



Quiz

Directors' Liabilities for Tax Withholdings

1. What were Mr Panayi's arguments at first instance?
 - a. He denied that he had been appointed or acted as a director of the company
 - b. He was unable to take part in the management of the company due to illness
 - c. His penalty liability had been remitted when the members of the company resolved that it be wound up voluntarily
 - d. All of the above
2. What was the outcome at first instance?
 - a. The penalty was remitted
 - b. The penalty was not remitted
 - c. Mr Panayi was found not to be a director at the relevant times
 - d. The liability for the penalty was not proven
3. Why was the ASIC report relied upon?
 - a. To show that Mr Panayi was disqualified from being a director
 - b. To show that ASIC was investigating Mr Panayi
 - c. To show that Mr Panayi had experience acting as a director and dealing with liquidators and creditors
 - d. All of the above

4. What was the status of the ASIC register?
 - a. It was hearsay
 - b. It was a decision of a court and therefore inadmissible under s 91 of the *Evidence Act*
 - c. It was prima facie proof of the information contained in it
 - d. It was found to be incorrect after a consideration of the facts

5. What was Mr Panayi's argument in relation to the remission of the penalty?
 - a. The amendment to the remission provision should have retrospective effect
 - b. Mr Panayi had wound up the company in accordance with the applicable provisions of the *Taxation Administration Act* and therefore the penalty should be remitted
 - c. Mr Panayi had wound up the company within 21 days of the due date of the remittal of withholdings
 - d. None of the above

Answers:

1. d 2. b 3. c 4. c 5. b