

# SamarasLawyers

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## Application of promoter penalty laws - guidance

The ATO has released a practice statement which outlines the application of the promoter penalty laws.

The Law Administration Practice Statement [PS LA 2021/1](#) provides guidance on the application of Div 290 of Sch 1 to the Taxation Administration Act 1953 and S 68B of the Superannuation Industry (Supervision) Act 1993. It includes updates from the recent cases as well as the promoter penalty laws covering illegal early release schemes.

Some of the items outlined, include:

1. indicators of potential promoter behaviour
2. process for making decisions about promoter penalty laws, including with respect to:
  - (a) Roles of Promoters;
  - (b) Promoter Penalty Decision Maker;
  - (c) Promoter Penalty Review Panel; and
  - (d) Application of the promoter penalty laws and the sanctions and remedies available.

It consolidates the earlier written [PS LA 2008/7](#) and [PS LA 2008/8](#) which are now withdrawn from 8 April 2021.

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