

[www.pwc.com.au](http://www.pwc.com.au)

# PwC's Monthly Tax Update

**Keeping you up to date on  
the latest Australian and  
international tax developments**

**December 2021**



# Corporate Tax Update

## Payment to cancel employee entitlements not deductible

The Full Federal Court has held in [\*Clough v Commissioner of Taxation\* \[2021\] FCAFC 197](#) that payments made to bring to end options and rights held by employees were not wholly deductible in the year incurred under section 8-1 of the Income Tax Assessment Act 1997 (ITAA 1997). The employee entitlements were cancelled to facilitate a takeover and delisting from the Australian Securities Exchange by the taxpayer's largest shareholder. The Full Federal Court found that the payments:

- were not incurred in gaining or producing assessable income as the occasion of the loss or outgoing was the takeover; and
- were not necessarily incurred in carrying on a business for the purpose of producing assessable income as they were not in the nature of a working expense nor a reward for employees.

The Full Federal Court also proceeded to consider whether the payments were capital in nature, even though this was not required having found that the payments failed the positive limbs of section 8-1. The Full Court held that the bringing of the options and rights to an end had an effect on the capital structure of Clough, and the payments were made to secure one enduring change, namely that Clough would be wholly owned by the largest shareholder. Accordingly, the payments were found to be on capital account.

Whilst the payments were not wholly deductible in the year incurred, prior to this case going to Court, the Commissioner of Taxation conceded that the payments were deductible over five years under section 40-880 of the ITAA 1997.

## No entitlement for R&D tax offset for expenditure incurred by trustee company

The Administrative Appeals Tribunal (AAT) has held in [\*XQDX v Federal Commissioner of Taxation\* \[2021\] AATA 4070](#) that a taxpayer could not claim research and development (R&D) tax offset in relation to R&D expenditure as the expenditure was incurred in its capacity as trustee of a trust and not by the taxpayer in its own right.

All employees and contractors who worked on the R&D projects were engaged by the trust. However, the taxpayer argued that all of the relevant expenditure was incurred by the taxpayer

in its own right as the trust was reimbursed through a loan account. Repayment of the loan account was contingent on R&D refunds being received by the taxpayer as well as a future sale or licensing of intellectual property. The AAT held that the contingencies in relation to repayment of the loan account meant that the taxpayer was not definitively committed to pay the expenditure, and as such, it was not properly incurred by the taxpayer in its own right.

## ATO warning regarding errors in loss carry back claims

The Australian Taxation Office (ATO) has [noted](#) errors with claims for the loss carry back refundable tax offset in income tax returns lodged by taxpayers to date. In particular, it has noted errors or omissions in certain labels on the company tax return, which can prevent or delay the processing of claims. These include the following labels:

- the loss carry back labels in item 13;
- the opening and closing franking account balance in item 8; and
- the refundable tax offset labels in the calculation statement at label E.

## ATO findings from review of Top 100 taxpayers

The ATO has published its [findings](#) from assurance reviews of Australia's top 100 and multinational taxpayers. This is the third year the ATO has published this report, and the first time it includes insights from both income tax and goods and services tax (GST) assurance work.

The top 100 findings report shows a 20 per cent increase in the number of top 100 taxpayers who attained an overall high assurance rating compared to the last report issued in 2020, and outlines the benefits to achieving that rating. It also outlines specific areas of concern and items that attract attention in reviews including transfer pricing and structured arrangements designed to reduce Australian tax.

## RTP Schedule disclosures for 2017-18 to 2019-20 year

The ATO has updated its [findings report](#) regarding disclosures in the Reportable Tax Position (RTP) Schedule for the 2017-18 to 2019-20 income year. The RTP Schedule is a schedule to the company income tax return that requires certain large public and multinational companies to disclose a range of

uncertain tax positions and arrangements that the ATO considers pose a systemic risk to the corporate tax base.

The ATO uses the RTP Schedule as part of its assurance work, to aid in detecting and preventing high risk tax arrangements and tax avoidance schemes. The findings report provides aggregated disclosures made by companies for the 2017-19 to 2019-20 income years under Category C of the Schedule, with the ATO noting a significant increase in taxpayers making disclosures and an upward trend in low-risk disclosures. The ATO has concluded that high risk tax arrangements or arrangements of concern are not prevalent among large public and multinational businesses.

## Draft legislative instruments on new Director ID regime

The ATO has published the following draft legislative instruments by the Commissioner of Taxation, in his capacity as Registrar under the *Commonwealth Registers Act 2020*, on the new data standard and disclosure framework for the new Director Identification Number (Director ID) regime:

- **ABRS 2021/D1** which provides a new draft data standard and disclosure regime in relation to the new Director ID regime. It sets out the framework for information that may be required, requested and collected, as well as the application process for a Director ID.
- **ABRS 2021/D2** which provides a draft framework for the disclosure of Director ID information to other government entities.

Submissions may be made in response to ABRS 2021/D1 and ABRS 2021/D2 until 8 December 2021.

### Let's talk

**For a deeper discussion of how these issues might affect your business, please contact:**

**Chris Morris**, Sydney

Australian Tax Leader

+61 (2) 8266 3040

[chris.morris@pwc.com](mailto:chris.morris@pwc.com)

**Sarah Hickey**, Sydney

Sydney Tax Market Leader

+61 (2) 8266 1050

[sarah.a.hickey@pwc.com](mailto:sarah.a.hickey@pwc.com)

**Kirsten Arblaster**, Melbourne

Melbourne Tax Leader

+61 (3) 8603 6120

[kirsten.arblaster@pwc.com](mailto:kirsten.arblaster@pwc.com)

**Liam Collins**, Melbourne

Financial Services Tax Leader

+61 (3) 8603 3119

[liam.collins@pwc.com](mailto:liam.collins@pwc.com)

**Michael Bona**, Brisbane

Global Tax Leader

+61 (7) 3257 5015

[michael.bona@pwc.com](mailto:michael.bona@pwc.com)

**James O'Reilly**, Brisbane

Brisbane Tax Leader

+61 (7) 3257 8057

[james.oreilly@pwc.com](mailto:james.oreilly@pwc.com)

**Rob Bentley**, Perth

Perth Tax Leader

+61 (8) 9238 5202

[robert.k.bentley@pwc.com](mailto:robert.k.bentley@pwc.com)

**Amy Etherton**, Newcastle

Partner

+61 (2) 4925 1175

[amy.etherton@pwc.com](mailto:amy.etherton@pwc.com)

**Warren Dick**, Sydney

Tax Reporting & Strategy Leader

+61 (2) 8266 2935

[warren.dick@pwc.com](mailto:warren.dick@pwc.com)

**Jason Karametos**, Melbourne

Industries Tax Leader

+61 (3) 8603 6233

[jason.karametos@pwc.com](mailto:jason.karametos@pwc.com)

**Alistair Hutson**, Adelaide

Partner

+61 (8) 8218 7467

[alistair.hutson@pwc.com](mailto:alistair.hutson@pwc.com)

## Employment Taxes Update

### NSW payroll tax waivers

The payroll tax waivers announced in the 2021-22 New South Wales budget have now been enacted in [Payroll Tax Amendment \(Payroll Tax Waiver\) Act 2021](#). The legislation provides a 50 per cent payroll tax waiver for the 2021-22 financial year to employers with annual Australian payroll of \$10 million or less and who qualified for the COVID-19 JobSaver Payment or COVID-19 Business Grant support measures, or who would have met the 30 per cent decline in turnover test under these support measures regardless of other eligibility criteria.

### New superannuation guarantee shortfall guidelines

The Australian Taxation Office (ATO) has finalised two legislative determinations – [SPR 2021/1: shortfalls arising from failure to comply with choice requirements](#) (SPR 2021/1) and [SPR 2021/2: shortfalls due to non-acceptance by fund and late contributions](#) (SPR 2021/2) – which outline the factors it will consider in deciding when to reduce superannuation guarantee (SG) shortfalls, including transitional approaches in the first year of new stapled superannuation fund rules.

SPR 2021/1 outlines a number of facts and circumstances that the ATO will consider when deciding to reduce an SG shortfall arising from failure to comply with choice of fund requirements. From 1 November 2021 until 31 October 2022 employers will, in the first instance of non-compliance, be provided with help and assistance to comply with stapled fund requirements, and during this transitional period the Commissioner will reduce any choice shortfall to nil if that shortfall arose due to the employer's lack of knowledge of the stapled fund requirements rather than intentional disregard.

SPR 2021/2 outlines the facts and circumstances that the ATO will consider when deciding to reduce an SG shortfall where contributions were made to a fund late because the employee's stapled fund did not accept the employer's contribution and the employer made a contribution to another fund. For the period from 1 November 2021 to 31 October 2022, the ATO will reduce the SG shortfall arising in the circumstances described in SPR 2021/2 to nil if the employer has made a reasonable attempt to comply with the new stapled fund requirements.

For more details on the new stapled superannuation fund rules, please see our article [What's trending: Superannuation stapling – are you ready?](#)

## **New superannuation bill to remove the minimum monthly threshold**

During the month, a Bill was introduced into Federal parliament to amend a number of superannuation rules, including the removal of the \$450-a-month minimum threshold for salary or wages to be counted towards an employer's superannuation guarantee (SG) obligations. Other amendments within the Bill include changes to the First Home Super Saver Scheme maximum releasable amount, reforms to the work test for superannuation contributions and amendments to the definition of "segregated current pension assets".

The proposed removal of the \$450 threshold is in accordance with measures announced by the Federal Government in the 2021-2022 Budget. The amendments commence the day after assent and apply from 1 July 2022. If assent is received after 1 July 2022 then the amendments apply from the first day of the first quarter following assent.

## **Sovereign entities ineligible for JobKeeper payments**

In [Airport Handling Services Australia Pty Ltd & Ors v Federal Commissioner of Taxation \[2021\] FCA 1405](#), the Federal Court has held that eight taxpayers were not entitled to payments under the JobKeeper scheme due to a retrospective

amendment to the eligibility criteria. The taxpayers were all wholly owned by a sovereign wealth fund and made payments to employees anticipating they would be eligible to receive JobKeeper payments. However, the *Coronavirus Economic Response Package (Payments and Benefits) Rules 2020* (the JobKeeper rules) were subsequently amended to exclude Australian resident entities that were wholly owned subsidiaries of sovereign wealth funds.

The Federal Court found that while the amendment to the JobKeeper rules was retrospective in nature, the rights of the taxpayers were not adversely affected as they had no entitlement to a JobKeeper payment at the time of the amendment. This was because each of the taxpayers had not fulfilled the requirement in section 6(1)(f) of the JobKeeper rules to give information about the entitlement to the Commissioner, and as such, had no entitlement to the payment and no "rights as of that day" which were affected by the retrospective amendment.

## **Revenue NSW commences audits of COVID-19 Job Saver payments and business grants**

Revenue NSW has [announced](#) that it has commenced audits of the 2021 Job Saver payments, COVID-19 Business grants, Micro-business grants and the Accommodation Support grant to assess the eligibility of beneficiaries' that have received these payments.

Beneficiaries that are subject to an audit will be asked to provide further documents supporting their eligibility. Upon completion of the audit, Revenue NSW will inform the beneficiaries whether their findings result in an overpayment, underpayment, or 'no further action'.

In the event of an overpayment being identified, Revenue NSW will provide another opportunity to the beneficiary to demonstrate eligibility. It will also explain the process to recover such overpayment. Where a beneficiary is found to have been underpaid, Revenue NSW will arrange funds to be credited to the beneficiaries' nominated bank account.

## **ATO successful in appeal against Virgin Australia car parking FBT decision**

The Federal Court of Australia has found on appeal in [Commissioner of Taxation v Virgin Australia Regional Airlines Pty Ltd \[2021\] FCAFC 209](#) that the taxpayer was liable to pay Fringe Benefits Tax on car parking spaces provided to flight crew and cabin crew, on the basis that the parking was provided in the vicinity of the employee's primary place of employment.



In reaching this decision, the Court considered the definition of 'primary place of employment' in detail, ultimately finding that an employee's "home base" airport as stated in their Enterprise Agreement was a primary place of employment for the purposes of paragraph (c) of the definition in s136(1) of the *Fringe Benefits Assessment Act 1986*. This view applies even on days where the employee did not attend their home base at all. The Court reached this conclusion on the basis that the home base was "still the central place relevant to such matters as the employee's rosters, rest periods, allowances and car parking entitlements". For the purpose of paragraph (c), the Court found it was not directly relevant to consider whether the employee carried

out their central duties on any particular day on an aircraft or not.

## Employment Taxes – What's emerging?

During the previous month, a new article was released by our Employment Taxes specialists covering the complexity of payroll tax in the context of employee remediation payments and the release of CPN 021 by Revenue NSW. For more details, please see our article [What's emerging? Payroll tax – point of taxation for employee remediation payments](#)

### Let's talk

**For a deeper discussion of how these issues might affect your business, please contact:**

**Norah Seddon**, Sydney

Partner

+61 (2) 8266 5864

[norah.seddon@pwc.com](mailto:norah.seddon@pwc.com)

**Anne Bailey**, Melbourne

Partner

+61 (3) 8603 6818

[anne.m.bailey@pwc.com](mailto:anne.m.bailey@pwc.com)

**Paula Shannon**, Brisbane

Partner

+61 (7) 3257 5751

[paula.shannon@pwc.com](mailto:paula.shannon@pwc.com)

**Adam Nicholas**, Sydney

Partner

+61 (2) 8266 8172

[adam.nicholas@pwc.com](mailto:adam.nicholas@pwc.com)

**Stephanie Males**, Canberra

Partner

+61 (2) 6271 3414

[stephanie.males@pwc.com](mailto:stephanie.males@pwc.com)

**Lisa Hando**, Perth

Partner

+61 (8) 9238 5116

[lisa.hando@pwc.com](mailto:lisa.hando@pwc.com)

**Greg Kent**, Melbourne

Partner

+61 (3) 8603 3149

[greg.kent@pwc.com](mailto:greg.kent@pwc.com)

**Maria Ravese**, Adelaide

Partner

+61 (8) 8218 7494

[maria.a.ravese@pwc.com](mailto:maria.a.ravese@pwc.com)

## Global Tax Update

### Update to simplified transfer pricing guidance

The Australian Taxation Office (ATO) has updated Practical Compliance Guideline [PCG 2017/2](#) on simplified transfer pricing record keeping procedures. The update provides the maximum interest rate of 1.83 per cent for low level inbound loans and the minimum interest rate of 1.83 per cent for low level outbound loans for the 2022 income year. By way of recap, low level loans have a cross-border loan balance of AUD50 million or less.

### Deferral for 31 December country-by-country reporting lodgements

The ATO has [provided](#) a lodgement deferral for country-by-country (CBC) reporting entities with a CBC obligation due by 31 December 2021. These entities will now have until 4 February 2022 to lodge CBC reporting statements.

### Synthesised text of tax treaties published

The ATO has published the synthesised text of Australia's tax treaties with the [Kingdom of Denmark](#) and [Republic of Chile](#) as modified by the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI).

### Regional Comprehensive Economic Partnership Regulations

Australia has [ratified](#) the Regional Comprehensive Economic Partnership Agreement (RCEP), this will ensure Australian businesses will have access to RCEP from 1 January 2022 and therefore benefit from improved market access, enhanced mechanisms for addressing non-tariff barriers, new scope for trade in services, new rules on e-commerce, and new trade opportunities in telecommunications as well as financial services. The RCEP is a regional free-trade agreement between Australia and 14 other Indo-Pacific countries.

The Government has recently registered the following regulations relating to the RCEP:

- The [Customs Tariff Amendment \(Regional Comprehensive Economic Partnership Agreement Implementation\) Regulations 2021](#) amends the [Customs Tariff Regulations 2004](#) to prescribe certain goods for the purposes of preferential rates of customs duty.
- The [Customs \(Regional Comprehensive Economic Partnership Rules of Origin\) Regulations 2021](#) prescribe the rules for determining where goods have originated under the RCEP, including how to determine the regional value content of goods, prescribe valuation rules for different kinds of goods, and set out the classes of records that must be retained by Australian exporters and producers of RCEP originating goods.
- The [Customs \(International Obligations\) Amendment \(Regional Comprehensive Economic Partnership Agreement Implementation\) Regulations 2021](#) amends the [Customs \(International Obligations\) Regulation 2015](#) to enable a refund of excess duty that is paid on RCEP originating goods, or on goods that would have been RCEP originating goods, in specified circumstances.

## G20 Leaders endorse OECD/G20 Inclusive Framework on BEPS proposed tax reforms

The G20 Leaders endorsed plans for a global minimum corporate tax rate of 15 per cent at the recent G20 Summit in Rome on 30 and 31 October 2021. In the [G20 Rome Leaders Declaration](#), the G20 Leaders hailed the two-pillar solution to address the tax challenges arising from the digitalisation of the economy as a “historic achievement through which we will establish a more stable and fairer international tax system”, and called on the OECD/G20 Inclusive Framework on BEPS to swiftly develop the model rules and multilateral instruments as agreed in the implementation plan with a view to ensuring the new rules come into effect at a global level in 2023.

## Updates from OECD Global Forum on Transparency and Exchange of Information

The OECD's Global Forum on Transparency and Exchange of Information for Tax Purposes (the Global Forum) has published a number of reports. These reports are:

- [Reinforcing Multilateral Cooperation in Tax Matters for a Fair and Inclusive Recovery](#) (the 2021 Global Forum Annual Report) that provides

an overview of the achievements of the Global Forum after ten years of its capacity building programme, the impact of automatic exchanges of information and an overview of exchanges of information on request;

- [Building Effective Beneficial Ownership Frameworks](#), published in conjunction with the International Development Bank, presents the various policy approaches implemented by jurisdictions to ensure the availability of beneficial ownership information in line with international standards;
- [Toolkit for the Implementation of the Standard for Automatic Exchange of Financial Account Information](#) that aims to assist government officials in developing countries in the implementation of the International Standard for Automatic Exchange of Financial Account Information in Tax Matters; and
- [Peer Review of the Automatic Exchange of Financial Account Information 2021](#), which presents the latest conclusions of the peer reviews of the legal frameworks put in place by each jurisdiction to implement the automatic exchange of information standard.

## European Parliament votes to pass public country-by-country reporting

The European Parliament has [voted](#) to pass changes to Directive 2013/34/EU, which deals with financial reporting of certain types of undertakings (the EU Accounting Directive). These amendments have become known as the public country-by-country reporting requirements, which will require multinational groups with a total consolidated revenue of at least EUR750 million over a period of two consecutive years to publicly disclose corporate tax paid in each European Union member State and certain other black- or grey-listed countries. These new rules apply regardless of whether an entity is headquartered in the European Union or not.

The changes to the EU Accounting Directives are one of a number of transparency measures that require businesses with EU operations to report increasing levels of information about their tax affairs. For many businesses, this will require the reporting of such information publicly for the first time. Businesses should consider these new requirements as part of the broader consideration of overall tax strategy, governance and ESG objectives. Read more in PwC's [Tax Policy Alert](#).

## US tax reform – House passes Build Back Better reconciliation bill

The US House of Representatives has passed the “Build Back Better” reconciliation bill that includes more than \$1.5 trillion in business, international, and individual tax increase provisions. Business and international tax measures in the House-passed bill include a new 15 per cent corporate book income-based minimum tax on large corporations, a new 1 per cent tax on corporate stock repurchases, limitations on interest deductions of international financial reporting groups, modifications to inbound and outbound international provisions -- including global intangible low-taxed income (GILTI), foreign-derived intangible income (FDII), foreign tax credit rules, the base erosion and anti-abuse tax (BEAT), and subpart F income -- and the extension through the end of 2025 of expensing (current deduction) of research and experimental costs under Section 174. Read more in this [PwC US Tax Insight](#).

## US compromises with the UK, France, Italy, Spain and Austria on digital services taxes and trade actions

Austria, France, Italy, Spain, the United Kingdom and the United States issued a joint statement on 21 October on a compromise reached regarding digital services taxes (DSTs) and related unilateral measures. It follows the OECD Inclusive Framework statement of 8 October 2021 which contained details on unwinding existing DSTs and an agreement not to introduce further unilateral measures in the lead-up to the implementation of Pillar One.

Under the joint statement, Austria, France, Italy, Spain, and the United Kingdom undertake to withdraw their DST rules for all companies once Pillar One takes effect and will ensure that certain DST liabilities accrued in their territories will be credited against the tax liability arising from the introduction of Amount A under Pillar One. In return, the United States agrees to terminate proposed trade actions with respect to the existing DSTs imposed by these countries. For further information, refer to this [PwC Tax Policy Alert](#).

### Let's talk

#### For a deeper discussion of how these issues might affect your business, please contact:

**Chris Morris**, Sydney  
Australian Tax Leader  
+61 (2) 8266 3040

[chris.j.morris@pwc.com](mailto:chris.j.morris@pwc.com)

**Michael Taylor**, Melbourne  
Partner  
+61 (3) 8603 4091

[michael.taylor@pwc.com](mailto:michael.taylor@pwc.com)

**Angela Danieleto**, Sydney  
Partner  
+61 (2) 8266 0973

[angela.danieleto@pwc.com](mailto:angela.danieleto@pwc.com)

**Gary Dutton**  
Partner, Australian Trade Leader  
+61 (4) 3418 2652  
[gary.dutton@pwc.com](mailto:gary.dutton@pwc.com)

**Michael Bona**, Brisbane  
Global Tax Leader  
+61 (7) 3257 5015

[michael.bona@pwc.com](mailto:michael.bona@pwc.com)

**Greg Weickhardt**, Melbourne  
Partner  
+61 (3) 8603 2547

[greg.weickhardt@pwc.com](mailto:greg.weickhardt@pwc.com)

**Jayde Thompson**, Sydney  
Partner  
+61 (4) 0367 8059

[jayde.thompson@pwc.com](mailto:jayde.thompson@pwc.com)

**Peter Collins**, Melbourne  
International Tax Leader  
+61 (3) 8603 6247

[peter.collins@pwc.com](mailto:peter.collins@pwc.com)

**Nick Houseman**, Sydney  
Australian Transfer Pricing Leader  
+61 (2) 8266 4647

[nick.p.houseman@pwc.com](mailto:nick.p.houseman@pwc.com)

**Jonathan Malone**, Sydney  
Partner  
+61 (2) 8266 4770

[jonathan.r.malone@pwc.com](mailto:jonathan.r.malone@pwc.com)

# Indirect Tax Update

## Taxpayer alert on arrangements to avoid luxury car tax

The Australian Taxation Office (ATO) has issued [Taxpayer Alert TA 2021/4](#) on structured arrangements that avoid luxury car tax (LCT). TA 2021/4 is primarily concerned with arrangements that involve a series of sales between a chain of entities with one or more of the participating entities not correctly reporting and paying its LCT liability. An arrangement of concern may also involve embedding luxury car tax in the price of a car not otherwise subject to luxury car tax, with one entity claiming a refund of the LCT and the corresponding and artificially created LCT liability never paid or reported.

The ATO is concerned that these schemes are being used to obtain improper refunds and that entities may be liquidated to avoid obligations. The ATO has sophisticated systems in place to identify high risk LCT refunds and is engaging with taxpayers to ensure that all parties have correctly met their LCT, goods and services tax (GST) and income tax obligations.

## Full Federal Court finds no entitlement for damages for misleading conduct regarding application of GST

The Full Federal Court in [Belconnen Lakeview Pty Ltd v Lloyd \[2021\] FCAFC 187](#) has held that a purchaser was not entitled to damages against a developer for misleading or deceptive conduct where the contract incorrectly identified the sale as a taxable supply for GST purposes with the margin scheme applying. Whilst finding that the representations in the contract were “plainly

misleading”, the Full Court held that the purchaser did not establish that she lost a valuable opportunity to renegotiate the contract price and therefore the misleading or deceptive conduct did not cause loss or damage to the purchaser.

## ATO decision impact statement on WYPF case

The ATO has released a [decision impact statement on WYPF v Federal Commissioner of Taxation \[2021\] AATA 3050](#). In this case, the Administrative Appeals Tribunal (AAT) considered the GST liability on sales of apartments in a residential development carried out in the Australian Capital Territory and specifically whether, for margin scheme purposes, certain works constructed by the taxpayer were part of the consideration for the acquisition of the development land and whether the ‘passing on’ provisions in the GST law applied to any overpaid GST.

The ATO states that the decision of the AAT that consideration for the acquisition of a long-term lease for the purposes of the margin scheme did not include building works required by the lease is consistent with the Commissioner's views in Goods and Services Tax Determination GSTD 2021/1 *Goods and services tax: development works in the Australian Capital Territory*. In relation to the ‘passing on’ issue, the ATO considers that the AAT's findings reflect the approach outlined in Goods and Services Tax Ruling GSTR 2015/1 *Goods and services tax: the meaning of the terms ‘passed on’ and ‘reimburse’ for the purposes of Division 142 of the A New Tax System (Goods and Services Tax) Act 1999* that whether excess GST has been passed on is a question of fact and must be determined on a case-by-case basis, taking into account the particular circumstances of each case.

### Let's talk

#### For a deeper discussion of how these issues might affect your business, please contact:

**Matt Strauch**, Melbourne  
Indirect Tax Leader  
+61 (3) 8603 6952  
[matthew.strauch@pwc.com](mailto:matthew.strauch@pwc.com)

**Jeff Pfaff**, Brisbane  
Partner  
+61 (7) 3257 8729  
[jeff.pfaff@pwc.com](mailto:jeff.pfaff@pwc.com)

**Suzanne Kneen**, Melbourne  
Partner  
+61 (3) 8603 0165  
[suzanne.kneen@pwc.com](mailto:suzanne.kneen@pwc.com)

**Michelle Tremain**, Perth  
Partner  
+61 (8) 9238 3403  
[michelle.tremain@pwc.com](mailto:michelle.tremain@pwc.com)

**Brady Dever**, Sydney  
Partner  
+61 (2) 8266 3467  
[brady.dever@pwc.com](mailto:brady.dever@pwc.com)

**Shagun Thakur**, Perth  
Partner  
+61 (8) 9238 3059  
[shagun.thakur@pwc.com](mailto:shagun.thakur@pwc.com)

**Adrian Abbott**, Sydney  
Partner  
+61 (2) 8266 5140  
[adrian.abbott@pwc.com](mailto:adrian.abbott@pwc.com)

**Mark Simpson**, Sydney  
Partner  
+61 (2) 8266 2654  
[mark.simpson@pwc.com](mailto:mark.simpson@pwc.com)



# Personal Tax Update

## High Court decision on backpacker tax

The High Court has unanimously held in [Addy v Commissioner of Taxation \[2021\] HCA 34](#) that the tax rates applicable to working holiday makers, known as the 'backpacker tax', contravened the non-discrimination article in the Convention between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital Gains (the UK Double Tax Agreement).

Under the backpacker tax, working holiday makers are subject to income tax rates higher than Australian nationals. The Full Federal Court had previously found that the income tax rates were tied to visa status and so reflected a choice by the relevant individual that was not tied to nationality. The ATO also argued that as it was not possible for an Australian national to obtain a working holiday visa, there was no comparison possible. The High Court rejected both of these arguments, finding that it was necessary to compare hypothetical taxpayers

in the same circumstances apart from the criterion on which the discrimination was claimed. The Court found that the tax burden for an Australian national deriving taxable income in the same circumstances would be less as they would have been entitled to a tax-free threshold. Accordingly, in contravention of the UK Double Tax Agreement, the backpacker tax imposed more burdensome taxation on the taxpayer owing to her nationality.

The ATO is currently [considering](#) the decision and will provide updated guidance in the future.

## ATO data matching program – Medicare exemptions

The ATO has provided [notice](#) that it will acquire Medicare Exemption Statement data from Services Australia as part of a data matching program. The ATO will compare the data to claims made by taxpayers in their income tax returns to identify taxpayers who are eligible to claim an exemption from the Medicare Levy and Medicare Levy Surcharge, provide information and education to promote voluntary compliance and develop strategies to address compliance.

### Let's talk

#### For a deeper discussion of how these issues might affect your business, please contact:

**Martina Crowley**, Melbourne  
Partner

+61 (3) 8603 1450

[martina.crowley@pwc.com](mailto:martina.crowley@pwc.com)

**Samantha Vidler**, Brisbane  
Partner

+61 (7) 3257 8813

[samantha.vidler@pwc.com](mailto:samantha.vidler@pwc.com)

**Glen Frost**, Sydney  
Partner

+61 (2) 8266 2266

[glen.frost@pwc.com](mailto:glen.frost@pwc.com)

**Matt Gurner**, Perth  
Partner

+61 (8) 9238 3458

[matthew.gurner@pwc.com](mailto:matthew.gurner@pwc.com)

**Amy Etherton**, Newcastle  
Partner

+61 (2) 4925 1175

[amy.etherton@pwc.com](mailto:amy.etherton@pwc.com)

**Alistair Hutson**, Adelaide  
Partner

+61 (8) 8218 7467

[alistair.hutson@pwc.com](mailto:alistair.hutson@pwc.com)

# State Taxes Update

## Victorian land tax relief – applications now open

The State Revenue Office of Victoria has [opened](#) applications for 2021 land tax relief for eligible landowners. The land tax relief is broadly available for landowners:

- with a single commercial tenancy or multiple commercial tenancies who provide rent relief between 28 July 2021 and 15 January 2022 to eligible tenants under the Commercial Tenancy Relief Scheme; or
- who are commercial owner occupiers and would be eligible tenants under the Commercial Tenancy Relief Scheme in a hypothetical

scenario where the taxpayer is a tenant carrying on the business at the property.

Eligible landowners are able to apply for a reduction of their 2021 land tax of up to 25 per cent and a deferral of remaining land tax until 31 May 2022. Applications for relief close on 30 April 2022.

## NSW commences audits of COVID-19 support payments

Revenue NSW has [commenced audits](#) 2021 JobSaver payments, COVID-19 Business Grants, Micro-Business Grants and Accommodation Support Grants. External agency information will be used to data match against details provided by

applications to identify those who may not have met the eligibility requirements.

Recipients selected for review will be contacted by phone initially and may be asked to supply additional information. Revenue NSW will then conduct a review of the information to determine if no further action should be taken, or if it considers there has been an underpayment or overpayment. If Revenue NSW considers there was an overpayment, the recipient will have another opportunity to demonstrate their eligibility. In the case of underpayments, additional funds will be credited to the recipient's account.

## NSW – interaction of principal place of residence exemption with surcharge land tax

The New South Wales Civil and Administrative Tribunal (NCAT) has handed down its decision in [\*Chan v Chief Commissioner of State Revenue \[2021\] NSWCATAD 266\*](#). While the decision concerned whether the Chief Commissioner should pay the costs of the applicant, it followed a concession by the Chief Commissioner that the applicant was entitled to an exemption from surcharge land tax. The applicant was a foreign national living in Australia who had been absent from Australia as part of her employment obligations. The Chief Commissioner initially imposed surcharge land tax on the basis that the taxpayer's extended absences had resulted in a failure to satisfy the residency requirements in the relevant legislation, however later conceded that the principal place of residence exemption was still available before review proceedings in NCAT could commence.

## NSW and SA – electric vehicle legislation now law

The [\*Electric Vehicles \(Revenue Arrangements\) Act 2021\*](#) has received assent after completing its passage through the New South Wales Parliament. The legislation provides an exemption for certain zero and low emissions vehicles with a dutiable value of up to \$78,000 from vehicle stamp duty and a system of distance related road user charges for these vehicles. The road user charges will commence on 1 July 2027 or an earlier date when sales of battery electric vehicles in NSW comprise 30 per cent of new motor vehicle sales in NSW.

The [\*Motor Vehicles \(Electric Vehicle Levy\) Amendment Act 2021\*](#) has also received assent after passing the South Australian Parliament. The legislation provides an exemption from registration fees for three years for electric vehicles purchased before 30 June 2025 and a \$3,000 subsidy for the first 7,000 full electric vehicles purchased in South Australia. The legislation also defers the introduction of a proposed electric vehicle road user charge to the sooner of 1 July 2027 or when electric vehicles reach 30 per cent of new motor vehicle sales.

## WA guidance on easements updated

The Western Australian Commissioner of State Revenue has issued updated guidance on how transfer duty applies to the creation, grant or surrender of an easement in Commissioner's Practice [DA 22.3](#). The new guidance has effect from 5 November 2021.

### Let's talk

#### For a deeper discussion of how these issues might affect your business, please contact:

**Rachael Cullen**, Sydney  
Partner

+61 (4) 0947 0495

[rachael.cullen@pwc.com](mailto:rachael.cullen@pwc.com)

**Cherie Mulyono**, Sydney

Partner

+61 (2) 8266 1055

[cherie.mulyono@pwc.com](mailto:cherie.mulyono@pwc.com)

**Rachael Munro**, Perth

Partner

+61 (8) 9238 3001

[rachael.munro@pwc.com](mailto:rachael.munro@pwc.com)

**Barry Diamond**, Melbourne

Partner

+61 (3) 8603 1118

[barry.diamond@pwc.com](mailto:barry.diamond@pwc.com)

**Matthew Sealey**

Partner

+61 (4) 0068 4803

[matthew.sealey@pwc.com](mailto:matthew.sealey@pwc.com)

**Stefan DeBellis**, Brisbane

Partner

+61 (7) 3257 8781

[stefan.debellis@pwc.com](mailto:stefan.debellis@pwc.com)

**Jess Fantin**, Brisbane

Partner

+61 (7) 3257 5501

[jess.fantin@pwc.com](mailto:jess.fantin@pwc.com)

# Superannuation Update

## APRA requirements and guidance on insurance in superannuation

The Australian Prudential Regulation Authority (APRA) has finalised revisions to Prudential Standard [SPS 250 Insurance in Superannuation](#) (SPS 250) and Prudential Practice Guide [SPG 250 Insurance in Superannuation](#) (SPG 250). As outlined in its [response paper](#), the key changes to SPS 250 and SPG 250 include additional safeguards against adverse outcomes caused by conflicted life insurance arrangements, requiring independent certification that related party insurance arrangements are in the best financial interests of beneficiaries, and requiring an insurance strategy and insurance management framework. The finalisation of SPS 250 and SPG 250 represent the finalisation of APRA response to the recommendations directed at it by the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

## APRA discussion paper on financial resilience of superannuation trustees

APRA has issued a discussion paper seeking information from superannuation trustees on their plans to maintain the financial resilience needed to protect members' best financial interests. APRA's prudential standards require superannuation trustees to maintain sufficient financial strength to operate their businesses effectively, including in cases of unexpected expenses such as system upgrades, corporate restructures or paying fines.

Through the discussion paper, APRA is seeking feedback on the use of the operational risk financial requirement (ORFR), reserving practices, and protections afforded to trustees via insurance, and how these might need to adapt over time. It also outlines key principles for fee setting and design, informed by the law as it currently stands. Submissions close on 11 March 2022.

## Other APRA updates

APRA has [published](#) an analysis of choice superannuation products, highlighting underperformance in the sector. Choice superannuation products refers to products offered by registrable superannuation entities (RSE) licensees that are not MySuper products or defined benefits products. APRA's analysis of choice products showed the median administration fee is approximately 40 per cent higher than the median MuSuper product, investment performance varied

considerably, and a materially higher percentage of choice options underperformed a benchmark. APRA will shortly release its first Choice Product Heatmap focusing on multi-sector investment options in open accumulation funds.

APRA has also published new and updated frequently asked questions (FAQs) on a range of issues including:

- the [Your Future, Your Super performance test](#)
- [Phase 1 of the Superannuation Data Transformation project](#), and
- [outcomes assessment](#) under section 52(9) of the *Superannuation Industry (Supervision) Act 1993*.

## Stapled superannuation account measures have commenced

The stapled superannuation account measures enacted as part of the *Your Super, Your Future* reforms [commenced](#) on 1 November. The stapled superannuation account measures limit the creation of multiple superannuation accounts for employees who do not nominate a superannuation fund when commencing employment. Instead, employers must pay superannuation contributions to an existing account of the new employee.

## AAT declines to issue notice of compliance to SMSF

The Administrative Appeals Tribunal (AAT) in the decision of [Driscoll v Federal Commissioner of Taxation \[2021\] AATA 3892](#) has refused to issue a notice of compliance in respect of a self-managed superannuation fund (SMSF). The taxpayer, who was the sole member of the relevant SMSF and a director of its corporate trustee, withdrew funds from the SMSF to attend a course on Scientology, to purchase a limited edition 18 volume set of scientology books and for personal expenses. Following an audit of the fund, the Commissioner of Taxation refused to issue to the trustee a notice of compliance under section 40 of the *Superannuation Industry (Supervision) Act 1993 (Cth)*. The taxpayer sought a review of this decision by the AAT. While the AAT accepted that the books were an investment for the fund, it found that the use of funds to attend a course for personal gain and for personal expenses was a serious matter and it was not appropriate to exercise the discretion to issue a notice of compliance.

## Addendum to ruling on payments to sportspersons

The Australian Taxation Office (ATO) has issued an [addendum](#) to Superannuation Guarantee Ruling [SGR 2009/1](#) (SGR 2009/1) on payments to sportspersons. The addendum takes into account developments in the law, including decisions of the Federal Court and Administrative Appeals Tribunal since the ruling was issued that support the Commissioner's views. The views outlined in SGR 2009/1 have not changed.

## Portfolio holdings disclosure regulations

The [Corporations Amendment \(Portfolio Holdings Disclosure\) Regulations 2021](#) (the Regulations) have been made in relation to the portfolio holdings disclosure regime for RSEs. The Regulations prescribe the manner in which information provided under the regime must be organised. The prescribed disclosures are intended to allow members to see how much of their savings are invested across a range of asset classes, with superannuation funds required to first report their holdings by 31 March 2022.

## ASIC consultation on relief for retirement calculators

The Australian Securities and Investments Commission has released [Consultation Paper 351 Superannuation forecasts: Update to relief and guidance](#) (CP 351) to seek feedback on proposed updates to relief and guidance for superannuation forecasting tools. Superannuation calculators and

retirement estimates are low-cost forecasting tools that are intended to be a helpful prompt for consumers to review their financial situation, and if appropriate, seek further information or financial advice.

The proposals in CP 351 include combining relief from personal financial advice requirements for superannuation calculators and retirement estimates into a single legislative instrument and adopting a common framework for economic and financial assumptions. Submissions in response to CP 351 are due by 28 January 2022. ASIC intends to publish the updated instruments and guidance before the existing relief in [ASIC Class Order \[CO 11/1227\]](#) sunsets on 1 April 2022.

## Alternative methods for calculating superannuation benefits for defence force personnel

The ATO has published draft legislative determination [MS 2021/D3](#) specifying a proposed alternative method for calculating the tax-free component and taxable component of a superannuation benefit for recipients of certain pensions paid to retired defence personnel during the 2021-22 financial year. Comments in response to the draft determination are due by 3 December 2021. This legislative instrument, when finalised, is intended to alleviate some of the impacts of the recent Full Federal Court decision in [Commissioner of Taxation v Douglas \[2020\] FCAFC 220](#), which changed the tax and superannuation treatment of military invalidity benefits.

### Let's talk

**For a deeper discussion of how these issues might affect your business, please contact:**

**Naree Brooks**, Melbourne  
Partner  
+ 61 (3) 8603 1200  
[naree.brooks@pwc.com](mailto:naree.brooks@pwc.com)

**Alice Kase**, Sydney  
Partner  
+ 61 (2) 8266 5506  
[alice.kase@pwc.com](mailto:alice.kase@pwc.com)

**Sharyn Frawley**  
Director  
+61 (3) 8603 1217  
[sharyn.frawley@pwc.com](mailto:sharyn.frawley@pwc.com)

**Marco Feltrin**, Melbourne  
Partner  
+ 61 (3) 8603 6796  
[marco.feltrin@pwc.com](mailto:marco.feltrin@pwc.com)

**Ken Woo**, Sydney  
Partner  
+ 61 (2) 8266 2948  
[ken.woo@pwc.com](mailto:ken.woo@pwc.com)

**Abhi Aggarwal**, Brisbane  
Partner  
+ 61 (7) 3257 5193  
[abhi.aggarwal@pwc.com](mailto:abhi.aggarwal@pwc.com)

**Allister Sime**, Melbourne  
Director  
+61 (3) 8603 1195  
[allister.sime@pwc.com](mailto:allister.sime@pwc.com)



# Legislative Update

Since our last update, [Treasury Laws Amendment \(Enhancing Superannuation Outcomes For Australians and Helping Australian Businesses Invest\) Bill 2021](#) has been introduced into Federal Parliament. This Bill proposes a range of changes to superannuation including:

- removing the \$450 a month threshold for superannuation guarantee
- increasing the limit on the maximum amount of voluntary contributions able to be released under the First Home Super Save Scheme
- reduce the eligibility age for downsizer contributions, and
- reforms to the work test.

This Bill also includes amendments to extend the Temporary Full Expensing measure for an additional 12 months until 30 June 2023.

The following Commonwealth revenue measure were registered as a legislative instrument since our last monthly update:

- [Customs Tariff Amendment \(Regional Comprehensive Economic Partnership Agreement Implementation\) Regulations 2021](#), [Customs \(Regional Comprehensive Economic Partnership Rules of Origin\) Regulations 2021](#) and [Customs \(International Obligations\) Amendment \(Regional Comprehensive Economic Partnership Agreement Implementation\) Regulations 2021](#) which support implementation of the Regional Comprehensive Economic Partnership Agreement in Australia. For further details, refer to the Global tax update.
- [Corporations Amendment \(Portfolio Holdings Disclosure\) Regulations 2021](#) which prescribes how registrable superannuation entities must organise the disclosure of portfolio holdings under the portfolio holdings disclosure regime. For further details, refer to the Superannuation update.

The final sitting day for Federal Parliament for 2021 is 2 December 2021. The Parliamentary sitting dates for 2022 have not yet been released.

## Let's talk

**For a deeper discussion of how these issues might affect your business, please contact:**

**Chris Morris**, Sydney  
Australian Tax Leader  
+61 (2) 8266 3040  
[chris.morris@pwc.com](mailto:chris.morris@pwc.com)

**Sarah Hickey**, Sydney  
Sydney Tax Market Leader  
+61 (2) 8266 1050  
[sarah.a.hickey@pwc.com](mailto:sarah.a.hickey@pwc.com)

**Kirsten Arblaster**, Melbourne  
Melbourne Tax Leader  
+61 (3) 8603 6120  
[kirsten.arblaster@pwc.com](mailto:kirsten.arblaster@pwc.com)

**Liam Collins**, Melbourne  
Financial Services Tax Leader  
+61 (3) 8603 3119  
[liam.collins@pwc.com](mailto:liam.collins@pwc.com)

**Michael Bona**, Brisbane  
Global Tax Leader  
+61 (7) 3257 5015  
[michael.bona@pwc.com](mailto:michael.bona@pwc.com)

**James O'Reilly**, Brisbane  
Brisbane Tax Leader  
+61 (7) 3257 8057  
[james.oreilly@pwc.com](mailto:james.oreilly@pwc.com)

**Rob Bentley**, Perth  
Perth Tax Leader  
+61 (8) 9238 5202  
[robert.k.bentley@pwc.com](mailto:robert.k.bentley@pwc.com)

**Warren Dick**, Sydney  
Tax Reporting & Strategy Leader  
+61 (2) 8266 2935  
[warren.dick@pwc.com](mailto:warren.dick@pwc.com)

**Jason Karametos**, Melbourne  
Industries Tax Leader  
+61 (3) 8603 6233  
[jason.karametos@pwc.com](mailto:jason.karametos@pwc.com)

**Alistair Hutson**, Adelaide  
Partner  
+61 (8) 8218 7467  
[alistair.hutson@pwc.com](mailto:alistair.hutson@pwc.com)

# Other News

## ATO annual report 2020-21

The Australian Taxation Office (ATO) has released its [Australian Taxation Office Annual Report 2020-21](#) regarding its administration of the tax and superannuation systems. The annual report provides an overview of the ATO's performance during a year where it focused on delivering government stimulus measures and supporting businesses and individuals affected by COVID-19.

During the 2020-21 year, the ATO had net tax collections of \$451.4 billion, continued to deliver on key commitments such as the Tax Avoidance Taskforce and completed the transfer of registry functions from the Australian Securities and Investments Commission to the ATO.

## Second Commissioner appointment

Kirsten Fish has been [appointed](#) by the Federal Government as the Second Commissioner for the Law Design and Practice Group of the ATO for a seven year term. Previously she was acting Second Commissioner and the Chief Tax Counsel at the ATO.

## Draft effective lives for plastic safety screens published

The ATO has published a draft list of [effective lives for plastic safety screens](#) (commonly referred to as 'sneeze screens'). Comments on the draft effective lives may be made until 16 December 2021 and the effective lives are proposed to apply to assets purchased or first used or installed ready for use from 1 July 2022.

## Value of goods taken from trading stock for private use

The ATO has published Taxation Determination [TD 2021/8](#) outlining amounts that it will accept as estimates of the value of goods taken from trading stock for businesses within certain industries during the 2021-22 income year. The industries covered by the Determination include bakery, butcher, restaurant/café, caterer, delicatessen, fruiterer/greengrocer, takeaway food shop and mixed business (incorporating milk bar, general store and convenience store).

The Commissioner notes in the Explanation that a lesser value for goods taken from stock may be used if it can be justified and conversely, where a value of goods would be significantly greater, that value should be used.

## ATO puts business claiming small business CGT concessions on notice

The ATO has [found](#) that some larger businesses are mistakenly claiming small business capital gains concessions. The ATO will commence sending letters to taxpayers and their advisors asking them to check recent tax returns in which the small business concessions have been claimed to ensure their eligibility and is encouraging taxpayers and their advisors to contact the ATO if mistakes are identified.

## ABN cancellation program

The ATO is currently [reviewing](#) Australian Business Numbers (ABNs) to identify inactive ABNs that should be cancelled. The review includes an automated process allowing businesses or individuals to advise that an ABN is still required. The ATO advises that ABNs may be selected where there is no business activity in an income tax return or no signs of business activity in other lodgements or third party information.

## Improving the technology neutrality of Treasury portfolio laws

The Government has [released](#) exposure draft legislation, regulations and explanatory materials designed to modernise communications and provide greater flexibility for businesses, individuals and regulators communicating with each other.

The exposure draft materials propose to expand the scope of regimes allowing documents to be signed and sent electronically, update payment provisions to ensure electronic payments can be made and other changes. This includes changes to the serving of notices under various tax and superannuation laws.

Submissions in response to the exposure draft materials are due by 10 December 2021.

## Meaning of "school" for purposes of Deductible Gift Recipient rules

The Federal Court has handed down a decision on the meaning of "school" for the purposes of being endorsed as a Deductible Gift Recipient (DGR) in [Buddhist Society of Western Australia v Federal Commissioner of Taxation \[2021\] FCA 1363](#).

The Court set aside the Commissioner's objection decision and referred the matter back to the

Commissioner for further consideration, finding that Taxation Ruling [TR 2013/2](#) imposed additional requirements to those established in case law that a building must satisfy to be considered a "school or college". In particular, the Court found that the requirement that a school provide "regular, ongoing and systematic instruction" was not warranted from previous cases. Similarly, the requirement in TR 2013/2 that a school building must be "substantially" used as a school was not an explicit requirement of previous cases and regard must be had to the purpose or purposes for which the building was established and the importance of those activities. Finally, the Court also found that the courses offered by the school need not be vocational in nature but could also be recreational.

## Draft remake of public ancillary fund guidelines

Treasury has released for consultation [draft guidelines](#) to remake the existing guidelines for a public ancillary fund to obtain and maintain DGR status. The existing guidelines are scheduled to automatically sunset on 1 April 2022.

The majority of the changes made by the draft guidelines are technical changes to reflect current drafting practice, improve clarity, and to align the public ancillary fund guidelines with the relevant requirements from the *Taxation Administration (Private Ancillary Fund) Guidelines 2019*. The one substantive change in the draft guidelines is that public and private ancillary funds will be able to seek merits review of the Commissioner of Taxation's decision to reject applications for a lower minimum annual distribution rate.

Comments on the draft guidelines can be made until 9 December 2021.

### Let's talk

#### For a deeper discussion of how these issues might affect your business, please contact:

**Chris Morris**, Sydney  
Australian Tax Leader  
+61 (2) 8266 3040  
[chris.morris@pwc.com](mailto:chris.morris@pwc.com)

**Sarah Hickey**, Sydney  
Sydney Tax Market Leader  
+61 (2) 8266 1050  
[sarah.a.hickey@pwc.com](mailto:sarah.a.hickey@pwc.com)

**Kirsten Arblaster**, Melbourne  
Melbourne Tax Market Leader  
+61 (3) 8603 6120  
[kirsten.arblaster@pwc.com](mailto:kirsten.arblaster@pwc.com)

**Michael Bona**, Brisbane  
Global Tax Leader  
+61 (7) 3257 5015  
[michael.bona@pwc.com](mailto:michael.bona@pwc.com)

**James O'Reilly**, Brisbane  
Brisbane Corporate Tax Leader  
+61 (7) 3257 8057  
[james.oreilly@pwc.com](mailto:james.oreilly@pwc.com)

**Rob Bentley**, Perth  
Perth Corporate Tax Leader  
+61 (8) 9238 5202  
[robert.k.bentley@pwc.com](mailto:robert.k.bentley@pwc.com)

**Warren Dick**, Sydney  
Tax Reporting & Strategy Leader  
+61 (2) 8266 2935  
[warren.dick@pwc.com](mailto:warren.dick@pwc.com)

**Jason Karametos**, Melbourne  
Industries Corporate Tax Leader  
+61 (3) 8603 6233  
[jason.karametos@pwc.com](mailto:jason.karametos@pwc.com)

**Alistair Hutson**, Adelaide  
Partner  
+61 (8) 8218 7467  
[alistair.hutson@pwc.com](mailto:alistair.hutson@pwc.com)

## Editorial

PwC's Monthly Tax Update is produced by the PwC's Financial Advisory Marketing and Communications team, with technical oversight provided by PwC's Tax Markets & Knowledge team.

Editorial		
<b>Bluebell Holdaway</b> Manager, Communications <a href="mailto:bluebell.holdaway@pwc.com">bluebell.holdaway@pwc.com</a>	<b>Lynda Brumm</b> Principal, Tax Markets & Knowledge +61 (7) 3257 5471 <a href="mailto:lynda.brumm@pwc.com">lynda.brumm@pwc.com</a>	<b>Blake Lloyd</b> Manager, Tax Markets & Knowledge +61 (2) 8266 5059 <a href="mailto:blake.lloyd@pwc.com">blake.lloyd@pwc.com</a>

# PwC's Monthly Tax Update

© 2021 PricewaterhouseCoopers. All rights reserved. PwC refers to the Australia member firm, and may sometimes refer to the PwC network. Each member firm is a separate legal entity. Please see [www.pwc.com/structure](http://www.pwc.com/structure) for further details. This content is for general information purposes only, and should not be used as a substitute for consultation with professional advisors. Liability limited by a scheme approved under Professional Standards Legislation. At PwC Australia our purpose is to build trust in society and solve important problems. We're a network of firms in 158 countries with more than 250,000 people who are committed to delivering quality in assurance, advisory and tax services. Find out more and tell us what matters to you by visiting us at [www.pwc.com.au](http://www.pwc.com.au).