



9 October 2019

Board of Taxation Secretariat
The Treasury
Langdon Crescent
Parkes ACT 2600

Dear Sir/Madam

Submission to the Board of Taxation Review of Corporate Tax Residency Consultation Guide

The MCA represents Australia's exploration, mining and minerals processing industry with a common purpose in advocating responsible policies to promote growth, prosperity and sustainability. Advancing responsible business practices through policy advocacy and practical support is an important part of our work.

The MCA appreciates the opportunity to comment in relation to this important matter which impacts upon a number of our large international minerals companies. The outcome impacts upon the risk associated with investment decisions and ownership structures that house large scale investments.

We have provided input to the joint submission from the Business Council of Australia and the Corporate Tax Association. We note that the joint submission addresses our concerns with respect to the current ATO guidance and recommends reinstatement of the purpose and effect provisions of the withdrawn Taxation Ruling TR2004/15 appropriately adjusted to reflect changes in modern business structures and communication technologies. Whilst our preference is for a legislative fix, we acknowledge that may be challenging and a more practical and speedy response via a new ruling could be pursued.

In addition, the BCA/CTA submission recommends a review of the replacement ruling when the outcomes of the OECD deliberations on its current work on the Taxation of the Digitalisation of the Economy are known. This is important to ensure the ruling remains fit for purpose.

Should you wish to discuss this letter please contact me on 03 8614 1851 or ross.lyons@minerals.org.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ross Lyons", written over a white background.

ROSS LYONS
GENERAL MANAGER - TAXATION