

**2.8 Deputy G.P. Southern of the Minister for Treasury and Resources regarding legal advice sought on ITIS (Income Tax Instalment System):**

In answer to questions on the 17th January 2006, the Minister stated that there was the possibility of a challenge under human rights legislation if a system was introduced whereby all new entrants to ITIS remained on a current year tax-paying basis but that no formal legal advice had been obtained. Would the Minister advise whether such advice to clarify the matter will or has been sought?

**Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

This is a sort of hypothetical question. I have no intention of maintaining all new entrants on a current year basis and so I see little point in asking the Law Officer's Department advice on a policy which I have no intention of introducing. I think they have got enough to do advising on policies which are being introduced without spending their time on matters which are not under consideration.

**2.8.1 Deputy G.P. Southern:**

I really cannot accept that as an answer. If the Minister is justifying a decision to move everybody to remain on past year taxation and not to consider the possibility of eventually producing current year taxation, if he uses that as a reason then surely he must seek advice. If he says there is a possibility of a human rights challenge, he must make clear whether or not that is the case and ask advice, surely. Does he not agree?

**Senator T.A. Le Sueur:**

I think we exhausted this one at the session on the 17th January. It would be inequitable in my view for a situation to arise where, over a period of time, with 2 people doing the same job in the same place, one would be assessed on a current year basis and one on a preceding year basis. I believe that would be inequitable. It is not a requirement of the Minister or from a Committee that they have to seek legal advice on human rights' compliance. It is the obligation of a Committee, or now the Minister, to satisfy himself that the legislation is human rights' compliant. In my view, it would be inequitable for people to be on different situations for a continuing period of time and on that basis I am not pursuing that policy.

**2.8.2 Deputy G.P. Southern:**

Will the Minister say from which institution he obtained his degree in law?

**Senator T.A. Le Sueur:**

I wish I had not.

**2.8.3 Deputy P.V.F. Le Claire of St. Helier:**

Probably under the new rules we can get into this issue. ITIS and the submission of forms: business people are telling me that the ongoing administrative burden of filling these forms in where there is no tax due are now at 2 or 3 hours for each employer to submit these forms every month is unduly burdensome and will the Minister look to see that a system can be put in place where the only need for submission of administration is done when there was a change of circumstances rather than every month when everything stays the same. Surely it must be a burden at both ends of the system.

**Senator T.A. Le Sueur:**

You make a good point. It is in hand and we are simplifying the system but I would question that it should not take 3 hours to fill in a nil return.