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Tax Reviews in Australia: A Short Primer

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Abstract

In 2008 the Australian government announced that a major tax review would be undertaken (the Henry Review) to consider the future of the Australian tax system in the light of the challenges of the 21st century. That review is due to be completed by the end of 2009. There have been a large number of tax reviews in Australia in the last 60 years. This chapter considers the reform (or lack of reform) outcomes from these previous reviews. An historical analysis does not bode well for the current review.

Tax Reviews in Australia: A Short Primer

by

Chris Evans and Richard Krever¹

Australia's most recent tax reform review had an almost accidental birth. Tax reform was definitely not on the agenda when the newly elected Labor Government announced plans in early 2008 for a grand summit on Australia's future with broad community participation. The political leaders were caught slightly off guard when representatives from the business community at the summit almost unanimously nominated tax reform as a priority area but they responded sympathetically and shortly after the close of the summit the Government announced its intention to commence a "review" of Australia's future tax system. With a relatively short timeframe in mind and seeking to exclude the risk of sectoral bias, the Government decided to keep the review in house, appointing the Secretary of the Treasury as chair of a panel that included four external advisors (one of whom formerly worked at Treasury) to guide a Treasury-based review.

The Review, formally known as *Australia's Future Tax System* and informally labelled the *Henry Review*, after its chairman, Treasury Secretary Ken Henry, was asked to examine the current tax system and make recommendations to position Australia to deal with the demographic, social, economic and environmental challenges of the 21st century. The Review was asked to consider Australian Federal and State taxes, except the Goods and Services Tax (GST), and also to consider interactions of the tax system with the transfer (or welfare) system.

Tax reviews are not a new phenomenon in Australia. Since 1950, in addition to a number of reviews by Parliamentary committees and government-appointed officials or bodies including the Australian National Audit Office, the Inspector-General of Taxation, and the Board of Taxation, tax has been examined by half a dozen external independent committees: the Spooner Committee,² the Hulme Committee,³ the Ligertwood Committee,⁴ the

¹ Atax, The University of New South Wales and Taxation Law and Policy Research Institute, Monash University, respectively.

² Commonwealth Committee on Taxation (1950). The Committee became a standing committee to which the Treasurer referred particular matters (there were over 50 such

Mathews Committee,⁵ the Asprey Committee,⁶ and the Campbell Committee.⁷ It has also been the subject of two Government-led reviews conducted by the Department of Treasury which yielded the 1985 *Draft White Paper*,⁸ and the 1998 ANTS package.⁹ The chain of internal and independent reviews was followed by what remains a truly unique review experiment: the 1998-1999 Review of Business Taxation, known as the Ralph Review, after its chairman. The Ralph Review, led by a committee of three representing Australian private financial and industrial sectors, but staffed with Australian Taxation Office (ATO) and Treasury personnel, was appointed by the Government to examine how business entities and business investments were taxed and more specifically to provide advice on the implementation of a fairly narrow set of Government objectives, including reduction of the company tax rate, a reduction in the effective rate of tax imposed on realised capital gains, and adoption of a share-for-share roll-over. The interaction of the private sector committee and the public sector staff, supplemented by two academics and a professional representative, yielded an interesting outcome. The Review's final report endorsed the changes sought by the Government and recommended adoption of a number of further concessions and base-narrowing measures but at the same time called for what it labelled the "tax value method", a wholesale revision of the structural framework of tax legislation that would more closely align tax with accounting principles. It also called for replacement of the complex and inconsistent rules for taxing companies, trusts, and limited partnerships with a single "entity" regime.¹⁰

Those supporting particular outcomes recommended by these committees, inquiries, packages and reports are inclined to label the changes, whether they involve a broadening of the base, the shifting of tax burdens, or the adoption of new tax expenditures, and whether they yield revenue positive, revenue negative or revenue neutral outcomes, as "reform" of the tax system. Reform in this context has no connotation of improvement by reference to a conceptual or objective benchmark but rather simply designates change that is seen as yielding a "better" outcome in the subjective eyes of the promoters of

referrals) on income tax over the period 1950 to 1954. See *Tax Reform: A Tower of Babel; Distinguishing Tax Reform from Tax Change*, Graham Hill, Journal of the Australasian Tax Teachers Association, Vol 1, No 1 [2005] JATTA 9.

3 Commonwealth Committee on Rates of Depreciation, *Report of the Commonwealth Committee on Rates of Depreciation* (Canberra, 1955).

4 Commonwealth Committee on Taxation (Australia) *Report on the Commonwealth Committee on Taxation* (Canberra, 1961).

5 Committee of Inquiry into Inflation and Taxation (Mathews Committee), *Inflation and Taxation* (Mathews Report) (Canberra, 1975).

6 Taxation Review Committee (Asprey Committee), *Full Report* (Asprey Report) (Canberra, 1975).

7 Australia, Committee of Inquiry into the Australian Financial System, *The Report of the Committee of Inquiry into the Australian Financial System* (Campbell Report) (Canberra, 1983).

8 Australia, *Reform of the Australian Tax System (Draft White Paper)* (Canberra, 1985).

9 Australia (circulated by Peter Costello), *Tax Reform: not a new tax, a new tax system* (Canberra, 1998). ANTS is the acronym for "A New Tax System".

10 Review of Business Taxation, *A Tax System Redesigned* (Canberra, 1999).

change, where better could mean generating positive economic or social outcomes for society at large or just personal enrichment of self-interested parties.

Sandford¹¹ suggests, on the basis of analysis of tax reform in six common law countries that there are three criteria by which successful tax reform in this narrower sense of the term might be judged:

- the extent to which the tax reforms met the objectives the reformers set themselves;
- the sustainability of the reforms; and
- the extent to which the tax reforms had desirable or undesirable by-products.

Even with this deliberately limited view of reform, the scorecard of outcomes from past reviews has been at best mediocre. Reports issued prior to the report of the Asprey Committee in 1975 yielded little in the way of tax change let alone reform in either the conventional or narrower sense of the term. Neither the Spooner Committee (1950-1954) nor the Hulme Committee (1954-1955) were tasked with serious consideration of the operation of the tax legislation and the Ligertwood Committee (1959-1960) looked at a relatively narrow range of problems only. Its recommendations were equally narrow, devoid of policy analysis, and destined from the start to be almost wholly ineffective.

The Committee's recommendations regarding income splitting by way of assignments of "rights to income" provides a helpful example. In the absence of any conceptual framework, the Committee ignored completely the policy question of whether high income individuals should be able to shift income to related parties through non-arm's length transactions and instead effectively endorsed minimisation schemes by calling for a gentle constraint in the form of a requirement that ignored for tax purposes income splitting arrangements with a life of less than seven years. The change simply prompted taxpayers to enter into longer avoidance arrangements. The acceptance of income splitting arrangements led initially to the growth of professional service trust splitting arrangements¹² and later to notorious income splitting assignments by professional partners.¹³

The Mathews Committee (1974-1975) also had a relatively narrow focus, the impact of inflation on the income tax system. The short-lived legislation implementing just some of its recommendations is a prime example of flawed policy making. Ignoring completely the effects of inflation on capital assets, interest flows and bracket creep (despite recommendations from the Committee for broad indexation), the legislature adopted inflation adjustments

11 C Sandford, *Successful Tax Reform: Lessons from an Analysis of Tax Reform in Six Countries* (Bath: Fiscal Publications, 1993), at 5.

12 *FCT v Phillips* (1978) 20 ALR 607; 36 FLR 399; 8 ATR 783 (Full Federal Court).

13 *FCT v Everett* (1980) 143 CLR 440; 28 ALR 179; 10 ATR 608 (Full High Court). The arrangements were slowed, almost inadvertently, by the capital gains measures adopted in 1985.



only for trading stock held over the end of a financial year.¹⁴ Devoid of any conceptual rationale, the tightly targeted measures proved far too complex and costly to comply with and were withdrawn in 1979 after only three years of operation.

Although virtually none of the recommendations of the Asprey Committee (1972-1975) were adopted in the decade following release of the Committee's reports, its work stands out as the ultimately most successful of all Australian tax reviews. The Committee had been appointed by a Coalition Government in 1972 but its early findings were presented to a Labor Government which had been first elected in 1972 and re-elected in early 1974. Seeking to move ahead quickly with budget and tax reforms, the Labor Government asked the Asprey Committee to release a preliminary report in 1974,¹⁵ with the objective of basing the reforms it hoped to introduce, particularly inclusion of capital gains in the income tax base, on independent advice. Subsequent economic and political distractions shifted attention from tax reform and the Asprey Committee's final report,¹⁶ released in January 1975, retreated slightly from the recommendations of its preliminary report. By then the window of opportunity for tax reform had passed and following the controversial dismissal of the Government in November of that year and its electoral defeat a month later the Report was effectively shelved.

While the thin volume released as the final Asprey Report may have been mistaken at first glance for a pale reflection of the comprehensive six volume *Carter Report*¹⁷ released in Canada just under a decade earlier, the Asprey Report set an unambiguous agenda for personal and business income tax reform – effective taxation of employees on fringe benefits received from their employment, inclusion of capital gains in the income tax base, integration of the company and shareholder tax system, shifting from a single level wholesale sales tax to a broad based final consumption tax using a value added tax (VAT) model, adoption of a foreign tax credit system for foreign-source income, and replacement of fragmented State and Commonwealth wealth transfer taxes with revenue sharing from an integrated Commonwealth gift and estate duty. After decades of piecemeal reforms, the proposals were sweeping in their scope, suggesting wholesale changes to the direct and indirect tax systems.

One set of proposals died a quick death. The Asprey Committee had considered gift and estate duties to be an integral part of the tax mix and had urged the Government to augment the base and elevate the tax to a single national tax. But the conservative Coalition Government elected soon after the release of the report did the opposite and abandoned the field completely,

14 *Income Tax Assessment Act 1936* (ITAA 1936) Div 3, Subdiv BA.

15 Taxation Review Committee (Asprey Committee), *Preliminary Report* (Canberra, 1974).

16 Asprey Report, above, n 6.

17 Canada, *Report of the Royal Commission on Taxation* (Carter Report) (Ottawa, 1966).

leaving it to the States which quickly played follow the (Queensland) leader in abolishing State gift and estate duties.¹⁸

The Government also retreated from any measures to deal with capital gains, a policy decision that coincided with a shift to strict literalism in the High Court. This combination of political and administrative inertia and judicial literalism opened the door to an unprecedented era of tax avoidance and then evasion in Australia. The Court's initial endorsement of dividend stripping schemes that enabled shareholders to convert taxable dividends into tax-free capital gains¹⁹ was followed by criminal adaptations known as "bottom-of-the-harbour" schemes, which involved the distribution of untaxed company profits to shareholders by way of supposedly tax-free capital gains.

Political power shifted next in 1983 with the election of the Hawke Labor Government. Soon afterwards, the Campbell Committee, appointed in 1979 to investigate Australia's financial system, delivered its report containing comprehensive recommendations for modernisation of Australia's financial system. The Campbell Committee also looked at distortions in the financing of companies caused by the different tax treatment of returns to debt and equity investments under Australia's then classical company and shareholder tax system. The Committee's recommendations were groundbreaking, recommending replacement of the classical system with a full integration system – in effect, partnership treatment or US-style Subchapter S flowthrough for both private and public companies. The proposed model, similar to that originally proposed in the Carter Report, would have been the world's purest integration scheme. But while it generated considerable excitement in the academic community, it appears not to have received serious consideration by policy makers inside the Government. Among other things, it was not at all clear the model was technically feasible. In particular, it seemed the proposed system was quite impractical with equity structures other than a single class of equal value shares.

Meanwhile, public despair over growing evasion and avoidance coupled with bracket creep that had led to extraordinary marginal tax rates imposed on persons with very ordinary weekly earnings were creating a political environment quite conducive to genuine reform. A decade after the release of the Asprey Report, the Hawke Labor Government seized upon the opportunity to develop a comprehensive reform program that incorporated most of the recommendations of the earlier report. The Government's 1985 agenda, the *Draft White Paper*, largely echoed the recommendations of the Asprey Committee a decade earlier, but with some modifications to suit a changed political environment. The estate and gift tax proposals were ignored, fringe benefits were targeted for taxation but at the employer rather than the employee level, the proposal for a VAT was replaced by a proposal for an

18 An excellent account of the demise of Australia's estate taxes may be found in W Pedrick, "Oh, to Die Down Under!: Abolition of Death and Gift Duties in Australia" (1982) 14 *University of Western Australia Law Review* 438.

19 *Stutzkin v FCT* (1977) 140 CLR 314; 12 ALR 321.



economically equivalent but technically simpler retail sales tax, the imputation and foreign tax credit proposals remained largely intact, and the capital gains regime proposed by the Asprey Committee was somewhat widened.

Not surprisingly, different special interest groups mounted campaigns against each of the proposed changes. But, with the notable exception of the retail sales tax proposal, the Government was able to implement, sometimes with compromises, almost all the key elements of its reform package.

Importantly, the legislation implementing the reforms adopted by the Hawke Government was broad not only in its scope, but also in its style of drafting. While the language of the reform legislation might not satisfy purist enthusiasts of modern “plain English drafting”, the general approach was one of the first examples of what today is known as principle-based drafting. The new legislation utilised a structure that contrasted sharply with the response to exploitation of narrow inclusion measures that had been followed in previous decades, namely adoption of tightly targeted piecemeal anti-avoidance measures. The new laws started with broad inclusion definitions and provided concessions by way of explicit carve outs. The goal was to avoid completely the lacunae between charging provisions that had previously plagued income tax laws.

Thus, for example, the fringe benefits tax charging provisions caught all benefits of any sort other than cash salaries, and concessional valuation regimes and clearly defined exclusions were carved out of the general rule to protect the integrity of the fallback position. The same approach was taken with the capital gains measures, which sought to include the complete array of gains outside the judicial concept of income and then carve out clearly identified concessions and exclusions. A number of deeming measures were needed to augment the general inclusion rule to cope with the breadth of disparate receipts that fell into the judicial concept of capital gains. Criticism of the deeming rules²⁰ led to abandonment of the single charging gateway in favour of a schedular capital gains regime in 1997, but the integrity of the base was largely maintained.

20 The classic example of the limitations of this deeming approach, at least as it was executed in this case, is illustrated by *Hepples v FCT* (1992) 173 CLR 492; 102 ALR 497. The taxpayer in this case received \$40,000 for entering into a restrictive covenant in which he agreed not to divulge the trade secrets of his employer for a two-year period if he were to cease working for that employer. The Commissioner, concluding Australian courts would likely not characterise the payment as “income” within the narrow judicial concept of so-called ordinary income, sought to assess the taxpayer using the capital gains provisions that had been added to ITAA 1936 in 1985. Those measures included gains on the disposal of an asset in assessable income, and since the transaction was based on the creation of an asset by the taxpayer rather than a disposal of an asset, the assessment would only succeed if the Commissioner could show the transaction fell within one of the deeming provisions. A majority of the High Court agreed the gain was assessable under one of two deeming provisions but there was no agreement on which of the provisions applied. As a result, the taxpayer escaped liability and the deeming provisions were redrafted. See C Evans, *Taxing Personal Capital Gains: Operating Cost Implications* (Sydney: Australian Tax Research Foundation, 2003) at 56.

The next significant tax reform adopted in Australia also drew upon the Asprey proposals. In 1998 the Howard Coalition Government announced its intention to implement a VAT, adopting the New Zealand/Canadian/Singapore “goods and services tax”(GST) title.²¹ The implementing legislation, introduced to Parliament in 1998, adopted the principle-based design, with a comprehensive base subject to concessions and exemptions. Political compromises to secure passage of the law in the Senate the following year led to some structural weaknesses with the adoption of broad and often very ill-defined concessions and exemptions and the base continued to be narrowed by further concessions in the years following adoption. A narrow and literal interpretation by both the courts and the ATO of the key supply concept has further constrained the base, leaving the tax only marginally more efficient than the seriously compromised European VATs and well behind the New Zealand model.²²

The Australian tax system experienced further significant change at the end of the 1990s and into the first years of the new millennium as a result of the recommendations of the 1999 Ralph Review of Business Taxation. As noted earlier, this review was unique among tax reviews in that all three members of the review came from the private sector – indeed the “big end” of town – and also in that its outcomes were largely pre-determined by its terms of reference including: a goal of a 30% corporate tax rate; a maximum tax rate of 30% on the capital gains of individuals; and the introduction of a scrip for scrip roll-over relief.

Following the Ralph Review, significant changes were made to the tax treatment of capital gains, depreciation, carried-forward losses, inter-corporate dividends, international transactions, small business, and company groups. Separately, but emanating from the Review, the personal tax base was dramatically changed with the adoption of personal service rules and non-commercial loss rules. The personal tax changes in turn impacted on business tax by establishing new personal/business borderlines. Later, and unconnected to the Ralph Review or any previous tax review, several income support and other subsidy programs were provided through the tax system by way of tax offsets and the tax concessions available to superannuation fund contributions and distributions were significantly enhanced, particularly for higher income individuals.

It is difficult to conclude that tax reviews in Australia have achieved much success in terms of Sandford’s first criterion for measuring the success of tax reform, the extent to which the tax reforms met the objectives sought by the reformers who penned the reviews. The earliest reviews had only limited

21 Australia (circulated by Peter Costello), *Tax Reform: Not a New Tax, a New Tax System* (Canberra, 1998).

22 The Australian GST has a “C-efficiency” rating (percentage of final consumption subject to tax) of 53% compared to European averages in the vicinity of 50% and a New Zealand rating of 96.4%. See D Snell, “GST – Revenue and Business Risks” in R Krever and D White (eds), *GST in Retrospect and Prospect* (Wellington, 2008) 423 at 426.



objectives and even more limited success in achieving those objectives. Later reviews had broader aims but the wider scope of their recommendations was more often than not matched with even more restricted outcomes. The Mathews Committee, for example, sought a comprehensive response to the distorting effect of inflation on income tax liability but saw its wide-reaching recommendations almost completely ignored by the Government of the day and the Campbell Committee's full blueprint for company and shareholder tax reform was dead even before the Committee's report was published.

Arguably the capital gains and fringe benefits base broadening reforms that ultimately derived from the Asprey Committee were successful in meeting the objectives of that Committee, particularly in terms of improvements to the equity and efficiency of the tax system. To be sure, concessions in the fringe benefits tax adopted a decade after publication of the Asprey Report, particularly the remarkably generous valuation of automobile fringe benefits, weakened the impact of the reform but there is no doubt that the fringe benefits measures have enhanced both the equity and efficiency of the income tax system. The capital gains measures, also adopted 10 years after the publication of the Asprey Report, made an even greater contribution to the equity and efficiency objectives of the progressive income tax. But the changes, particularly the capital gains measures which included complex inflation-adjustment and averaging rules, fell short in terms of the goal of simplicity – considered to be a vital element of tax reform by the Asprey Committee.

The story since 1990 is not much better. Neither the GST reforms nor the Ralph Review of Business Taxation changes were adopted as planned by their designers, though this assertion has to be qualified in terms of the latter changes.²³ As noted above, the GST base contracted significantly as the legislation progressed through Parliament. The Ralph Review's proposed "tax value method" structural framework for business tax reform along with specific proposals for entity taxation were jettisoned not long after the Review's final report was issued. However, to the extent the Ralph Review was established by the Government of the day to back three specific changes – lower taxes on capital gains, a lower headline tax rate for companies, and scrip for scrip roll-overs – the sponsor of the Review achieved its goals. The intermediary drafters of the Review were less successful as the Government declined to adopt the range of safeguards and limitations that the designers saw as integral parts of the concessions.

The analysis is probably equally bleak so far as the second criterion – the sustainability of the reforms – is concerned. There are obvious failures, some noted above, such as the short-lived inflation adjustment for trading stock afforded to business taxpayers as a result of the Matthew Inquiry recommendations. And there are some successes, particularly one important element of the post-1985 base broadening that the Asprey Committee

23 M Stewart, *Consultation in Business Tax Reform: Towards an Effective Tax Policy Network*, Legal Studies Research Paper No 319, Melbourne Law School, (Melbourne, 2008).

instigated some ten years earlier. More than 20 years after its introduction, the fringe benefits tax remains intact with remarkably little erosion of the base by the legislature, courts or administrators (though with the key concession for automobiles untouched).

Other post-1985 base broadening measures that can be traced to the Asprey Committee have fared less well, however. The treatment of foreign-source income provides an illustration of the temporal limits to reform. Somewhat comprehensive capital export neutrality had been achieved through replacement of an exemption for foreign income with a foreign tax credit regime, bolstered by attribution rules for income derived in lower tax jurisdictions through interposed entities. Recent years have seen the winding back of the foreign tax credit regime and the re-introduction of a partial exemption system that in some ways is even wider than the rules repealed in the post-1985 reform.

The treatment of capital gains provides another example of reform rollback. A range of concessions have largely eliminated the taxation of capital gains derived by small business owners and have chipped away at the base for many other types of investors. Since 1999, the general capital gains discount has halved the tax rate applicable to capital gains realised by those still in the system.

It is more difficult to analyse the reviews of the last 60 years in the light of the third criterion – the extent to which the outcomes of the reviews led to desirable or undesirable by-products – since so few reviews have actually led to significant or sustainable changes, apart from the delayed implementation of several Asprey Review proposals. One notable and undesirable outcome of tax reforms and tax changes has been the exponential growth in complexity of the tax system. The foreign income attribution rules enacted to protect the integrity of the post-1985 foreign tax credit system provide one of the clearest examples of compounding complexity from a poorly coordinated reform initiative. Four separate attribution regimes apply to income derived in lower tax jurisdictions through interposed entities or arrangements – two regimes for interests in trusts operate alongside a regime for interests in controlled foreign companies and another for interests in foreign investment funds. The boundaries between the four systems are uncertain and each appears to pursue slightly different objectives and be based on different policy principles. Not surprisingly, compliance and administrative costs are far out of line with the revenue raised through the measures relative to costs of complying with other charging provisions.

The most sustained bout of tax complexity growth has taken place in the post-Ralph Review period.²⁴ The rejection by the Government of Ralph Review proposals for reform of the legislative structure and for a single “entity” regime to apply to companies, trusts and limited partnerships left

24 See R Krever, “Taming Complexity in Australian Income Tax” (2003) 25(4) *Sydney Law Review* 467; and C Evans, *Taxing Personal Capital Gains: Operating Cost Implications* (Sydney: Australian Tax Research Foundation, 2003).



gaping holes in other proposals such as adoption of a consolidation regime for company groups and enactment of a single comprehensive regime for taxing financial arrangements. The result has been a process of ceaseless tinkering and piecemeal responses to lacunae and overlaps resulting from half measures cobbled together as substitutes for the more comprehensive reforms originally proposed and to the inclusion of generous concessions in the new systems. Consolidation measures have been amended continuously since enactment and the ATO's guide explaining how they should work shifted from paper to electronic form when it passed the thousand-page mark. In place of a single regime for taxing financial arrangements, a string of measures has appeared, often fitting together awkwardly, if at all, and still not touching many troublesome areas such as finance leases that feature prominently in tax minimisation transactions. The post-Ralph Review small business concessions have been changed continuously and remain bewildering to a high proportion of potentially qualifying enterprises.

The business community may have initially applauded the capital gains concessions, small business concessions, capital gains roll-overs, and reduced company tax rate derived from the Ralph Review but many harbour doubts about the overall costs of post-Ralph measures. A leading representative of the tax advisor community, Michael Dirkis, argues that post-Ralph legislation "appears to have failed to deliver on revenue neutrality, improving simplicity, and the compliance cost reduction objectives" and that "the massive changes the business community has endured since 1999 are merely that, change not reform."²⁵ Much of the complexity and compliance burden derives not from tax measures but tax expenditures – concessions come at a cost to complying taxpayers. The Business Council of Australia has stated that "many of Australia's largest companies...have repeatedly voiced concerns about the growing burden, complexity and costs they experience when operating in Australia's business tax environment", and that "these aspects of the tax system detract from Australia's ability to provide a world-class environment for its business sector".²⁶ The impact is three-fold: the higher compliance costs borne by Australian companies, the dead-weight losses of reorganisation of business transactions to accommodate the law, and the increased cost of capital caused by diversion of investment funds in response to tax-induced distortions to rates of return.

Experience suggests that tax reviews rarely lead to successful tax reform. But this brief primer on past tax reviews in Australia is not intended to be simply a counsel of despair. Tax reform in Australia is necessary and overdue, and the Henry Review has the opportunity and the capability to lay the foundations for genuine and successful long-term tax reform. But to do so it

25 M Dirkis, "Tax Change or Tax Reform: Business Tax Reform Evaluated" in G Lehmann (ed), *Business Tax Reform – Meet the Critics* (Sydney: Australian Tax Research Foundation, 2007) at 47.

26 Business Council of Australia, *Tax Nation: Business Taxes and the Federal-State Divide*, at http://www.bca.com.au/print_me.aspx?ContentID=101014 accessed 29 November 2007, at ii.



will need to heed the lessons of the past as it considers the challenges of today. It is to be hoped that the proceedings of the Australian Business Tax Reform in Retrospect and Prospect Colloquium held in Sydney in February 2009, recorded in the papers and commentaries in this current volume, will contribute in significant measure to the successful tax reform that the Henry Review seeks to achieve.