

# AUSTRALIAN TAXATION OFFICE

*Income Tax Assessment Act 1936 and the Income Tax Assessment Act 1997*

## **LODGMET OF RETURNS AND COMPANY STATEMENTS IN ACCORDANCE WITH THE *INCOME TAX ASSESSMENT ACT 1936* AND THE *INCOME TAX ASSESSMENT ACT 1997***

### **LODGMET OF INCOME TAX RETURNS**

In accordance with section 161 of the *Income Tax Assessment Act 1936* (the 'ITAA 1936') and the *Income Tax Regulations* (the 'Regulations'), I require every person and instalment taxpayer described in Table A or B to furnish to me a return of income for the year of income ended 30 June 2000 (or approved period in lieu). I also require every person and instalment taxpayer described in Tables C, D, E, F, G, H, I or J, except where they are described in Tables K or L, to furnish to me a return of income for the year of income ended 30 June 2000 (or approved period in lieu).

*In this notice (unless otherwise stated) a reference to a 'person' includes a partnership and trustee of a trust estate, but does not include an 'instalment taxpayer'. An 'instalment taxpayer' means a company, a trustee of a corporate unit trust, a trustee of a public trading trust, a trustee of a superannuation fund, a trustee of an approved deposit fund, a trustee of a pooled superannuation trust or a corporate limited partnership treated as a company by virtue of the provisions of Division 5A, Part III of the ITAA 1936.*

Every person required to lodge a return must do so by 31 October 2000, unless leave has been granted to adopt a substituted accounting period in lieu of the year of income ended 30 June 2000, in which case a return must be lodged with me no later than four months after the close of the accounting period adopted.

Instalment taxpayers (with the exception of those covered in Tables F and H) that are required to lodge a return must do so by the date on which the taxpayer is required to pay its assessed tax for the year in accordance with the table in section 221AZK of the ITAA 1936, disregarding any deferment under section 221AZKC.

**Note:** The final tax liability for an instalment taxpayer with an approved substituted accounting period (with the exception of those covered in Tables F and H) is as above. Instalment taxpayers that balance before 31 December in lieu of the succeeding 30 June are required to make a final payment as if they balanced on 31 December.

### **TABLE A**

Every person, or instalment taxpayer, who during the year of income ended 30 June 2000, or period adopted in lieu;

- (1) had tax instalment deductions taken from their pay or other income, **or**
- (2) purchased income tax credit vouchers for that year of income, **or**
- (3) incurred a loss or is entitled to a deduction for a tax loss of an earlier income year, or being a company or trust estate, has unapplied tax losses or net capital losses of any earlier income year where those losses exceed \$1,000 or, being a company, transfers a loss to another group company, **or**
- (4) had tax deducted under the Prescribed Payments System, **or**
- (5) had tax deducted under the Reportable Payments System, **or**

- (6) was liable to pay child support under the *Child Support (Assessment) Act 1989*, **or**
- (7) carried on a business, **or**
- (8) was entitled to income as a beneficiary in a trust estate that has operated a primary production business (as defined in section 995-1 of the *Income Tax Assessment Act 1997* (the 'ITAA 1997') in Australia, **or**
- (9) had an individual interest in the net income or the net loss of any partnership which operated a primary production business (as defined) in Australia, **or**
- (10) was under 18 years of age and whose income for the year was more than \$643 (excluding salary and wages or other payments for work that was personally performed), **or**
- (11) received income subject to the provisions of sections 23AF or 23AG of the ITAA 1936 and received \$1 or more of other income, **or**
- (12) had provisional tax raised for the year of income ended 30 June 2000 that has not been varied to 'nil', **or**
- (13) was a special professional as defined by Div 405 of the ITAA 1997, **or**
- (14) had amounts deducted from interest, dividends or unit trust distributions because a valid tax file number was not quoted, **or**
- (15) was eligible to claim a private health insurance tax offset under Subdivision 61-H of the ITAA 1997, **or**
- (16) had a reportable fringe benefits amount identified on their group certificate.

#### **TABLE B**

Every person, or instalment taxpayer, who has received from my High Wealth Individuals Task Force a letter described as:

'Notification of requirement for a detailed form of return for the year of income ended 30 June 2000 (or approved period in lieu)'.

#### **TABLE C**

Every person who was an Australian resident for the whole of the income year ended 30 June 2000 **and**,

- (1) whose taxable income for the year exceeded \$5,400, **or**
- (2) who ceased full-time education for the first time during the year ended 30 June 2000 and whose taxable income exceeded the equivalent of \$450 multiplied by the number of months since they were engaged in full-time education (including the month in which full-time education ceased) plus pre-workforce income derived in the year of income.

#### **TABLE D**

Every person who, at any time during the year of income ended 30 June 2000, was not an Australian resident and derived income that is taxable in Australia, other than income from which withholding tax has been deducted.

#### **TABLE E**

Every person who was an Australian resident for only part of the year of income ended 30 June 2000, and whose taxable income exceeded the amount obtained by multiplying \$450 by the number of months the person was an Australian resident (including the month in which the person became, or ceased to be, an Australian resident).

#### **TABLE F**

Every instalment taxpayer required to pay by instalments under the provisions of Division 1C of Part VI of the ITAA 1936 must lodge a return for the year of income by:

- (1) in the case of an instalment taxpayer classified as 'small';
  - (A) except for cases shown at (B), the 15th day of the 21st month after the start of the year of income.

- (B) instalment taxpayers whose 1999/2000 tax payable is greater than \$300,000 the 15th day of the 19th month after the start of the year of income.
- (2) in the case of an instalment taxpayer classified as 'medium' the 1st day of the 21st month after the start of the year of income;
- (3) in the case of an instalment taxpayer classified as 'large' the 15th day of the 19th month after the start of the year of income;
- (4) in the case of an instalment taxpayer which was non taxable in respect of the 1998/99 income year, and is again non taxable in respect of the 1999/2000 income year, or lodges an estimate by the 15th day of the 21st month after the start of the year of income varying tax payable for its 1999/2000 income year to nil, the 1st day of the 23rd month after the start of the year of income.

## **TABLE G**

Every instalment taxpayer (excluding trustees of superannuation funds, approved deposit funds and pooled superannuation trusts) that:

- (1) is an Australian resident, and derived Australian source income, or income from outside Australia during the year of income ended 30 June 2000; **or**
- (2) is a non-resident of Australia, and derived income that is taxable in Australia, other than income from which withholding tax has been deducted, during the year of income ended 30 June 2000.

Every trustee of a superannuation fund, an approved deposit fund or pooled superannuation trust that is an Australian resident or, if not a resident, derived income that is taxable in Australia, other than income from which withholding tax has been deducted, during the year of income ended 30 June 2000.

## **TABLE H**

Returns for persons and instalment taxpayers that are exempt from the classification and instalment payment requirements of Division 1C of Part VI of the ITAA 1936, that are liable for tax as 'agents for non-resident insurers', 'agents for non-resident re-insurers', 'master of the ship, or the agent or other representative in Australia of the owner or charterer' or are in 'control of a non-resident's money' must be lodged by the 1st day of the 18th month after the start of the year of income.

## **TABLE I**

A partnership return required under this notice, is to be lodged by partners who are Australian residents or by any of them who satisfies the conditions set out in subregulation 20(1) of the Regulations. If there is no partner resident in Australia, the return is to be lodged by the partnership's agent in Australia.

## **TABLE J**

Where a trust estate has derived income, a return is to be lodged by a trustee who is an Australian resident. If there is no trustee resident in Australia, the return is to be lodged by the trust's public officer or, where no public officer is appointed, by the trust's agent in Australia.

## **TABLE K**

- (1) Every person whose assessable income during the year of income ended 30 June 2000 consisted entirely of payments received in respect of one or more of:
- Social Security benefits and allowances, that are, Newstart Allowance, Sickness Allowance, Youth Allowance (formerly Newstart and Sickness Allowance paid to recipients under 21 years of age), Special Benefit, Widow Allowance, Partner Allowance, additional Parenting Payment (Partnered), Mature Age Allowance (granted on or after 1 July 1996);
- Exceptional circumstances relief payments, restart income support, farm household support paid as a grant of financial assistance;

Specified Commonwealth education and training payments, that are, payments made under the Austudy Payment (formerly AUSTUDY paid to full-time students over 25 years of age), ABSTUDY (including the ABSTUDY Masters and Doctorate Award), Youth Allowance (formerly AUSTUDY paid to full-time students under 25 years of age and Youth Training Allowance), the Veterans' Children Education Scheme;

Commonwealth labour market programs, such as, Green Corps Training Allowance, New Enterprise Incentive Scheme Allowance, Textile, Clothing and Footwear Special Allowance;

Income support component of wages paid to participants in the Community Development Employment Projects (CDEP) Scheme.

- (2) Every person who received income during the year of income ended 30 June 2000 from the following:

Social security pensions: Age Pension, Bereavement Allowance, Disability Support Pension (where taxpayer is of age pension age), Disability Wage Supplement (absorbed by the Disability Support Pension – where taxpayer is of age pension age), Wife Pension (where taxpayer or spouse is of age pension age), Parenting Payment (single), Widow Pension (Class B), Carer Payment (where taxpayer or caree is of age pension age), Mature Age Allowance (where received before 1 July 1996), Mature Age Partner Allowance; or

Department of Veterans' Affairs service pensions: Age Service Pension, Invalidity Service Pension (where taxpayer or spouse is of age pension age), Partner Service Pension (where taxpayer or spouse is of age pension age or the spouse does not receive an Invalidity Service Pension), Carer Service Pension (where taxpayer or caree is of age pension age or the spouse does not receive an Invalidity Service Pension), or Income Support Supplement (where the taxpayer does not receive the supplement on the grounds of permanent incapacity, or the taxpayer, spouse, or person cared for is of age pension age or the taxpayer's spouse does not receive an Invalidity Service Pension or a Disability Support Pension).

**and** whose assessable income for the year was **less than or equal to** the amounts shown below.

- (A) if at any time during the year, while receiving any of the above pensions or allowances, the person was single or widowed; separated; a sole parent; or had a spouse (married or de facto) who did not receive a pension (assessable or exempt) or allowance **and** the person started to receive the pension or allowance **before** 12 March 1992 **and** has been receiving it continuously since then -\$12 654 for social security pensioners and \$13 119 for Department of Veterans' Affairs service pensioners (DVA service pensioners)
- (B) if the person and their spouse (married or de facto) both received any of the above pensions or allowances **or** the person received such a pension or allowance and their spouse received an exempt pension **and** the person and their spouse had to live apart due to illness, **or** either the person or their spouse was in a nursing home at any time during the year -\$12 344 for social security pensioners and \$12 794 for DVA service pensioners
- (C) if the person and their spouse (married or de facto) both received any of the above pensions or allowances **or** the person received such a pension or allowance and their spouse received an exempt pension and the person and their spouse lived together during the year -\$10 764 for social security pensioners and \$11 159 for DVA service pensioners
- (D) if the person had a spouse (married or de facto) who did not receive a pension (assessable or exempt) or allowance **and** the person started to receive the pension or allowance **on or after** 12 March 1992 **and** the person and their spouse lived together during the year -\$10 764 for social security pensioners and \$11 159 for DVA service pensioners

- (E) if the person had a spouse (married or de facto) who did not receive a pension (assessable or exempt) or allowance **and** the person started to receive the pension or allowance **on or after** 12 March 1992 **and** the person and their spouse had to live apart due to illness, or either the person or their spouse was in a nursing home at any time during the year - \$12 344 for social security pensioners and \$12 794 for DVA service pensioners

## **TABLE L**

Any non-profit company that is an Australian resident and whose taxable income for the year of income ended 30 June 2000 is less than \$417.

Any non-profit association, organisation, institution, society or club, the income of which is exempt from liability to income tax under the provisions of section 23 of the ITAA 1936 or Division 50 of the ITAA 1997.

Any State/Territory Body the income of which is exempt from income tax under the provisions of Division 1AB of Part III of the ITAA 1936.

\*\*\*\*\*

## **AUSTRALIA INCLUDES TERRITORIES AND CERTAIN SEA INSTALLATIONS AND OFFSHORE AREAS**

In this notice 'Australia' includes Norfolk Island, the Territory of Cocos (Keeling) Islands, the Territory of Christmas Island and certain sea installations and offshore areas. However, income derived by Territory residents, Territory companies or Territory trusts (as defined in Division 1A of Part III of the ITAA 1936) of Norfolk Island, from sources in Norfolk Island and from outside Australia, is exempt from income tax under the provisions of sections 24F and 24G of the ITAA 1936.

\*\*\*\*\*

## **ARRANGEMENTS TO LODGE RETURNS**

Nothing in this notice prevents me or an authorised officer of the Australian Taxation Office from granting an arrangement to lodge any return after the relevant date specified in this notice.

\*\*\*\*\*

## **EXEMPTION FROM REQUIREMENT TO LODGE RETURNS**

Nothing in this notice prevents me or an authorised officer of the Australian Taxation Office from granting an exemption from lodgment, whether conditional or not, for specific returns or classes of returns from time to time.

\*\*\*\*\*

## **NOTICE OF REQUIREMENT TO LODGE A RETURN**

Nothing in this notice prevents me or an authorised officer of the Australian Taxation Office from issuing a notice, pursuant to section 162 or section 163 of the ITAA 1936, requiring a person or instalment taxpayer to furnish a return, or further returns, for any year of income or substituted accounting period.

\*\*\*\*\*

## **LODGMET OF STATEMENTS BY COMPANIES RELATING TO DIVIDENDS AND INTEREST PAID OR CREDITED**

In accordance with the provisions of the ITAA 1936, and regulation 17 of the Regulations, I require statements to be lodged by or on behalf of every company showing the following particulars:

- (1) the names, addresses and tax file numbers (where quoted) of all shareholders to whom dividends have been paid during the year of income ended 30 June 2000, and the amount of dividend paid to each shareholder;
- (2) the names, addresses and tax file numbers (where quoted) of all investors to whom interest in excess of \$100 was paid or credited during the year of income ended 30 June 2000, and the amount of interest so paid or credited to each person.

The statements referred to above need not contain the particulars that a company has or will provide in an Annual Investment Income Report furnished to me under subregulation 56(1) of the Regulations.

However, where subregulation 56(8) applies to the company, the company must furnish me with an Annual Investment Income Report (electronically, where the capability exists) setting out all the matters required under regulation 56 of the Regulations.

### **LODGMET OF STATEMENTS**

Statements and reports containing the above-mentioned information must be lodged:

- (1) with the Manager, CIDC, Australian Taxation Office, PO Box 2090, Chermside Centre, Queensland, 4032;
- (2) by 31 October 2000.

### **SEPARATE NOTICE TO COMPANIES**

Notwithstanding this notice, a company must, when called upon by direct notice, lodge statements containing the above mentioned information in an alternative form, or at an alternative time or place as directed by that notice.

\*\*\*\*\*

## **LODGMET OF FRANKING ACCOUNT RETURNS**

Companies, including corporate trustees that are treated as companies for the purposes of Part IIIA of the ITAA 1936, which have a deficit balance in the Class A or Class C franking account at the end of the 1999/2000 franking year and are required to pay franking deficit tax, are required to lodge a franking account return for that franking year.

Companies which have a nil or surplus balance in the franking account at the close of the franking year are not required to lodge a franking account return.

### **DATE OF LODGMET OF FRANKING ACCOUNT RETURN**

The franking account return must be lodged by the last day of the month following the end of the franking year. (This is the date on which the franking deficit tax is payable.)

\*\*\*\*\*

## LODGMET OF DEFICIT DEFERRAL TAX RETURNS

Companies, including corporate trustees that are treated as companies for the purposes of Part IIIAA of the ITAA 1936, which:

- (1) pay a tax instalment in one franking year which is refunded in the following year, **and**
- (2) the refund would have given rise to, or increased, a class C franking deficit if it occurred before the end of the earlier year;

must lodge a deficit deferral tax return within 14 days of receiving the refund.

(This is also the date by which deficit deferral tax is payable.)

\*\*\*\*\*

## PENALTIES FOR NON-COMPLIANCE

Any person who fails or refuses to furnish a return or any other information under the ITAA 1936 or the ITAA 1997 or Regulations, commits an offence and is liable, on conviction, to a penalty not exceeding \$2,200 if it is the first offence. If convicted of a second offence, that person becomes liable to a penalty not exceeding \$4,400. If convicted of a third or subsequent offence, that person (not being a company) becomes liable to a penalty not exceeding \$5,500 or imprisonment for a period of not more than 12 months, or both. A company may be fined \$27,500. Alternatively:

- (1) persons other than instalment taxpayers may, in relation to an income tax return, become liable to pay a general interest charge under section 163B of the ITAA 1936;
- (2) an instalment taxpayer may, in relation to an income tax return, become liable to pay, a penalty, under section 163A of the ITAA 1936;
- (3) companies, and trustees of corporate unit trusts, public trading trusts, corporate limited partnerships and pooled development funds may, in relation to a franking account return or a deficit deferral tax return, become liable to pay, as a penalty, additional tax under section 160ARZ of the ITAA 1936.



(M.J. Carmody)

Commissioner of Taxation

Dated this 21st day of June 2000.