



Australian Government

Australian Government response to the
Standing Committee on Tax and Revenue report:

2015 Annual Report of the Australian Taxation Office –
First Report

October 2017

STANDING COMMITTEE ON TAX AND REVENUE
2015 ANNUAL REPORT OF THE AUSTRALIAN TAXATION OFFICE –
FIRST REPORT

Government Response

Recommendation 1

- The Committee recommends that the ATO make a clear public statement of its timetable for the transition to the new tax agent platform.

Agreed. The ATO will publish on ato.gov.au a timetable for the transition to the new tax agent platform.

Recommendation 2

- In order to give certainty to taxpayers, the Committee recommends that the ATO issue notices of assessment whenever an assessment is finalised.

Noted. There are only limited circumstances when a notice of assessment is not issued to an individual and a very small number of taxpayers are affected.

A notice of assessment is not issued when a non-resident individual:

- only has income that is subject to foreign resident withholding, such as interest or dividends;
- an amount was not withheld by the payer or the individual wants to pay that amount themselves; and
- the individual has no other taxable income.

Recommendation 3

- The Committee recommends that for future draft public rulings the ATO consider a provision that they cease on a certain date or when they are made redundant by legislation.

Partially agree. Whilst not providing the full legal protection afforded by a finalised ruling, a draft ruling does provide protection from the imposition of penalties and interest. The ATO administrative framework requires that staff follow draft rulings, so draft rulings indicate the way the ATO will apply the law in practice.

Nonetheless, it may be appropriate to withdraw some aged draft rulings in some circumstances. The automatic withdrawal of all draft rulings after a certain period without replacement would create an absence of guidance on relevant issues, and could lead to taxpayer uncertainty about the current ATO view.

The ATO proposes to consult with relevant stakeholders to obtain their views before finalising its position.