

AUSTRALIAN TAXATION OFFICE

Income Tax Assessment Act 1936, Income Tax Assessment Act 1997, Superannuation Industry (Supervision) Act 1993, Superannuation Contributions Tax (Assessment And Collection) Act 1997 and the Taxation Administration Act 1953

LODGMENT OF RETURNS AND STATEMENTS IN ACCORDANCE WITH THE *INCOME TAX ASSESSMENT ACT 1936*, THE *INCOME TAX ASSESSMENT ACT 1997*, THE *SUPERANNUATION INDUSTRY (SUPERVISION) ACT 1993*, THE *SUPERANNUATION CONTRIBUTIONS TAX (ASSESSMENT AND COLLECTION) ACT 1997* AND THE *TAXATION ADMINISTRATION ACT 1953*.

LODGMENT 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 full self-assessment taxpayer described in Table A or B to furnish to me a return of income for the year of income ended 30 June 2001 (or approved period in lieu). I also require every person and full self-assessment taxpayer described in Tables C, D, E, F, G, H, or I, except where they are described in Tables J or K to furnish to me a return of income for the year of income ended 30 June 2001 (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 a 'full self-assessment taxpayer'. A 'full self-assessment taxpayer' as defined in Part 1 - Preliminary of the ITAA 1936, means a company, a trustee of a corporate unit trust, a trustee of a public trading trust, a trustee of an approved deposit fund, a trustee of a superannuation 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 2001, unless leave has been granted to adopt a substituted accounting period in lieu of the year of income ended 30 June 2001, in which case a return must be lodged with me no later than 4 months after the close of the accounting period adopted.

Full self-assessment taxpayers (with the exception of those covered in Table G) whose income year ends on 30 June 2001, 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 paragraph 204(1A)(a) of the ITAA 1936, which is 1 December 2001.

Full self-assessment taxpayers with an approved substituted accounting period (with the exception of those covered in Table G) 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 paragraph 204(1A)(b) of the ITAA 1936, being the 1st day of the 6th Month after the end of their income year.

In accordance with subsection 161A(1) of the ITAA 1936, the return must be in the approved form as provided by section 388-50 in Schedule 1 to the *Taxation Administration Act 1953* (TAA 1953).

TABLE A

Every person or full self-assessment taxpayer who during the year of income ended 30 June 2001, or period adopted in lieu:

- (1) had an amount withheld from payments or paid to the Commissioner under the Pay As You Go (PAYG) withholding system, other than:
 - withholding payments covered by Subdivision 12-F in Schedule 1 to the TAA 1953; **or**
 - withholding payments covered by section 12-140 in Schedule 1 to the TAA 1953 that relate to an unfranked or partially franked dividend; **or**
 - withholding payments covered by section 12-320 in Schedule 1 to the TAA 1953 (relating to mining payments); **or**
- (2) 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**
- (3) was liable to pay child support under the *Child Support (Assessment) Act 1989*, **or**
- (4) carried on a business, **or**
- (5) 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**
- (6) 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**
- (7) had a non-commercial business loss which is deferred under Division 35 of the ITAA 1997, **or**
- (8) 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**
- (9) received income subject to the provisions of sections 23AF or 23AG of the ITAA 1936 and received \$1 or more of other income, **or**
- (10) paid an instalment amount under the PAYG instalment system that was not subsequently credited or refunded in full and has not exited the PAYG system, **or**
- (11) was a special professional as defined by Division 405 of the ITAA 1997, **or**
- (12) was eligible to claim a private health insurance tax offset under Subdivision 61-H of the ITAA 1997, **or**
- (13) had a reportable fringe benefits amount identified on their PAYG payment summary, **or**
- (14) received a distribution from a trust, company or partnership on which family trust distribution tax has been paid, **or**
- (15) received a distribution of income from a trust on which the trustee was liable for ultimate beneficiary non-disclosure tax.

TABLE B

Every person, or full self-assessment 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 2001 (or approved period in lieu)'.

TABLE C

Every person who was an Australian resident for the whole of the income year ended 30 June 2001 **and**,

- (1) whose taxable income for the year exceeded \$6000, **or**
- (2) who ceased full-time education for the first time during the year ended 30 June 2001 and whose taxable income exceeded the lesser of \$6000 or the equivalent of \$500 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 during the year of income.

TABLE D

Every person who, at any time during the year of income ended 30 June 2001, was not an Australian resident and derived income that is taxable in Australia, other than income subject to withholding payments covered by subdivision 12-F of Schedule 1 of the TAA 1953.

TABLE E

Every person who was an Australian resident for only part of the year of income ended 30 June 2001, and whose taxable income exceeded the amount obtained by multiplying \$500 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 full self-assessment 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 2001; **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 2001.

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 2001.

TABLE G

Returns for persons and full self-assessment taxpayers 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 6th month of the following year of income.

Note: Every person that is required to lodge a return as agent for any person shall furnish a separate return for each person for whom he is agent, in addition to his own return.

TABLE H

A partnership return required under this notice, is to be lodged by the partners resident in Australia 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 I

Where a trust estate has derived income, a return is to be lodged by the trustee resident in Australia. 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 J

- (1) Every person whose assessable income during the year of income ended 30 June 2001 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 benefit PP (partnered), mature age allowance (granted on or after 1 July 1996), austudy payment;
 - 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 ABSTUDY (including the ABSTUDY Masters and Doctorate Award), 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 and CDEP Scheme participant supplement.
- (2) Every person who qualified for a rebate under Section 160AAAA of the ITAA 1936 during the year of income ended 30 June 2001 and whose taxable income **was less than or equal to** the following amounts:
- (A) if at any time during the year the person was single, widowed or separated - \$20000;
 - (B) if at any time during the year, the person and their spouse (married or de facto) 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 - \$18882;
 - (C) if at any time during the year, the person and their spouse (married or de facto) lived together during the year - \$16306
- If a person is covered by more than one category during the year of income, the person is taken to be covered by category A or, if category A does not apply, category B.
- (3) Every person who received income during the year of income ended 30 June 2001 from the following AND did not qualify for a rebate under Section 160AAAA of the ITAA 1936:
- 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), pension PP (single), widow B pension, carer payment (where taxpayer or caree is of age pension age), mature age allowance (where granted before 1 July 1996), mature age partner allowance; or
 - Department of Veterans' Affairs service pensions: 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 taxable 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, widowed or separated; or the person who, at any time immediately before 12 March 1992 and at all times since, has been a married person receiving a social security pension or benefit whose spouse (married or de facto) has not been receiving a social security or service pension (assessable or exempt) or social security benefit - \$15970
- (B) if at any time during the year, while receiving any of the above pensions or allowances, the person and their spouse (married or de facto) 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 - \$15164; or
- (C) if at any time during the year while receiving any of the above pensions or allowances, the person and their spouse (married or de facto) lived together during the year - \$13305

If a person is covered by more than one category during the year of income, the person is taken to be covered by category A or, if category A does not apply, category B.

TABLE K

Any non-profit company that is an Australian resident and whose taxable income for the year of income ended 30 June 2001 **does not exceed \$416**.

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.

Such arrangements will include programs for registered tax agents, as advised by me, that allow agents to spread the workload of certain types of returns over an extended period.

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 full self-assessment 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, regulation 17 of the Regulations and section 388-50 in Schedule 1 to the TAA 1953, 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 2001, 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 \$1 was paid or credited during the year of income ended 30 June 2001, 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) or via e-mail to ato-cidc@ato.gov.au
- (3) by 31 October 2001.

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 IIIAA of the ITAA 1936, which have a deficit balance in the Class A or Class C franking account at the end of the 2000/2001 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 also the date on which the franking deficit tax is payable.)

LODGMET OF VENTURE CAPITAL DEFICIT TAX RETURNS

Pooled Development Funds (PDF) for the purposes of the ITAA 1936, which have a deficit balance in the PDF's venture capital sub-account at the end of the 2000/2001 franking year and are required to pay venture capital deficit tax, are required to lodge a venture capital deficit tax return for that franking year.

PDF's which have a nil or surplus balance in the venture capital sub-account at the close of the franking year are not required to lodge a venture capital account return.

DATE OF LODGMET OF VENTURE CAPITAL DEFICIT TAX RETURN

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

Note: For the purposes of working out the PDF's liability for venture capital deficit tax, a refund of income tax (in relation to the PDF's taxable income for the year of income) that is received within 6 months after the end of the franking year (that ends in or at the same time as the year of income) is taken to have been received on the last day of the franking year.

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.)

LODGMET OF RETURNS IN ACCORDANCE WITH THE SUPERANNUATION INDUSTRY (SUPERVISION) ACT 1993

Where the full self-assessment taxpayer is a self-managed superannuation fund as defined in the Superannuation Industry (Supervision) Act 1993 (the SI(S) Act 1993), then in accordance with section 36A of the SI(S) Act 1993 the period for lodgment of a return under that section is the period ending on the day the taxpayer is required to lodge its income tax return.

LODGMET OF STATEMENTS (IN A CERTAIN FORM) BY SELF-ASSESSING SUPERANNUATION PROVIDERS

In accordance with section 15A of the Superannuation Contributions Tax (Assessment and Collection) Act 1997 (the SCT(A&C) Act), I have determined that a self-assessing superannuation provider for the financial year ended 30 June 2001 is a superannuation provider that:

- (a) has fewer than five members; and
- (b) holds contributed amounts in relation to those members for the financial year; and
- (c) does not give a statement to me under subsection 13(2) of the SCT(A&C) Act in relation to those members for the financial year on or before 31 October 2001 (or such later date as I have allowed); and
- (d) can calculate the adjusted taxable income for each of those members for the financial year; and
- (e) can calculate for each member whose adjusted taxable income is greater than the surcharge threshold:
 - i) the surchargeable contributions; and
 - ii) the rate of surcharge that applies; and
 - iii) the surcharge payable.

I require a self-assessing superannuation provider to prepare a statement that contains the particulars referred to in subsection 13(2) of the SCT(A&C) Act and to send the statement to me by electronic transmission **on or before, but no later than, the day on which the superannuation provider is required to lodge its income tax return.**

For the purposes of sending a statement by electronic transmission, a self-assessing superannuation provider may use any of the following:

- **Corporate External Gateway**

Data can be transmitted using the Corporate External Gateway (CEG). Data sent via CEG must be formatted according to the ATO Superannuation Member Contributions Statement Magnetic Media Specification Version 2.1 (MCS).

- **Electronic Commerce Interface (ECI)**

Data can be transmitted using the Internet. Data sent via the Internet must be formatted according to the MCS.

- **Magnetic Information Processing Services**

Data can be transmitted using Magnetic Information Processing Services (MIPS) on the following magnetic media:

- 1) zip disk; or
- 2) 1 8 or 3 6 track cartridge; or
- 3) 90 metre, 40mm DAT with recording density of DDSI (that is, uncompressed); or
- 4) 3.5 inch High Density floppy disk; or
- 5) CD-ROM

Data sent via MIPS must be formatted according to the MCS.

- **Electronic Form (SuperReport)**

Data may be captured using an electronic form (SuperReport) which can be obtained from the ATO or via the ATO's website. This data can be forwarded to the ATO using ECI, MIPS or CEG.

- **Electronic Lodgment Service (ELS)**

Data may be transmitted by participants on the ATO's ELS program who hold ATO certified software, which contains the surcharge contribution lodgment option.

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 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 liable to a fine not exceeding \$27,500. Alternatively:

- (1) any person or full self-assessment taxpayer may, in relation to an income tax return, become liable to pay a penalty under section 286-75 in Schedule 1 to the TAA 1953;
- (2) 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, a deficit deferral tax return, or a venture capital deficit tax return, become liable to pay a penalty under section 286-75 in Schedule 1 to the TAA 1953.

A full-self assessment taxpayer who contravenes the requirement to lodge a self managed superannuation fund return under section 36A of the SI(S) Act 1993 is guilty of an offence and if convicted is liable to a penalty not exceeding 50 penalty units (currently \$5500).

A self-assessing superannuation provider who does not give a statement in the way specified in this notice is guilty of an offence under section 15B(5) of the SCT(A&C) Act and if convicted is liable to penalty not exceeding 60 penalty units (currently \$6600).

A handwritten signature in black ink that reads "Michael Carmody". The signature is written in a cursive style with a horizontal line underneath the name.

(M.J. Carmody)
Commissioner of Taxation
Dated this 28th day of June 2001