



March 12, 2025

The Honorable Jamieson Greer  
The Office of the United States Trade Representative  
600 17th St. NW Washington, DC 20006

**Re: Docket ID USTR-2025-0001**

Ambassador Greer:

On February 25<sup>th</sup>, you [requested](#) comments identifying unfair trade practices by other countries.

A new Australian reporting regime is forcing many privately-held US companies into a Hobson's Choice – cease doing business in Australia or begin reporting all their sensitive business information to a public database operated by the Australian Tax Office.

The regime is in effect now and will limit the ability of US firms to operate in Australia. Most private companies are unwilling to make public the information demanded and will have to close or sell their Australian operations. As such, these new rules constitute a non-tariff barrier to trade that should be addressed in any discussions the USTR has with Australia.

### **Australia Public Reporting Targets US Companies**

According to the [Australian Tax Office](#), a “Public Country-by-Country (CBC) reporting Ultimate Parent Entities (UPE's) need to report certain tax information on a CBC basis, to the ATO.” These reports are due as early as July 1, 2026.

Affected companies are those with revenues exceeding \$1 billion (AUD) worldwide who do at least \$10 million (AUD) business in Australia. So a US parent with worldwide revenues of \$2 billion and a subsidiary doing \$20 million of business in Australia will need to file an annual report and include the country-by-country public disclosure of:

- Revenue
- Profits
- Revenue from third parties
- Revenue from related parties outside the jurisdiction
- Employees
- Taxes paid and accrued
- Book value of tangible assets
- Differences between income tax accrued and profit, multiplied by the tax rate

Annual fines for late or incorrect reports or failure to file are up to \$825,000 (AUD).



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### **Non-Tariff Trade Barriers**

Few private companies will be willing to make the disclosures required by the new rules. This information effectively constitutes trade secrets that are extremely valuable. The ability to keep this information private is one of the benefits of being a private company and helps to offset the inability of private companies to access the global capital markets.

These rules will have a particular chilling effect on US based companies. The United States is unique in its reliance on family-owned, private companies. These private companies are a key component in the American economy, contributing trillions to our national income and employing tens of millions of workers.

The concerns raised here are not theoretical. In response to the new rules, the S Corporation Association already has had member companies divest themselves of their Australian operations. Others are planning to do the same. The new reports will effectively block many US companies from doing business in Australia.

### **Corporate Transparency Act**

The Treasury Department under the new Administration recently revised the scope of the Corporate Transparency Act enacted by Congress in 2021. Originally targeted at millions of entities located in the US, the new rules now are limited to foreign entities operating in the US. The reporting required of these foreign entities also is limited and nowhere near as comprehensive as the reports demanded by the Australian authorities.

These revisions were premised on the Administration's opposition to sweeping reporting requirements and reflect its priority to preserve the privacy of the reporting entities and their owners. These concerns are well founded and are being undermined by efforts in Europe and Australia to demand a never-ending stream of sensitive information from taxpayers and businesses.

Expressing opposition to the new Australian rules will be consistent with the Administration's broader position on onerous reporting regimes and helpful to US companies attempting to do business in Australia and Europe.

Sincerely,

A handwritten signature in blue ink that reads "Brian Reardon".

Brian Reardon  
S Corporation Association