

Fm: Julie\_scarff@bigpond.com  
22nd May 2005

The Secretary  
Senate Economics Legislation Committee  
Suite SG.64  
Parliament House  
CANBERRA ACT 2600

Dear All,

ROSA SUBMISSION

I am writing this letter in response to what has been happening over the EBA's.

My wife and myself own our business and we have been greatly affected by this due to the amount of tax we had to pay, causing a stress related illness to my wife and we have had to down grade our business activities for approximately 9 months while she has been treated.

I strongly oppose the retrospective taxing of the interest and penalties which the ATO imposed on us for participation in these schemes. We had been advised by a Tax Expert, who had approval from a Queens Counsel that all was fine to go ahead. Then years later the ATO changed it mind and sends out aggressive Assessments which we paid out as we have always paid our due taxes.

I was one of the people trying to get Treasury to recommend that the law be changed and now find myself excluded from any benefits that will apply to the new law. I have had to pay the 12-13% GIC and I did write a letter to the Commissioner of Taxation for a reduction to the 4-1/2% that was offered and I received a letter just recently that that has been dismissed (no doubt as I had already paid it).

I think I am entitled to the same protection from the legislation as the people in the future will receive. And to have the GIC refunded for those who have already paid out on their Assessments.

I would like to request that the Senate Committee ensure that the Government, in having indentified the defects and claiming to fix them for the future, will do the same for the past participants, without any inequity.

I have always stated that the ATO should have put their displeasure of these schemes out to the public arena, and a fixed date from whence it would commence, so that all the public would be aware of it and could be taxed accordingly if they ignored the rules but not to make it retrospective because the ATO changed their mind.

In the future we would hope that there will be more certainty from the ATO and hopefully there will be less problems and I will be less susceptible.

Thank you for your time.

Yours faithfully

Edwin L SCARFF  
Director  
J & B Oilfield Services Pty Ltd