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## Commissions

## ATO doesn't make the laws

codification is that the payment and receipt of commissions will no longer be possible. In theory.

Maybe we should credit Bernie Ripoll with more subtlety and strength of recommendation than for which he has been given credit. But not yet. There are too many vested interests at work here.

Perhaps it would be easier for the Australian Securities and Investments Commission to follow the lead of its United Kingdom counterpart. From 2012 commissions in the UK will be banned on a wide range of financial products, including investment, pension (i.e. superannuation) and life insurance products.

**Anthony Starkins**

Founder and executive director  
First Samuel Ltd  
Melbourne Vic

Rod London makes some good points (Letters, November 26) and your headline "Mr Taxman please explain" raises the role of the Australian Taxation Office in the TPG Capital debate on the sale of Myer.

The ATO's role is not to encourage or discourage foreign investment nor to make public disclosures of a taxpayers' affairs. We cannot have our cake and eat it; criticising the ATO for discouraging foreign investment and not publicly justifying assessments when by law it does not have that role.

TPG should be like any other taxpayer. If it wishes to contest a tax assessment it can have the matter determined by an impartial court, which will apply the law enacted by parliament (not what the ATO says is the law). In the meantime, it is required to pay the disputed tax or make other satisfactory arrangements.

Australian business and foreign investors should be cautious of being dragged along by the lobbying of TPG. It has been on notice for several years that it might be subject to tax on its activities in Australia. Indeed, the *AFR* (April 10) reported "Costello puts private equity on tax alert", which put private equity firms on notice that the government would rigorously enforce tax laws preventing the transfer of profits overseas.

It is a matter for the government, not the ATO, whether activities such as those of TPG (which are quite distinct from passive foreign investors in managed funds) should be taxed in Australia or whether Australia should become a tax haven.

**Richard Gilbert**

Chief executive  
Rule of Law Association of Australia  
Sydney NSW

## but Italian image tarred

invective about nationality was long gone with World War II, and the postwar wog-calling era that dissipated greatly in the realisation that we are a multicultural society.

We slander ourselves when we disparage good strong cultural and economic partners. Imagine trying to ridicule our Pacific rim neighbours in this way or, better still, another neighbour doing it reciprocally to Australia.

The cartoon is quite funny — but the lingering image is the one that is the real problem.

**Romano Di Donato**  
Sydney NSW

## Our sad reality

I heard about Silvia Greco's "via Dolorosa, Italia" (Review, November 20) and the comic map of Italy that accompanied her article. Several Italian newspapers' web pages show it but I'm not offended as it describes perfectly our reality.

I'm a little sad, not hurt, because only a foreign publication has the guts to say it. Thank you, anyway.

**Alessandra Tagliavini**  
Rome Italy

