

19 May 2025

Ms Helen Fong

A/g Deputy Inspector-General of Taxation

Office of the Inspector-General of Taxation and Taxation Ombudsman

GPO Box 551

Sydney NSW 2001

Dear Ms Fong

**Systemic reviews: draft 2025-26 workplan**

Thank you for the opportunity to comment on the Tax Ombudsman's proposed systemic reviews workplan for 2025-26. We consider the 10 proposed reviews will make a significant contribution towards improving the fairness and integrity of the Australian taxation and superannuation framework.

The ASBFEO responds to requests for assistance from small businesses and family enterprises that are in dispute with other businesses or Australian Government agencies. This includes assistance with matters involving the Australian Taxation Office.

Our Tax Concierge service provides information and assistance with a range of taxation matters. We continue to hear from small businesses about the increasing pressure of repaying tax debts, particularly in relation to general interest charges.

We are also concerned about the potential impact on small employers of the upcoming Payday super changes. These changes included a shorter timeframe for superannuation guarantee payments paid to be deposited into employee's accounts, as well as the retirement of the ATO's Small Business Clearing House in July 2026. The clearing house played a vital role for small businesses with less than 19 employees, offering safe harbour by deeming superannuation guarantee payments as made when submitted to the clearing house, rather than when received by the employee's fund.

Additionally, we have received feedback from small businesses and tax agents regarding the transparency and consistency of the ATOs decision-making process when assessing the acceptance of small business restructuring plans.

Against the ten proposed reviews we would like to add the following specific comments:

**Proposed review No: 2 'Payday Super readiness'**

That the third matter proposed for inclusion in this review be expanded to read as follows:

- what measures the ATO has in place if potential issues arise such as the impacts of the removal of the safe-harbour provisions if the Small Business Superannuation Clearing House is retired as proposed.



**Proposed review No:3 – ‘ATO’s management of compromised accounts’**

That the first matter proposed for inclusion in this review be expanded to read as follows:

- whether the ATO provides timely and adequate support to taxpayers and their representatives in assisting them to secure their account, including the responsiveness of the ATO when a taxpayer believes their account has been compromised.

**Proposed review No: 5 – ‘ATO’s administration of disclosure of business tax debts to credit reporting bureaus’**

That the three matters already proposed for inclusion in this review be expanded to include a fourth topic as follows:

- how the ATO manages the coordination and timing of tax debt disclosures and other enforcement actions and whether they engage with indebted taxpayers in a way that both enables sound market decisions and minimises potential harm to uninvolved third parties.

**Proposed review No: 10 – ‘ATO’s management of small business restructuring plans’**

Regarding the proposed review, we note we have previously discussed with you the concerns raised with us about the need for consistency in the consideration of small business restructuring plans, and we are pleased to see this issue has been included.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact [advocacy@asbfeo.gov.au](mailto:advocacy@asbfeo.gov.au).

Yours sincerely

**The Hon Bruce Billson**

Australian Small Business and Family Enterprise Ombudsman