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INQUIRY INTO TAX AGENTS SERVICES BILL 2008

Following is my submission regarding the above Bill:-

Whilst generally agreeing with the purposes of the Bill, however there are two areas of concern to me.

1.Registration of partnerships S20-5 (2) (c) and registration of companies S20-5(3) (d)
Treatment of partnerships S50-40(1)

2.Registration conditions S20-25(5-7)

1.In broad summary, all that is necessary for a partnership or company to be registered is for the partners or directors to be adults,fit and proper persons, not be guilty of a serious tax offence etc and have sufficient individuals as registered tax agents to provide tax agent services to a competent standard. Nowhere does it require partners or directors to have any qualifications or experience in tax matters.

It seems anomalous that a partnership or company can be registered when there is no requirement for the principals or directors to have any tax experience whatsoever.

In addition under S50-40 (1) if a partnership incurs a civil penalty, each partner can claim under (a)(b)or (c) and avoid the penalty.Thus under these provisions, the penalty can be totally avoided, and thus unenforceable. This also seems anomalous.

2.Registration conditions S20-25 (5-)

Under these conditions it seems that the Board may impose conditions under which a tax agent can practise in certain areas only.

This is disappointing inasmuch as the present system allows a registered agent to practise in all areas of tax (in line with the practice of law and medicine)

The major difficulty will be for the agent to confine himself to his restricted area and not to transgress to another area, where he is not registered to practise.

In my view the present practice should continue,i.e. once you are registered you can practise in any area of tax.

The same submission refers to BAS providers where appropriate

Yours faithfully,