

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

Question: AET 1-2

Topic: Taxation Payment to Murdoch

Written: 28 February 2014

Senator MILNE asked:

- 1) Since the \$880m payment to Murdoch has been made public has the Government, Treasury or Tax Office sought legal advice as to whether there are any further legal avenues to challenge the decisions in the High Court? If not, why not?
- 2) If the Tax Office did not seek legal advice from Solicitor General or other external legal sources, regarding whether or not to seek leave to appeal to the High Court re July 25th Federal Court decision, why not?

Answer:

1. Shortly after the Full Federal Court's decision in July 2013, the ATO obtained independent legal advice from eminent senior counsel well experienced in taxation matters.

Taking into account that advice, the ATO decided not to seek a grant of special leave to appeal to the High Court.

There was therefore no application for special leave to appeal.

2. Refer to AET 1.