



Tuesday 24th May, 2005

To Whom It May Concern,

I wish to submit the following for consideration by the "Inquiry into the Tax Laws Amendment (Improvements to Self Assessment) Bill (No. 1) 2005 and the Shortfall Interest Charge (Imposition) Bill 2005."

I respectfully request that the Senate Committee recognise and recommend that the legislation enshrined in these bills should be made retrospective. My reasons for this request are as follows:

- The current legislation applies only to 2004/05 and future years. Yet it is the past inadequacies of the laws which have demonstrated the need for change and given rise to the need for improved legislation. Therefore it is those who have been most effected by the existing legislation who most require and deserve the benefits of these changes.
- The proposed legislation would continue to allow the ATO to make draconian rulings over the next five years in the case of returns prior to 2004/05. That is to say, that it will allow them to work under the existing laws even though the inadequacy of these laws has been clearly demonstrated and documented in relevant enquiries. It is illogical to introduce legislation to alleviate a defect but still allow the ATO in the future to amend assessments and apply the defective law.
- I have been substantially affected by the defects in the self-assessment system. Having operated faithfully under a Tax Office ruling I have subsequently found that it is not worth the paper it is written on and have been subjected to excessive GIC by the ATO in a manner that I could never have imagined. This has caused the breakdown of my marriage of 26 years and the loss of my family home.
- It is precisely the experience of people such as myself that has caused Treasury to recommend that the law be changed yet I am excluded from the benefits of the new laws. This is both illogical and procedurally unfair.
- I believe that I deserve the protection of the legislation more for the past where I am now locked in and for a time when I was far less knowledgeable. In the future I expect more certainty in my dealings with the ATO and I do not anticipate any future problems in this area.

My key area of concern therefore is not with the new legislation but with the proposed date of its application. It is inequitable that the Government, having identified defects and claiming to fix them for the future, is not prepared to address the past inequities which gave rise to the change.

I respectfully request that the committee recommend that the legislation be amended to become effective from the commencement of self-assessment.

Yours faithfully,

