

# COMPLIANCE AND PENALTIES REGIME 1997

<b>1. INTRODUCTION</b>	1
<b>2. PROBLEMS WITH PREVIOUS REGIME</b>	2
<b>3. BENEFITS OF THE REGIME</b>	3
Expected benefits	3
Our analysis of the expected benefits	4
<b>4. REFORM PROCESS</b>	5
Initial discussion document	5
Second discussion document	5
First reading of the Bill	5
Second reading of the Bill	6
New regime enacted	6
<b>5. OTHER REFORMS OF THE TAX SYSTEM</b>	7
<b>6. OVERVIEW OF THE REGIME</b>	9
Taxpayers' tax obligations	10
Use of money interest	10
Civil penalties	10
Criminal penalties	13
Other Inland Revenue powers	13
<b>7. TAXPAYERS' TAX OBLIGATIONS</b>	14
<b>8. USE OF MONEY INTEREST</b>	16
Introduction	16
Rates of interest	16
Period for which interest will be charged	17
Civil penalties a "tax"	18
Objections to interest/interest threshold	18
Assessability/deductibility of interest	18
<b>9. LATE FILING PENALTY</b>	20
When the penalty will be imposed	20
Variable amount of the penalty	20
<b>10. LATE PAYMENT PENALTY</b>	22
<b>11. SHORTFALL PENALTY FOR LACK OF REASONABLE CARE</b>	23
Interpretation of "reasonable care"	23
<b>12. SHORTFALL PENALTY FOR AN UNACCEPTABLE INTERPRETATION</b>	26
History	26
Meaning of "unacceptable interpretation"	27
Matters which must be considered	28
Timing	29
Relationship to the "reasonable care" standard	
<b>13. GROSS CARELESSNESS</b>	30
<b>14. ABUSIVE TAX POSITION</b>	31
<b>15. EVASION</b>	33
<b>16. CHANGES IN SHORTFALL PENALTIES FOR OBSTRUCTION DISCLOSURE OR TEMPORARY TAX SHORTFALLS</b>	35
Reduction of shortfall penalties for voluntary disclosure	35
Reduction of shortfall penalties for temporary tax shortfalls	37
Increase of shortfall penalties for obstruction	38
<b>17. REMISSION OF PENALTIES</b>	39
<b>18. CRIMINAL PENALTIES</b>	40
<b>19. COURT ORDERS</b>	42
<b>20. DISPUTES RESOLUTION REGIME AND BINDING RULINGS REGIME</b>	43
Disputes resolution regime	43
Binding rulings regime	44
<b>21. ADVICE FOR PRACTITIONERS</b>	47
Remember the importance of paying/filing on time	47

Seek specialist tax advice	48
Keep up to date with tax developments	48
Consider a binding ruling or early disclosure	49
Remember the option of arranging to pay in instalments	49
Remission	50
Document transactions	50
<b>APPENDIX A : CASE STUDIES</b>	<b>51</b>