



December 3, 2025

Australian Tax Office
GPO Box 9977
Canberra ACT 2601
PublicCBC@ato.gov.au

Re: Draft instructions to complete the Public country-by-country report

The National Foreign Trade Council (the “NFTC”) is writing to comment on the Australian Taxation Office’s (“ATO”) [consultation](#) on **Draft instructions to complete the Public country-by-country report** (“the Consultation”) for Schedule 4 of the Australian Government’s *Treasury Laws Amendment (Responsible Buy Now Pay Later and Other Measures) Bill 2024*, published on June 5, 2024 and signed into law on December 10, 2024 (“the Law”). NFTC previously provided [comments](#) on September 4, 2025, in response to the ATO’s Practice Statement Law Administration 2025/D1 issued July 3, 2025 as well as prior [comments](#) on April 8, 2025.

The NFTC, organized in 1914, is an association of U.S. business enterprises engaged in all aspects of international trade and investment. Our membership covers the full spectrum of industrial, commercial, financial, and service activities. We value work that focuses on establishing and maintaining international tax and transfer pricing norms that provide certainty to enterprises conducting cross-border operations.

Comments

NFTC welcomes the Consultation on public CbCR and appreciates ATO’s willingness to engage with the business community. While we have a number of concerns and reservations with the CbCR regime, the comments below are limited to those in the Consultation. NFTC reiterates our prior comments, including: (1) ensuring adequate protections are provided for sensitive data, such as the provision of a deferral period, and (2) removing treaty partners from the black list, including U.S. territories.

NFTC requests additional clarity on how to attribute financial information to jurisdictions. Currently, the guidance states that a group parent is required to report information “for Australia and the other specific jurisdictions”. The guidance additionally references GRI 207 and the OECD BEPS Action 13 guidance. However, the legislation in section 3DA (1) provides that the information to be published includes specified information “in respect of” Australia and other specified jurisdictions in which the group “operates.” This is not defined in the law or guidance.

As BEPS Action 13 and GRI 207 are not aligned, citing both provisions creates confusion. The OECD Action 13 guidance requires information for all “Constituent Entities” in a jurisdiction to be aggregated. A Constituent Entity includes a foreign Permanent Establishment (PE) of an entity, whereas GRI 207 uses slightly different terminology but also specifies that “entity” includes a PE.

NFTC recommends that the guidance specify the method of attributing financial information to a jurisdiction and that this be consistent with the OECD Action 13 guidance.

Conclusion

NFTC has previously expressed its concerns with publicly available CbCR data. In addition to the comments on the instructions, we continue to recommend adopting a robust exclusion process to include the restriction on entity types in scope and safeguards against commercially and national security sensitive data. Furthermore, given the developments with Pillar Two as well as the recent extension for confidential CbCR reporting, we request a delay for the reporting date. NFTC appreciates the opportunity to provide written comments and looks forward to continuing opportunities for constructive engagement with ATO as additional guidance is provided.