



Commissioner of Taxation

Senator Jane Hume  
Committee Chair  
Senate Economics Legislation Committee  
PO Box 6100, Parliament House  
Canberra ACT 2600

Dear Senator Hume

I refer to your letter of 20 August 2018 regarding evidence given on 30 May 2018 at the 2018-19 Budget Estimates hearing. You seek my response to submissions made to the Senate Economics Legislation Committee, to assist the Committee in its deliberations on the matter pursuant to Parliamentary Privileges Resolution 5(1)(a) and (b).

I note that the submissions disclosed the fact that each of the individuals concerned are in dispute with the Australian Taxation Office. In view of that, I do not consider it appropriate to comment further or specifically in response to the submissions. Nor would this seem necessary, given that the Committee of Privileges under Parliamentary Privilege Resolution 5(6) is not to consider or judge the truth of any statements made in the Senate or of the submissions referred to it under that resolution.

The individuals concerned decided to publicly ventilate their matters in the media, in one case in breach of the confidentiality terms of a mediation that was paid for by the ATO. The media coverage was misleading in significant respects.

I stand by the evidence given at the hearing. I was conscious, as always, of the need not to use the proceedings in the Committee to reflect adversely on particular individuals. With that in mind, the evidence did not refer to any individual by name, or in such a way as to readily identify any individual, or in such a way as to relate any content to any individual. The evidence consisted of minimal and moderate statements made in direct response to extensive national media coverage about the ATO that had the tendency to undermine public confidence in taxation administration.

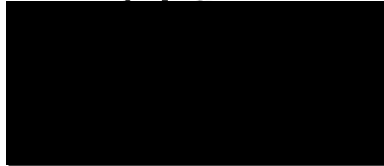
In view of the above, in particular the fact that no individuals were referred to by name or in such a way as to enable them to be readily identified, it is submitted that the submissions do not qualify for referral to the Committee of Privileges under Resolution 5(1). In addition, given that no individuals were referred to by name or in such a way as to enable them to be readily identified, and given the restrained nature of the comments, it is submitted that the submissions are not sufficiently serious to merit them being referred to, or considered by, the Committee under Resolution 5(1)(c) and (2).

In the event that consideration were to be given to whether statements made in the evidence I gave at the Budget Estimates hearing should be expunged from the transcript of evidence, under Privilege Resolution 1(12), it is submitted that the statements were relevant to the Committee hearing and ought not to be expunged, given they were made

in response to extensive national media coverage about the ATO that had the tendency to undermine public confidence in taxation administration.

It is acknowledged that the Committee of Privileges may recommend the publication of responses by the individuals who made the submissions if the Committee decides to consider the submissions, and to the extent that the responses are relevant to the questions in issue. I make no further submission on that course of action, other than to note that publication of responses from the individuals may result in their identification in the parliamentary record, when that may not otherwise be the case.

Yours sincerely



Chris Jordan AO  
Commissioner of Taxation  
05 September 2018