

Matthew Sedgwick  
Consumer and Corporations Policy Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600

Via email: [regmod@treasury.gov.au](mailto:regmod@treasury.gov.au)

## Submissions re “Modernising Business Registers”

Re: ‘Consultation Paper’ published at

<https://static.treasury.gov.au/uploads/sites/1/2018/07/MBR-Consultation-Paper-July-2018.pdf>

### Submission 1

If the modernising process is to be effective, and is to ensure that persons only need to notify government once of changes such as address changes (and not have to notify multiple government departments of the same thing), then it is submitted that there needs to be –

- (i) some kind of legislative prohibition on one arm of government requesting business registry information from a person or entity which that person or entity has already been supplied to another arm of government;
- (ii) associated penalties imposed on the offending arm of government; and
- (iii) associated remedies (including financial remedies) afforded to the person or entity whom has been ‘asked twice’.

And lest the above seem to be some kind of exaggeration, consider the following.

Now nineteen years ago, when the ***A New Tax System (Australian Business Number) Act/Bill 1999*** was being introduced its EXPLANATORY MEMORANDUM (accessible via [http://www5.austlii.edu.au/au/legis/cth/bill\\_em/antsbnb1998480/memo1.html](http://www5.austlii.edu.au/au/legis/cth/bill_em/antsbnb1998480/memo1.html)) stated -

*The ABN will enable business to be identified by one number for all government purposes and will allow business to comply with regulatory requirements and receive government assistance and advice through fewer entry points. For example, if a business changes its address it will only need to notify one authority.*

### Questions:

If that were the case, why is it that, now nineteen years later, identification of businesses for government purposes variously done via TFNs, GST registration numbers, ASIC account Numbers and ASIC Identifiers (in the case of registered business names) and the like?

And it that were the case, why is it that, now 19 years later, when a business with an ASIC registered business name changes its address it needs to separately notify both ASIC and the ATO/ABR of such an address change?

**Suggested Answer:** Because there were no such legislative prohibitions, and associated penalties and remedies, as suggested in Submission 1 above.

## **Submission 2**

Ensure that regardless of what is introduced in terms of the 'Modernising Business Registers' program, the legacy systems are left in place in parallel for as long as is necessary as a back-up (namely until the inevitable problems and disruptions with the new system are sorted out).

In this regard, it is submitted that the 'Modernising Business Registers' task will prove to be far more complex, and raise far more unintended consequences than even the most pessimistic person would currently anticipate.

And if one were to think the above to be mere exaggeration, consider the recent example of a less complex task, namely, ASIC's 2012 takeover from the States of the business name registration responsibility. 'All' ASIC had to do was 'simply' to upload the State's exiting business name registration data and build a publicly available online system for business name registration and maintenance. And ASIC had a budget in excess of \$100 million to do so. But the task proved to be exceedingly complex and the resulting system to be far from satisfactory (see for example <http://www.smh.com.au/small-business/startup/major-holdups-under-new-asic-system-20130731-2qyk2.html> and <http://www.smartcompany.com.au/legal/27212-complaints-mount-over-asic-business-name-register-asic-admits-it-is-plagued-by-delays-and--technical-errors.html>).

[TradingAs.com.au](http://TradingAs.com.au) & [Incorporator.com.au](http://Incorporator.com.au)

Per: Neal Macrossan  
PO Box 507  
Clayfield QLD 4011