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Commissioner's remedial power

The Commissioner of Taxation has limited powers to modify the operation of tax law in circumstances where entities will benefit, or at least be no worse off, as a result of the modification.

The Commissioner's remedial power (CRP) is a discretionary power. The Commissioner can use this power in limited circumstances where law change would otherwise be required to address instances where the law is not operating as intended by Parliament. The CRP is to be used as a last resort where alternative options, such as administrative or interpretive approaches, are not adequate to resolve an issue.

The CRP may only be used to resolve general issues that arise for all entities, or issues that impact a particular class of entities. It cannot be used to resolve specific issues affecting a particular individual or entity. The CRP is not an alternative to objecting to a decision made by the Commissioner.

It is anticipated that the CRP will provide a streamlined process to create certainty for taxpayers. This will facilitate the more timely resolution of unforeseen or unintended outcomes in tax and superannuation law than primary law change. It will also allow legislative resources to be prioritised towards more significant changes.

The CRP may be applicable where the current law is producing unintended, negative impacts for entities, or is creating excessive compliance costs. The CRP has legal limitations and any modifications made using the power must:

- not be inconsistent with the intended purpose or object of the law
- have a negligible budget impact
- only apply where outcomes for an entity will be no less favourable than the existing law.

The Commissioner will consult publicly as part of exercising the power. Modifications are subject to Parliamentary oversight and do not apply until the 15 sitting day disallowance period has concluded.

To participate in consultation being undertaken by the Commissioner, go to the [Consultation Hub](#). ([/General/Consultation/What-we-are-consulting-about/Consultation-on-public-documents/](#))

See also:

- [Commissioner's remedial power assessment submissions](#) ([/Commissioners-remedial-powers/](#)) – to find out more or to make a submission.
- [Consultation Hub](#) ([/General/Consultation/What-we-are-consulting-about/Consultation-on-public-documents/](#)) – to provide feedback on CRP legislative instruments currently open for public consultation.

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