| Agenda Item Title: | OSR STAMP DUTY RECOVERY |
| --- | --- |
| Paper Type: | FOR NOTING |
| Sponsor: | CEO |
| Recommendation: | Supreme Court is not an option as the quotes have ranged from $100K -> $250K (in the event of a loss). Recommendation is for self representation at QCAT based on a brief prepared by LGA Lawyers. This could be followed by an appeal to the minister in the event we are unsuccessful at QCAT. |

**Purpose**

The OSR stamp duty objection was unsuccessful, the next steps need to be identified and actioned in order to maximise our chance of recovery of the funds (circa $200K) without excessive expenditure.

**Background**

The OSR objection was unsuccessful, ruling that MMICT was not a charitable institution distinct from MCF, I would note that MMICT was registered years before MCF and was considered a charitable institution for some time, and has not had its status revoked, however the OSR interpretation was contrary to the our position and the objection was denied. **An appeal would need to be lodged before 4:30pm on 18 February 2023**.

**Discussion**

The first option is to fight the objection at QCAT, with the option for a potential appeal to the minister - once the initial (free) advice from LGA is received we can select an appropriate course of action within our budget ($10K-$15K) for pursuing this matter further.

*Paper is for noting only at this stage.*

* Strategy.
* Resources.
* Risk.
* Governance.
* Responsibilities. CEO to liaise LGA
* Options..

**Consultation**

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**Prepared by / Date:** Jorian Cunliffe,