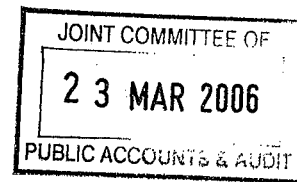


Submission No: ..... 31/1

20 March 2006

Mr Russell Chafer  
Secretary  
Joint Committee of Public Accounts and Audit  
Parliament House  
CANBERRA ACT 2600



Email: [jcpa@aph.gov.au](mailto:jcpa@aph.gov.au)

Dear Mr Chafer,

**Re: Supplementary submission to the "Review of a range of taxation issues within Australia"**

The National Institute of Accountants (NIA), a professional accounting body with approximately 14,000 members would like to make the following supplementary submission to the Joint Committee of Public Accounts and Audit review of taxation.

A further issue that has been raised with the NIA is the inclusion in legislation of "drop dead" dates by which an election must be made by.

If an election must be pro-actively made by the taxpayer, then the Commissioner should have the ability in law to allow such a discretion to be made or lodged with the Commissioner after the prescribed date. If it is government policy not to allow "late-lodgement", then the legislation should specifically state that such a Commissioner's discretion does not apply in a particular circumstance and the Explanatory Memorandum should set out the reasons why such a discretion does not apply in that particular circumstance.

A recent example of where such a discretion should have been used is with the Family Trust Election. Without such a discretion (which the Commissioner did ultimately exercise even though the legislation did not specifically allow him), it highlighted that the "drop dead" date was inappropriately restrictive and their was no "mischief" by taxpayers in failing to make an election.

The NIA remains happy to discuss this supplementary submission as well as the original submission with the Committee. For further information, please contact me on (03) 8665 3114 or by fax on (03) 8665 3130 or by email on [gavan.ord@nia.org.au](mailto:gavan.ord@nia.org.au).

Yours sincerely,

Gavan Ord  
General Manager – Technical Policy

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