

Objection to ATO assessment

Request Commissioner to treat the objections as duly lodged pursuant to Section 14ZW(2).

Reasons for the request

The taxpayer's former tax agent did not include the rental property expenses as deductible as the agent was not aware that the expenses were not deductible in the circumstances.

The taxpayer relied on this advice from the agent and lodged the return

On changing tax agents the taxpayer became aware that the rental property expenses were deductible and self-amended the returns for 2009 to 2011 to claim the rental property expenses. These were lodged in 2012 as soon as practical after the taxpayer became aware that the rental property expenses should have been claimed in those years. We understand that the 2009 tax return was lodged in August 2009 and therefore the time to amend the return expired in August 2011. The taxpayer approached a new agent in September 2012 and it was determined that the rental property expenses had been under-claimed in the 2009 tax return and as soon as practical after this determination the amended return was lodged in September 2012.

We therefore request that the taxpayer be granted an extension of time to lodge an objection to the assessment for the tax return for the year ended 30 June 2009:

- The reasons for the delay being incorrect advice from a former tax agent
- The taxpayer has an arguable case for the deductibility of the expenses
- The extension of time will not prejudice the Commissioner as if the taxpayer had received the correct advice prior to lodgement of the tax return for 30 June 2009 the return would have been prepared correctly