

30 August 2019

Mr Nick Westerink
Individuals and Indirect Tax Division
Treasury
Langton Crescent
PARKES ACT 2600

via email: tpbreview@treasury.gov.au

Dear Mr Westerink

Review of The Tax Practitioners Board – Discussion Paper

We appreciate the opportunity to comment on the discussion paper issued in respect of the review of the Tax Practitioners Board (TPB). Australian Taxation Office (ATO) statistics show that 96.7% of small businesses seek the assistance of registered tax practitioners. Many small business taxpayers find the current tax system bewilderingly complex, and tax practitioners are of particular importance to the sector. Through our Assistance function and the Administrative Appeals Tribunal Tax Concierge administered by this office, we regularly encounter issues which arise when things go wrong with a small business taxpayer engaging a tax practitioner.

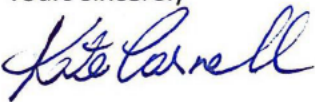
We also acknowledge that a significant number of tax practitioners are small business owners and as such, any additional regulation should be considered carefully to ensure it is necessary and efficient.

We see the following as key points for the review of the operation of the TPB:

1. Small business taxpayers need appropriate protections. Where practitioners are found to have acted inappropriately, small business tax payers should be within the 'safe harbour' (especially where there has been reckless or intentional disregard of the law).
2. Small business taxpayers need clarity and assurance as to the conduct of their qualified tax agents. The TPB needs to ensure visibility of outcomes of investigations, including naming practitioners against whom sanctions have been imposed, and directly reporting those practitioners to their professional bodies.
3. The TPB should be proactive when there is emerging evidence of poor behaviour. Where tax practitioners have entered into an enforceable voluntary undertaking (EVU) with the ATO, this should be available publically and directly reported to their professional bodies. This would act as a deterrent for poor behaviour and also assist small business taxpayers in their choice of adviser.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact [REDACTED] on [REDACTED] or by email to [REDACTED]

Yours sincerely



Kate Carnell AO
Australian Small Business and Family Enterprise Ombudsman