

General Manager
Tax System Division
The Treasury
Langton Crescent
Parkes ACT 2600

Wednesday 9th July, 2014

Dear Sir/Madam,

Tax Agent Services Amendment (Tax (Financial) Advisers) Regulation 2014

Select Legislative Instrument No. , 2014

Women in Super welcomes the opportunity to comment in relation to the Tax Agent Services Amendment Regulation and the proposed amendments due to take effect from 1 July 2017.

About us

Women in Super (WIS) is a national advocacy and networking group for women employed in the superannuation and financial services industries.

WIS advocates on behalf of its members and women generally to improve women's participation in the workforce and therefore their retirement prospects and access to superannuation.

WIS provides education and support to assist women in gaining opportunities to develop broader business, professional and personal networks, and aims to educate the greater community in order to improve their knowledge of superannuation. WIS strongly supports and encourages the appointment of women to superannuation fund boards, and works with other organisations and stakeholders to achieve this.

Gender Impact of proposed amendments

WIS is concerned that the proposed amendments will have a negative impact on women working as financial advisers and disadvantage them in seeking employment and career advancement within the sector.

We believe that **Part 3—Tax (financial) advisers Division 1—Requirements** needs to be reconsidered. In particular, **sections 301(e), 302(e), 303(d) and 304(c)** which include the requirement to be (or have been in the past 90 days) an Australian Financial Services (AFS) Licensee or a representative of an AFS Licensee, in order to obtain registration as a registered tax (financial) adviser.

This requirement does not take into account the specific issues and working patterns of the average working woman. Our comments below may also affect a number of working men but we make specific

reference to working women. It is a well-known fact that the majority of working women take time out of the workforce at various stages. There are many reasons for these career breaks. For example, a period out of the workforce to have and care for a young child (maternity or parental leave) or a period of time off to care for a sick partner or elderly parent. All of the above career breaks are recognised in the workplace today and indeed are considered normal workplace practices.

Many working women wishing to take extended leave are obliged to resign from their current place of work but many will intend to return to their previous career at a later date. Any worker taking unpaid or paid leave to care for a sick and/or terminally ill partner or child also faces an uncertain period of time out of the workforce.

WIS believes that the 90 day requirement will discriminate against women who become a tax (financial) adviser under the transitional provisions as they will be more likely to lose their status due to caring responsibilities and subsequently be disadvantaged when competing for appointment with male applicants who have retained their status.

Certified completion of professional development requirements should be sufficient to maintain ongoing registration as a tax (financial) adviser regardless of employment status, as is the case for registered tax agents.

Qualification or requalification as a registered tax (financial) adviser will be more difficult when the full requirements of the regime come into effect in three years' time given the enhanced educational requirements and lengthy work test.

Many women needing to requalify (due to the 90 day rule) or who are currently out of the workforce due to caring responsibilities will effectively be barred as it will be impossible to satisfy the work test or impossibly expensive to acquire the required educational qualification.

Women in Super is in favour of requirements to ensure that tax advice provided by financial planners is of a high standard and that the advice is professional and current in nature. However the qualifications and experience required should be appropriate and the timing of their introduction should not discriminate against the participation of women within the financial advice industry.

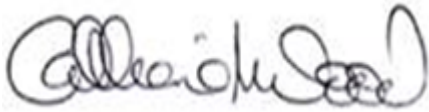
Recommendation

Women in Super recommends:

- that the qualification and experience requirements and the timing of their introduction be subject to a gender impact review.
- the withdrawal of the requirement to be (or have been in the past 90 days) an Australian financial Services (AFS) Licensee or a representative of an AFS Licensee to be a registered tax (financial) adviser.

We would welcome the opportunity to discuss this further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cate Wood', written in a cursive style.

Cate Wood

National Chair, Women in Super

Contacts

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