

IN THE HIGH COURT OF AUSTRALIA  
SYDNEY REGISTRY

No. S225 of 2012

ON APPEAL FROM THE FULL COURT OF THE FEDERAL COURT

BETWEEN:

ANDREW VINCENT MILLS  
Appellant

and

COMMISSIONER OF TAXATION  
Respondent



APPELLANT'S CHRONOLOGY

20 **Part I**

It is certified that this Chronology is in a form suitable for publication on the internet.

**Part II**

Date	Event	Appeal Book reference
9 September 2008	Paper presented to Board of Commonwealth Bank of Australia (CBA) recommending the proposed offering of a non-innovative residual Tier 1 capital issue (PERLS V)	
9 September 2008	CBA Board decided that CBA should not proceed with PERLS V issue at that time due to potential acquisition of BankWest	
October 2008	CBA issued \$2 billion of ordinary shares	
December 2008	CBA issued \$2 billion of ordinary shares	

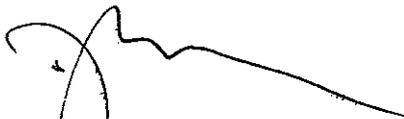
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10 February 2009	Further paper presented to CBA Board recommending that Board approve pursuit of PERLS V offer	
10 February 2009	CBA Board approved pursuit of PERLS V issue	
March 2009	CBA issued \$865 million of ordinary shares	
14 July 2009	Further paper in relation to proposed capital issue presented to CBA Board	
14 July 2009	CBA Board noted that management expected to launch a non-innovative hybrid Tier 1 transaction following results announcement in August 2009	
4 August 2009	Further paper presented to CBA Board with update on market conditions, the due diligence process and discussions with the Australian Taxation Office (ATO)	
7 August 2009	Further paper presented to CBA Board with update on discussions with ATO	
11 August 2009	Further paper presented to CBA Board, recommending approval of PERLS V offer	
12 August 2009	CBA Board approves offer of PERLS V (\$600 million, up to a limit of \$1.2 billion)	
14 August 2009	Further paper circulated to CBA Board seeking approval of PERLS V Prospectus and updating on further discussions with the ATO	
27 August 2009	CBA and Respondent entered into Deed governing resolution of tax dispute in respect of PERLS V	
28 August 2009	CBA lodged PERLS V prospectus with Australian Securities and Investments Commission (ASIC)	
7 September 2009	Further paper presented to CBA Board recommending increase in maximum issue size of PERLS V to \$2 billion	
7 September 2009	CBA Board agreed to increase maximum issue size of PERLS V to \$2.25 billion	
7 September 2009	CBA lodged PERLS V Replacement Prospectus with ASIC	

14 October 2009	CBA issued \$2.0 billion of PERLS V	
14 December 2009	Respondent made determination under s 177EA(5)(b) of <i>Income Tax Assessment Act 1936</i> (Cth)	
23 December 2009	Respondent issued Class Ruling CR 2009/78	
23 December 2009	CBA's New Zealand branch lodged request for ruling with New Zealand Inland Revenue Department	
29 December 2009	Appellant lodged objection to Respondent's determination under s 177EA(5)(b)	
12 January 2010	Respondent disallowed Appellant's objection	
25 January 2010	Appellant commenced proceeding NSD 52 of 2010 in Federal Court of Australia	
1 February 2010	First distribution made to Appellant in respect of PERLS V securities held by him	
30 April 2010	Second distribution made to Appellant in respect of PERLS V securities held by him	
16 June 2010	New Zealand Inland Revenue Department issued private binding ruling in respect of PERLS V	

Dated 31 August 2012



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