



## HIGH COURT OF AUSTRALIA

Manager, Public Information

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### Media Release

On 26 February 2009, proceedings were commenced in the Sydney Registry of the Court claiming declarations that the *Tax Bonus for Working Australians Act 2009* (Cth) is invalid and that a "tax bonus" payable to the plaintiff under the Act is unlawful.

The plaintiff and the Commonwealth agreed to submit to the Court a Special Case setting out questions for determination by the Court. The Special Case was referred to the Full Court by a Justice on 13 March 2009. It was heard in Canberra on 30 and 31 March and 1 April 2009 before all seven Justices of the Court.

The Court announced its answers to the questions today and will give its reasons later. A majority of the Justices would answer the questions as follows:

Question 1: Does the plaintiff have standing to seek the relief claimed in his Writ of Summons and Statement of Claim?

Answer: Yes.

Question 2: Is the *Tax Bonus for Working Australians Act (No 2) 2009* (Cth) ("the Bonus Act") valid because it is supported by one or more expressed or implied heads of legislative power under the Commonwealth Constitution?

Answer: The Bonus Act is a valid law of the Commonwealth.

Question 3: Is payment of the tax bonus to which the plaintiff is entitled under the Bonus Act supported by valid appropriation under ss 81 and 83 of the Constitution?

Answer: There is an appropriation of the Consolidated Revenue Fund within the meaning of the Constitution in respect of payments by the Commissioner required by s 7 of the Bonus Act.

Question 4: Who should pay the costs of the Special Case?

Answer: In accordance with the agreement of the parties announced on the second day of the hearing of the Special Case, there is no order for costs.