

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Supplementary Budget Estimates

2016 - 2017

**Division/Agency:** Australian Taxation Office

**Question No:** 497

**Topic:** Tax evasion

**Reference:** Written (19 October 2016)

**Senator:** Abetz, Eric

**Question:**

In how many cases has the Commissioner amended an assessment beyond the two-year limit imposed by Section 170 of the Tax Act, due to a belief that there has been tax evasion in relation to a husband and wife business partnership?

To date what have been the outcomes of such amendments?

**Answer:**

The ATO's reporting systems do not allow the identification of cases to the level of specificity required to answer this question without an intensive manual process.

The ATO has undertaken a preliminary manual process to identify cases where there were amendments beyond two years due to ATO alleged fraud or evasion, finalised during the 2015-2016 financial year.

During this time there were 3 cases of this nature. While specific details of individual cases cannot be detailed one related to personal services income, and the other two related to omitted income associated with cash economy.

The personal services income case is currently proceeding through litigation. Neither cash economy case is in dispute.