 days	Not yet	OP				
30 Apply the tax discount to eligible interest income earned directly or indirectly (via trusts or partnerships) by individuals and other financial products such as certain annuities	11-May-10	1 July 2011 - Unknown		N/A	103 days, <12 months	Y				No	No	Not yet	Not yet					
31 Introduce standard deduction for work-related expenses and the cost of managing tax affairs	11-May-10	1 July 2012 - Unknown		N/A	103 days, <12 months				Y	No	No	Not yet	Not yet					
32 Further amendments to the taxation of financial arrangements — Tranche 2	29-Jun-10	1 July 2010 - Retrospective		N/A	54 days, <6 months	Y				No	No	No	Not yet					
33 GST exempt taxes, fees and charges — replacing the Division 81 Determination with a principle-based legislative exemption	11-May-10	1 July 2011 - Unknown		N/A	103 days, <12 months	Y				No	No	Yes 15 days	Not yet	C				
34 Improvements to Taxation Running Balance Accounts and Interest on Overpayments	11-May-10	TBC - Unknown		N/A	103 days, <12 months	Y				No	No	Yes 80 days	Not yet	OP	4*			

** OP — open public, TP — targeted public, C — confidential

* Further submissions still yet to be received as at 21 August 2010.

*** PC — policy changes, TC — technical corrections, DC — drafting changes.

Measures Announced but not Introduced (continued)

Measure	Announcement	Start Date	Dis sent	Introduced	Time between Announcement & 22 Aug 2010	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
35 Minerals Resource Rent Tax	2-Jul-10	1 July 2012 - Unknown		N/A	51 days, <12 months	Y				No	Yes	Yes not yet determined	Not yet	C				
36 Additional Benefits Agreement — Samoa	16-Dec-09	The date of entry into force. This will occur when both countries have notified each other that their domestic requirements have been completed - Prospective	—	N/A	249 days, <12 months		Y			No	No	No	No					
37 Additional Benefits Agreement — Aruba	16-Dec-09	The date of entry into force. This will occur when both countries have notified each other that their domestic requirements have been completed - Prospective	—	N/A	249 days, <12 months		Y			No	No	No	No					
38 Phasing down interest withholding tax on financial institutions	11-May-10	1 July 2013 - Unknown		N/A	103 days, <12 months	Y				No	No	Not yet	Not yet					
39 Restructure the current GST margin scheme provisions	11-May-10	1 July 2012 - Unknown		N/A	103 days, <12 months	Y				Yes	Yes 80 days	Not yet	Not yet		6*			
40 Improve the integrity of specific financial provisions in the GST law	11-May-10	1 July 2012 - Unknown		N/A	103 days, <12 months	Y				Yes	Yes 80 days	Not yet	Not yet		15*			

** OP — open public, TP — targeted public, C — confidential

* Further submissions still yet to be received as at 21 August 2010.

*** PC — policy changes, TC — technical corrections, DC — drafting changes.

Measures Announced but not Introduced (continued)

Measure	Announcement	Start Date	Dis sent	Introduced	Time between Announcement & 22 Aug 2010	Standard Measure	Treaty Measure	DGR Measure	Rate / Threshold Change Measure	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Types of Consultation (OP, TP, C)**	No. Submissions	Were Changes Made? (Yes/No)	Consultation Summary Prepared? (Yes/No)	What Type of Changes Were Made? (PC,TC,DC)***
41 Clarify the definition of reportable employment superannuation contributions	30-Jun-10	1 July 2009 - Retrospective		N/A	53 days, <6 months	Y				No	No	Not yet						
42 Amend certain organisations as specifically listed deductible gift recipients - Mary MacKillop Canonisation Gift Fund	5-Aug-10	5 August 2010 - Retrospective	7-Sep-10	(Introduced 29 September 2010)	17 days, <6 months			Y		No	No	No	No					

*** PC — policy changes, TC — technical corrections, DC — drafting changes.

** OP — open public, TP — targeted public, C — confidential
 * Further submissions still yet to be received as at 21 August 2010.

APPENDIX D: SUMMARY OF MEASURES ANNOUNCED BETWEEN 22 AUGUST 2008 AND 21 AUGUST 2010

Summary of all measures announced

	Totals	Late Measures	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Measures where Submissions were Received	Types of Consultation (OP, TP, C)**	No. Submissions	Measures where Changes were made	Consultation Summary Prepared?	What Type of Changes Were Made? (PC, TC, DC)***		
												PC	TC	DC
TOTAL MEASURES	121	9	23	21	44	46	64	OP 51 TP 6 C 24	1066	39	42	PC 18 TC 12 DC 23		
1) <i>Standard Measures</i>	90													
2) <i>Treaty Measures</i>	12													
3) <i>DGR Measures</i>	9													
4) <i>Rate / Threshold Change Measures</i>	10													
Prospective	41	2	12	12	17	22	25		273	16	21			
Retrospective	50	6	7	3	18	20	26		399	18	20			
TBC	30	1	4	6	9	4	13		394	5	1			
Standard Measures	90	9	23	17	39	44	59	OP 49 TP 6 C 19	1038	36	41	PC 16 TC 12 DC 22		
1) Prospective	31	2	12	10	14	20	20		249	14	19			
Retrospective	37	6	7	3	18	20	21		399	18	19			
TBC	22	1	4	4	7	4	18		390	4	3			
Treaty Measures	12	0	0	3	4	1	4	OP 1 TP 0 C 4	17	2	0	PC 2 TC 0 DC 0		
1) Prospective	7	0	0	1	2	1	2		13	1	0			
Retrospective	1	0	0	0	0	0	0		0	0	0			
TBC	4	0	0	2	2	0	2		4	1	0			
DGR Measures	9	0	0	1	1	1	1	OP 1 TP 0 C 1	11	1	1	PC 0 TC 0 DC 1		
1) Prospective	1	0	0	1	1	1	1		11	1	1			
Retrospective	8	0	0	0	0	0	0		0	0	0			
TBC	0	0	0	0	0	0	0		0	0	0			
Rate / Threshold Change Measures	10	0	0	0	0	0	0	OP 0 TP 0 C 0	0	0	0	PC 0 TC 0 DC 0		
1) Prospective	2	0	0	0	0	0	0		0	0	0			
Retrospective	4	0	0	0	0	0	0		0	0	0			
TBC	4	0	0	0	0	0	0		0	0	0			

** OP — open public, TP — targeted public, C — confidential
 *** PC — policy changes, TC — technical corrections, DC — drafting changes.

Summary of measures introduced and enacted

	Totals	Late Measures	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announc't	Consultation on Draft Legis	Measures where Submissions were Received	Types of Consultation (OP, TP, C)**			No. Submissions	Measures where Changes were made	Consultation Summary Prepared?	What Type of Changes Were Made? (PC,TC,DC)***		
								OP	TP	C				PC	TC	DC
TOTAL MEASURES	65	5	16	14	21	34	35	31	31	582	28	33	14	8	17	
1) <i>Standard Measures</i>	49							3	3				TC	8		
2) <i>Treaty Measures</i>	5														DC	
3) <i>DGR Measures</i>	5															
4) <i>Rate / Threshold Change Measures</i>	6															
Prospective	33	2	11	11	12	19	20			210	14	18				
Retrospective	32	3	5	3	9	15	15			372	14	15				
Standard Measures	49	5	16	13	20	33	34	31	31	569	27	33	13	8	17	
1) Prospective	27	2	11	10	11	18	19			197	13	18	PC	TC	8	
Retrospective	22	3	5	3	9	15	15			372	14	15	DC	8	17	
Treaty Measures	5	0	0	1	1	1	1	0	0	13	1	0	PC	1	0	
Prospective	4	0	0	1	1	1	1			13	1	0	TC	0	0	
Retrospective	1	0	0	0	0	0	0			0	0	0	DC	0	0	
DGR Measures	5	0	0	0	0	0	0	0	0	0	0	0	PC	0	0	
Prospective	0	0	0	0	0	0	0			0	0	0	TC	0	0	
Retrospective	5	0	0	0	0	0	0			0	0	0	DC	0	0	
Rate / Threshold Change Measures	6	0	0	0	0	0	0	0	0	0	0	0	PC	0	0	
Prospective	2	0	0	0	0	0	0			0	0	0	TC	0	0	
Retrospective	4	0	0	0	0	0	0			0	0	0	DC	0	0	

** OP — open public, TP — targeted public, C — confidential

*** PC — policy changes, TC — technical corrections, DC — drafting changes.

Summary of measures introduced and lapsed

	Totals	Late Measures	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announcement	Consultation on Draft Legis	Measures where Submissions were Received	Types of Consultation (OP, TP, C)**	No. Submissions	Measures where Changes were made	Consultation Summary Prepared?	What Type of Changes Were Made? (PC,TC,DC)***
TOTAL MEASURES	14	4	1	1	8	7	9	OP 4 TP 3 C 3	474	8	6	PC 2 TC 2 DC 6
1) <i>Standard Measures</i>	8											
2) <i>Treaty Measures</i>	2											
3) <i>DGR Measures</i>	3											
4) <i>Rate / Threshold Change Measures</i>	1											
Prospective	3	0	0	1	3	2	3		61	2	2	
Retrospective	6	3	1	0	4	3	4		23	4	3	
TBC	5	1	0	0	1	2	2		390	2	1	
Standard Measures	8	4	1	0	6	6	7	OP 3 TP 3 C 1	463	7	5	PC 2 TC 2 DC 5
1) Prospective	1	0	0	0	1	1	1		50	1	1	
Retrospective	4	3	1	0	4	3	4		23	4	3	
TBC	3	1	0	0	1	2	2		390	2	1	
Treaty Measures	2	0	0	0	1	0	1	OP 0 TP 0 C 1	0	0	0	PC 0 TC 0 DC 0
1) Prospective	1	0	0	0	1	0	1		0	0	0	
Retrospective	0	0	0	0	0	0	0		0	0	0	
TBC	1	0	0	0	0	0	0		0	0	0	
DGR Measures	3	0	0	1	1	1	1	OP 1 TP 0 C 1	11	1	1	PC 0 TC 0 DC 1
1) Prospective	1	0	0	1	1	1	1		11	1	1	
Retrospective	2	0	0	0	0	0	0		0	0	0	
TBC	0	0	0	0	0	0	0		0	0	0	
Rate / Threshold Change Measures	1	0	0	0	0	0	0	OP 0 TP 0 C 0	0	0	0	PC 0 TC 0 DC 0
1) Prospective	0	0	0	0	0	0	0		0	0	0	
Retrospective	0	0	0	0	0	0	0		0	0	0	
TBC	1	0	0	0	0	0	0		0	0	0	

** OP — open public, TP — targeted public, C — confidential
*** PC — policy changes, TC — technical corrections, DC — drafting changes.

Summary of measures announced but not introduced

	Totals	Consultation via Board of Taxation	Consultation Pre-policy	Consultation on Announcement	Consultation on Draft Legis	Measures where Submissions were Received	Types of Consultation (OP, TP, C)**			No. Submissions	Measures where Changes were made	Consultation Summary Prepared?	What Type of Changes Were Made? (PC,TC,DC)**		
							OP	TP	C				PC	TC	DC
TOTAL MEASURES	42	6	6	15	5	20	16	10	3		3	2	2	0	
1) <i>Standard Measures</i>	33						0					2	2	0	
2) <i>Treaty Measures</i>	5						6							0	
3) <i>DGR Measures</i>	1														
4) <i>Rate / Threshold Change Measures</i>	3														
Prospective	5	1	0	2	1	2		2		0	1				
Retrospective	12	1	0	5	2	7		4		0	2				
TBC	25	4	6	8	2	11		4		3	0				
Standard Measures	33	6	4	13	5	18	15	6	3	2	3	1	2	0	
1) Prospective	3	1	0	2	1	0	0	2	0	0	0	0	0	0	
Retrospective	11	1	0	5	2	2	4	4	0	0	1	0	0	0	
TBC	19	4	4	6	2	16		0	2	2	2				
Treaty Measures	5	0	2	2	0	2	1	4	0	1	0	1	0	0	
2) Prospective	2	0	0	0	0	0	0	0	0	0	0	0	0	0	
Retrospective	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TBC	3	0	2	2	0	2	0	4	0	1	0	0	0	0	
DGR Measures	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
3) Prospective	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Retrospective	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
TBC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Rate / Threshold Change Measures	3	0	0	0	0	0	0	0	0	0	0	0	0	0	
4) Prospective	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Retrospective	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TBC	3	0	0	0	0	0	0	0	0	0	0	0	0	0	

** OP — open public, TP — targeted public, C — confidential *** PC — policy changes, TC — technical corrections, DC — drafting changes.

APPENDIX E: SPECIFIC MEASURES INVOLVING PRE-ANNOUNCEMENT CONSULTATION OR BOARD OF TAXATION CONSULTATION

Measures involving pre-announcement consultation

Measure	Announcement	Type
Measures introduced and enacted:		
Reforming the taxation of employee share schemes	12-May-09	Confidential
Creating a consistent four-year period for claiming input tax credits and fuel tax credits	12-May-09	Confidential
Australian External Territory refund collection's Agency provisions system	12-May-09	Confidential
Agency provisions	12-May-09	Confidential
Gambling activities by entities outside Australia	12-May-09	Confidential
Recovering overpaid refunds	12-May-09	Confidential
GST and associates provisions	12-May-09	Confidential
Adjustments for third party payments	12-May-09	Confidential
Repeal of certain unlimited periods for amending assessments	12-May-09	Confidential
Adopting the general rulings system for indirect taxes and excise	12-May-09	Confidential
Tax invoices	12-May-09	Confidential
GST and cross border transport supplies	12-May-09	Confidential
2009 Victorian Bushfire Appeal Trust Account	17 Aug 09	Confidential
Measures announced but not introduced:		
Make changes to GST cross border transaction rules	11 May 10	Confidential
Restructure the current GST margin scheme provisions	11 May 10	Confidential
Improve the integrity of specific financial supply provisions in the GST law	11 May 10	Confidential
Minerals Resource Rent Tax	2 Jul 10	Confidential

Measures involving pre-announcement consultation via the Board of Taxation

Measure	Announcement
Measures introduced and enacted:	
GST and representatives of incapacitated entities	6-Feb-09
Reforming the taxation of employee share schemes	12-May-09
Creating a consistent four-year period for claiming input tax credits and fuel tax credits	12-May-09
Australian External Territory refund collection system	12-May-09
Agency provisions	12-May-09
Gambling activities by entities outside Australia	12-May-09
Recovering overpaid refunds	12-May-09
GST and associates provisions	12-May-09
Adjustments for third party payments	12-May-09
Attribution of input tax credits	12-May-09
GST groups and GST joint ventures	12-May-09
Adopting the general rulings system for indirect taxes and excise	12-May-09
Tax invoices	12-May-09
Repeal of the foreign investment fund and deemed present entitlement rules	12-May-09
Managed investment trust – capital treatment and taxation of carried interests	12-May-09
Definition of a managed investment trust	10-Feb-10
Measures introduced and lapsed:	
Provide transitional relief regarding the deduction of insurance premiums relating to the payment of disability superannuation benefits by complying superannuation funds	13-Oct-09
Measures announced but not introduced:	
Implement the Board of Taxation recommendations relating to the taxation of off-market share buybacks	12-May-09
Implement the Board of Taxation's recommendations arising from the review of the legal framework for the administration of the GST (second tranche)	12-May-09
Response by the Government to the Board of Taxation's Review — Managed investment trusts	7-May-10
Make changes to GST cross-border transaction rules	11-May-10
Restructure the current GST margin scheme provisions	11-May-10
Improve the integrity of specific financial provisions in the GST law	11-May-10

APPENDIX F: SPECIFIC MEASURES INVOLVING POST-ANNOUNCEMENT CONSULTATION OR CONSULTATION ON DRAFT LEGISLATION

Measures involving post-announcement consultation

Measure	Announcement	Introduction	Type
Measures introduced and enacted:			
Demutualisation of friendly societies	24-Oct-08	25-Jun-09	Targeted public
Loss relief for merging superannuation funds	23-Dec-08	25-Nov-09	Open public
Exemption of income earned in overseas employment	12-May-09	27-May-09	Open public
Reforming the taxation of employee share schemes	12-May-09	21-Oct-09	Open public
Superannuation — Payment of lost member accounts to the Commissioner of Taxation	12-May-09	21-Oct-09	Open public
Creating a consistent four-year period for claiming input tax credits and fuel tax credits	12-May-09	25-Nov-09	Open public
Recovering overpaid refunds	12-May-09	25-Nov-09	Open public
Removal of capital gains tax trust cloning exception and provision of limited fixed trust roll-over	12-May-09	25-Nov-09	Targeted public
Exempt annuity business of life insurance companies	12-May-09	25-Nov-09	Open public
Adjustments for third party payments	12-May-09	10-Feb-10	Open public
Attribution of input tax credits	12-May-09	10-Feb-10	Open public
Improving fairness and integrity in the tax system: distributions to entities connected with a private company	12-May-09	17-Mar-10	Open public
Extending the tax file number withholding arrangements to closely held trusts, including family trusts	12-May-09	17-Mar-10	Open public
GST groups and GST joint ventures	12-May-09	18-Mar-10	Open public
Adopting the general rulings system for indirect taxes and excise	12-May-09	18-Mar-10	Open public
Tax invoices	12-May-09	18-Mar-10	Open public
Special Disability Trusts — changes to the taxation of unexpended income	12-May-09	26-May-10	Open public
GST and cross-border transport supplies	12-May-09	26-May-10	Open public
Managed investment trust – capital treatment and taxation of carried interests	12-May-09	10-Feb-10	Open Public
Definition of a managed investment trust	10-Feb-10	26-May-10	Open public

Measures involving post-announcement consultation (continued)

Measure	Announcement	Introduction	Type
Measures introduced and lapsed:			
Make amendments to foreign currency rules	13-May-08	23-Jun-10	Targeted public
Provide a capital gains tax roll-over for changes to water entitlements and provision for exit fees	27-Feb-09	23-Jun-10	Targeted public
Amend the secrecy and disclosure provisions in the tax law	13-Mar-09	19-Nov-09	Open public
Introduce a new R&D tax credit	12-May-09	13-May-10	Open public
Provide transitional relief regarding the deduction of insurance premiums relating to the payment of disability superannuation benefits by complying superannuation funds	13-Oct-09	24-Jun-10	Via ATO NTLG
Align the requirements of the scrip for scrip roll-over with the requirements of the Corporations Act 2001 regulating takeovers and schemes of arrangement	6-Jan-10	23-Jun-10	Targeted public

Measures involving consultation on draft legislation

Measure	Announcement	Introduction	Type
Measures introduced and enacted			
Demutualisation of friendly societies	24-Oct-08	25-Jun-09	Targeted public
Small Business and General Business Tax Break	12-Dec-08	19-Mar-09	Open public
Loss relief for merging superannuation funds	23-Dec-08	25-Nov-09	Open public
GST and representatives of incapacitated entities	6-Feb-09	16-Sep-09	Targeted public
Transfer of Provisions — income tax law rewrites	13-Mar-09	17-Mar-10	Open public
Exemption of income earned in overseas employment	12-May-09	27-May-09	Open public
Reforming the taxation of employee share schemes	12-May-09	21-Oct-09	Open public (1st version) & Confidential (subsequent versions)
Non-commercial losses	12-May-09	21-Oct-09	Open public
Superannuation — Payment of lost member accounts to the Commissioner of Taxation	12-May-09	21-Oct-09	Open public
Creating a consistent four-year period for claiming input tax credits and fuel tax credits	12-May-09	25-Nov-09	Open public
Australian External Territory refund collection system	12-May-09	25-Nov-09	Open public
Agency provisions	12-May-09	25-Nov-09	Open public
Gambling activities by entities outside Australia	12-May-09	25-Nov-09	Open public
Recovering overpaid refunds	12-May-09	25-Nov-09	Open public
GST and associates provisions	12-May-09	25-Nov-09	Open public
Removal of capital gains tax trust cloning exception and provision of limited fixed trust roll-over	12-May-09	25-Nov-09	Targeted public
Exempt annuity business of life insurance companies	12-May-09	25-Nov-09	Confidential
Adjustments for third party payments	12-May-09	10-Feb-10	Open public
Attribution of input tax credits	12-May-09	10-Feb-10	Open public
Improving fairness and integrity in the tax system: distributions to entities connected with a private company	12-May-09	17-Mar-10	Open public
Extending the tax file number withholding arrangements to closely held trusts, including family trusts	12-May-09	17-Mar-10	Open public
GST groups and GST joint ventures	12-May-09	18-Mar-10	Open public
Adopting the general rulings system for indirect taxes and excise	12-May-09	18-Mar-10	Open public

Measures involving consultation on draft legislation (continued)

Measure	Announcement	Introduction	Type
Measures introduced and enacted (continued)			
Tax invoices	12-May-09	18-Mar-10	Open public
Repeal of the foreign investment fund and deemed present entitlement rules	12-May-09	13-May-10	Open public
Thin capitalisation — modification of the rules in relation to the application of accounting standards for authorised deposit-taking institutions	12-May-09	26-May-10	Open public
Special Disability Trusts — changes to the taxation of unexpended income	12-May-09	26-May-10	Open public
GST and cross-border transport supplies	12-May-09	26-May-10	Open public
Managed investment trust — capital treatment and taxation of carried interests	12-May-09	10-Feb-10	Open Public
2009 Victorian Bushfire Appeal Trust Account	17-Aug-09	16-Sep-09	Open public
Interest withholding tax — extension of eligibility for exemption to Commonwealth issued debt	21-Aug-09	16-Sep-09	Open public
Miscellaneous amendments	30-Nov-09	10-Feb-10	Open public
Definition of a managed investment trust	10-Feb-10	26-May-10	Open public
Measures introduced and lapsed			
Provide a capital gains tax roll-over for changes to water entitlements and provision for exit fees	27-Feb-09	23-Jun-10	Targeted public
Amend the secrecy and disclosure provisions in the tax law	13-Mar-09	19-Nov-09	Open public
Introduce a new R&D tax credit	12-May-09	13-May-10	Open public
Provide transitional relief regarding the deduction of insurance premiums relating to the payment of disability superannuation benefits by complying superannuation funds	13-Oct-09	24-Jun-10	Open public
Align the requirements of the scrip for scrip roll-over with the requirements of the Corporations Act 2001 regulating takeovers and schemes of arrangement	6-Jan-10	23-Jun-10	Targeted public
Unclaimed superannuation monies held by the States and Territories; and minor superannuation amendments	11-May-10	24-Jun-10	Confidential