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The Secretary  
Senate Economics Legislation Committee  
Suite SG.64  
Parliament House  
Canberra A.C.T 2600.

Dear Sir,

We are writing in regard to the fact that we have been adversely affected in the defects of the self-assessment tax scheme. We were involved in Equity Investment Bank's superannuation scheme, which at the time, we believed, met all the ATO's requirements. Years later, when the ATO ruled against the scheme, we have been sent not only bills for outstanding tax, but have had huge penalties and excessive general interest charges imposed. Whilst we have been defending our position against such charges, the interest and penalties have grown to an amount that almost matches the initial outstanding tax.

Due to persons like ourselves who have been affected by such defects, the Government has rightly recognised the defects of the self-assessment system and has introduced new legislation to protect taxpayers from unfair and inequitable treatment by the ATO. Unfortunately, to our dismay, we are not covered by this new legislation, as the new law only applies to amendments made to returns for the years 2004/05 and beyond. Further, the ATO will still be able to continue this type of action on all amended returns prior to 2003/2004.

As persons whose treatment by the ATO, caused the Treasury to recommend the law to be changed, we are now once again asking for your assistance in protecting us and allowing us to benefit from the changes in the new law. Under the old law our family has suffered much distress and worry, with the burden of this large taxation bill looming over us and threatening our on going economic survival.

In order for the new legislation to fix this problem and to be fair and equitable to all taxpayers, the new legislation must be adjusted to cover the entire period of self-assessment. To do otherwise would leave those who are currently facing such problems in no better state.

We have over the past 5 years been delivering an intensive rehabilitation program to our daughter, who was born with a severe brain injury. This program requires that one parent delivers the program full time ( 10 hours daily ), every day of the week. Whilst we have seen tremendous improvement in our child, this has dramatically reduced our income earning potential, as effectively, one parent at least is out of the work place. The burden of this mounting tax bill has made this difficult family situation even more stressful and could cause us enormous economic distress.

We request your help in affording us the benefits that will now be given to future taxpayers ( those whose 2004/2005 returns are amended ).

Yours sincerely,

Kevin and Vicky Mackey