



## MEDIA STATEMENT

Wednesday, 4 September 2024

### **Open letter from peak accounting bodies urges Prime Minister to stop “unfair” rules for taxation and BAS agents**

Membership bodies representing tax and BAS agents have published an open letter to the Government ahead of a roundtable with the Assistant Treasurer’s office where the group will continue to strongly advocate for amendments to the [Tax Agent Services \(Code of Professional Conduct\) Determination](#).

The letter describes the Government’s new rules as “overreach” and points to legal advice confirming the rules could force tax and BAS agents to share personal information, including their mental health, with their clients.

The rules could also deny a person the right to natural justice by forcing them to publicise investigations against them “no matter how spurious or vexatious”.

Chartered Accountants ANZ (CA ANZ) CEO, Ainslie van Onselen said since the Determination was tabled in July, CA ANZ had been in regular contact with the Assistant Treasurer’s office expressing members’ concerns and providing alternative wording in a bid to be helpful.

“When it was suggested our members’ fears were ‘unfounded’, we shared with the Assistant Treasurer legal advice we obtained to validate their concerns.

“Many of our members have also written to their local parliamentary member explaining why the rules are not only unfair, but incredibly difficult to implement because they are so broad and open to interpretation.

“While the profession is being told that guidance from the Tax Practitioners Board (TPB) will solve this confusion, our members know this guidance is no replacement for black letter law.

“They can already see that the TPB is grappling with the interpretation of the Determination as it is currently written, evidenced by the numerous updates to their website,” Ms van Onselen said.

CEO of CPA Australia Chris Freeland said the decision to run the full-page open letter was not taken lightly.

“Our decision to run the open letter underscores our deep concerns with certain aspects of these rules and the impact they will have on our members and the profession more broadly,” Mr Freeland said.

“We are committed to nurturing our relationships with government, parliamentarians and government agencies. While our decision to vocally express our concerns through the media is unusual, the unfairness of some aspects of these rules justifies our strong stance.

“We are particularly concerned about section 45 of the Determination which requires tax practitioners to disclose to clients ‘any matter’ which may significantly influence a decision of the client to engage the practitioner. In real terms, this may mean sharing irrelevant personal information with clients.

“These rules are causing real concern for professionals who already operate in an environment of significant scrutiny and regulatory burden,” said Mr Freeland.

If Friday’s discussions between the profession and the Assistant Treasurer’s office cannot determine a suitable path forward, the bodies are asking for all Senators to support a disallowance motion in the Senate on 10 September 2024.

## **ENDS**

### **About Chartered Accountants Australia and New Zealand**

Chartered Accountants Australia and New Zealand (CA ANZ) represents more than 139,000 financial professionals, supporting them to make a difference to the businesses, organisations and communities in which they work and live. CA ANZ actively engages with governments, regulators and standard-setters on behalf of members, the profession and the wider business community to advocate in the public good. Chartered Accountants are known as Difference Makers. The depth and breadth of their expertise helps them to see the big picture and chart the best course of action. [www.charteredaccountantsanz.com](http://www.charteredaccountantsanz.com)

### **About CPA Australia**

CPA Australia is Australia’s leading professional accounting body and one of the largest in the world. We have more than 173,000 members in over 100 countries and regions. Our core services include education, training, technical support and advocacy. CPA Australia provides thought leadership on local, national and international issues affecting the accounting profession and public interest. We engage with governments, regulators and industries to advocate policies that stimulate sustainable economic growth and have positive business and public outcomes. Find out more at [cpaaustralia.com.au](http://cpaaustralia.com.au)

### **For more information contact:**

#### **CA ANZ**

Gillian Bowen, Public Affairs Manager Australia  
M +61 411 485 421  
[gillian.bowen@charteredaccountantsanz.com](mailto:gillian.bowen@charteredaccountantsanz.com)

#### **CPA Australia**

Simon Downes, External Affairs Lead  
M +61 401 461 503  
[simon.downes@cpaaustralia.com.au](mailto:simon.downes@cpaaustralia.com.au)