

Did You Miss Out On Jobkeeper or Cash Flow Bonus? Well The ATO Are Being Forced To Cough Up!



It Might Not Be Too Late:

The ATO has the discretion to allow businesses who missed out to still claim Jobkeeper. In fact they have recently been wacked in the courts for not exercising their discretion when they should have.

Due to our recent success at having this discretion exercised in our clients' favour we feel we have enough experience to give you a reasonable understanding of how the ATO may act to your particular circumstances. Of course it is not an exact science, a lot depends on the ATO officers that you are dealing with. But there are several layers to the process, it is not just left to one particular ATO officer. You can apply for a review, objection, lodge a complaint and even go to the Ombudsman. Might sound like a lot of trouble but there is a minimum of \$20,000 at stake in most cases.

So here are some of the circumstances where it may be worth having another crack at it:

Didn't get the paperwork in on time – If one of the following circumstances applied to you when you should have lodged the paperwork you are entitled to an extension of time.

- Natural disasters or other disasters or events that may have, or have had, a significant impact on individuals, regions or particular industries
- Impeded access to records (e.g. records seized during a police search or retained as evidence in a court matter);
- The serious illness or death of a family member, tax professional or critical staff member

We have managed to get several across the line, including for example:

- A client whose mother became ill, they had to care for her, and eventually she passed away
- A client whose child was exceptionally ill
- A client who was going through a messy relationship breakdown, affecting her mental well being

Didn't report sales to the ATO before December 2019 – This is not a deal breaker if you had an ABN. The Ombudsman found that opening a bank account meets the definition of making a taxable supply. Now when you applied for an ABN you would have had to advise the ATO of

your bank account details at that time. This means that at that time you had advised the ATO that you had made a taxable supply.

Setting up a company, signing a lease or borrowing money for the business is also making a taxable supply and the Ombudsman has found that even though you would not have notified the ATO of that, the ATO must exercise its discretion in regard to the requirement that it be reported to the ATO before 31st December 2019.

This test applies to both Jobkeeper and the Cash Flow Bonus.

Didn't pay wages before 12th March 2020 or were not registered as an employer at that date. – This applies to the Cash Flow Bonus and is a completely wrong approach by the ATO, not what the law says at all. As long as you employ before 30th June 2020 and had an ABN by 12th March 2020 you are entitled to the Cash Flow Bonus. But you have to fight for it. By the time you get to the ATO complaints department you will get it.

The Cash Flow Bonus, worth a minimum of \$20,000 did not require a 30% drop in turnover. The drop in turnover was only a requisite of the Jobkeeper payment and even then there were many carve-outs.

For more detail:

<https://bantacs.com.au/Jblog/many-more-businesses-entitled-to-stimulus-cash-but-the-ato-is-pretending-not-to-notice/#more-726>

For readers who think they may be entitled to more than they got, we offer a fixed price consultation at \$330. We will look at your situation and tell you whether it is worth pursuing and the likely cost to do so.