

The Secretary  
Senate Economics Legislation Committee  
Suite SG.64  
Parliament House  
CANBERRA ACT 2600

Re: "Inquiry into the Tax Laws Amendment (Improvements to Self Assessment) Bill (No.1) 2005 and the Shortfall Interest charge (Imposition) Bill 2005."

I am one who has been affected by the defects in the self-assessment system.

After what I considered to be expert legal and accounting advise (my accountant holds a masters degree in tax law) an Employee Share Acquisition Plan (ESAP) company was set up on my behalf to which I made contributions in the 1997 and 1998 financial years. Subsequent to the 1998 contribution my accountant advised me that the ATO had flagged their intention to closely look at my type of arrangement as their numbers had dramatically increased.

I had not previously been involved in any type of mass marketed scheme (I hadn't even heard of the term at the time) and had not thought there was any problem with this arrangement. I decided not to make any further contributions until the ATO's position became clear and have not made any since.

The result of all this has become a nightmare for me and my family. I have since paid the primary tax of approximately \$56,000.00 but according to current ATO assessment notices I still owe in excess of \$216,000.00.

The proposed legislation will prevent this situation from arising in the future, but I should not be penalised by not being able to receive relief in this matter. The ATO has acted in a retrospective manner in my case and the legislation should do likewise.

The last 3 years have been extremely stressful to my family with this unbelievable tax bill hanging over our heads due to the ATO's change of heart and long delays in dealing with it. Their attitude has been extremely disappointing, with their staff being hostile and trying to make me feel like a criminal. They have taken a very heavy handed and bullying approach.

Could you please ensure that the legislation is amended so that I am afforded the same treatment as everyone in the future will be.

Yours sincerely,

