

ON APPEAL FROM THE FULL COURT OF THE FEDERAL COURT OF AUSTRALIA

BETWEEN:

COMMISSIONER OF TAXATION

Appellant

and

CONSOLIDATED MEDIA HOLDINGS LTD

(ACN 009 071 167)

Respondent



APPELLANT'S CHRONOLOGY

Part I — Publication

The appellant certifies that this chronology is in a form suitable for publication on the Internet.

Part II — Chronology

<u>Date</u>	<u>Event</u>	<u>Appeal Book Reference</u>
13 June 2002	The directors of Crown Limited (Crown) considered a proposal that Crown buy back from the respondent 840,336,000 ordinary shares in Crown for \$1 billion (to be satisfied by the assignment of intra-group debts as agreed, or failing agreement, by cash payment) and resolved to take all steps required to implement the proposed buy-back.	Reasons Emmett J: AB-XX Affidavit of G R Kleemann at [20]: AB-XX Ex. GRK-9: AB-XX

Filed on behalf of the appellant, the Commissioner of
Taxation by:

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<u>Date</u>	<u>Event</u>	<u>Appeal Book Reference</u>
13 June 2002	Crown made a written offer to the respondent to buy back 840,336,000 ordinary shares for \$1 billion on the terms of a draft Share Buy-Back Agreement enclosed with the offer.	Reasons Emmett J at [18]: AB-XX Kleemann affidavit at [21]: AB-XX Ex. GRK-10: AB-XX
13 June 2002	Crown gave the respondent a statutory notice proposing that a resolution be passed approving the terms of the draft Share Buy-Back Agreement and notified details of the proposed buy-back to the Australian Securities and Investments Commission (ASIC).	Reasons Emmett J at [18]: AB-XX Kleemann affidavit at [21]: AB-XX Ex. GRK-21: AB-XX Ex. GRK-20: AB-XX
28 June 2002	The respondent, as the sole member of Crown, resolved in writing that the Share Buy-Back Agreement be approved and that Crown be authorised to enter into that agreement.	Reasons Emmett J at [19]: AB-XX Kleemann affidavit at [22]: AB-XX Ex. GRK-22: AB-XX
28 June 2002	Crown and the respondent executed a Share Buy-Back Agreement under which Crown agreed to buy back 840,336,000 of its ordinary issued shares on the terms of the offer made on 13 June 2002.	Reasons Emmett J at [19]: AB-XX Kleemann affidavit at [22]: AB-XX Ex. GRK-11: AB-XX
28 June 2002	Crown recorded the buy-back of 840,336,000 ordinary shares in its general ledger by making a debit of \$1 billion in a newly created "Share Buy-Back Reserve" account and crediting an amount of \$1 billion to the Inter-company Receivables Account number 112529.	Reasons Emmett J at [20] - [21]: AB-XX Kleemann affidavit at [23]: AB-XX Ex. GRK-23: AB-XX Affidavit of J Salomone at

<u>Date</u>	<u>Event</u>	<u>Appeal Book Reference</u>
		[8]-[9]: AB-XX Ex. JS-5: AB-XX
25 July 2002	The credit entry made on 28 June 2002 was reversed (with effect from 30 June 2002) by correcting journal entries which involved a debit to the account number 112529, and a credit to the Inter-company Loan (Payable) Account (number 215120).	Reasons Emmett J at [21]: AB-XX Salomone affidavit at [10]: AB-XX Ex. JS-6: AB-XX
6 August 2002	The buy-back of Crown's ordinary shares was completed by Crown assigning to the respondent a \$1 billion debt owed by Publishing and Broadcasting (Finance) Pty Ltd and the respondent transferring to Crown 840,336,000 ordinary issued shares in the capital of Crown.	Reasons Emmett J at [23]: AB-XX Kleemann affidavit at [25]-[26]: AB-XX Ex. GRK-24: AB-XX Ex. GRK-25: AB-XX Ex. GRK-26: AB-XX
16 August 2002	Crown gave notice to ASIC that 840,336,000 ordinary shares in Crown were bought back for consideration of \$1 billion and were cancelled with effect from 6 August 2002.	Reasons Emmett J at [23]: AB-XX Kleemann affidavit at [27]: AB-XX Ex. GRK-27: AB-XX
22 August 2002	Ernst & Young sent Crown an Audit Closing Report which shows a reduction in "share capital" of \$1 billion.	Affidavit of B J Long (4 March 2011) at [2]: AB-XX; Annexure A: AB-XX
27 September 2002	Crown lodged its Financial Report for the year ended 30 June 2002 with ASIC. The Statement of Financial Position within the Financial Report showed a reduction in the item for "Contributed Equity" during the year of \$1 billion, from \$2,411,823,000 to \$1,411,823,000. The	Reasons Emmett J at [24]: AB-XX Kleemann affidavit at [28]: AB-XX Ex. GRK-14: AB-XX

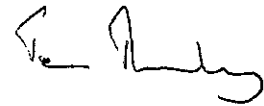
<u>Date</u>	<u>Event</u>	<u>Appeal Book Reference</u>
	item for "Reserves" remained unchanged.	
26 June 2003	The respondent lodged with the appellant a return of income tax for the year ended 30 June 2002.	Reasons Emmett J at [54]: AB-XX
24 November 2006	The respondent lodged with the appellant a return of income tax for the year ended 30 June 2005.	AB-XX
29 October 2008	The appellant assessed the respondent to income tax for the year ended 30 June 2002.	AB-XX
11 December 2008	The appellant amended the respondent's assessment to income tax for the year ended 30 June 2005.	AB-XX
19 December 2008	The respondent lodged with the appellant a notice of objection to the assessment to income tax for the year ended 30 June 2002.	AB-XX
11 February 2009	The respondent lodged with the appellant a notice of objection to the amended assessment to income tax for the year ended 30 June 2005.	AB-XX
20 April 2009	The appellant disallowed the respondent's objection in respect of the assessment for the year ended 30 June 2002.	AB-XX
12 June 2009	The appellant disallowed the respondent's objection in respect of the amended assessment for the year ended 30 June 2005.	AB-XX
26 June 2009	The respondent appealed to the Federal Court pursuant to Part IVC of the <i>Taxation Administration Act 1953</i> (Cth) against the appellant's objection decision in respect of the year ended 30 June 2002.	AB-XX

<u>Date</u>	<u>Event</u>	<u>Appeal Book Reference</u>
10 August 2009	The respondent appealed to the Federal Court against the appellant's objection decision in respect of the year ended 30 June 2005.	AB-XX

Dated: 31 August 2012



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