


# ***MT 2008/1ER - Erratum - Penalty relating to statements: meaning of reasonable care, recklessness and intentional disregard***

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# Erratum

## Miscellaneous Taxation Ruling

### Penalty relating to statements: meaning of reasonable care, recklessness and intentional disregard

This Erratum is a public ruling for the purposes of the *Taxation Administration Act 1953*. It corrects Miscellaneous Taxation Ruling MT 2008/1 to correct a quote from the Federal Court of Australia case *BRK (Bris) Pty Ltd v. Federal Commissioner of Taxation* [2001] FCA 164; 2001 ATC 4111; (2001) 46 ATR 347 (*BRK*) and to correct some references.

#### Miscellaneous Taxation Ruling MT 2008/1 is corrected as follows:

##### 1. Paragraph 102

After 'incorrect'; insert ' , or be grossly indifferent as to whether or not the material is true and correct'.

##### 2. Footnote 2A

Omit '*Tax Laws Amendment (2010 Measures No 1) Bill 2010*'; substitute '*Explanatory Memorandum to the Tax Laws Amendment (2010 Measures No. 1) Bill 2010*'.

##### 3. Legislative references

Insert:

- TAA 1953 Sch 1 286-75(1)
- TAA 1953 Sch 1 Div 358
- Tax Agent Services (Transitional Provisions and Consequential Amendments) Act 2009
- Tax Laws Amendment (2010 Measures No. 1) Act 2010

##### 4. Other references

Insert:

- Explanatory Memorandum to the Tax Laws Amendment (2010 Measures No. 1) Bill 2010

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This Erratum applies on and from 12 November 2008 for the correction due to the *BRK* case and on and from 1 June 2011 for all other corrections.

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**Commissioner of Taxation**

7 March 2012

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ATO references

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