

# Dispute management plan

This is an Australian Government initiative

## VISION

### Our Plan

This plan has a specific focus on disputes related to debt, including unfair preference claims. However, our approach and key principles apply to all disputes including tax and superannuation, complaints, access to information, compensation, procurement, and employee disputes. We will also continue to work on the strategies in our 2012-2013 plan to improve and enhance our approach in managing disputes.

### Our approach

In avoiding and resolving various types of disputes we will treat taxpayers in similar situations fairly and consistently.

### Our objectives

- faster and earlier resolution of disputes
- reduce the number of disputes
- lower your costs and our costs
- enhance our relationship with the community
- make your interactions with us easier.

### Our key principles

We will work with you to:

- avoid disputes where possible
- resolve disputes in the simplest and most cost effective manner taking into account the merits and the risks
- resolve disputes as early as possible
- Clarify issues in dispute by listening to each others' views and considering all resolution options
- manage disputes fairly and courteously

### Debt action in 2012–13

15.9 million	1,274,433	12,943	4,598
Taxpayer population	Total debt clients	ATO initiated legal action	Insolvency proceedings initiated



## KEY FOCUS AREAS AND STRATEGIES FOR 2013–14:

## DISPUTES RELATING TO DEBT

### Improving services and early resolution

We will review the way we do things to encourage prevention and early resolution of disputes related to debt. This includes disputed assessments, preference claims and other disputed entitlements and liabilities.

#### Making it easier

We will review the current disputes process, from assessment to legal recovery, and look for opportunities to avoid disputes and resolve disputes earlier.

#### Engagement and openness

We will:

- engage with you early to encourage prevention and timely resolution of disputes
- promote an environment of open and informal information sharing with you
- ensure that the information available on our website is up to date and easily accessible, including access to self service/ assessment options such as payment arrangement online and the business viability assessment tool
- provide you with information on the reasons for our decisions and your review rights
- provide you with information about how to make a complaint and commit to responding to you within a specific time period
- engage with tax agents and tax professionals to keep them informed of changes in legislation and our approach to issues.

### Building our capability

We will continue to build our dispute resolution capability in our leaders and staff through training and performance agreements, recruitment and induction programs.

We are committed to improving end-to-end collaboration across the ATO in disputes, including by ensuring that all officers involved in the disputes process are aware of each other's roles and responsibilities. We will take a more risk focussed approach by authorising additional experienced officers to settle disputes and be available to attend alternative dispute resolution (ADR) processes as the ATO decision maker

#### Training

We will ensure that our staff are appropriately skilled to prevent or resolve disputes at all stages of the process, including by ensuring that a strategic focus is taken by staff managing disputes involving private and public groups. Front line Debt staff will receive training negotiation and influencing skills appropriate to their level and tasks in the next 12 months. Coaching frameworks will be revised to include a focus on dispute resolution.

#### Support

We will provide access to senior officers with appropriate expertise where required. Complex matters will be referred to officers with the appropriate level of expertise to identify and understand relevant facts and the law and to apply our policies appropriately.

### Enhancing relationships

We will work collaboratively with you to avoid and minimise disputes and encourage early resolution.

#### Working with the community

We will continue our community engagement forums and be responsive to feedback.

#### Working with Insolvency Practitioners

We will work with insolvency practitioners to minimise disputes by improving our approach to managing unfair preference claims lodged against the Commissioner.

#### Alternative Dispute Resolution

This year we have contracted an independent body to survey all participants in ADR processes with us. We will review the feedback to improve our approach and the effectiveness of the processes in resolving disputes.

We will continue to review our use of ADR to identify opportunities to improve our understanding of when it should be used and what types of ADR are most effective in different types of disputes.

We will build on our ADR experience to explore increased use in disputes with debt.

### Our commitment

We will evaluate and review our dispute management performance each year to identify areas requiring improvement. This includes publishing results of feedback that is provided to us at the conclusion of ADR processes.

For further information refer to our [Disputes Policy](#).

### Opportunities to avoid and resolve disputes

Early engagement and direct negotiation are our primary means of avoiding, minimising and resolving disputes.

Dispute resolution approaches should be considered at every stage, including:

- in a debt dispute related to the recovery of your unpaid tax liability, by explaining the nature of the dispute as soon as it arises
- in a large business income tax dispute, by providing an independent review of the audit position
- in an employment dispute, as close as possible to the point of conflict.

### We operate on a principled basis

Most disputes are suitable to resolve early.

We resolve disputes in accordance with the:

- law
- published policy including the ATO Code of Settlement and
- the effective, efficient, ethical and economical use of Commonwealth resources.