



Applying for compensation

To apply for compensation, complete the attached application form and attach all relevant documentation to support your claim.

Send your claim to the Tax Office address listed at the end of the form.

ASSESSING A CLAIM

There are two ways we assess a claim for compensation. They are:

- compensation for legal liability (for example, negligence), or
- compensation for detriment caused by defective administration.

If compensation is not payable in either of these circumstances, you can apply for an act of grace payment. Act of grace payments are administered by the Department of Finance and Administration, not the Tax Office.

Service standards

Your claim will be processed in accordance with our internal service standards. We will aim to acknowledge receipt of your compensation claim in writing within three business days of us receiving it.

Once all the necessary information in support of your claim has been provided, we aim to process your claim within the following time frames:

Amount of Claim	Processing Time
\$10,000 or less	28 days
in excess of \$10,000	to be agreed with claimant

A claim in excess of \$10,000 or a claim that is complex may take longer to investigate and consider. In these cases, we will contact you within seven working days of receipt of your claim to negotiate an extended reply date. If you have not provided us with all the information we need to make a decision on your claim, we aim to tell you within seven working days of receiving your claim. We will tell you what further information we need.

If the problem with the Tax Office that has led you to claim for compensation has not been resolved, we will need to address your problem first before considering your claim for compensation. In these situations, we will negotiate an extended time frame for resolution of your claim, if necessary.

If you lodge a compensation claim for more than \$10,000, we will seek independent legal advice. This may result in additional time being needed to finalise your claim.

Some claims are decided by the Minister for Revenue and Assistant Treasurer. Again, this may result in some additional time to finalise your claim. You will be informed if your claim falls into this category.

Receiving payment

If your claim is successful, payment will be made by cheque or electronic funds transfer into your bank account. If you're unsure whether the payment is taxable, you can seek advice from a tax professional. Alternatively, you can contact the Tax Office, or you can ask us to give you formal written advice.

Reviewing the decision

You can seek an internal review of a decision made by us. The review will be conducted by a tax officer who was not involved in making the original decision. Alternatively, you have the right to seek a review of the decision by the Commonwealth Ombudsman.

To get a copy of the *Taxpayers' Charter* you can:

- visit www.ato.gov.au, or
- phone **1300 720 092**.

MORE INFORMATION

- see *Claiming compensation* (NAT 11668), available from your tax agent or adviser
- visit www.ato.gov.au
- email compensation.application@ato.gov.au
- phone our toll-free compensation assistance line on **1800 005 172**, or
- phone **13 28 61** for personal tax enquiries.

Commonwealth Ombudsman

- phone **1300 362 072**.

Act of grace payments

- visit Department of Finance and Administration website at www.finance.gov.au

OUR COMMITMENT TO YOU

The information in this publication is current at August 2004.

In the taxpayers' charter we commit to giving you information and advice you can rely on.

If you try to follow the information contained in our written general advice and publications, and in doing so you make an honest mistake, you won't be subject to a penalty. However, as well as the underpaid tax, we may ask you to pay a general interest charge.

We make every effort to ensure that this information and advice is accurate. If you follow our advice, which subsequently turns out to be incorrect, or our advice is misleading and you make a mistake as a result, you won't be subject to a penalty or a general interest charge although you'll be required to pay any underpaid tax.

You are protected under GST law if you have acted on any GST information in this publication. If you have relied on GST advice in this Tax Office publication and that advice has later changed, you will not have to pay any extra GST for the period up to the date of the change. Similarly, you will not have to pay any penalties or interest.

If you feel this does not fully cover your circumstances, please seek help from the Tax Office or a professional adviser. Since we regularly revise our publications to take account of any changes to the law, you should make sure this edition is the latest. The easiest way to do this is by checking for a more recent version on our website at www.ato.gov.au



Compensation application

Please complete application using **BLOCK LETTERS** and a black pen.

Applicant information

1 Full name

Title: Mr Mrs Miss Ms Other

Family name

Given name/s

2 Tax file number (TFN)

The Tax Office is authorised by law to request your TFN. You are not obliged to quote your TFN but not quoting it could increase the chance of delay or error in the processing of your application.

3 Postal address

Suburb/town

State/Territory

Postcode

4 Residential address (if different from your postal address)

Suburb/town

State/Territory

Postcode

Business hours phone number

Mobile phone number

Fax number

Email address

Account details

Only complete this section if you are seeking financial compensation.

5 Name of financial institution eg bank, building society or credit union

6 Address of financial institution

Suburb/town

State/Territory

Postcode

7 Financial institution account details for compensation

Funds will only be paid directly into a recognised financial institution account located in Australia. The account details provided must be held by you (solely or jointly) or your registered tax agent or a legal practitioner acting as trustee or executor for you.

BSB code

Account number

Full account name

IN CONFIDENCE – when completed.

Compensation claim details

8 Why do you think you are entitled to compensation from the Tax Office?

Please set out the circumstances of any alleged Tax Office wrongdoing that resulted in your claim. Include dates, details, State or Territory and Tax Office business area involved. If you need more space for this information, please attach a separate sheet.

9 List and attach copies of any relevant documentation (such as invoices or statement) in support of your claim.

In dollar terms state how much compensation are you claiming \$.00

10 If you are not seeking monetary compensation explain how you would like your claim to be addressed?
(for example, a written apology)

11 Have you commenced any legal proceedings in relation to this compensation claim? No Yes If Yes, please give details below

Declaration

I declare that the information given on this application and its attachments are true and correct.

Name of signatory

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Signature

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Date Day / Month / Year

⊖ Penalties may be imposed for giving false or misleading information.



You can mail or fax this application to the following address:

- Mail **ATO General Counsel, Australian Taxation Office
PO Box 900, CIVIC SQUARE ACT 2608**, or
- Fax **1800 005 173**.