

From: [REDACTED]
To: [TPBreview](#)
Subject: TPB review
Date: Tuesday, 27 August 2019 12:03:57 AM

To whom it may concern

I am writing to provide feedback in regards to becoming a Tax/BAS agent.

First of all, I don't think the TPB should allow an individuals to become a Tax/BAS Agent unless they have a bachelors degree minimum in a relevant discipline such as Accounting, Tax, Finance, Financial Planning, Tax Law etc.

FASEA has just created this rule so that anyone who wants to be a financial planner and provide personal advice has to have a bachelors degree minimum in financial planning.

Considering that if I am a business owner or SMSF trustee the TPB forces me to use a Tax Agent as I can not lodge the tax return myself like I can with a personal tax return. Because the TPB is forcing people and business to use a Tax Agent the TPB needs to hold Tax Agents to higher educational standards to ensure that the Tax Agent has the right technical knowledge to do their job correctly.

If Financial Planners need a bachelors degree minimum how can the TPB accept people who have studied lower awards such as diplomas or certificates.

Why is there such a low educational standard for Tax/BAS agents?

Providing Tax/BAS agent services is maybe even more complex and technical as financial planning work, the negative consequences of not lodging a Tax return or BAS properly is just as disastrous as receiving bad financial planning advice.

FASEA identified increasing educational standards to make financial planning into a profession so why does the TPB also not view a Tax/BAS Agent as a profession if they did, they would have higher educational standards.

Experience alone is not good enough to become a Tax/BAS Agent there is a lot of technical information you need to know and you need to be able to keep up with changing tax legislation and rules. Making someone do a bachelors degree minimum in a relevant discipline would ensure that the individual has the capability to perform such a technically demanding and complex job as a tax agent.

The TPB also needs to recognize that there are individuals that do not want to provide the complete range of Tax Agent services, some people might just want to lodge SMSF tax returns, personal tax returns and BAS.

For people who wish to provide specialist services the TPB should not view an Accounting degree as the ultimate goal to achieve this, they should consider other relevant degrees such as Finance, Financial Planning, Applied Tax Law, SMSF.

If I study an Accounting degree there is only 4 subjects which are relevant out of the 8 subjects you are required to study. Introduction to Accounting, Financial Accounting, Taxation and Business Law would be the only relevant subjects to being a Tax agent.

Management Accounting, Audit, Accounting systems, Capstone Accounting are not relevant to the services that a Tax Agent provides.

So when considering individuals study the TPB needs to be more open to other relevant degrees.

The Graduate Diploma of Applied Tax Law by the Tax institute is a much more relevant degree to be a Tax Agent than a Graduate Diploma of Accounting would be. There are also other very relevant degrees such as a Graduate Certificate in SMSF, Graduate Diploma of Financial Planning.

The TPB also needs to have proper guidance for individuals who would like to provide specialist services.

So for example if I only wanted to lodge tax returns for SMSF, personal returns and BAS, the TPB should have a guideline as to what you need to study and how much work experience I need in order to provide those specialist services.

Currently the TPB says it will assess it on a case by case basis but they could simply say if you wanted to provide a specialist service like SMSF returns the person needs to study either a finance degree as well as Graduate Diploma in Applied Tax and 1 year work experience etc.

FASEA has only been around for 1 year but they are already better at providing a clear guide as to what an individual needs to study in order to provide a certain type of financial advice.

The TPB has been around for at least 10 years so they have had enough time to figure out a study guide/plan so that individuals like myself have a very clear idea, if we would like to provide certain specialist tax agent services then we have to study in these certain areas and get this much work experience.

I think the TPB is really lacking in this area I have even emailed them 1 year ago telling them what specialist services I would like to provide and what I have already studied and what I intend to study as well as my work experience and if this would meet the requirement to provide those specialist tax agent services, But they still have not even bothered to reply to me I think this is really not good enough considering that FASEA has called me back and emailed within 1 month of my request sent to them.

The TPB has a very opaque decision-making process in regards to how they grant Tax agent licenses, I think this needs to be much more transparent and open. I understand that their may be individuals with unique situations that they need to review on a case by case basis.

But for individuals that have more general situations then they could at least post these on their website as a guide to what has been granted in the past(from study and work experience) and this will help people like me when we are deciding what we need to study and how much work experience we should get.

Again FASEA has provided about 3 different pathways for financial advisers, that's for new entrants to the industry, existing advisors and returning advisors. So I cant see why the TPB cant provide some type of guidance for the specialist tax agent services in a similar manner.

The government also needs to increase the budget of the TPB and ensure this money is focused towards enforcement and prosecution of unregulated Tax agents.

The TPB needs to have the ability to take disciplinary and fining actions against unregulated Tax agents similar to what ASIC can do, currently I believe they have to apply to the federal court to punish unregulated Tax Agents.

This is not a practical solution as the court systems are very costly and slow, the TPB needs to be able to fine individuals directly and the ATO/ASIC should be involved when a unregulated Tax Agent is fined so that they can make a record that this individual has engaged in this illegal behaviour and take action themselves.

Providing unlicensed Tax agent services should become a criminal offence as well as a civil offence in order to discourage individuals who may be tempted to provide these unlicensed services.

Kind Regards



