Advantage Partnership Lawyers

Flowchart for Tax Monitoring Changes

Have you applied, or do you intend to **apply** for a business visa?

OR

Have you, or do you intend to **sponsor** an applicant for a visa?

Are you aware of your legal & tax obligations?

If not, obtain information about the monitoring process, as follows:

The Australian Taxation Office (ATO) gathers data about taxpayers

The Department of Immigration and Citizenship (DIAC) gathers data about visa applicants

The Department of Human Services (DHS) gathers data about applicants for various social services

Receives data from external sources such as DIAC and DHS

Compares and matches its own data with data from external sources about certain individuals

Discrepancies found?

No

Yes

ATO investigates discrepancies to determine whether there has been non-compliance or a breach of tax law

Non-compliance or breach found?

No

Yes

No action taken by the ATO

The ATO takes appropriate legal action against the taxpayer

EXAMPLE

Mr X applies for a Temporary Business (Subclass 457) visa

ATO compares and matches its own data about Mr X to data about him from DIAC and DHS

ATO finds discrepancies when comparing, matching and analysing:

- its own data about Mr X, with
- data held about him by DIAC and
- data held about him by DHS.

ATO investigates discrepancies

After investigating, the ATO finds:

- refund fraud regarding the payment of Mr X's DIAC visa application charges; and
- non-compliance in declarations made by Mr X with respect to an application for his wife for the Dependent Spouse Tax Offset.

ATO decides to take legal action against Mr X, by commencing litigation proceedings for refund fraud regarding his visa charges & non- compliance in relation to claiming the Dependent Spouse Tax Offset