



Australian Taxation Office

ADMINISTRATION OF THE SUPERANNUATION CO-CONTRIBUTION SCHEME

March 2006

Report by the Commonwealth and Taxation Ombudsman,
Prof. John McMillan under the *Ombudsman Act 1976*

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Reports by the Ombudsman

Under the *Ombudsman Act 1976* (Cth), the Commonwealth Ombudsman investigates the administrative actions of Australian Government agencies and officers. An investigation can be conducted as a result of a complaint or on the initiative (or own motion) of the Ombudsman.

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A report by the Ombudsman that is critical of a specific agency is forwarded to the agency concerned and the responsible minister. If the recommendations in the report are not accepted, the Ombudsman can choose to furnish the report to the Prime Minister or Parliament.

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PART 1—BACKGROUND

Introduction

1.1 This report has been prepared as part of the Taxation Ombudsman's external projects work program for the period ending 30 June 2006. The Government Superannuation Co-contribution Scheme (Super Co-contribution) was selected for the program because an emerging complaints profile since February 2005 was identified and because the Scheme involves relatively new legislation.

1.2 The aim of this report is to set out the results of an examination of individual taxpayer complaints we have received about Super Co-contribution. Using those complaints as a window onto the Australian Taxation Office's (ATO) administration of Super Co-contribution, we offer some observations from the unique perspective of the Ombudsman's office, with its almost thirty years of experience of administrative oversight and complaint handling. The report contains suggestions about where improvement might be possible.

The Superannuation Co-contribution Scheme

1.3 Introduced from 1 July 2003, Super Co-contribution is an Australian Government initiative to assist eligible individuals to save for their retirement. Super Co-contribution provides matching contributions for personal superannuation contributions made to complying superannuation funds and retirement savings accounts by certain taxpayers on or after 1 July 2003.

1.4 The governing legislation for the Super Co-contribution is the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003*.

1.5 Super Co-contribution is available for an income year if:

- the person makes one or more eligible personal superannuation contributions during the income year
- 10% or more of the person's total income for the income year is attributable to eligible employment of the person (eligible employment generally means anything resulting in a person being treated as an employee)
- the person's total income (i.e. the sum of the person's assessable income and reportable fringe benefits) for the income year is less than the higher income threshold for the year (\$58,000 in 2004–05)
- an income tax return for the person for the income year is lodged
- the person is less than 71 years old at the end of the income year
- the person does not hold an eligible temporary residents visa at any time during the income year.

1.6 One of the conditions of eligibility for Super Co-contribution is that '10% or more of the person's total income for the income year must be attributable to eligible employment of the person'. Eligible employment is defined as work or the performance of a function or duty, which results in the person being treated as an employee for superannuation guarantee

purposes. The person must have received, or be entitled to receive, employee-funded superannuation guarantee payments in order to be entitled to the Super Co-contribution¹.

1.7 The maximum Super Co-contribution amount in 2004–05 is \$1,500 if the taxpayer's total income is less than the lower income threshold of \$28,000. The Super Co-contribution amount is reduced by 5 cents for each \$1 that the taxpayer's income exceeds \$28,000, so that the Super Co-contribution is fully phased out when the taxpayer's income is \$58,000 or more.

1.8 At the end of 2004–05, 605,734 individuals had been assessed as being entitled to a Super Co-contribution to a total value of \$327.6 million².

Methodology

1.9 In preparing this report, our consideration of the ATO's administration of Super Co-contribution has involved:

- identifying and analysing relevant complaints received by the Ombudsman's office
- identifying ATO guidelines, advice and other information readily available to the public
- identifying any systemic issues that may require follow up with the ATO.

¹ *Australian Master Tax Guide 2005*, CCH Australia Ltd, 8-760.

² Australian Taxation Office, *Annual Report 2004–05*, p.155.

PART 2—COMPLAINTS PROFILE

2.1 The Ombudsman's office has received 22 individual complaints concerning the Super Co-contribution since its introduction in July 2003³. This is in the context of approximately 4,000 tax complaints otherwise received by the Ombudsman during the same period, and over 600,000 people who have been assessed as being entitled to a Super Co-contribution.

2.2 That a new scheme has resulted in such a small proportion of complaints is reassuring for the public and tax profession and should be taken by the ATO as an encouraging sign. Nevertheless, there is still value in looking more closely at the complaints we received to see what issues were of concern to some members of the public, and to identify if there is any scope for improvements to ATO administration.

2.3 We have divided our analysis of the complaints into four categories: complaints directed at ATO advertising of Super Co-contribution (seven complaints); more general aspects of Super Co-contribution administration by the ATO including processing and payment delays, and the content and timeliness of specific ATO written advice (nine complaints); concerns about the legislation and/or the policy (four complaints); and complaints about employers and the Super Co-contribution (two complaints).

³ The bulk of these were received since February 2005. That the complaints fall primarily in the period since the beginning of 2005 is not surprising, given that payment processing for the 2003–04 year only commenced in 2004–05 (see Australian Taxation Office, *Annual Report 2003-04*, p. 74). This figure is accurate as at 1 November 2005.

PART 3—ATO ADVERTISING

3.1 The Ombudsman's office has a role in encouraging agencies to continually examine the way they provide general advice and information to the public. The accuracy or quality of agency advice is a recurring theme in many of the complaints received by our office. We can often point to aspects of an agency's standard letters, pamphlets and other mass-communication material that is in need of revision and better explanation⁴.

3.2 An underlying theme in almost a third of the complaints we received about Super Co-contribution was that the ATO did not provide sufficient information to allow taxpayers to make an informed decision on whether they met the requirements in its sponsored public advertising of the conditions for eligibility for the Super Co-contribution. As a result, some complainants claim to have made personal superannuation contributions in the expectation of a government co-contribution, only to be disappointed when they were subsequently informed that they did not meet the eligibility requirements.

3.3 The following case studies illustrate the concerns about alleged misleading advertising and eligibility requirements raised in several of the complaints we received.

CASE STUDY—10% eligible income test

Ms H complained that she missed out on the Super Co-contribution because an ATO advertisement placed in a local newspaper on 21 January 2004 was misleading. Ms H claimed that the advertisement set out the basic criteria for eligibility in regards to income earning thresholds, age qualification and receipt of employer funded superannuation contributions, but made no reference to the 10% eligible income test. Ms H argued that on the basis of what was contained in the ATO advertising she should have been eligible for the Super Co-contribution.

CASE STUDY—Impact of Eligible Termination Payments (ETP)

Mr B, a newly retired 65 year-old, made personal superannuation contributions but was not eligible for the Super Co-contribution. He had received an ETP on retiring, and because only 5% of the ETP could be counted for eligible income purposes he did not satisfy the 10% eligible income test. Mr B complained that ATO sponsored advertising made no reference to the impact of an ETP.

CASE STUDY—Salary sacrifice

Mr A entered into salary sacrifice arrangements for superannuation. He was not eligible for the Super Co-contribution because his income level, including the amount sacrificed, exceeded the upper threshold. Mr A claimed that ATO sponsored advertising was insufficiently clear about what would be included as 'eligible income'. Mr A was referred to ATO Complaints.

⁴ Commonwealth Ombudsman *Annual Report 2003–04*, p.77

3.4 In all three cases we advised the complainants that the conditions of eligibility for the Super co-contribution was a matter of legislation and it was reasonably open for the complainants to pursue their concerns with the legislation with the local Federal MP.

3.5 Since the introduction of Super Co-contribution from July 2003, the ATO has conducted an extensive advertising campaign to increase public awareness of the eligibility for the scheme. The campaign included national television and press advertising, updated brochures and web material, and a direct mail out to approximately three million people. During 2004–05, the ATO also received 143,811 telephone calls and 3,021,269 hits on the ATO website about Super Co-contribution⁵.

3.6 The Ombudsman's office has not received any complaints from people concerned that they were unaware of the existence of the Super Co-contribution scheme (and so may have missed an opportunity for a co-contribution). This suggests that the extensive coverage of the ATO's sponsored advertising has been successful in raising basic public awareness of the scheme.

3.7 Most of the complaints we received about the ATO's sponsored advertising of Super Co-contribution related to insufficient information being provided about the details of the scheme. Providing an adequate level of detail is important not just for people to be able to take meaningful action in response to an advertisement, but also in managing people's expectations about the scheme and what it can do for them.

3.8 We accept that in any general advertising campaign there must always be a balance between providing a simple and clear message and sufficient information for people to take appropriate further action. The issue for the ATO—and indeed any agency engaged in an advertising campaign to raise awareness of a new legislative scheme—is how much information is enough?

3.9 The ATO-sponsored advertisements that we examined were clear in outlining the purpose of the scheme and the basic criteria for eligibility. In all cases the advertisements clearly advised people about how and where they could seek further information. The small number of complaints about the adequacy of information provided by the ATO together with our own assessment of the ATO advertising suggests, on the whole, the ATO achieved an appropriate balance between simplicity and sufficiency.

3.10 The complaints we received also indicated that some taxpayers are inclined to act on what they understand of the general advertising without seeking more detailed information.

3.11 There is an additional risk with a scheme such as Super Co-contribution, where a person does not have to engage actively with an agency to receive the intended benefit. In the case of Super Co-contribution, the taxpayer only needs to make a superannuation contribution to their superannuation fund and lodge an income tax return for the year in question; the ATO will independently assess the taxpayer's eligibility for the co-contribution based on information provided by the fund and in the taxpayer's return. The absence of an application process removes one of the key avenues by which agencies can make more detailed information available to the public (such as on, or accompanying, an application form).

3.12 This is not to say that we believe the ATO should consider moving towards an application process for Super Co-contributions. One of the great attractions of Super Co-

⁵ See Australian Taxation Office, *Annual Report 2003–04*, pp. 55, 74 and Australian Taxation Office, *Annual Report 2004–05*, pp.155–156

contribution is that there is little administrative burden on taxpayers. We also understand that the ATO is continually exploring the use of more dynamic approaches whereby the ATO is able to take action on the basis of information it already has from or about the taxpayer in question without requiring the taxpayer to do anything further. This other work by the ATO is being undertaken in other areas of tax administration, as part of the ATO's 'easier, cheaper and more personalised' program. Given the growing concerns about the current compliance burden on taxpayers, we would not want to discourage the ATO from further developing these dynamic approaches to compliance activity.

3.13 It follows however that the more the ATO moves to reduce the compliance burden on taxpayers through dynamic and pro-active use of taxpayer information, the more it will need to manage taxpayer expectations through its general publicity campaigns. The ATO may also need to explore new ways of encouraging taxpayers to clarify their understanding of particular situations and seek out additional information where necessary. It may also need to spell out more clearly that the risk of not seeking out additional information will generally rest with the taxpayer.

3.14 Two complaints concerning the publicity around Super Co-contribution were initially lodged as complaints about what the taxpayers believed was the unfair impact of 'retrospective legislation'. On 14 March 2004, the Australian Government announced that it planned to seek amendment of the law to extend Super Co-contribution to more employees. Following these announcements, the two taxpayers proceeded to make personal contributions in the expectation of receiving a co-contribution, but before the date that the law was enacted. When they discovered that the amendments did not make them eligible for a co-contribution, they felt that they had been unfairly treated and that the law had operated retrospectively to exclude them from the entitlement. The taxpayers believed that they had acted in good faith based on the information released about eligibility in the public announcements of the Super Co-contribution amendments.

3.15 Our assessment of these two complaints did not identify any basis to be critical of the ATO's approach or the information provided prior to the enactment of the amendments. We were also able to suggest that both complainants could seek to amend their earlier income tax assessments to take advantage of a possible tax deduction for the contributions made. Nevertheless, the complaints highlight the difficulty of managing public expectations following Australian Government announcements about programs that require legislative action to implement. In such cases, it is important that early public information reminds people to be cautious prior to any legislation coming into force, and to seek appropriate advice (from government agencies and independent advisers) before taking any action.

3.16 We also understand that the ATO (along with Treasury) has developed processes for dealing with those situations where legislation may become retrospective, namely where legislation is passed subsequent to an earlier announced start date. Although that is not the situation here, the ATO may want to consider whether there is any element in those processes that might have application in situations such as those raised by the two complaints in question.

PART 4—ATO ADMINISTRATION

4.1 Several aspects of the ATO's administration of Super Co-contribution have a more direct bearing and/or impact on individual taxpayers, where we might therefore expect to see complaints. These include the timeliness and accuracy of:

- ATO assessments about individual taxpayer eligibility
- ATO payments of the co-contribution to superannuation funds
- ATO responses to taxpayer requests for specific advice.

4.2 Although we received complaints about all of these activities—and in relation to both timeliness and accuracy of ATO actions—the complaints were in such small numbers (nine in total) that we do not believe there is evidence or suggestion of any systemic problems with the ATO's general administration of Super Co-contribution.

4.3 Nevertheless, there is still value in looking more closely at some of the complaints we received to see what issues were of concern to some members of the public and to identify if there is any scope for improvements to ATO administration. Our examination of these complaints about more general aspects of ATO administration also allowed us to consider the quality and timeliness of ATO advice and responses, even where they were not themselves the subject of the complaints to this office.

Delay

4.4 One of the complaints about delay indicated that the complainant was unaware of the ATO service standard of 60 days for processing co-contribution payments once all necessary information is received by the ATO. It may be worth the ATO reviewing its own complaints data to see if this issue is reflected in any significant numbers. If so, the ATO might need to explore ways of better communicating this standard to taxpayers so as to better manage expectations.

4.5 Two complaints concerned delays in response to written inquiries. The ATO has a service standard of 28 days in relation to written inquiries. In both cases, this service standard had not been met. Our inquiries of the ATO were able to expedite responses to the two complainants and also apologies and explanations as appropriate. We acknowledge that agencies will not always be able to respond within their target timeframes and standards, and encourage agencies to explain and apologise for any delay as a matter of good administrative practice and customer service. Again, the ATO might wish to review its performance against this service standard in relation to responses to written inquiries about Super Co-contribution to satisfy itself that there are no broader issues within the relevant area(s) of the ATO.

Accuracy of fund information

4.6 Four complaints related to the accuracy of ATO information about the taxpayer's superannuation fund. In one case, the ATO could not find the fund details. In two cases, payments were made to funds other than those that the complainants would have preferred. In the fourth case, the ATO had information that suggested that contributions had not been made within the relevant time period. In all four cases, the concerns were quickly resolved after further contact with the ATO (and in one case the relevant fund). Resolution of two of the complaints was also assisted by the recent changes to portability of superannuation. The speedy resolution of these matters made it unnecessary for us to determine the cause

of the specific problems, but reinforced the importance for both taxpayers and the ATO in providing and maintaining correct and up-to-date information about the preferred fund for payment.

4.7 We will continue to monitor complaints about the accuracy of ATO information about funds, assessments and payments and may take further action (including a possible own motion investigation or referral to the Inspector-General of Taxation or the Australian National Audit Office) if it appears this is becoming a greater problem. The volume of such complaints is not sufficient to warrant any more active intervention at this stage. Nevertheless, the ATO might wish to review and monitor its own complaints data to satisfy itself that there are no broader issues within the relevant area(s) of the ATO.

Incorrect advice

4.8 Two complaints raised the issue of incorrect advice in response to specific inquiries of the ATO about Super Co-contributions. In both cases, the complainants claimed that specific ATO advice led them to make personal superannuation contributions in the expectation of receiving a co-contribution, only to find that they were not eligible. In one case the taxpayer was advised he would not receive Super Co-contribution as his personal contribution was deposited in the fund after cut-off date. The Fund confirmed with the ATO that the contribution was received on time. The ATO acknowledged the error and provided a co-contribution payment. The second case concerned the taxpayer claiming to act on ATO advice, making a personal superannuation contribution only to be advised that they did not satisfy the 10% eligible income test. We were unable to establish that there was any basis to the taxpayer's claims.

4.9 In our 2003–04 Annual Report⁶, and again in our submission to the Treasury Review of Aspects of Income Tax Self-Assessment (ROSA)⁷, the Ombudsman stressed the importance of clear and accurate ATO advice to an effective tax system. While acknowledging that the complexity of tax law, particularly in its application to individual taxpayer affairs, and the often inadequate information provided by the taxpayer can be key contributors to the ATO's provision of incorrect or inconsistent advice, we noted ongoing concerns around ATO advice, particularly in relation to oral advice. The Treasury report on ROSA reflected this, and called on the ATO to 'explore ways to record oral advice as suggested by the Ombudsman'⁸, namely:

- the name or identifier of the officer giving advice, and if possible, the name of the person to whom the advice was given
- the date and time the advice was given
- the question asked (AGS considers this crucial for determining questions such as whether the agency ought to have known that the client was intending to rely on the advice given, and whether the enquiry was 'serious')
- the response given and whether there was any qualification of the response ...⁹

⁶ Commonwealth Ombudsman, *Annual Report 2003–04*, pp. 85-86.

⁷ Commonwealth Ombudsman, *The Treasury Review of Aspects of Income Tax Self Assessment: Submission by Taxation Ombudsman*, May 2004.

⁸ The Treasury, Report on Aspects of Income Tax Self Assessment, 16 December 2004, Recommendation 2.24

⁹ Drawn from our submission but originally found in Commonwealth Ombudsman, *Oral Advice—Clients Beware*, 1997, under 'Minimum recording standards'. This report can also be found at http://www.ombudsman.gov.au/publications_information/Special_Reports/oral_advice.pdf.

4.10 As we understand it, the ATO's Change Program seeks to address many of the issues around the giving and recording of ATO advice. Nevertheless, aspects of the Change Program are still some years off. We would be interested to know what steps the ATO is taking in the interim to address issues around oral advice. We will also continue to monitor the ATO's progress in this area in relation to Super Co-contribution and other aspects of tax administration in light of the complaints we receive and our other project work.

4.11 While the quality of ATO written responses was not a cause of complaint in itself, we nevertheless used this opportunity to review the quality of ATO written responses linked to the complaints we received, examining four such letters. Three of these letters were presented as a personalised statement of reasons in response to the specific issues raised by the taxpayer; the fourth letter was a standard form letter explaining the criteria for eligibility for Super Co-contribution. In all cases we were satisfied that the response was appropriate for the circumstances of each case (including the use of a standard form letter). Similarly, we were satisfied with the quality of the content of each letter, itself reflecting the absence of complaints about such matters. It is also worth noting that all letters advised the recipient taxpayer of avenues for further inquiry and/or complaint.

PART 5—LEGISLATION AND POLICY

5.1 The Commonwealth and Taxation Ombudsman's role is to investigate administrative actions, usually following receipt of a complaint. Where a complaint appears to be directly about enacted legislation or government policy (as distinct from administrative policy), there is limited scope for this office to act. If the outcome the complainant seeks would effectively require a change to legislation or government policy, we generally suggest that they should pursue the matter with the relevant Minister or their local Member of Parliament. The Ombudsman will usually only pursue legislative or policy reform where it appears there is some anomaly or unintended consequence in the law following investigation of a complaint about an administrative action, rather than from a self-initiated inquiry into the adequacy of legislation.

5.2 We received four complaints about Super Co-contribution that were primarily concerned with the legislation and policy. All of these complaints concerned the eligibility criteria established by the legislation—three about the upper income threshold (and how this is established) and one about the residency requirements. All four were solely about the legislative regime (as opposed to its administration) and none gave any cause or reason for us to deviate from our usual approach to legislative/policy complaints. The following case study is indicative of these complaints and reflects our normal approach.

CASE STUDY—Income level too high

Mr D complained that as a result of fringe benefits his income exceeded the upper threshold to qualify for Super Co-contribution. We explained to Mr D that the legislation expressly included reportable fringe benefits within the income test. This reflected the government's intention that Super Co-contribution was to assist low-income earners build their superannuation. We suggested that Mr D might more usefully pursue his concerns about the legislative provisions with his local Federal Member of Parliament.

PART 6—EMPLOYER RESPONSIBILITIES

6.1 Two complaints we received raised the issue of how an employer's actions can impact upon a person's entitlement for Super Co-contribution.

CASE STUDY—Employer record keeping

Mr G was employed by a labour hire firm and missed out on the Super Co-contribution as a result of an error in his employer-prepared payment summary. The ATO agreed that an error had occurred and approved the payment.

CASE STUDY—Employer delay

Mr P complained that because of delay by his employer in transferring funds from salary to his personal superannuation fund he missed out on Super Co-contribution. Mr P believed that the government should be able to take action against an employer who fails to meet their obligations under the legislation and that affected taxpayers should be properly compensated for any losses. Mr P was advised that the ATO has no power under the current legislation to provide the remedy he was seeking. We suggested that he could pursue his concerns about the current legislation with his local Federal Member of Parliament.

6.2 In our 2004–05 Annual Report, the Ombudsman highlighted aspects of our work that illustrate the limits of government responsibility¹⁰. The two complaints noted above are equally indicative of the problems that can arise when private entities fail in their obligations to other people. Notwithstanding that a dispute may be entirely private, people often feel that government should in some way become involved. Similarly, their frustration at not being able to resolve the dispute and their feeling that government has let them down can cause them to seek our intervention and assistance.

6.3 In most such cases our primary role is to explain to the complainants the limits of government responsibility and to outline for them their options as we see them, including their taking private legal action. This may involve referral to other bodies (such as State-based employee and/or consumer protection agencies) or to other sources of advice (such as community legal centres). Where the complaint raises a policy/legislative question about government's powers over third parties, we generally suggest the matter be raised with the relevant Minister or the complainant's local Member of Parliament, in keeping with our general approach to policy complaints (as outlined in Part 5 of this report).

6.4 In some cases, there is scope for an agency to act to accommodate the complainant's concerns. For example, in the 'Employer record keeping' case study, the ATO was able to process the complainant's co-contribution payment once he could satisfy the ATO that his payment summary was wrong.

6.5 While this report has primarily been concerned to review the ATO's activities in relation to Super Co-contribution, we feel it is useful to point out that the scheme relies also

¹⁰ Commonwealth Ombudsman, Annual Report 2004–05, pp. 76–77.

on the support of both employees and employers. Employers can have a key responsibility in ensuring that, where they are required to take action to support their employee's wishes regarding lodgement and disbursement of Super Co-contribution, they approach their responsibilities with due diligence. Notwithstanding the absence of any punitive provisions in relation to employers under the current Super Co-contribution legislation for any errors that they may make (as distinct from the Superannuation Guarantee legislation), there is still value in the ATO actively engaging with employers and reminding them of the importance of their role within the system.

PART 7—CLOSING COMMENTS

7.1 Our review of complaints relating to Super Co-contribution has not disclosed any major concerns with, or systemic problems within, the ATO's administration of the Superannuation Co-contribution Scheme.

7.2 The Ombudsman's office will continue to maintain a watching brief on trends and issues about Super Co-contribution through the individual tax complaints that we receive. We may revisit this review at some future stage to see if there have been any changes of significance.

7.3 We will also work with ATO Complaints to assess the ATO's own observations of Super Co-contribution complaints.

Prof. John McMillan
Commonwealth and Taxation Ombudsman

March 2006

ATTACHMENT

Taxation Ombudsman Management of Superannuation Co-contribution complaints

Background

The Superannuation Co-contribution Scheme (Super Co-contribution) was introduced from 1 July 2003 and replaced the tax offset for personal superannuation contributions. Super Co-contribution is a government initiative to assist eligible individuals to save for their retirement. Super Co-contribution provides matching contributions for personal superannuation contributions made to complying superannuation funds and retirement savings accounts by certain taxpayers on or after 1 July 2003.

The maximum government Super Co-contribution amount in 2004-05 was \$1,500 if the taxpayer's total income is less than the lower income threshold of \$28,000. The Super Co-contribution amount is reduced by 5 cents for each \$1 that the taxpayer's income exceeds \$28,000, so that the Super Co-contribution is fully phased out when the taxpayer's income is \$58,000.

Legislation

The governing legislation for the Government Super Co-contribution is the *Superannuation (Government Co-contribution for Low Income Earners) Act 2003*.

Conditions of eligibility

Super Co-contribution is available in respect of a person for an income year if:

- the person makes one or more eligible personal superannuation contributions during the income year
- 10% or more of the person's total income for the income year is attributable to eligible employment of the person (eligible employment generally means anything resulting in you being treated as an employee)
- the person's total income (i.e. the sum of person's assessable income and reportable fringe benefits) for the income year is less than the higher income threshold for the year (\$58,000 in 2004–05)
- an income tax return for the person for the income year is lodged
- the person is less than 71 years old at the end of the income year
- the person does not hold an eligible temporary residents visa at any time during the income year.

Guidance for Investigation Officers

Complaints process/review rights

There is no specific review process for people dissatisfied with an ATO decision in relation to a Super Co-contribution assessment/payment, other than through judicial review in accordance with the *Administrative Decision Judicial Review Act 1977* (ADJR Act).

In such circumstances, complainants should be encouraged to use the ATO Complaints process, and to come back to this office if they continue to be dissatisfied.

Reporting of systemic issues

Investigation officers should be alert to any systemic problems in administration, policy and procedures that arise during the course of any investigation. If you identify a systemic issue, talk to your team leader or relevant Senior Assistant Ombudsman and record it on the complaint management system. All action taken by investigation officers should be consistent with the *Ombudsman Work Practice Manual*.

Use of feedback

Where an investigation is completed and the complainant has been provided with a remedy it may also be useful for investigation officers to consider providing feedback where it is warranted to the ATO through the Ombudsman Liaison Unit prior to closure of the investigation.

Recording on Resolve

All Complaints concerning Super Co-contribution should be recorded on *Resolve* under the following issue strings: *Superannuation—Processing—Decision/Action—Failure to Act*.

Further information

Investigation officers can obtain more information on this topic:

- ATO website: *The Super co-contribution is now even bigger and better*
- Legislation: *Superannuation (Government Co-contribution for Low Income Earners) Act 2003*
- *Australian Master Tax Guide 2005* Edn, CCH Australia Ltd, Chap.8–760, p.324
- *Australian Taxation Office Annual Report 2004–05*, p.155–156

Complainants can obtain further information on this topic:

- Phone ATO information line on 13 10 20, or
- Write to
Australian Taxation Office
Superannuation Business Line
PO Box 277
WTC VIC 8005

If a complainant has difficulty speaking English well and wants to talk to a Tax Officer, phone the Translating and Interpreting Service on 13 14 50 for help with your call.