

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2016 - 2017

Division/Agency: Australian Taxation Office

Question No: 296

Topic: Western Australian legislation - Correspondence

Reference: Hansard page 70 (19 October 2016)

Senator: Watt, Murray

Question:

Senator WATT: Indeed. If you would not mind taking on notice whether there was correspondence, and I suppose I am interested in seeing any correspondence that was potentially sent from the lawyers for the Western Australian government to your lawyers in those early stages after you decided to challenge.

Mr Jordan: There are probably all sorts of legal professional privilege. I do not know how it all fits in.

Senator WATT: I do not expect you to reveal anything that is privileged. I suppose I am just thinking, though, that, if it is just simply lawyer to lawyer, it is not a matter of your lawyers providing you with advice, so there is no privilege from that perspective.

Answer:

On the 1st of May 2016 the State Solicitor of Western Australia sent a letter to AGS raising concerns about the ATO's intervention in the High Court constitutional challenge. AGS did not respond.