RISK PROTECTOR

Your First Line of Defence Against Director Liability, ATO Enforcement and Asset Exposure

BUSINESS & DIRECTOR RISK IDENTIFIER TOOL — NO. 13

ATO Direct Contact
First Response Plan

What to do in the next 48 hours when the ATO contacts you directly

admin@riskprotector.com.au | +61 466708100 | www.riskprotector.com.au | ABN 71 696 228 770

BEFORE YOU BEGIN — READ THIS FIRST

ATO contact is not always routine. A phone call from an ATO debt officer, a letter requesting information or a notice of audit can each signal that the ATO has already identified your company or you personally as a compliance or enforcement target. By the time the ATO makes direct contact, they have almost always already reviewed your lodgement history, your payment record and in many cases your associated entities and personal holdings.

The most dangerous thing a director can do when the ATO makes contact is respond immediately — without preparation, without advice and without understanding what the ATO already knows.

This plan tells you how to stabilise your position, gather the right information and understand your full structural exposure before you respond to anything. What you say — and what you do not say — in the first response to ATO contact can either limit or dramatically expand your exposure.

HOW TO USE THIS PLAN

Work through every step in order. Tick each one when complete and record the date and time. This is an information and stabilisation plan. It does not tell you how to respond to the ATO — that requires a full understanding of your structural position, which is what the free A13 assessment is designed to provide before any response is made.

PHASE 1 — Stabilise — Do Not Respond Until You Are Prepared

Hours 0 to 4 — Before you call anyone back or respond to anything

STEP	Action Required	Done	Completed
1 CRITICAL	**Do NOT call the ATO back immediately** If the ATO has left a voicemail or called your office, do not return the call until you have completed this plan. You have a right to prepare before responding. Calling back immediately without preparation often results in providing information that expands the ATO's scope of inquiry beyond what they originally intended.	☐ DONE	Date / Time
2 CRITICAL	**Record every detail of the ATO contact received** If by letter: photograph or scan it immediately. Note the date, the office, the officer name, the reference number and what was requested or stated. If by phone: write down the date, time, the officer's name and badge number, the number they called from and every detail of what was said. This record is evidence.	☐ DONE	Date / Time
3 CRITICAL	**Do NOT provide any documents, records or information to the ATO yet** If the contact includes a request for documents, bank records, financial statements or business records — do not provide anything until you understand the nature and scope of the request and have taken advice on what you are and are not required to provide.	☐ DONE	Date / Time
4	**Identify the type of ATO contact you have received**	☐	Date / Time

CRITICAL	Is this a routine debt reminder? A compliance verification call? A formal audit initiation? A request for a voluntary interview? A garnishee notice? Each carries different implications and different response requirements. The type of contact determines the urgency and the approach. Do not assume it is routine.	DONE	
5 IMPORTANT	**Do NOT discuss the matter with employees, business partners or family members** Information shared informally can become evidence. Keep this matter strictly private until you have taken advice. The fewer people who know the details at this stage the better — for your own protection.	☐ DONE	Date / Time

Contact type: ____________ | ATO officer name: ____________ | Reference number: ____________ | Date received: ____________

PHASE 2 — Gather Your Information

Hours 4 to 24 — Know your own position before the ATO does

STEP	Action Required	Done	Completed
6 CRITICAL	**Confirm your current ATO account position across all obligations** Check what the ATO portal shows for your company across all tax types — income tax, GST, PAYG withholding and superannuation guarantee. Note any outstanding balances, lodgements, assessments or payment arrangements. This is information gathering only — do not contact the ATO to do this.	☐ DONE	Date / Time
7 CRITICAL	**Check your lodgement history for all tax types** Confirm whether all BAS, tax returns, SGC statements and other lodgements are current and on time. Any gap in lodgements is a potential basis for the ATO's contact. Identify any late or missing lodgements before the ATO does.	☐ DONE	Date / Time
8 IMPORTANT	**Locate all financial records relevant to the period the ATO contact covers** Gather bank statements, BAS workings, payroll records, superannuation payment receipts and financial statements for the period the ATO appears to be inquiring about. Do not send these to the ATO — have them available so you can review what they will show.	☐ DONE	Date / Time
9 IMPORTANT	**Contact your accountant for compliance status information only — not to act** Ask these specific questions only: Are all lodgements current and on time? Is there any known outstanding balance with the ATO? Have they received any separate ATO contact about your affairs? Do NOT ask them to contact the ATO or respond on your behalf yet. You need their information — not their action — at this stage.	☐ DONE	Date / Time
10 CRITICAL	**Contact Risk Protector before making any response to the ATO** Before you respond to the ATO in any form — written or verbal — contact Risk Protector for a free A13 Structural Exposure Assessment. The ATO contact may be focused on one area but your exposure may be much broader. Understanding your complete structural position before responding ensures you do not inadvertently expand the scope of the ATO's inquiry or create new exposure through your response.	☐ DONE	Date / Time

ATO portal balance: $____________ | Outstanding lodgements: YES / NO | Accountant informed: YES / NO | A13 requested: YES / NO

PHASE 3 — Understand Your Full Exposure

Hours 24 to 48 — Know what the ATO can reach before you respond

STEP	Action Required	Done	Completed
11 CRITICAL	**Determine whether this contact could trigger a Director Penalty Notice** If the ATO contact relates to unpaid PAYG withholding or superannuation guarantee charge, a DPN may already be in preparation or imminent. Check whether lodgements were on time — this determines whether a potential DPN would be Lockdown or Non-Lockdown and what your personal liability position is.	☐ DONE	Date / Time
12 CRITICAL	**Assess whether your personal assets are protected from ATO enforcement** If the ATO moves to formal enforcement — garnishee, DPN, wind-up application — do you know which of your personal assets are protected and which are exposed? Is your home in a protected structure? Do personal guarantees exist? This assessment is for your information only — to understand the real stakes.	☐ DONE	Date / Time
13 IMPORTANT	**Identify whether any associated entities or related parties are likely to be included in the ATO's inquiry** ATO compliance reviews often extend beyond the immediate entity to associated entities, trusts, SMSFs and related individuals. If you have a family trust, a holding company or an SMSF, consider whether those may also be within scope of the ATO's current attention.	☐ DONE	Date / Time
14 IMPORTANT	**Prepare a brief factual summary of your position before any response** Write a one-page summary of: what the ATO contact said, what your records show, what you believe the ATO's concern is and what your current compliance position is. This is your briefing document — for your own use and for any specialist you engage. Do not send it to the ATO.	☐ DONE	Date / Time
15 IMPORTANT	**Document every step taken and every decision made** Keep a written log with dates, times and details of every action taken since receiving ATO contact. This record demonstrates good faith, prompt action and responsible conduct — all of which matter if the matter escalates.	☐ DONE	Date / Time

DPN risk identified: YES / NO | Personal assets protected: YES / NO / UNSURE | Associated entities at risk: YES / NO / UNSURE

WHAT NOT TO DO — ACTIONS THAT WILL MAKE YOUR SITUATION WORSE

✕ **Do NOT call the ATO back unprepared.** Returning an ATO call without preparation almost always results in providing more information than required and expanding the scope of the inquiry. Preparation is not avoidance — it is your right.

✕ Do NOT provide documents or information without advice on what you are required to disclose. Not every ATO request for information carries a legal obligation to comply immediately. Some requests are voluntary. Understanding which is which before responding can significantly affect the outcome.

✕ Do NOT make informal admissions about debts, lodgements or compliance failures. Casual statements made on the phone — such as acknowledging a late lodgement or agreeing that a debt exists — can become admissions that are used in formal enforcement. Say nothing you have not considered carefully.

✕ Do NOT assume your accountant's involvement means the matter is resolved. Unless your accountant has specifically confirmed that the ATO matter is resolved and the contact will not be followed up, do not assume their involvement is sufficient. This matter requires specialist structural knowledge, not just accounting advice.

✕ Do NOT transfer personal or company assets while ATO contact is active. Any asset transfer after ATO contact can be scrutinised as an attempt to defeat enforcement. All non-ordinary business transactions should cease until the nature of the ATO's inquiry is fully understood.

YOUR MOST IMPORTANT NEXT STEP

ATO contact does not sit in isolation. Your lodgement history, your trust structure, your personal guarantees and your overall director liability all determine how this contact will develop and how serious the consequences could become. Understanding your complete structural position before making any response to the ATO is not optional — it is the single most important thing you can do right now.

The Risk Protector A13 Structural Exposure Assessment

Free. Confidential. The only forensic structural assessment of its kind available to Australian directors.

Visit **www.riskprotector.com.au** and click the **GET MY FREE A13 ASSESSMENT** button.

No obligation. No cost. Absolute discretion.

Risk Protector Pty Ltd | ABN 71 696 228 770 | +61 466708100 | www.riskprotector.com.au

---

Permission enquiries: admin@riskprotector.com.au

Risk Protector Pty Ltd | Brisbane, Queensland, Australia | www.riskprotector.com.au | +61 466708100