

PRE-FILLED PERSONAL INCOME TAX RETURNS: EVIDENCE FROM AUSTRALIA

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INTRODUCTION

PRE-FILLING (ALSO KNOWN AS PRE-POPULATED, pre-completed, or pre-filled) personal income tax returns represents one of the latest tax simplification initiatives being undertaken in many OECD countries (Highfield, 2006; OECD, 2008). It began in Denmark in the late 1980s and subsequently has spread to other Nordic and EU countries (Australian National Audit Office (ANAO), 2008). It has also been implemented, or is in the process of being implemented, at sub-national levels in North America (e.g., California and Quebec). In Australia, the pre-filling tax returns program is relatively new, having been first mooted in 1998 and formally introduced in 2006–2007 after minor trials in earlier years.

Pre-filling has received recent high-level official endorsement in Australia, initially from the Henry Review of Australia's Future Tax System (Australian Treasury, 2009), and subsequently in the Government's response to that review (Australian Government, 2010) and in the May 2010 Budget. Recommendation 123 of the Henry Review argues that "pre-filled personal tax returns should be provided to most personal taxpayers as a default method of settling their tax affairs each year" (Australian Treasury, 2009, p. 104). In turn, the Australian Government has apparently accepted this "tick and flick" approach, though – as discussed later in the paper – it may not have entirely understood the ramifications when it did so.

The principal aim of this paper is to examine the experience of pre-filling in Australia. Section Two provides a background discussion of pre-filling in Australia. Section Three presents a preliminary assessment of the impact of pre-filling and considers a number of proposals that could enhance its performance. Section Four provides some concluding comments. While it is premature to arrive at any definite conclusions about the benefits of pre-filling personal income tax returns, it is nonetheless suggested that, in Australia, pre-filling is capable of reducing (though not significantly) the tax compliance costs of those personal taxpayers who do not use tax agents to complete and submit their annual

tax returns and perhaps very marginally reducing the compliance costs of those personal taxpayers who do use tax agents. However, the reactive and partial model in use in Australia (compared to Nordic and other initiatives) is not likely to lead to significant operating cost savings or pave the way for the introduction of a tax return-free environment for significant numbers of personal taxpayers in Australia. Its value, therefore, lies in the incremental benefits to simplification that may arise rather than in any large scale or wholesale impact.

PRE-FILLING IN AUSTRALIA

The introduction of pre-filling in Australia can be seen as a result of two separate developments: (i) the desire for income tax simplification and (ii) improvements in information and communication technology. The simplification of personal income tax (PIT) has been a major and ongoing issue in Australia (Evans and Tran-Nam, 2010). This is because the Australian PIT has long been perceived as being complex by all conventional measures such as legal complexity,¹ tax compliance costs (Evans et al., 1997), and tax agent dependency. An OECD survey established that 77 percent of all PIT returns in Australia were prepared with the assistance of tax professionals in 2004 (OECD, 2005, Table 9). Only Italy (with 96 percent) had a higher figure than Australia.

Not surprisingly Australian federal governments have taken an active role in attempting to simplify the PIT system in the past 20 years. Various reports have been commissioned and various initiatives undertaken. For example, the Atax study undertaken by Evans et al (1997) was commissioned by the Australian Taxation Office (ATO) as a direct result of the recommendations in the Joint Committee of Public Accounts Report (1993). In addition, strong calls for tax reform have been received in the past 10 years from different quarters of Australian society (for a summary refer to Tran-Nam et al., 2006). However, most of these proposals focus mainly on tax simplification from a

policy perspective rather than focusing on aspects of the simplification of tax administration.

In Australia, annual filing of income tax returns under self assessment has been mandatory for most individual taxpayers for many years. As noted by the OECD (2008, p. 5), this is similar to the case in about 15 of the (then) 30 OECD members, where the system of personal income tax effectively requires universal filing. Some (for example, Evans, 2004) have contended that Australia should adopt appropriate administrative reforms that would place it in the other half of OECD countries where universal filing is not required. To date, however, Australia has not moved in this direction, preferring instead to adopt the less radical alternative of pre-filing.

The need for PIT simplification has been accompanied by significant improvements in information and communication technology and the ability of revenue authorities to harness these developments. These improvements have resulted in a substantial reduction in the costs of storing, transmitting, retrieving and manipulating massive amounts of tax-related data. Further, the widespread availability of PCs and internet, as well as the improvements in database languages and integrated software, has made it feasible for the ATO to offer improved electronic services to taxpayers.

The idea of pre-filing has been on the political agenda in Australia for over 10 years and has enjoyed support from both major political parties. In its “A New Tax System” (ANTS) document, the then Coalition Government foreshadowed the introduction of pre-filled income tax returns by discussing the replacement of annual tax returns by an ATO-generated income statement for personal taxpayers with relatively simple tax affairs (Costello, 1998, p. 148–149). It was stated that the ATO would pilot these income statements for the financial year 2000–2001 (Costello, 1998, p. 149), although nothing specific appears to have subsequently emerged from this announcement.

In its 1998–1999 report, the ANAO (1999) suggested that the ATO should be able to provide the information it had available in its data matching activities to certain types of taxpayers to simplify the completion and lodgement of their annual returns. The ATO accepted this recommendation, although, again, little appears to have happened in the immediately following years. In March

2002, the ATO commenced its “Listening to the Community” project aimed at making it easier, cheaper, and more personalized for taxpayers to comply with their tax obligations. The second guiding principle of the program, which stated that “taxpayers will have online access to information that is personal to their dealings with the ATO” (ATO, 2003), was closely related to the ultimate introduction of pre-filing.

The ATO began piloting the concept of pre-filing returns using e-tax (a free tax return preparation and lodging software for self-preparing personal taxpayers first developed by the ATO in 1999) in 2004–2005 (ANAO, 2008, p. 84). In this pilot, the pre-filing information was limited to two types of data collected by agents of the Australian Federal government, namely Centrelink (social security) payment summaries and medical expenses recorded by Medicare Australia. The amount of information and the functions available from the ATO as part of the pre-filing have steadily increased over the years. Thus the introduction of pre-filing in Australia has followed an incremental path – pre-filing data has been enhanced gradually over time. It is still in an early stage and the focus, to date, has been upon consolidating the existing data and addressing issues raised with the ATO by agents, through feedback, and at consultative forums (D’Ascenzo, 2009).

Pre-filing in Australia basically leverages off the ATO’s data matching activities. It is defined by the ATO as the provision of information that it typically uses for purposes of data matching directly to an individual e-tax preparation or record keeping tool. Thus, the option of using pre-filing income tax returns is only currently available to individual taxpayers who have lodged at least one tax return through e-tax and authorized tax agents through the Tax Agent Portal. Pre-filing in Australia is not yet available to those using paper-based income tax returns (who may be self-preparers or who may be using a paper-based tax agent).

Pre-filing is only relevant for personal taxpayers when they are in the process of preparing and lodging their compulsory annual tax returns.² To take advantage of pre-filing, e-tax users are required to review the pre-filing information, amend it (if necessary), and add any missing data. E-tax users are strongly recommended to review pre-filing information as it may be erroneous

or incomplete. Taxpayers remain responsible for the returns they lodge, even if they have used pre-filled information. The use of e-tax (and thus pre-filing data) is not binding in the sense that self-preparing taxpayers can lodge their tax return online one year and by paper in another year. Also, those using e-tax do not have to use any pre-filled information that may be available – its use is entirely optional.

The information that is currently available under the pre-filing service for taxpayers to access is a mixture of rolled-over information from earlier years' returns and third party information made progressively available in the period from July to October immediately following the close of the fiscal year (June 30) – most of which is available by mid-August. This information comprises (ATO, 2009): personal details including name, address, and Australian Business Number; Pay As You Go (PAYG) payment summaries received from third party employers and containing details of various categories of other income and reportable fringe benefits amounts; government payments provided by agencies such as Centrelink and the Department of Veterans Affairs (including pensions, allowances, and tax exempt amounts); interest income from a large number of financial institutions and share registries; dividend income (sole and joint with spouse) from most listed public corporations; managed fund distributions (sole and joint with spouse) from a large number of managed funds;³ a very limited set of deductions (relating to some work related expenses, gifts, or donations); Higher Education Loan Program (HELP) and Student Financial Supplement Scheme (SFSS) data; baby bonus claim status data for those who have previously claimed this allowance and who have an on-going entitlement to claim; Medicare benefit tax statement details for the taxpayers and their dependents; and private health insurance policy and rebate details.

The use of the pre-filing service has also grown steadily over recent years. Between 2006-2007 and 2008-2009 the number of self-preparers using e-tax who used the pre-filing facility increased from 60 percent (roughly 1.1 million individuals) to 90 percent (roughly 2.1 million individuals) (Bland and Clarke, 2009). In the same period, the number of downloads of pre-filled information reports made by tax agents using the Tax Agent Portal increased from less than 2 million to nearly 8 million.

This rapid growth is possibly due to (i) a 2007–2008 budget announcement of the pre-filing initiative (Costello, 2007); (ii) greater visibility of pre-filing within e-tax; and (iii) greater availability of pre-filing information, making it a more useful service to a wider group of taxpayers. But note that no information is available on the extent to which individuals accessing pre-filled data used the various categories of information. The totals are merely raw totals of individuals who used some aspect of the pre-filled data in each of the years and do not show the extent of use.

AN EVALUATION OF PRE-FILING IN AUSTRALIA

Despite its conception dating back to the late 1990s, the implementation of the pre-filing initiative in Australia is relatively recent and is arguably only partial in comparison to other international experiences. There is not yet sufficient quantitative data to analyze its impact on tax administration in any rigorous fashion. Nonetheless, it is possible to make a preliminary, qualitative examination of the impact of pre-filing based on how it operates and past empirical studies of tax administrative and compliance costs in Australia. It is helpful to start by making some overall remarks regarding this initiative.

The introduction of pre-filing of income tax returns is perceived as a tax administrative reform. The pre-filing initiative is indeed primarily concerned with the administration of the tax system and it appears to be independent of the income tax law. Yet it is not always easy to separate tax administration from tax policy. This is especially true in the context of Australia, as pre-filing does not appear to have been an ATO driven reform, at least initially. As discussed in Section Two, the early impetus was provided by the Australian Treasury (in the 1998 ANTS document) and by the ANAO (in its 1998–1999 report on tax file management), and the ATO largely reacted to those initiatives. Simplifying income tax returns was seen by the Australian Treasury, in the 1998 ANTS document, as a minor reform associated with the far more significant introduction of the Goods and Services Tax. In addition, the budget for developing pre-filing was provided by the Australian Treasury to the ATO as an additional, separate resource, rather than from the ATO's existing, internal resources. Having said that, it seems

fair to remark that, well before additional resources were made available to the ATO for the development of pre-filing, the ATO had taken a proactive role in making pre-filing inevitable through its “Listening to the Community” project discussed previously.

Pre-filing also has interesting, practical implications for two fundamental concepts in the administration of income taxation in Australia, namely self assessment and tax auditing. The principle of self assessment still requires taxpayers to keep records and justify their claims and taxpayers’, and their agents can choose whether or not to avail themselves of any or all of the information that is made available. However, as more and more pre-filing data become available to e-tax users, and as they come to trust and use that information more and more, there may be a danger that the role of the personal taxpayer as a self-assessor becomes less well-defined.

Similarly, the ATO’s need to administer the income tax system via its tax auditing activities may become less onerous as pre-filing information expands. This is primarily because, in the past, the ATO possessed the same information as the pre-filing data but did not reveal that information to taxpayers. Rather, the information was employed in data matching exercises as part of the tax auditing process of individual taxpayers. The availability of pre-filing data to taxpayers and their acceptance of the data may therefore diminish the need of the ATO to audit individual taxpayers. However, at the same time, the ATO can now focus its attention and efforts on those individual taxpayers who do not use pre-filing. This is consistent with the ATO’s tax compliance model according to which those taxpayers who want to comply will be assisted to do so by the ATO.

A number of teething problems with pre-filing relating to timeliness, comprehensiveness, availability, and reliability/accuracy have been identified by the ANAO (2008), the ATO (2009), and the press (Sampson, 2007, 2008). The first major issue is the timeliness of pre-filing information. The current legislation that regulates the provision of third party information requires the employment and financial data be provided to the ATO no later than August 14 and October 31 following the end of the tax year, respectively (ANAO, 2008m p. 85). These deadlines are potentially too late for many

e-tax users who want to submit their income tax returns early in order to get tax refunds and have prompted the ANAO to recommend that the ATO “discuss with the Treasury ... bringing the dates forward for the provision of requisite third party data” (ANAO, 2008, p. 86).

As a direct result of the timeliness issue, the range of pre-filing information is, for practical purposes, currently not as comprehensive as the government would like it to be. The ANAO Report notes, in particular, that the TFN is not always attached to third party information, largely for privacy reasons, and recommends that the ATO should engage in initial discussions with Treasury in order to explore options for legislative change that would permit the inclusion of TFNs “on some additional data sets, having regard to the need to balance privacy concerns and improving the efficiency and effectiveness of public administration” (ANAO, 2008, p. 85-86).⁴ In addition, because of technical problems, some supposedly available pre-filing information may not actually be made available. For example, the ATO’s website in 2008 stated that the service regarding private health insurance information was turned off at a critical time because of technical problems associated with this information (Sampson, 2008).

There may also be problems for personal taxpayers being able to use the pre-filing service, as its availability is limited to the period when e-tax is available. For example, e-tax was only available for about six months following the end of the 2009 tax year, which meant that personal taxpayers who may have wanted to use pre-filing in that year could not always do so. Apparently the short time frame in that particular year was attributable to a major systems conversion that took place in January 2010 and was not typical – in other years it was available for between 8 and 11 months. It is understood that the standard ATO offering in future years is likely to be 11 months, which should obviate much of this problem.

A further issue is that pre-filing information may not be reliable. Some instances of inaccurate pre-filing data have been reported in the press (see, for example, Sampson, 2007, 2008), although, in response, the ATO has claimed that the number of situations detected where pre-filing data has been found to be erroneous, measured against the number of downloads made in practice, has

been miniscule. Nonetheless, in a self-assessing environment, a careful checking of pre-filling data is essential for all taxpayers and tax agents who choose to use it.

Some further specific problems with pre-filling have been identified by the ATO (2009). These include human error in the external information provider lodgement process (including duplication of records) and lack of understanding and confusion by taxpayers.

Pre-filling income tax returns initiatives have been claimed to generate substantial benefits to taxpayers, tax administrators, and governments (Highfield, 2006, p. 331; OECD, 2008, p. 4). Such claims are, however, often based on commonsense rather than rigorous empirical study. This is somewhat surprising in view of the fact that pre-filling started more than two decades ago. In Australia, there is, as yet, insufficient quantitative data to make a carefully reasoned empirical analysis. The qualitative assessment in this subsection will therefore focus on the likely impact of pre-filling on tax operating costs, initially from the perspective of administrative costs and subsequently in relation to compliance costs.

In the Australian context, pre-filling can potentially reduce tax administrative costs to the ATO via reduced needs for data matching, auditing, and tax dispute resolution. At the same time, the uploading of pre-filling data to e-tax and the Tax Agent Portal requires additional resources. Thus, the net saving in tax administration costs might not be as large as suggested in the literature. A more careful study to determine the reduction in tax administrative costs (if any) as a result of pre-filling is necessary.

It is possible to identify a number of different ways in which pre-filling may have a positive effect on tax compliance costs. Taxpayer compliance costs may be reduced as a result of more individual taxpayers choosing to self-prepare and lodge their annual returns (with a commensurate reduction in the number using tax agents) as a direct result of the easier availability of data relevant to the completion of the return. Arguably the benefit of the reduced fees that would need to be paid to agents would outweigh any increase in the value of time taken by self-preparers in submitting their returns. There may be some evidence that tax agent dependency is declining. Pre-filling was piloted in 2004–2005 and accelerated in 2007–2008. From

2004–2005 to 2006–2007, there has been a steady decrease in the proportion of Australian individual taxpayers who use tax agents (Davidson, 2009, p. 6–7). However, since this declining trend started as far back as 1999–2000, it may be premature to conclude that pre-filling has resulted in a lower proportion of personal taxpayers who require tax agents to assist with tax affairs. Moreover, there is no evidence of the notion that taxpayer compliance costs have actually reduced as a result of decreased tax agent dependency.

A second area in which there may potentially be compliance costs savings is in the reduced time taken by both self-preparers and tax agents in completing tax returns as a result of the more ready availability of data relevant to the return. The numbers of e-tax users and tax agents who use pre-filling information have been rising quite rapidly and have overtaken paper and telephone lodgements. Pre-filling is likely to be taken up by younger personal taxpayers (who are more comfortable with e-tax) and personal taxpayers with simple tax affairs. However, it may be over-optimistic to expect that this trend will continue unless pre-filling data continues to improve in terms of timeliness, comprehensiveness, availability, and accuracy.

Note that, under self assessment, personal taxpayers who use pre-filling are still required to keep records as before and check their income tax returns carefully. Thus, time savings would not reduce record keeping time,⁵ but would be limited to the completion and lodgement of income tax returns and, therefore, would be relatively small in magnitude. In terms of time spent on completing and submitting income tax returns, there is a large difference between those personal taxpayers who self prepare (2.2 hours annually) and those who use tax agents (1.8 hours annually) (see Evans et al, 1997, p. 77). Thus, pre-filling would be much more beneficial to self preparers who lodge income tax returns online than those who lodge via their tax agents. However the psychological benefits (knowing that one's own tax records are consistent with pre-filling data) may be substantial.

Two further points deserve mention. First, the provision of third party information for pre-filling requires resources by information providers, and these costs have to be taken into account in assess-

ing the benefits of pre-filing. Second, there are no obvious reasons why pre-filing will have any impact upon the planning (as opposed to computational) costs of tax compliance. It is more than likely that pre-filing will have a neutral impact on voluntarily incurred tax planning costs.

Pre-filing requires timely, comprehensive, and accurate data from employers, financial institutions, and other third party information providers, preferably online. Given the current legislation governing the provision of pre-filing data to the ATO, the long term viability and success of pre-filing will depend crucially on the voluntary efforts of providers of legislated data to submit data to the ATO on or before their deadlines. In the 2007–2008 Federal Budget the then Coalition Government announced the “New Business Intensive Assistance Program” that aims, among other things, to assist small businesses in Australia to report electronically (Costello, 2007). The program provides A\$40 million over four years to fund individually focused advice and assistance to new business. This includes assistance with registering with the ATO’s business portal and completing the Business Activity Statement.

In addition, the ATO is actively engaging with the business sector in its pre-filing client contact program (Bland and Clarke, 2009). The principal aim of this program is to work with employers and investment bodies to encourage early lodgement of payment summary annual reports (by July 28) and annual investment income reports (by August 8), online lodgement, using Electronic Commerce Interface (ECI), and online lodgement of TFN declarations and quarterly TFN reports. A comparison of data received by the ATO via ECI at October 31, 2007, and at October 31, 2008, seems to indicate that the ATO’s pre-filing client contact program has been quite successful in achieving its aims (Bland and Clarke, 2009).

Another potential improvement is to expand pre-filing beyond e-tax. At present, pre-filing is only available to personal taxpayers lodging online or personal taxpayers using tax agents. Making pre-filing available in paper form would be beneficial to those elderly personal taxpayers whose tax affairs are simple but who are not confident enough to lodge their income tax returns online. The availability of pre-filing data in paper form may reduce the need for those taxpayers to

engage tax agents. This could then also have an impact on reducing the aggregate tax compliance costs. It would also have the effect of expanding (indefinitely) the current window of availability of the pre-filing service.

CONCLUSIONS

The pre-filing initiative is partial and still at a very early and experimental stage in Australia. Moreover, it is reactive (in the sense that the taxpayer or tax agent has to consciously engage with it) rather than proactive (as in the Nordic countries where taxpayers receive the completed returns for checking or acceptance). Hence, it would be premature and inappropriate to compare pre-filing in Australia with that in the Nordic region countries, where the initiative has been running on a broader scale for a much longer period.

Notwithstanding these differences, any initiative designed to enable taxpayers to reduce compliance costs and to comply with their tax obligations more easily has to be welcome. But it is unlikely, in its current form, either to significantly impact the compliance or administrative costs burden or to represent a significant step in the direction of a return-free tax jurisdiction for many, or even some, personal taxpayers. Its proponents must ensure that its continuing roll-out and development is carefully managed so that commentators do not attach to it unrealistic expectations – in terms of its capacity to reduce compliance or administrative costs or simplify the tax system – that cannot be met in practice. Above all, there is a need for evidence on its impact to be systematically gathered, analyzed, and promulgated.

Finally, such tax administrative initiatives critically depend, for their ultimate success, on the full support of political masters. As noted at the outset of this paper, the Australian experiment with pre-filing appears to have such high level support. In the May 2010 budget the Treasurer, Wayne Swan, fully endorsed the “flick and tick” (pre-filing) approach to personal tax returns argued for so strongly in the Henry Review delivered to the Government at the end of the previous year. However, contemporaneous actions of the Government, in ruling out other Henry Review recommendations that help to buttress this pre-filing approach, may somewhat dilute the ATO’s capacity to extend the

pre-filing experiment as far in the direction of its Nordic and other counterparts as might otherwise have been expected (Evans and Tran-Nam, 2010).

Acknowledgments

The authors wish to thank the Fraser Institute for their financial support. Information provided by Nick Botfield, Director of Pre-filing of Tax Returns, Australian Taxation Office (ATO), and comments provided by an anonymous referee and Kim Bloomquist (discussant) are also gratefully acknowledged.

Notes

- ¹ In terms of sheer size, Australian income tax legislation is massive. The combined length of the *Income Tax Assessment Act (ITAA) 1936* (Cth) and *ITAA 1997* (Cth) now stands at about 7,000 pages. Moreover, reading the Australian income tax legislation is difficult and requires university education. Attempts at legal simplification by rewriting tax legislation in simpler English and a more coherent manner have yielded very limited success. According to Smith and Richardson (1999, p. 330), the Flesch readability index has improved from 38.44 for the *ITTA 1936* to 46.42 for the *ITTA 1997*. Both scores fall well short of an index of 65 for plain English speaking.
- ² Individual taxpayers not using tax agents are required to lodge their tax returns of the last financial year (July 1 to June 30) by October 31 of the new financial year. For individuals using tax agents, the due date is extended to May 15 of the following year.
- ³ Bland and Clarke (2009) note that the number of “investor records” (presumably a combined total of the three categories of interest income, dividend income, and managed fund distributions) increased by 65 percent in 2007–2008 compared to 2006–2007, to a total of 49.3 million records lodged online by the end of October 2008.
- ⁴ In Australia, there is privacy legislation designed to protect individuals from being identified in public documents or data sets. As a result, third party data providers (such as banks, etc.) are not legally required to supply TFNs along with tax related information although many of them choose to do so. When data are supplied without TFNs, the ATO needs to use its data matching search engine to identify the corresponding TFNs.
- ⁵ Research indicates that actual record keeping is a relatively significant element of overall compliance costs for individual taxpayers – typically between 60 percent and 70 percent of the time spent by individuals on tax activities (Evans et al., 1997: Table 8.39).

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