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## Lodgment of income tax returns for the year of income ended 30 June 2011 in accordance with the *Income Tax Assessment Act 1936* and the *Taxation Administration Act 1953* – Child Support Agency – parents with a child support assessment

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I, Michael D'Ascenzo, Commissioner of Taxation, make the following Legislative Instrument regarding lodgment of income tax returns for the year of income ended 30 June 2011 in accordance with the:

***Income Tax Assessment Act 1936:***

Section 161, Section 162, Section 163

***Taxation Administration Act 1953:***

Section 8C and Section 8E.

***Taxation Administration Act 1953 (Schedule 1):***

Section 286-75, Section 388-50, Section 388-55

***Citation***

This Instrument may be cited as '*Lodgment of income tax returns for the year of income ended 30 June 2011 in accordance with the Income Tax Assessment Act 1936 and the Taxation Administration Act 1953 – Child Support Agency – parents with a child support assessment*'.

## Lodgment of Income Tax Returns

In accordance with section 161 and related provisions of the *Income Tax Assessment Act 1936*, I require every person described in Table A to give me a return of income for the year of income ended 30 June 2011 (or approved period in lieu).

### Table A

Every person who was either a liable parent or a recipient parent under a child support assessment, except where they are described in Table B.

### Table B

Every person where the total of their:

- taxable income
- exempt Australian Government allowances, pensions and payments
- target foreign income
- reportable fringe benefits
- total investment loss, and
- reportable superannuation contributions

for the income year was less than **\$20,594**

**and**

who was in receipt of Australian Government pensions, allowances or payments listed in Table C for the whole of the year of income.

### Table C

Australian Government Allowances and Payments:

- Parenting payment (partnered)
- Newstart allowance
- Youth allowance
- Partner allowance
- Sickness allowance
- Special benefit
- Widow allowance
- Austudy payment
- Exceptional circumstances relief payments
- Interim income support payment

Education payment of any of the following and you were 16 years or older:

- ABSTUDY living allowance
- payment under the Veterans' Children Education Scheme
- payment under the Military Rehabilitation and Compensation Act Education and Training Scheme (shown as 'MRCA Education Allowance' on a *PAYG payment summary – individual non-business*)

Commonwealth labour market programs:

- Training for Employment Program allowance
- New Enterprise Incentive Scheme allowance

- Textile, clothing and footwear special allowance
- Green Corps training allowance
- other taxable Commonwealth education or training payments
- Income support component from a Community Development Employment Project (CDEP) – shown as ‘CDEP salary or wages’ on your *PAYG payment summary – individual non-business*
- CDEP Scheme participant supplement
- Northern Territory CDEP transition payment

#### Australian Government Pensions and Allowances

- Age pension
- Bereavement allowance
- Carer payment
- Disability support pension
- Education entry payment
- Parenting payment (single)
- Widow B pension
- Wife pension
- Age service pension
- Income support supplement
- Defence Force Income Support Allowance (DFISA)
- DFISA-like payments from the Department of Veterans’ Affairs
- Invalidity service pension
- Partner service pension

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In this Instrument, a reference to ‘*year of income*’ means the year of income ended 30 June 2011, or the approved period in lieu where a person has been granted leave to adopt a substituted accounting period.

Every person required to lodge a return whose year of income ends on 30 June 2011 must do so by 31 October 2011.

Where a person required to lodge a return has been granted leave to adopt a substituted accounting period in lieu of the year of income ended 30 June 2011, the return must be lodged with me no later than 4 months after the close of the accounting period adopted.

In accordance with subsection 161A(1) of the *Income Tax Assessment Act 1936*, the return must be in the approved form.

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## **DEFERRAL OF TIME FOR LODGMENT OF RETURNS**

In accordance with section 388-55 in Schedule 1 to the *Taxation Administration Act 1953*, I may defer the time for lodgment of any return to a date later than the relevant date specified in this Instrument.

## **NOTICE OF REQUIREMENT TO LODGE A RETURN AND/OR INFORMATION**

Nothing in this instrument prevents me or an authorised officer of the Australian Taxation Office from issuing a notice, pursuant to section 162 or section 163 of the

*Income Tax Assessment Act 1936*, requiring a person to give me, in the approved form, a return, or further returns, or any information, statement or document about the person's financial affairs for any year of income.

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## **LODGMET IN THE APPROVED FORM**

In accordance with subsection 161A(1) of the *Income Tax Assessment Act 1936*, a return, notice, statement, or other document **(including any schedule)** required by the Commissioner under this Instrument must be lodged in the approved form. Under section 388-50 in Schedule 1 to the *Taxation Administration Act 1953*, a document is in the approved form if:

- it is in the form approved in writing by the Commissioner;
- it contains a declaration signed by the person or persons as required;
- it contains the information required by the form and is accompanied by any further information, statement, or document **(including any schedule)** required by the Commissioner; and
- it is given in the manner that the Commissioner requires (which may include electronically).

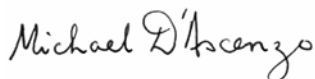
***Note: Giving false or misleading information is a serious offence.***

## **PENALTIES FOR NON-COMPLIANCE**

Any person who fails or refuses to give me a return or any other information under the *Income Tax Assessment Act 1936* commits an offence and is punishable on conviction, by a fine not exceeding 20 penalty units if it is the first offence. If convicted of a second offence, the court may impose a fine not exceeding 40 penalty units. If convicted of a third or subsequent offence, the court may impose a fine not exceeding 50 penalty units or a maximum of 12 months imprisonment, or both. Alternatively any person may, in relation to an income tax return, become liable to pay a penalty under section 286-75 in Schedule 1 to the *Taxation Administration Act 1953*.

Note:

At the time this Instrument was registered the value of a penalty unit was \$110.00.



Michael D'Ascenzo  
Commissioner of Taxation  
Dated this 20<sup>th</sup> day of June 2011