



Australian Government



TAX
PRACTITIONERS
BOARD

TAX PRACTITIONERS BOARD
ANNUAL REPORT
2021–22



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Australian Government



**TAX
PRACTITIONERS
BOARD**

The Hon Stephen Jones MP
Assistant Treasurer and Minister for Financial Services
Parliament House
CANBERRA ACT 2600

Dear Minister

In accordance with section 60–130(1) of the *Tax Agent Services Act 2009*, I present this report on the operations of the Tax Practitioners Board in the financial year 2021–22.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Klug'.

Ian Klug AM
Chair, Tax Practitioners Board

5 October 2022

Contents

1 Year in review	1
2 About the Tax Practitioners Board	5
Tax practitioners	6
Functions	8
Board	9
Organisation	15
3 Performance	21
Highlights of 2021–22	22
Annual performance statement	34
Strategic objective 1: Efficient registration of tax practitioners	36
Strategic objective 2: Effective compliance through education, deterrence and sanctions	38
Strategic objective 3: Innovation and preparation for the future	45
4 Financial operations	49
Summary of expenditure	50
Procurement	51
Cost recovery	52
Appendixes	53
Appendix A: Disclosure of official information	54
Appendix B: Recognised professional associations	55
Appendix C: Breach allegations reviewed	56
List of abbreviations	57
List of requirements	58
Index	66

Figures

Figure 1: Organisational structure at 30 June 2022	15
Figure 2: Regulatory response to the COVID-19 pandemic, 2021–22	24
Figure 3: Performance summary, 2021–22	34

Tables

Table 1: Tax practitioners by location at 30 June 2022	7
Table 2: Ongoing and non-ongoing employees by location at 30 June	16
Table 3: Ongoing and non-ongoing employees by functional area at 30 June	16
Table 4: Ongoing and non-ongoing employees by classification and gender at 30 June	17
Table 5: Ongoing and non-ongoing employees by full-time and part-time employment at 30 June	17
Table 6: Ongoing employees belonging to diversity groups at 30 June	18
Table 7: Registrations processed within service standards, 2020–21 and 2021–22	37
Table 8: Average monthly webinar attendance, 2020–21 and 2021–22	40
Table 9: Sources of complaints and referrals, 2020–21 and 2021–22	41
Table 10: Board Conduct Committee matters and decisions, 2020–21 and 2021–22	42
Table 11: Finalised litigation matters involving the TPB, 2021–22	43
Table 12: Reform consultations involving the TPB, 2021–22	45
Table 13: Actual expenses, 2020–21 and 2021–22	50
Table 14: Direct expenditure by cost centre, 2021–22	51
Table B1: Recognised professional associations at 30 June 2022	55
Table C1: Breach allegations reviewed by the TPB under the <i>Tax Agent Services Act 2009</i> , 2021–22	56





1

Year in review

1 Year in review

I am pleased to present the 2021–22 annual report of the Tax Practitioners Board (TPB) and report on the achievements of the TPB over the period.

Our role as a regulator is to support both the public and tax practitioners, and to enhance community confidence in the tax and superannuation systems. This requires a careful balance to provide support and guidance to encourage voluntary compliance, and to identify and address higher-risk tax practitioners.

Most tax practitioners continue to be a pillar supporting the recovery of our nation following natural disasters and the ongoing effects of COVID-19 on our community, the economy, taxpayer clients and the profession. Throughout the year, our registered tax practitioners once again proved their value by supporting their clients and upholding the integrity of the taxation system. I am proud to report that the TPB was instrumental in ensuring the profession met the expectations of the government, the industry, and the consumers of tax practitioner services.

We continued to ensure that tax practitioners were both encouraged and enabled to provide quality and ethical taxation services while maintaining the high levels of trust placed in them by their clients, the Australian public. We did this by ensuring registered tax practitioners met the education and experience requirements the government has directed are necessary and by providing further support to tax practitioners through our webinars and newsletters, and through direct encouragement, when required.

Our educational materials and activities continue to be popular with tax practitioners. During the year we provided 21 webinars to educate and support tax practitioners and assist their understanding of our requirements. We had over 44,600 attendees at these webinars and over 71,000 subscribers to our monthly newsletter, *TPB eNews*.

Our registered practitioner population has decreased due to the transfer of the regulation responsibility for tax (financial) advisers (TFA) to the Australian Securities and Investments Commission (ASIC) on 1 January 2022. The transfer of the regulatory responsibility and records of around 17,000 tax (financial) advisers was just one example of how we worked closely and collaboratively with our regulatory partners, such as the Australian Taxation Office (ATO), to deliver government objectives.

Throughout the pandemic, our response to support our practitioners has been measured and proportionate. For those practitioners that continued to support their clients with accurate and timely advice, we amended registration requirements and eased their reporting and education requirements so they could focus on their clients.

Our compliance programs are an essential component in upholding the integrity of the tax and superannuation system and ensuring trust and confidence in the profession. The TPB's commitment to protecting clients and the public from tax practitioner misconduct and unlawful advice, particularly from those who represent the highest risk of poor behaviour, reduces exposure of clients to fraud and additional tax and penalties.

The TPB looks forward to further implementing the outcomes of the Review of the Tax Practitioners Board and *Tax Agent Services Act 2009* conducted by Mr Keith James (James Review) and our reform program, which will further enhance the TPB's integrity and public protection purpose.

Despite the great work by most tax practitioners, we assessed almost 1,300 complaints and referrals, with targeted investigations and litigation addressing higher-risk cases. Our Board Conduct Committee reviewed 143 cases of practitioners failing to meet required standards of behaviour or practitioners failing to meet registration requirements. In some instances, we determined the tax practitioner's actions required termination of registration and the imposition of the maximum ban possible. Disqualification of registration is key to protecting the Australian public. This includes the specific clients of tax practitioners, and the broader community who expect that tax practitioners, who occupy positions of trust, are of high integrity.

We continue to invest in and improve on our data analytics capabilities to improve our understanding of the system, key risks and opportunities. These enhanced capabilities assist in the targeted investigation of those practitioners who choose to do the wrong thing. There is more that can be done, and the TPB looks forward to working with our regulatory partners to further expand and enhance our compliance program with the aim of ensuring that tax practitioners remain a positive influence in the tax compliance of their clients.

We continue to support the Australian Government in addressing the James Review recommendations which will strengthen the system, policy and law.

The James Review also recommended enhancements to the independence of the TPB. This includes greater financial independence and clarity about the role and accountability of staff, including the CEO Secretary, to the Board. An expected charging review will help inform the government's design of an improved model of financial independence.

We continue to build relationships and engagement with our regulatory partners, including the ATO, ASIC, and the Inspector-General of Taxation and Taxation Ombudsman, to support our regulatory and integrity programs. In line with the James Review recommendations, we established the Tax Practitioner Governance and Standards Forum to ensure that any significant proposals affecting tax practitioners, such as changes to relevant legislation and regulations, including the Code of Professional Conduct in the *Tax Agent Services Act 2009* (TASA), and the creation and ongoing application of the Charter of Tax Practitioner Governance, are made with appropriate consultation. I want to specifically acknowledge and thank tax practitioners and association representatives who have shared their time and expertise in reviewing and improving our work.

As we reflect on a year that was filled with both challenges and great results, we look to the future with excitement and anticipation. We continue to implement the goals that will enable us to meet the improvements identified in our 2024 Strategic Plan. This plan requires technological advancements, innovation, and commitment from our staff, the Board and our leaders to build an even more effective and efficient TPB.

The TPB is an independent body that works well with government and partner agencies. We are committed to a close working relationship with the Treasurer and the Assistant Treasurer, and to supporting government priorities, including consumer protection and systems integrity. Also, on behalf of the Board, I thank the Commissioner of Taxation and all ATO staff for their ongoing support of the TPB. My colleagues on the Board, our CEO Secretary Michael O'Neill, and our senior leadership team also deserve thanks for their consistent efforts, flexibility and commitment throughout a challenging year. Finally, I thank the tax practitioners who have so ably, ethically, and diligently supported our community throughout the past 12 months. You are a credit to your profession and our nation.



Ian Klug AM
Chair



2

About the Tax Practitioners Board

2 About the Tax Practitioners Board

The Tax Practitioners Board (TPB) is the Australian Government body responsible for the registration and regulation of tax agents and business activity statement (BAS) agents, collectively known as tax practitioners. The TPB is also responsible for ensuring compliance with the *Tax Agent Services Act 2009* (TASA), including its Code of Professional Conduct (Code).

Our purpose, as set out in the *Tax Practitioners Board Corporate Plan 2022–23*, is ‘to ensure that tax practitioner services are provided to the public in accordance with appropriate standards of professional and ethical conduct’.

The TPB is an independent statutory body comprising a Board appointed by the Minister. Board members are appointed in their professional and personal capacities and have diverse backgrounds in a range of related fields. The Board is responsible for administering and investigating practitioners, and for making disciplinary decisions and applying sanctions in appropriate cases.

The Board is supported by staff, including the CEO Secretary, who are made available by the Commissioner of Taxation under the provisions of the TASA. The CEO Secretary is responsible for the staff, resources and day-to-day operations of the organisation.

The TPB resides in the Treasury portfolio, under Program 1.2 of the ATO, and reports to the Assistant Treasurer. Under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), the Commissioner of Taxation is the accountable authority for the TPB.

While the TPB currently operates with statutory independence and reports directly to the Minister, the TPB’s funding is derived through ATO program funding. This issue is under consideration, following the government’s response to the Review of the Tax Practitioners Board and *Tax Agent Services Act 2009* conducted by Mr Keith James (James Review).

Tax practitioners

Tax practitioners must be registered with the TPB to provide taxation services for a fee or other reward. TPB registration ensures that practitioners have the qualifications and experience necessary to provide tax practitioner services, meet the ‘fit and proper person’ requirements of the TASA, and have appropriate professional indemnity insurance cover to protect the public, including consumers.

The most recent statistics from the ATO indicate that registered tax practitioners lodged 63% of all 2020–21 individual income tax returns and 97% of all 2020–21 corporate income tax returns. In the self-assessment environment in which we operate, the TPB ensures that tax practitioners maintain the required high standards of technical knowledge and ethical conduct so that Australians can rely on the quality advice their registered tax practitioner provides.

At 30 June 2022, the total registered tax practitioner population was 62,340, composed of 45,333 tax agents and 17,007 BAS agents. Registered tax practitioners are active across Australia and overseas, as shown in Table 1.

Tax (financial) advisers, who previously were regulated by the TPB, are transitioning to a new regulatory framework under the *Financial Sector Reform (Hayne Royal Commission Response – Better Advice) Act 2021*. At 30 June 2022, 16,273 tax (financial) advisers remained registered with the TPB. Those registrations will continue until their expiry date, unless they are terminated earlier.

Table 1: Tax practitioners by location at 30 June 2022

State	Population
Australian Capital Territory	879
New South Wales	21,411
Northern Territory	391
Queensland	12,013
South Australia	3,288
Tasmania	753
Victoria	17,091
Western Australia	6,486
Overseas	28

Regulation of tax (financial) advisers

As part of the government’s response to the James Review, it was agreed that the tax (financial) advisers who were regulated by the TPB would be regulated by a new, single disciplinary body for financial advisers under the expanded Financial Services and Credit Panel of the Australian Securities and Investments Commission.

This reform will further streamline the number of bodies involved in the oversight of financial advisers, delivering improvements to the regulatory framework for the sector.

This change came into effect on 1 January 2022 and removed approximately 17,000 tax (financial) advisers from our remit. Some limited transitional arrangements remain in place to assist with the transition to the new regulatory framework under the single disciplinary body.

This has had an organisational and operational impact and created new opportunities for us to focus on the integrity of the tax system. We will continue to work with those operating under the

limited transitional arrangements and to provide support to those tax (financial) advisers who continue to hold registrations with us until their registrations expire.

We support any steps taken to reduce the regulatory burden on tax practitioners, including tax (financial) advisers. At the same time, we are mindful of the fact that it is critical that consumers of tax services continue to remain protected and that there is a level playing field in the provision of tax advice and services. We will continue to work with government to ensure that this balance remains.

Functions

The TASA sets out the powers and functions of the TPB for the registration and regulation of tax agents and BAS agents. Under the TASA, our functions include:

- administering the registration system for ‘tax practitioners’ – individuals and entities that provide tax services – namely, tax agents and BAS agents
- administering the Code of Professional Conduct
- issuing guidance on relevant matters to support tax practitioners and consumers
- investigating conduct that may breach the TASA, including Code non-compliance, conduct resulting in a tax practitioner no longer meeting the ‘fit and proper person’ requirement for registration, and breaches of the civil penalty provisions
- resolving complaints lodged about practitioners and unregistered preparers
- applying administrative sanctions for Code non-compliance
- seeking Federal Court of Australia (Federal Court) civil penalty orders in response to breaches by registered tax practitioners and unregistered preparers.

In addition to the TASA, we administer the:

- Tax Agent Services Regulations 2022 (TASR), which set out the broad requirements for registration, applicable fees, and the provisions for recognising professional associations
- *Tax Laws Amendment (2013 Measures No. 3) Act 2013*, which creates a regulatory framework for tax (financial) advice services, including the transitional provisions for registration as a tax (financial) adviser
- *Tax Agent Services (Transitional Provisions and Consequential Amendments) Act 2009*, which deals with consequential and transitional matters arising from the TASA’s enactment
- Tax Agent Services (Specified BAS Services No.1) Instrument 2020, which declares certain services under the Australian Government’s COVID-19 stimulus measures as BAS services
- Tax Agent Services (Specified BAS Services No. 2) Instrument 2020, which declares certain services to be BAS services.

The legislation is available at [legislation.gov.au](https://www.legislation.gov.au).

As part of our regulatory role, we can seek civil penalties through the Federal Court for improper conduct by registered tax practitioners and unregistered preparers. For example, civil penalties may apply where an unregistered preparer advertises tax agent services or provides tax agent services for a fee or other reward, or where a registered tax agent or BAS agent knowingly or recklessly makes false or misleading statements to the Commissioner of Taxation.

The TPB may disclose official information in response to formal requests, including ministerial requests and requests under the TASA and the *Freedom of Information Act 1982*. Appendix A provides a summary of disclosures in 2021–22.

Board

The Board is responsible for the strategic direction and governance of the TPB. The Board also makes disciplinary decisions and applies sanctions to tax practitioners in appropriate cases.

The Board delegates routine decision-making (not subject to appeal) to the CEO Secretary.

The Board also consults with stakeholders, through the TPB's Consultative Forum and the Tax Practitioner Governance and Standards Forum.

Members

During 2021–22, 10 people served on the Board (including the Chair), all of whom served part time.

Board members Julianne Jaques and Greg Lewis concluded their service in 2021–22. We thank them for their outstanding service and commitment.

In August 2021, Peter Hogan was appointed to the Board for a three-year term. In February 2022, Ian Klug and Debra Anderson were reappointed to the Board. In March 2022, Andrew Conway and Steven Dobson were appointed to the Board for three-year terms.

At 30 June 2022, the members of the Board were Ian Klug AM (Chair), Debra Anderson, Andrew Conway, Peter de Cure AM, Steven Dobson, Peter Hogan, Craig Stephens and Judy Sullivan. The following biographies provide details of their qualifications and experience.

Ian Klug AM (Chair)



Ian is a Fellow of Chartered Accountants Australia and New Zealand and a Fellow of the Australian Institute of Company Directors. He has a Bachelor of Arts and a Bachelor of Commerce from the University of Queensland.

Ian is Chairman of Place Design Group and The Water and Carbon Group. He is a founding director of the Brisbane Portrait Prize and sits on the board of Queensland Ballet. His past roles have included Chairman of Brisbane Marketing, board member of the Brisbane Festival, partner at Pitcher Partners, Chairman of Queensland Artworkers Alliance, director of Tennis Queensland, and councillor of Tennis Australia.

Ian was awarded an Australian Sports Medal in 2000 and made a Member of the Order of Australia in 2017.

Ian was appointed to the Board in December 2015 and appointed as Chair in February 2019. He was reappointed as Chair in February 2022.

Debra Anderson



Debra is a registered tax practitioner with extensive experience as a BAS agent and tax agent. She is a Fellow of the Institute of Public Accountants and a member of the Australian Institute of Company Directors, The Tax Institute and the National Tax and Accountants' Association.

Debra specialises in tax and technology for small business, has a Master of Business Administration and has worked extensively with the ATO on matters relating to tax practitioners and small business.

Debra was appointed to the Board in February 2019 and reappointed in February 2022.

Andrew Conway



Andrew is the Chief Executive Officer and a Fellow of the Institute of Public Accountants (IPA) and has held senior executive positions within the accounting profession for more than 15 years. Prior to working with the IPA, Andrew was a chief of staff and senior adviser in the Australian Government Treasury ministry.

Andrew is an adjunct professor at Deakin University, where he helped to found the IPA-Deakin SME Research Centre, and is a Professor of Accounting (honoris causa) at Shanghai University of Finance and Economics. He serves on the Department of Foreign Affairs and Trade Ministerial Advisory Council on Free Trade Agreement Negotiations, among other representative groups.

Andrew was appointed to the Board in March 2022.

Peter de Cure AM



Peter is a Fellow of the Australian Institute of Company Directors and a Fellow of Chartered Accountants Australia and New Zealand, and holds a Bachelor of Economics from the University of Adelaide. His experience in tax matters was developed over a 25-year career as a tax partner with KPMG, and 16 years as a registered tax agent.

Peter is a member of the South Australian Government Remuneration Tribunal. He is Chairman of the South Australian Fire and Emergency Commission, the Royal Flying Doctor Service South Australia and Northern Territory, Wirra Wirra Vineyards, the Gifford Hill Joint Venture and Gifford Hill Pty Ltd, Accord Property Holdings Pty Ltd and the Accord Property Development Fund, and the Advisory Board of Tim Adams Wines; and a director of Variety, the Children's Charity South Australia.

Peter was appointed to the Board in July 2017 and reappointed in October 2020.

Steven Dobson



Steven holds a Bachelor of Business from RMIT University and a Master of Business Administration from Murdoch University. He is a Graduate of the Australian Institute of Company Directors.

Steven is a former member of the Western Australia Police Force and an experienced government board member and financial planner. He is Chairman of Greyhounds Western Australia and a director of Dobson Financial Planning.

Steven's previous governance roles include 10 years with the Small Business Development Corporation of Western Australia as a board member and Chair. He has been a board member of the Gaming and Wagering Commission of Western Australia and a member of the Australian Securities and Investments Commission Financial Advisers Consultative Panel, and held other board roles within the not-for-profit and sporting communities.

Steven was appointed to the Board in March 2022.

Peter Hogan



Peter is a Chartered Accountant with over 50 years of experience. He began his career at the ATO before moving into the private sector and becoming a corporate tax partner with PricewaterhouseCoopers (now PwC Australia).

Peter is a member of the Advisory Board of the Australian Charities and Not-for-profits Commission, and has served on the boards of a number of listed public companies on the ASX and the Singapore Stock Exchange. He has served as Deputy Chair of Villa Maria Catholic Homes Ltd and a director and Treasurer of Edmund Rice Foundation (Australia) Ltd, and is a former chair of St Bernard's College, Essendon. Peter currently serves on the board of the Don Bosco Brunswick Youth Foundation Incorporated.

Peter was appointed to the Board in August 2021.

Craig Stephens



Craig is a Fellow of the Institute of Chartered Accountants in Australia and a Graduate Member of the Australian Institute of Company Directors. He holds a Bachelor of Commerce from the University of Tasmania.

Craig has extensive tax experience, including his current position as a partner with BDO Australia in Hobart. He is a registered tax agent and has been working in a business services and taxation role for over 40 years. Craig has undertaken many forensic accounting and valuation reports and was previously a registered company auditor and registered self-managed superannuation fund auditor.

Craig was appointed to the Board in October 2020.

Judy Sullivan



Judy is Principal Solicitor at Judy Sullivan Consulting Pty Ltd. She holds degrees in economics and law from the Australian National University and a Master of Laws from the University of Sydney.

From 2013 to 2020, Judy was a tax partner at PwC Australia in Sydney. Previously, she was a tax partner at King & Wood Mallesons, and a senior tax lawyer at Mallesons Stephen Jaques, Gilbert + Tobin and Ernst & Young.

Judy has been a member of committees and working groups for the Law Council of Australia and the ATO, on the Advisory Committee to the Board of Taxation, and Deputy Chair of the Australian Capital Territory Gambling and Racing Commission.

Judy was appointed to the Board in October 2020.

Committees

The TASA empowers the Board to form committees with delegated authority to make certain decisions. The committee structure enables the Board to make timely decisions efficiently, particularly in relation to conduct matters.

Audit and Risk Committee

The Board's Audit and Risk Committee does not have any powers under the PGPA Act but fulfils a key role in providing advice to the Board and staff on governance matters.

The TPB is overseen by the ATO Audit and Risk Committee (ATO ARC) under section 17 of the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule). The details of the ATO ARC are outlined in the ATO annual report.

Board Conduct Committee

The Board Conduct Committee considers cases of practitioner conduct that may lead to decisions to:

- reject registration applications
- impose conditions on registrations
- suspend or terminate registrations (or apply other sanctions), and/or
- extend investigation periods.

Recognised Professional Associations Committee

The Recognised Professional Associations Committee is tasked with administering the TPB's system for accrediting professional associations. The committee's role includes:

- making decisions in relation to applications received from professional associations for accreditation as a recognised professional association under the TASR

- undertaking an annual declaration process to ensure that recognised professional associations continue to meet the eligibility requirements for accreditation under the TASR
- consulting with, and considering information provided by, stakeholders throughout the development of guidance material relating to the TPB's recognition of professional associations
- overseeing the Board's role in the implementation of relevant legislative provisions relating to the TPB's recognition of professional associations.

Being a voting member of a TPB-recognised professional association is an eligibility requirement under certain pathways for registration as an individual registered tax agent or BAS agent. Details of the associations that were recognised at 30 June 2022 are provided in Appendix B.

Professional Practice Committee

The Professional Practice Committee is tasked with:

- developing strategic advice and policy relating to the TPB's professional practice requirements for registered tax practitioners
- identifying and addressing issues relating to registered tax practitioners and consumers
- consulting with, and considering information provided by, stakeholders throughout the development of the Board's professional practice policies and guidance material
- overseeing the Board's role in the implementation of relevant legislative provisions.

Organisation

Under the TASA, the TPB consists of the Board members appointed by the Minister. They are assisted by ATO staff made available by the Commissioner of Taxation. Those staff are organised into functional areas and are accountable to the CEO Secretary, a senior public servant made available by the Commissioner of Taxation.

The CEO Secretary is supported by staff across the functional areas shown in Figure 1.

Figure 1: Organisational structure at 30 June 2022

Board

Provides strategic direction and oversees the governance of the TPB.

CEO Secretary

Manages staff, operations, resources and corporate governance in line with the Board's decisions.

Functional areas

Client Services

- Provides support for practitioners, through assessing new registration applications, renewal applications and annual declarations.
- Ensures registration compliance.
- Administers registration cancellations due to deaths, surrenders, failure to meet registration requirements or failure to renew.
- Provides telephony and contact services, including providing registration information to tax practitioners.

Policy and Legislation

- Leads the legislative and policy work program.
- Works with Treasury to influence and implement legislative reform and provide policy guidance on how the law operates.
- Manages relationships with key stakeholders, including the Minister, Treasury, other government agencies, and recognised professional associations.

Technology Team

- Manages, develops and maintains IT systems and data analytics capability.
- Delivers ICT- and data-driven projects.

Law and Compliance

- Resolves complaints.
- Conducts risk assessments and investigations.
- Manages litigation to ensure tax practitioner compliance with the TASA.
- Manages any legal risk, including through the provision of advice and appropriate information management.

Corporate Services

- Is responsible for:
 - corporate and strategic planning
 - governance and risk management
 - secretariat services
 - people management
 - communications
 - finance management.



CEO Secretary

The CEO Secretary is responsible for managing staff, operations, resources and corporate governance in line with the Board's decisions. The CEO Secretary authorises staff to act on his behalf while retaining full responsibility and maintaining decision-making quality assurance.

Michael O'Neill



Michael commenced in the role of CEO Secretary of the TPB in August 2018.

A taxation lawyer with extensive public service experience, Michael joined the TPB from the ATO, where he was Chief Risk Officer, following senior leadership positions in investigations, advice, litigation, and law reform. He also has experience in private practice.

Michael holds a Master of Laws from the University of Sydney.

Staff

This section provides data on staff for information only. All TPB staff are made available by the Commissioner of Taxation and covered by the report on management of human resources in the ATO annual report.

At 30 June 2022, the TPB had 144 ongoing and two non-ongoing staff members. They operated across four locations, as shown in Table 2.

Table 2: Ongoing and non-ongoing employees by location at 30 June

Region	2021	2022
Australian Capital Territory	14	15
New South Wales	70	71
Queensland	26	31
Victoria	39	29
Total	149	146

Our total number of staff decreased by three (2%) during the financial year. Table 3 shows the changes in staff numbers by functional area.

Table 3: Ongoing and non-ongoing employees by functional area at 30 June

Functional area	2021	2022
Office of the CEO Secretary	2	3
Client Services	30	33
Law and Compliance	78	71
Policy and Legislation	8	6
Corporate Services	16	15
Technology Team	15	18
Total	149	146

Table 4 shows a breakdown of the workforce by classification and gender. Female participation remained stable at 58% from 2020–21 to 2021–22.

Table 4: Ongoing and non-ongoing employees by classification and gender at 30 June

Classification	2021			2022		
	Female	Male	Total	Female	Male	Total
Senior Executive Service Band 2	0	1	1	0	1	1
Executive Level (EL) 2HWW ^a	1	0	1	1	0	1
EL 2	2	4	6	4	5	9
EL 1	11	12	23	11	15	26
Australian Public Service (APS) 6	25	18	43	27	21	48
APS 5	16	9	25	16	9	25
APS 4	22	15	37	15	9	24
APS 3	7	4	11	11	1	12
APS 2	2	0	2	0	0	0
Total	86	63	149	85	61	146

a Staff assigned to duties in the Executive Level 2 higher work value zone.

Note: The TPB had no staff who identified as indeterminate gender. This presentation of data differs from Table 3 of the 2020–21 annual report because we have changed our reporting methodology from actual to substantive classifications to align with the Australian Taxation Office annual report.

Table 5 shows the numbers of full-time and part-time employees by classification.

Table 5: Ongoing and non-ongoing employees by full-time and part-time employment at 30 June

Classification	2021			2022		
	Full-time	Part-time	Total	Full-time	Part-time	Total
Senior Executive Service Band 2	1	0	1	1	0	1
Executive Level (EL) 2HWW ^a	1	0	1	1	0	1
EL 2	5	1	6	7	2	9
EL 1	19	4	23	23	3	26
Australian Public Service (APS) 6	37	6	43	41	7	48
APS 5	23	2	25	20	5	25
APS 4	35	2	37	23	1	24
APS 3	9	2	11	8	4	12
APS 2	2	0	2	0	0	0
Total	132	17	149	124	22	146

a Staff assigned to duties in the Executive Level 2 higher work value zone.

Table 6 shows the percentages of ongoing employees belonging to diversity groups.

Table 6: Ongoing employees belonging to diversity groups at 30 June

Group	2021 (%)	2022 (%)	Change (percentage points)
Aboriginal and/or Torres Strait Islander	0.7	0.7	0.0
Culturally and linguistically diverse	21.1	18.8	-2.3
Lesbian, gay, bisexual, transgender, intersex (LGBTI+)	0.0	2.1	2.1
Mature age (>50 years)	42.9	37.5	-5.4
With disability	4.1	3.5	-0.6

Corporate governance and risk management

Our corporate governance framework seeks to fulfil our public sector governance, performance and accountability obligations while encouraging innovation and continuous improvement.

Our governance systems ensure that we deliver our objectives in a transparent and accountable manner, consistent with the PGPA Act.

Board oversight

The Board met 11 times during 2021–22, to provide strategic direction and oversight of the activities and performance of the TPB.

At those meetings, the Board was presented with a range of governance reports, including:

- the business report outlining our operations over the previous month
- the performance report for the preceding quarter, highlighting achievements and challenges against the strategic objectives and performance measures of the 2021–22 corporate plan.

The quarterly performance reports are also provided to the ATO ARC. Our CEO Secretary or a delegate attends relevant ATO ARC meetings during the year as part of our PGPA Act governance processes.

The TPB Audit and Risk Committee aims to provide the necessary advice and assurance to the Board that the TPB has an appropriate governance framework and processes in place to meet our strategic objectives and our obligations under the PGPA Act regime. In 2021–22, the committee met twice to evaluate the governance and risk effectiveness of our organisation. Matters considered included our corporate risk register and corporate plan.

Planning and reporting

Each year, in line with the requirements of the PGPA Rule, we submit our corporate plan and annual report to the Minister, the Treasury and the Department of Finance.

Our annual report includes an annual performance statement that reflects our performance against the deliverables and performance criteria set out in the Treasury portfolio budget statements and our corporate plan.

Managing risk and fraud

Our approach to risk management aligns with the requirements of the PGPA Act regime, the Australian Government's principles of regulatory best practice, and the Commonwealth Risk Management Policy.

Our risk management processes help us to clarify our goals and strategic objectives, and to prioritise, mitigate and manage key risks.

During 2021–22, we reviewed, assessed, and modified our enterprise-level and business-level risks, including fraud risks, considering environmental changes. We maintained appropriate systems and internal controls for the oversight and management of risk, in line with the Commonwealth Risk Management Policy.





3

Performance

3 Performance

We delivered our services efficiently and supported tax practitioners to understand and meet their obligations throughout 2021–22, while working to prepare for the future through regulatory reform, enhanced technology and a positive workplace culture.

Highlights of 2021–22

Supporting tax practitioners

Guidance and support

We drafted, consulted upon and published several information products to assist and support tax practitioners to understand their professional responsibilities in 2021–22. They included new information products in relation to proof-of-identity requirements for client verification and supervisory arrangements and continuing professional education (CPE) policy requirements for registered tax practitioners.

We work with our stakeholders to ensure that they are supported and that our advice is relevant to their needs. The fifth wave of the Tax Practitioner Biannual Survey, issued to 3,000 tax practitioners in April 2022, reported:

- 78% of survey respondents were satisfied with the TPB's policy and guidance
- 83% of survey respondents thought that the TPB was most effective at ensuring that tax practitioners understand their obligations
- 73% of survey respondents indicated that the TPB issues the right type, amount and frequency of information and/or communication using appropriate channels.

Efficient services

Following the commencement of the *Financial Sector Reform (Hayne Royal Commission Response – Better Advice) Act 2021*, from 1 January 2022 we managed and supported the transition of the regulation of approximately 17,000 tax (financial) advisers to the Australian Securities and Investments Commission (ASIC). This involved processing the new tax (financial) adviser applications received prior to 31 December 2021 in a timely manner and communicating with the tax (financial) adviser population regarding the impacts of the legislative changes and the options available for continued registration with the TPB or ASIC. The TPB will continue to provide support to those tax (financial) advisers who continue to hold registrations with the TPB until their registrations expire.

We expanded our reporting on customer engagement through telephone services, using a software product which captures client sentiment. This enables us to continuously review and improve our interactions with tax practitioners.

In addition to our business-as-usual mailouts, we managed the bulk communication to around 40,000 registered individual tax agents and business activity statement (BAS) agents in preparation for the new CPE policy that commenced on 1 July 2022.

In April 2022, we launched Workbench, a new customer relationship and tax practitioner registration management tool, to replace our ageing systems and support operations into the future. The new system cost a fraction of the build cost of the systems it replaced, is cheaper to operate, has resulted in significant efficiencies for staff, and has given us independence for ongoing maintenance and enhancements. Workbench is built upon commercial software products that have improved our ability to automate, process applications in a timely manner, and track and analyse client interactions.

In the latest Tax Practitioner Biannual Survey, we added a question to understand how effective we are in our efforts to ‘reduce the burden of maintaining your registration’. The results showed that 83% of survey respondents believed we were making progress in this area.

COVID-19 initiatives

We carried on several concessions and initiatives to continue to support tax practitioners through the COVID-19 pandemic. These initiatives aimed to provide:

- support and assistance to individuals and entities seeking to register with the TPB
- support and assistance to existing tax practitioners in meeting their ongoing registration requirements and renewing their registrations
- support to consumers and businesses, by ensuring they are able to access advice about the government’s stimulus measures from BAS agents
- protection of consumers and the tax practitioner profession from tax practitioners who are seeking to undermine the integrity of the government’s stimulus measures.

The majority of these initiatives were implemented in 2020 and were continued through 2021–22 due to their success at achieving their objectives.

A summary of our regulatory response to the COVID-19 pandemic is provided in Figure 2.

Figure 2: Regulatory response to the COVID-19 pandemic, 2021–22

Regulatory response	Description	Potential beneficiaries^a
Business activity statement (BAS) legislative instruments	Through a fast-tracked legislative instrument, BAS agents were permitted to legally support Australian businesses by advising about their entitlements under the JobKeeper Payment and cash flow boost initiatives.	All BAS agents
Renewal applications	Tax practitioners that were unable to lodge their renewal applications before their registrations expired were able to contact us to ensure that they remained registered and continued to have access to the Australian Taxation Office’s online services. We also implemented flexible arrangements to allow tax practitioners to pay their renewal application fees by instalments upon request.	53,000 tax practitioners with renewal applications due during the period
Annual declarations for tax practitioners	We waived the requirement for tax practitioners to submit annual declarations to certify that they continue to meet ongoing requirements for registration.	51,000 tax practitioners with annual declarations due during the period
Annual declarations for professional associations	We provided recognised professional associations with additional time (two months or more upon request) to submit annual declarations to certify that they continue to meet the ongoing recognition requirements that apply to them.	20 professional associations
Continuing professional education (CPE) requirements	The private reading cap was relaxed, meaning that instead of being limited to counting 25% of their overall CPE hours requirement as private reading, tax practitioners were permitted to claim 100% of their CPE hours requirement as private reading. Educative health and wellbeing activities (webinars about self-care and managing stress, for example) were accepted as relevant CPE activities.	All individual tax practitioners
Relevant experience requirement	Individual tax practitioners who may have experienced issues in meeting the relevant experience requirement to renew their registration (due to loss of work, for example) were invited to contact us so that we could assist them by delaying the processing of their application to provide them with additional time to meet the requirement (while maintaining their registration).	37,000 individual tax practitioners
Supervised assessment	Where supervised assessments could not be conducted in line with our existing requirements, we accepted alternative forms of assessment that could be conducted (for example, remote, online or software-driven invigilation).	25,000 students

Regulatory response	Description	Potential beneficiaries ^a
Code guidance	We provided targeted and practical guidance to tax practitioners about their obligations under the Code of Professional Conduct when advising in relation to the Australian Government's COVID-19 stimulus measures.	All tax practitioners
COVID-19 general support and guidance	We released a special edition of our electronic newsletter, <i>TPB eNews</i> , to cover the COVID-19 concessions and provide helpful tips for tax practitioners. We developed a COVID-19 news page on our website, dedicated to policy updates and COVID-19 support and resources.	All tax practitioners

^a These are the approximate numbers of individuals or organisations that were entitled to utilise the concessions and initiatives described, not the actual numbers that utilised them. These numbers were sourced from our records of the numbers of practitioners and associations registered with us.

Protecting the public

Professional and ethical conduct

Our Tax Practitioner Biannual Survey aims to measure the efficiency and effectiveness of the TPB as a regulator, and to ensure that consumers are confident in using the services of registered tax practitioners.

According to the most recent wave of the survey, conducted in April 2022, 91% of consumers use a tax practitioner at least once a year. Loyalty to tax practitioners continues to be strong, with 61% of consumers surveyed reporting that they have used the same tax practitioner for more than five years.

Trust between consumer and tax practitioner remains very high, with 89% of consumers surveyed stating that they have trust in their relationship with their tax practitioner. Across all consumer groups surveyed, 66% of consumers rated their experience with a tax practitioner as excellent. This rating was most common among business owners (75%).

Education through communication

Webinar attendance remained high in 2021–22, with a total of 44,631 people attending our 21 webinars. The recordings of those webinars were viewed more than 42,000 times on YouTube, and the number of YouTube impressions increased by 17% compared to the result in 2020–21. Post-webinar surveys showed that 98% of the attendees had gained what they hoped for from our webinars and 97% of the attendees advised that their knowledge on the topics had improved because of the webinars.

Communication activities through our other channels also performed very well. Our Facebook following increased substantially, by over 4,280 followers (80%). Engagement through our electronic newsletter, *TPB eNews*, was consistently higher than the industry benchmarks and included a significant increase in subscribers, of over 10,750 (18%).

Our tax time radio advertising campaign created awareness among consumers about using registered tax practitioners and encouraged reporting of complaints against unregistered preparers.

The campaign was heard by an estimated audience of 12.4 million people who each heard the advertisement on average 3.5 times. These were substantial increases compared to the results for the 2020–21 tax time radio campaign, of 6.7 million listeners and 2.3 hearings.

In the lead-up to the establishment of a single disciplinary body for the regulation of financial advisers from 1 January 2022, we undertook extensive communication activities to educate registered tax (financial) advisers about the changes affecting their registration.

This involved working closely with ASIC to host a special webinar and issue a joint media release, covering the topic in our *TPB eNews* editions for tax (financial) advisers, and publishing frequently asked questions and other content to assist financial advisers.

The exit of tax (financial) advisers from the TPB regime also meant that we had to make architectural changes to the TPB website. Several items of web content specific to tax (financial) advisers were updated or archived, and new web content was published to explain the new legislative requirements regarding the provision of tax (financial) advice services.

Communication highlights 2021–22

Webinars
98% of attendees satisfied



TPB eNews
18% increase in subscribers



Facebook
80% increase in followers



Radio campaign
12.4 million listeners



Targeted projects to support tax measures

While we generally look at risk holistically, we also address certain types of tax practitioner behaviour through project-based initiatives where appropriate. For example, this may occur where co-regulators share and highlight key risks to the system. In 2021–22, we commenced or completed projects focusing on such risks, including self-managed superannuation fund audit issues, research and development tax incentive issues, and the application of the safe harbour provisions set out in the *Taxation Administration Act 1953*.

We continued to support tax professionals to implement the Australian Government's COVID-19 stimulus measures: cash flow boosts, the JobKeeper Payment and the early release of superannuation program. We also helped to ensure that the integrity of the stimulus packages was upheld, by investigating allegations of tax practitioners taking unlawful advantage of the measures for themselves or for their clients.

We worked with the ATO to ensure that we received early intelligence of tax practitioners who were inappropriately making claims for themselves or on behalf of their clients. We also staffed a central inbox that monitored complaints and referrals from the public and tax practitioners and maintained a COVID-19 tip-off queue on our telephone enquiry line to receive any enquiries regarding potentially fraudulent activities relating to the stimulus measures.

We reviewed 131 matters relating to the COVID-19 stimulus measures as a result of ATO referrals and public complaints and enquiries. Our investigations into those matters uncovered conduct ranging from errors to reckless or fraudulent claims.

Since the introduction of the COVID-19 stimulus measures, we have received 460 matters, of which 434 matters have been closed, most without proceeding to formal investigation. Of the closed matters, 28 were taken to the Board Conduct Committee, which imposed various sanctions, including terminations and suspensions. At 30 June 2022, 26 matters remained active.

Collaboration to improve compliance

To enhance collaboration and deliver mutual outcomes, we formalised a Coordinated Compliance Strategy framework with the ATO in 2021–22, documenting the agreed intent, processes and case selection criteria under the strategy.

The Coordinated Compliance Strategy recognises that the TPB and the ATO have a shared interest in ensuring the integrity of the tax profession and working together openly and transparently to address shared risks. We expect that our work under the strategy will mature in 2022–23 and continue to improve compliance with taxation reporting requirements and revenue obligations. This work has direct and indirect influences on the majority of Australians who rely on tax practitioners to meet their tax obligations.

We continue to explore opportunities to establish and enhance relationships with other regulators and law enforcement bodies, to bring a whole-of-government approach to protect the general public, the tax system and consumers of tax services. As part of greater collaboration between our respective authorities, we have enhanced our relationship with ASIC following amendments passed in the *Financial Sector Reform (Hayne Royal Commission Response – Better Advice) Act 2021*. We have also made enquiries with other regulators and law enforcement agencies as part of our compliance work on our highest risk practitioners in law enforcement and prosecution matters. In some circumstances we have assisted law enforcement agencies in their enquiries.

The investigation in the following case study was commenced following an ATO referral stemming from dishonest conduct and demonstrates collaboration between the ATO and the TPB leading to enhanced consumer protection.

Case study

Administrative Appeals Tribunal affirms our decision to terminate tax practitioner's registration, varying the non-application period from five years to four years

The Administrative Appeals Tribunal (AAT) affirmed our decision to terminate Feride Cerrah's tax agent registration on the basis that she was not a fit and proper person and did not meet our ongoing CPE requirements.

We found that Ms Cerrah had made false declarations in her annual declarations to us and in her renewal applications, including in relation to overdue personal tax obligations and CPE requirements, and made false or misleading statements to the ATO.

In addition, Ms Cerrah had failed to maintain her own personal tax obligations: she had lodged five income tax returns late and failed to accurately declare her assessable income in three consecutive income years. We found that by failing to accurately declare her assessable income to the ATO Ms Cerrah had received social security payments that she was not entitled to.

Ms Cerrah had also failed to complete the required CPE hours, as the logbook she provided detailed informal sessions which had been conducted by an individual who was not qualified to provide CPE training.

In affirming our termination decision, the AAT highlighted the dishonesty involved in Ms Cerrah's dealings with us (while strongly rejecting her explanations of carelessness and inadvertence), and her lack of frankness and candour in giving evidence in the AAT.

In varying the non-application period (the period in which she is prohibited from applying for registration) from five years to four years, the AAT acknowledged Ms Cerrah's personal circumstances. Nonetheless, due to the dishonest nature of her conduct and her failure to accept responsibility for it, the AAT determined that a significant sanction was justified, to deter Ms Cerrah and other practitioners from engaging in like behaviour and thus protect the integrity of the system.

Communication of compliance outcomes

We publish our termination and suspension decisions as notifiable instruments and communicate our sanction decisions to the Commissioner of Taxation, recognised professional associations and other regulators as required.

Where we have imposed sanctions of an order, suspension or termination, we publish the decisions on our public register along with the findings and reasons for those findings. We provide details of the behaviours, nature and

manner of the conduct that led to the findings and the reasons a sanction was imposed.

Such publication of our decisions enhances confidence among tax professionals and consumers that we have a well-regulated industry with a level playing field, and acts as a deterrent to similar misconduct. The public register enables consumers to check whether their tax practitioner is registered and note any conditions, orders or sanctions that have been imposed on the services they provide.

Strategy against unregistered preparer activity

Unregistered preparers pose a significant risk to the tax profession and create a risk for their clients, who are often vulnerable and unfamiliar with the Australian tax system.

In most instances, unregistered preparers do not have the qualifications or experience required of a registered tax practitioner. This may translate into high-risk business practices being adopted. Unregistered preparers may adopt practices that are illegal (for both themselves and their clients), such as overclaiming expenses and underreporting income. Importantly, where an unregistered preparer is negligent in providing tax agent services, the consumer is not protected under the safe harbour provisions.

Historically, evidence provided by former clients of unregistered preparers has indicated that the behaviour occurs without the full knowledge or understanding of the clients. This is particularly concerning when the unregistered preparer seeks to exploit vulnerable sections of the community, such as people who do not have access or exposure to information about the tax system.

In 2021–22, we continued implementing our strategy to address the activities of unregistered preparers by identifying and addressing matters, using an escalating range of sanctions commensurate to the risk. This ranges from light-touch approaches (such as education of unregistered preparers who may be unaware of the law) through to firmer action (such as litigation for injunctions and civil penalties).

We prefer to deal directly with unregistered preparers to immediately stop breaches of the TASA and protect consumers. Where this approach is unsuccessful, our strategy of escalation recognises the high cost of civil penalty litigation and ensures that our limited resources are directed to protecting the public from the unregistered preparers with the highest risk of ongoing misconduct.

We have resourced a dedicated team to address unregistered preparer activity and in 2021–22 we expanded our strategy to include new tools. This included writing directly to affected clients of unregistered preparers to notify them of the risks. Where members of the client base were known to use English as a second language, we provided a copy of the letter translated into the native language of the recipient.

We have developed a partnership with tax clinics around Australia funded under the Australian Government's National Tax Clinic program, to provide clients of unregistered preparers with free assistance to review their tax affairs and amend returns where necessary. This is part of our strategy to engage directly with clients of unregistered preparers (in their own language) and disrupt the business model of unregistered preparers.

We also work closely with the ATO to address the highest risk unregistered preparers, as illustrated by the following case study.

The working relationship provides both agencies with information about cases on hand and action taken to address common risks, while enabling a whole-of-government treatment plan.

Case study

TPB commences Federal Court proceedings against unregistered preparer and obtains default judgment

Our commitment to disrupting and deterring misconduct by unregistered preparers through firm legal action and client engagement is demonstrated by a recent Federal Court of Australia (Federal Court) matter in which we commenced proceedings against an unregistered preparer, Jessa Van Stroe (also known as Jessa Layola).

With the assistance of the ATO, we had identified various instances of Ms Van Stroe providing tax agent services for a fee or reward while unregistered, in contravention of the *Tax Agent Services Act 2009* (TASA). We applied for civil penalties and injunction against Ms Van Stroe.

Ms Van Stroe's client base primarily consisted of vulnerable taxpayers with English as a second language, some of whom were engaging with the Australian taxation system for the first time. Many of her clients were audited due to excessive and unsubstantiated claims.

Therefore, as an extra measure of protection, we notified 2,399 affected clients by letter of Ms Van Stroe's conduct and referred them to the Curtin Tax Clinic and ATO for advice and assistance. We also provided information on how to engage a legally registered tax practitioner going forward.

Upon our application, on 3 May 2022, the Federal Court handed down a default judgement against Ms Van Stroe, declaring that she had contravened the civil penalty provisions in the TASA on 531 occasions by providing tax agent services for a fee or reward while not a registered tax agent.

The Federal Court also ordered that Ms Van Stroe be permanently restrained from providing tax agent services while unregistered. If Ms Van Stroe breaches this order she may be in contempt of court and face further penalties. The Federal Court will determine the amount of penalty to be imposed on Ms Van Stroe in a separate hearing yet to be held.

Litigation

Litigation outcomes in 2021–22 supported our strategic objectives, affirmed Board Conduct Committee decisions, and provided law clarification.

Overall, 30 litigation matters were finalised in the AAT. Six of those matters resulted in published final decisions, all of which affirmed our substantive decision. The remaining finalised matters also resulted in favourable outcomes, with 12 applications withdrawn by applicants, two dismissed by the AAT and nine settled by agreement based on new evidence that warranted a different outcome. These achievements highlight our commitment to deterring poor conduct while incorporating alternative dispute resolution in appropriate matters to ensure just outcomes.

Decisions published reinforce our paramount role in protecting consumers and maintaining the integrity of registered tax practitioners through the enforcement of appropriate standards of professional and ethical conduct. The decisions in *Mihajlovic and Tax Practitioners Board* [2022] AATA 342 and *M&A Corporate Accountants Pty Ltd and Tax Practitioners Board* [2021] AATA 4523 dealt with TASA provisions that had not been previously considered by the AAT, providing further guidance and insight into our role in protecting the public and promoting consumer confidence.

The following case study provides an example of the AAT affirming our decision to apply the most serious disciplinary sanctions where a tax practitioner prioritised their personal gains over their client's interests.

Case study

AAT upholds 'fit and proper person' finding, termination and maximum five-year non-application period

This AAT decision sent a strong message to the tax agent community regarding the consequences of misappropriating client funds and failing to adequately manage conflicts of interest.

We terminated Richard Plaskitt's tax agent registration based on a finding that he was not a fit and proper person, following breaches of the Code of Professional Conduct (Code) by his partnership, of which he was the only nominated supervising registered tax agent.

Our investigations revealed that Mr Plaskitt had allowed the partnership to misappropriate approximately \$330,000 in funds from one client's group, involving two different entities' accounts, without their consent. This included transfers totalling \$84,000 toward the partnership's ATO debts, \$60,500 to Mr Plaskitt's wife, payments and loans totalling \$184,000 to other family members and the partnership itself, and \$1,300 in payments for professional fees incurred.

Mr Plaskitt argued that he had obtained the client's authority for the ATO payments, which was disputed by the client and found to be unsupported by any evidence. Mr Plaskitt did not offer any explanation for the payments and loans made using client funds to his wife, other family members and the partnership.

He also did not employ written loan agreements to record the terms of the loans or take any steps to manage the conflict of interest arising from lending client funds to his own family members.

The AAT determined that Mr Plaskitt had failed to act in his client's best interests by allowing the partnership and his family to gain benefits at the client's expense, and found that conflicts of interest arose when the partnership intermingled its business affairs with those of the client by using their client's EFTPOS facility to process business transactions of the partnership.

In determining the non-application period to be imposed, the AAT considered the seriousness of the conduct and Mr Plaskitt's abject lack of insight into his conduct, while noting that the TPB had also issued Mr Plaskitt with a formal written caution in 2017 regarding his outstanding personal tax obligations, and that this had not been addressed by Mr Plaskitt.

The AAT acknowledged that, although the dishonesty was not directly attributable to Mr Plaskitt and his conduct, given the circumstances and his role as supervising agent he was culpable for the actions taken by the partnership. The AAT further highlighted the need for deterrence to preserve the integrity of the system.

Supporting our staff

Workplace options

In November 2020 – following guidance and directives from the ATO and the Australian Public Service Commission, and state government medical advice – our staff became eligible to enter an agreement to work in the office 60% of the time and from home 40% of the time. Since January 2022, there has been an expectation for full-time staff to work in the office a minimum of three days a week with a pro-rata system applying to part-time employees (when state restrictions allow).

In facing the challenges of working under COVID-19 conditions, our staff have greatly appreciated the flexibility to work from home. These arrangements have led to efficiencies, improved engagement and reduced unplanned leave.

In December 2021, we established a site in Parramatta, New South Wales. Staff were offered the opportunity to move to the ATO's Parramatta office and 20 staff chose to relocate. The Parramatta office has provided staff located there with reduced travel times and therefore greater convenience and lower costs.

Reward and recognition

Our reward and recognition program was established to recognise outstanding performance and inspire and motivate staff to strive for excellence. It is our means of letting our high-performing staff members know that their efforts are seen and appreciated.

The TPB Excellence Awards are how we formally recognise and reward outstanding performance on a task or project that has had considerable impact on client or corporate outcomes. The Chairperson's Award for Excellence is the most prestigious in a suite of formal and informal awards.

In 2021–22, we introduced a new award: the Chairperson's Award for Innovation. The winner of this award is the individual or group that has submitted the best idea or ideas or has contributed consistently to promote innovation and development in the TPB.

Annual performance statement

For the purposes of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), the TPB is accountable as part of the ATO.

As the accountable authority, the Commissioner of Taxation is responsible for providing an annual report to Parliament that complies with the requirements of the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule). To support this, the TPB provides an annual performance statement in line with section 16F of the PGPA Rule.

In this annual performance statement, the TPB reports on its performance against the performance criteria and targets set out for ATO Program 1.2: Tax Practitioners Board in the Treasury Portfolio Budget Statements 2021–22, and the strategic objectives and performance measures set out in the *Tax Practitioners Board Corporate Plan 2021–22*.

Our corporate and portfolio performance measures are designed to assess how the TPB performed in achieving its purposes, through three strategic objectives, as shown in Figure 3. We met all performance targets in 2021–22.

Figure 3: Performance summary, 2021–22

Corporate plan and portfolio budget statements		Portfolio budget statements	Annual performance statement
Strategic objective	Performance measure	Target	Result
1. Efficient registration of tax practitioners	1.1 Improve the registration experience for tax practitioners.	Improve the experience by streamlining processes and increasing automation.	Achieved
	1.2 Efficiently process tax practitioner applications and enquiries. ^a	The majority of applications are processed within service standards. Response to enquiries is appropriate and timely.	Achieved
2. Effective compliance through education, deterrence and sanctions ^b	2.1 Provide guidance and advice to tax practitioners on their eligibility requirements and obligations under the <i>Tax Agent Services Act 2009</i> .	Useful advice and guidance is provided.	Achieved
	2.2 Provide support through targeted communications that educate tax practitioners.	Effective communication is used to assist consumer protection and educate the profession.	Achieved


Corporate plan and portfolio budget statements		Portfolio budget statements	Annual performance statement
Strategic objective	Performance measure	Target	Result
2. Effective compliance through education, deterrence and sanctions ^b (continued)	2.3 Impede misconduct by tax practitioners and unregistered preparers through our compliance programs.	Data and intelligence are used to deliver an effective compliance program.	Achieved
	2.4 Implement a strategic litigation program to clarify the law, support just outcomes and deter poor conduct.	Litigation cases that clarify the law and support the TPB's goals.	Achieved
3. Innovation and preparation for the future	3.1 Work with Treasury and government to design and implement reforms to the <i>Tax Agent Services Act 2009</i> and the Tax Practitioners Board (including funding requirements).	Treasury considers submissions from the TPB and works collaboratively with the TPB on new law design.	Achieved
	3.2 Deliver an ongoing technology program to support enhanced services and drive operational efficiency.	System upgrades are contemporary and engaging.	Achieved
	3.3 Support our people by delivering a comprehensive People Program.	Implementation of a reward and recognition program.	Achieved

a Shown in the portfolio budget statements as 'Tax practitioner applications and enquiries are treated efficiently.'

b Shown in the portfolio budget statements as 'Effective compliance through deterrence and education'.

Strategic objective 1: Efficient registration of tax practitioners

Performance measure 1.1

Measure	Target	Achieved
Improve the registration experience for tax practitioners.	Improve the experience by streamlining processes and increasing automation.	

We work towards improving the tax practitioner experience by adding value to the registration process. A primary driver of this objective is the modernisation of our case management system, Workbench, which was deployed mid-April 2022. We heavily invested in preparing our staff with extensive training and comprehensive testing of the system prior to deployment. By doing so, we were able to identify and resolve issues quickly, ensuring a smooth transition with minimal adverse impacts for tax practitioners.

We continually review and improve our products, services, communications, procedures and processes and implement system enhancements, thereby making it easier for tax practitioners to interact with us for all aspects of their registration. These improvements are identified through client feedback and our quality control and quality assurance process.

During 2021–22, tax practitioners also voluntarily provided 33 positive written comments about their experiences and the level of service provided, through the ‘Contact Us’ section of the TPB website. For example:

‘I would like to take the opportunity in thanking you for your very prompt assistance and follow up ..it is first class and it is great to know that we have very supportive people as yourself that have helped me and have supported my case thank you once again.’


We conduct random quality control checks on new and renewal applications (prior to completion) as well as quarterly quality assurance checks on completed applications. Our quality assurance results in 2021–22 showed an overall rating of 96% against four key measures: accuracy, accountability, client service and performance.

The quality assurance process also identified some skills gaps, and additional training was undertaken to ensure that staff adhere to policy and procedures.

We use these learnings, together with telephone and email feedback from tax practitioners, to improve our procedures, correspondence letters, and reminder notices, improving information for tax practitioners and reducing unnecessary red tape. Based on these learnings we also identified knowledge gaps and thus produced a webinar titled ‘Know your obligations’, which was presented by a Board member in June 2022. This particular webinar focused on supporting tax practitioners to meet their registration requirements.

We provide relevant and timely communication activities, either targeted or for a wide audience, through media releases, *TPB eNews* articles, website content, and webinars and guidance materials. Topics are identified through a range of feedback sources, including webinars, forums and direct input from stakeholders. These activities support tax practitioners to understand the eligibility requirements and ongoing obligations under the TASA and the Code.

Performance measure 1.2

Measure	Target	Achieved
Efficiently process tax practitioner applications and enquiries.	The majority of applications are processed within service standards. Response to enquiries is appropriate and timely.	

We have clear targets for service standards, which are published on our website. The standards ensure that we remain focused on supporting tax practitioners to comply with their obligations in a timely manner.

During 2021–22, we processed and finalised 4,820 new registrations and 21,643 renewals and exceeded the service standards, as shown in Table 7.

Table 7: Registrations processed within service standards, 2020–21 and 2021–22

Service standard	2020–21	2021–22
80% of registrations processed within 30 days of receiving a completed application	92%	94%
95% of registrations processed within 60 days of receiving a completed application	99%	98%

Note: The service standard percentage is the proportion of applications for new registrations and renewals.

Complex tax practitioner registration applications are those that may have a condition imposed on the registration, involve registration surrenders or require further scrutiny. They are escalated to a separate team for detailed assessment, to ensure that a consistent approach is applied and applications are handled appropriately. These complex registration applications are managed within legislative time frames. More than 1,000 such cases were presented to the Board Conduct Committee for decision in 2021–22.


During 2021–22, we delivered timely advice through our telephone and email services, actioning more than 26,000 calls and 17,000 email messages. We achieved this by developing the capabilities of our dedicated telephony team through ongoing training and mentoring, and by monitoring call queues.

Our telephone and email advice services are measured by our quality assurance process, which rated 89% of the services as achieved or excellent in 2021–22. An ‘achieved’ rating applies where the staff member meets a range of indicators for factors such as professional judgement, whether decisions were reasonable based on the issues, and the time taken to make a decision. An ‘excellent’ rating applies where the staff member demonstrably exceeds the standards for an achieved rating. Other factors measured include the receipt of written compliments and positive client sentiment indicated by the use of keywords during telephone calls. This information is used to determine the caller’s satisfaction and the quality of our response.

We focused on developing the capability of our staff to ensure that they have the right skills to assist with tax practitioner enquiries while assessing applications.

Strategic objective 2: Effective compliance through education, deterrence and sanctions

Performance measure 2.1

Measure	Target	Achieved
Provide guidance and advice to tax practitioners on their eligibility requirements and obligations under the <i>Tax Agent Services Act 2009</i> .	Useful advice and guidance is provided.	

Guidance products

We reviewed, updated and developed guidance products to help tax practitioners and other key stakeholders understand their obligations under the TASA and the Code.

In particular, we ensured that policy guidance was updated to reflect legislative amendments such as:

- the commencement of the *Financial Sector Reform (Hayne Royal Commission Response – Better Advice) Act 2021* and Financial Sector Reform Amendment (Hayne Royal Commission Response – Better Advice) Regulations 2021
- the repeal of the Tax Agent Services Regulations 2009 and commencement of the Tax Agent Services Regulations 2022.

Our guidance products provide advice in relation to emerging and contemporary issues that arise within the tax profession and inform the ongoing appropriateness and currency of our policy positions. We ensure that guidance products are provided in a timely manner so that practitioners can access guidance as soon as a new policy is implemented. For example, on 1 January 2022 we released four guidance products to assist tax (financial) advisers, whose requirement to be registered with the TPB ceased on that day.

During 2021–22, we delivered the following guidance products:

- practice note TPB(PN) 5/2022 *Proof of identity requirements for client verification*

- information sheet TPB(I) 37/2022 *Relevant tax (financial) advice experience for tax agents with a tax (financial) advice services condition*
- explanatory paper TPB(EP) 08/2022 *Continuing professional education policy requirements for tax agents with a tax (financial) advice services condition*
- proposed guideline TPB(PG) 07/2022 *Course in commercial law that is approved by the Board for tax agents with a tax (financial) advice services condition*
- proposed guideline TPB(PG) 06/2022 *Course in Australian taxation law that is approved by the Board for tax agents with a tax (financial) advice services condition.*

Consultations


Early in the process of preparing new guidance, we engage and consult with key stakeholders, particularly within the TPB's Consultative Forum, to assist with the development and shaping of our guidance. Our early engagement and consultation ensure that the development of guidance is appropriate, and provide our key stakeholders, particularly recognised professional associations, with the ability to directly influence the development of guidance.

We conducted consultations in relation to:

- proof-of-identity requirements for registered tax practitioners
- section 1 of the Code, 'You must act honestly and with integrity.'
- the standard of 'reasonable care' required of a registered practitioner

- the registration requirements for insolvency practitioners
- what constitute business activity statement agent services and tax agent services
- what constitutes a fee or other reward
- the implementation of the TPB’s new CPE requirements.

Performance measure 2.2

Measure	Target	Achieved
Provide support through targeted communications that educate tax practitioners.	Effective communication is used to assist consumer protection and educate the profession.	

Strategies

Our communication strategies were developed to ensure that tax professionals understand the obligations they must fulfil to maintain their registration. Our clear and consistent messaging focused on regulation, regulatory treatment, education and support.

We successfully supported consumer protection through education for the broader public which focused on awareness of our role and the obligations which tax professionals are required to adhere to. We also focused on communicating our extended measures to support tax practitioners in meeting the challenges presented by the COVID-19 pandemic.

We employed extensive communication channels, including our electronic newsletter, webinars, social media and media releases.

News and media

We determine the content for articles in our electronic newsletter, *TPB eNews*, based on new policies that will affect tax practitioners’ registration, and support the articles with links to additional information on our website. In 2021–22, 17 editions of *TPB eNews* were distributed, reaching an average of 61,800 subscribers each month (a slight increase from 59,800 subscribers in 2020–21).

Eighteen targeted media releases were distributed to raise awareness of egregious tax practitioners. We always aim to communicate case studies of tax practitioner registration terminations as quickly as possible following

a decision, to help underline the fact that the profession has no room for those who act unethically or dishonestly. Such case studies received broad coverage in mainstream and industry media. The potential audience reach of TPB-related media coverage was close to 29 million readers.

We published 17 news articles on our website to provide the latest TPB news and updates as well as other topical news of interest to tax practitioners, and produced three instructional videos to assist tax practitioners to meet their obligations.

Webinars

We use webinars to educate tax practitioners on their obligations and provide opportunities for CPE. Recordings of the webinars are available online through the TPB’s YouTube channel. Our website includes an easy-to-use webinar resources hub which provides access to webinars, slides, and question and answer summaries on past webinars.

We conducted 21 free webinars in 2021–22. Topics included CPE and proof-of-identity requirements. In conjunction with Beyond Blue, we delivered a webinar on ways to boost mental wellbeing. Average attendance at the webinars was similar to attendance in 2020–21, as shown in Table 8.

Table 8: Average monthly webinar attendance, 2020–21 and 2021–22

Year	July	Aug	Sep	Oct	Nov	Dec	Feb	Mar	Apr	May	June
2020–21	4,546	4,308	2,542	2,218	2,106	2,161	2,619	1,462	2,671	3,049	3,026
2021–22	1,646	534	2,716	2,346	1,658	1,945	2,522	2,467	2,227	3,217	2,388

Note: We do not schedule webinars in January.

Campaigns


Online and radio advertising campaigns were used to educate and remind consumers about using a registered tax practitioner for tax services.

Our public register is a key tool in providing consumer protection. It provides a comprehensive list of all registered tax practitioners (updated daily) and allows consumers to understand whether a tax practitioner is registered and whether there are any sanctions against their registration.

Much of our communication to consumers involves encouraging them to ensure that their tax practitioner is registered with the TPB and to check the public register.

To improve awareness of the public register, we embarked on a tax time advertising campaign for six weeks in 2021 and continued it during June 2022. We ran digital and radio advertising targeting all taxpayers in Australia, including those with an existing relationship with their tax practitioner and those seeking a tax practitioner for the first time. The activity was successful in driving visits to the public register and increasing overall awareness of the register itself.

Performance measure 2.3

Measure	Target	Achieved
Impede misconduct by tax practitioners and unregistered preparers through our compliance programs.	Data and intelligence are used to deliver an effective compliance program.	

Collaborations

We worked closely with the ATO, leveraging its data analytics capability to assist us to deliver an effective compliance program. This included referrals, data, and analysis concerning issues such as debt and lodgement, the application of the safe harbour provisions, identification fraud and refund fraud, and unauthorised lodgements. Working together has allowed us to focus on the cases posing the highest risk.

We are currently working with CSIRO's data and digital specialist arm, Data61, to advise and guide our data science operations to be best in class for government bodies. This will ensure that data assets are used effectively to promote an understanding of the needs of the community and to inform our strategy.

We formalised a Coordinated Compliance Strategy framework with the ATO. The strategy recognises that we have a shared interest in ensuring the integrity of the tax profession and working together openly and transparently to address shared risks. We anticipate that our work under the strategy will mature in 2022–23. The formalisation of this strategy improves our collaboration with the ATO as a co-regulator, with information sharing allowing for joint action and a whole-of-government approach to compliance risks and allows us to tap into the benefits of the ATO's efforts to use data analytics in compliance action.

We also continued to share and receive information and intelligence with co-regulators, including the Australian Securities and Investments Commission, state police, and state governments charged with administering COVID-19 stimulus programs. In 2021–22, our collaboration efforts ensured that we were able to initiate or continue targeted projects to maintain, protect and enhance the integrity of the registered tax profession and apply a risk-based approach in addressing high-risk behaviour. The subjects of targeted projects included COVID-19 stimulus measures, research and development incentives, and safe harbour provisions.

Compliance actions

We maintained strong outcomes during 2021–22, with 2,212 cases resolved. A summary of the breach allegations reviewed in those cases is provided in Appendix C.

We received 1,296 complaints, as shown in Table 9. This was a 36% decrease in complaints compared to 2020–21.

Table 9: Sources of complaints and referrals, 2020–21 and 2021–22

Source	2020–21	2021–22
Public	766	606
Registered tax practitioner	171	107
Australian Taxation Office	587	248
Other	490	335
Total	2,014	1,296

Table 10 summarises Board Conduct Committee matters for the past two reporting periods. The number of matters presented to the committee fell by 16%, from 170 in 2020–21 to 143 in 2021–22. The decrease was partly due to the discontinuation of projects targeting non-compliance in areas such as CPE, debt and lodgement, and an increase in the proportion of complex cases as a result of undertaking more investigations into the practitioners that pose the highest risk to the tax profession.

Table 10: Board Conduct Committee matters and decisions, 2020–21 and 2021–22

Matters	2020–21	2021–22
Matters presented to the BCC	170	143
Decisions		
Termination	75	65
Suspension	11	15
Rejection of renewal application	1	4
Rejection of new application	6	8
Vary/add/remove a condition	5	10
Approval of new and renewal applications	6	9
Deferral of new and renewal applications	0	1
Imposition of an order	49	16
Written caution	62	19
Other	30	44
Total	245	191

Note: A matter that is referred to the Board Conduct Committee may result in more than one decision.

All complaints and referrals are reviewed and subjected to a risk assessment, to help determine a treatment strategy for each matter. Our focus on higher-risk tax practitioners and complex matters during 2021–22 resulted in 143 submissions being presented to the Board Conduct Committee. As a result of those submissions, the Board Conduct Committee:

- terminated the registration of 65 tax practitioners
- suspended the registration of 15 tax practitioners
- imposed other sanctions, including orders and formal cautions, because of Code breaches.

We have performed manual analysis of the wider revenue effect of our compliance work, principally looking at improved compliance demonstrated by clients of practitioners in cases where we directly engaged with the practitioners through compliance work. We are working to automate this analysis in future.

During 2021–22, 152 complaints were received about alleged activity by unregistered preparers. Consistent with our risk assessment approach, we:

- commenced civil penalty proceedings against three unregistered preparers
- engaged with 38 unregistered preparers, with a focus on education and/or cease and desist correspondence
- received undertakings from eight unregistered preparers committing to ceasing their conduct
- engaged in direct correspondence with the client base of seven unregistered preparers, sending 4,350 letters which warned clients that they were using an unregistered preparer, encouraged them to review their affairs, and referred them to tax clinics for free assistance.

Performance measure 2.4

Measure	Target	Achieved
Implement a strategic litigation program to clarify the law, support just outcomes and deter poor conduct.	Litigation cases that clarify the law and support the TPB's goals.	

Litigation program

Our robust compliance action is supported by an effective and targeted strategic litigation program. Published decisions, all of which were favourable to the TPB, provided both specific and general deterrence for registered tax practitioners and unregistered preparers, as well as law clarification.

Our litigation strategy also incorporated alternative dispute resolution to ensure just outcomes, including in circumstances where credible new evidence warranted a different outcome.

Table 11 provides a summary of the litigation matters finalised in 2021–22.

Table 11: Finalised litigation matters involving the TPB, 2021–22

Jurisdiction	Total finalised matters	Matters resolved without proceeding to a substantive hearing ^a	Matters resulting in a published decision	Published decisions resulting in a TPB-favourable outcome
Administrative Appeals Tribunal (AAT)	30 ^b	23	9 ^c	6 ^d
Federal Court (appeals against AAT decisions)	0	0	0	0
Federal Court (judicial review)	1	1	0	0
Federal Court (civil penalty)	0	0	0	0

a Includes matters resolved by agreement, dismissed by the AAT or the Federal Court, or withdrawn by the applicant.

b Includes applications for merits review made in 2021–22 and the previous two financial years.

c The nine decisions published by the AAT comprised six final matters, one stay decision, one confidentiality decision and one reinstatement.

d The six final decisions published by the AAT were:

- *Mihajlovic and Tax Practitioners Board* [2022] AATA 342
- *Cerrah and Tax Practitioners Board (Taxation)* [2022] AATA 7
- *Plaskitt and Tax Practitioners Board* [2022] AATA 267
- *Tomkinson and Tax Practitioners Board* [2021] AATA 2172
- *Thanabalasingam and Tax Practitioners Board* [2021] AATA 5042
- *Vac Corporate Pty Ltd and Tax Practitioners Board* [2021] AATA 4098.

Administrative Appeals Tribunal

In 2021–22, a total of 18 applications for a merits review of a Board decision were made to the Administrative Appeals Tribunal (AAT), a decrease from 39 in 2020–21. We continued our strategy of opposing requests to stay Board decisions in the AAT where appropriate.

Of the five stay decisions made by the AAT, all of which were favourable, only one was published. *M&A Corporate Accountants Pty Ltd and Tax Practitioners Board* [2021] AATA 4523 clarified the law by confirming the AAT's power to impose conditions on a stay. It also reinforced the appropriateness of stay conditions that ensure that clients are fully informed of a practitioner's circumstances.

In its six published final decisions involving TPB matters, the AAT affirmed the Board's decision to terminate, suspend or reject tax practitioner registration. Only one AAT published decision, *Cerrah and Tax Practitioners Board (Taxation)* [2022] AATA 7, resulted in a variation to the non-application period imposed by the Board. Due to the applicant's personal circumstances, the period was varied from five years to four years.

The decisions handed down support the Board's strong compliance approach to practitioner misconduct such as:

- systematically failing to comply with personal taxation obligations
- breaching conditions of registration
- failing to ensure the competent provision of tax agent services to clients
- making false declarations on self-managed superannuation fund annual returns and misusing self-managed superannuation fund auditor numbers
- failing to ensure appropriate management of conflicts of interest and failing to account to clients for monies held on trust.

Federal Court

In 2021–22, we filed three civil penalty applications in the Federal Court, relating to unregistered preparers Jessa Van Stroe (also known as Jessa Layola), Nathan Williams and Franibelle Ordiales.

To achieve specific deterrence, in addition to filing civil penalty proceedings against each of these individuals, we also obtained interim injunctions restraining Mr Williams and Ms Van Stroe from preparing and lodging returns for a fee while unregistered. We are vigilant in monitoring compliance with injunctions. We successfully brought a contempt of court application against Mr Williams for breaching the interim injunction. Mr Williams admitted to the breaches and was found guilty of contempt of court on seven occasions.

We were also successful in further contempt of court proceedings against unregistered preparer Kent Hacker. Mr Hacker was sentenced to seven months imprisonment and his company was fined.

Two judicial review applications were filed against the TPB. At 30 June 2022, one was ongoing and one had been settled on the basis that it would be remitted to the TPB for reconsideration.

Strategic objective 3: Innovation and preparation for the future

Performance measure 3.1

Measure	Target	Achieved
Work with Treasury and government to design and implement reforms to the <i>Tax Agent Services Act 2009</i> and the Tax Practitioners Board (including funding requirements).	Treasury considers submissions from the TPB and works collaboratively with the TPB on new law design.	

We continue to support the Australian Government's response to the James Review. Our role has included establishing working groups, conducting consultation on the review's recommendations and working with Treasury to implement law changes.

In response to recommendation 3.3(b) of the review, we established the Tax Practitioner Governance and Standards Forum, which held three meetings in 2021–22. Summaries of the forum's meetings can be found on the TPB website.

We also established working groups with some forum members, to assist with the progression of the following elements of the recommendations:

- recommendation 3.3(b) – to create a 'Charter of Tax Practitioner Governance'

- recommendation 4.3 – to review the 'relevant experience' requirements for registration
- recommendation 6.1 – to review the sanctions available to the TPB under the TASA.

Our work with the working groups is ongoing.

In relation to law reform more generally, we continue to consider and provide input and advice to various consultation processes undertaken by other government agencies and regulators. In 2021–22, we provided submissions on a range of matters, including those shown in Table 12.

On a practical and administrative level, we support the implementation of policy by publishing guidance that promotes and educates on legislative outcomes.


Table 12: Reform consultations involving the TPB, 2021–22

Leading agency	Subject
Australian Securities and Investments Commission	CP 341 Review of the ePayments Code Update to RG 263 Financial Services and Credit Panel
Financial Adviser Standards and Ethics Authority	Financial Planners and Advisers Code of Ethics 2019 – Standard 3
Office of the Prime Minister and Cabinet	Regulatory responsiveness
Professional Standards Councils	Public notification of the proposed Institute of Public Accountants professional standards scheme Code of Ethics exposure draft
PwC Australia	Skills for Australia's refresh currency of Financial Services (FNS) qualification

Table 12: Reform consultations involving the TPB, 2021–22 (continued)

Leading agency	Subject
Senate Standing Committees on Legal and Constitutional Affairs	The adequacy and efficacy of Australia’s anti-money laundering and counter-terrorism financing (AML/CTF) regime
Treasury	Using technology to hold meetings and sign and send documents Consumer Data Right rules amendments Relief to Foreign Financial Service Providers Financial Accountability Regime Financial Services Royal Commission – Compensation Scheme of Last Resort Developing a voluntary code for charities to improve the transparency of charitable donations during natural disasters Consumer Data Right strategic assessment Reform of the Australian Charities and Not-for-profits Commission secrecy provisions – Recommendation 17 of the ACNC Review Single Disciplinary Body Australian Charities and Not-for-profits Commission Amendment (2021 Measures No. 3) Regulations 2021 Franchise Disclosure Register Draft Regulations and Determination supporting the Better Advice Bill Financial adviser education standards Quality of Advice Review – Issues Paper Quality of Advice Review – Draft Terms of Reference

Performance measure 3.2

Measure	Target	Achieved
Deliver an ongoing technology program to support enhanced services and drive operational efficiency.	System upgrades are contemporary and engaging.	

We ensure that our system and application software is contemporary by using up-to-date customer relationship management system technology and a variety of videoconferencing, office and collaboration software and hardware. All software on TPB devices is well within its support lifecycle: our goal is to ensure that software is at either the latest version or its predecessor. We also apply most security updates within 48 hours after their release by vendors.

We ensure that hardware and software updates and upgrades are applied in a timely manner with close to zero disruption to staff and customers.


This is achieved primarily by minimal use of outages. If an outage is required, we plan the outage to occur out of business hours and advertise it in advance on our website.

Our new customer relationship and registration management system, Workbench, was deployed on 11 April 2022. Workbench adds value to the performance of everyday duties of our staff, automating repetitive tasks that previously took many hours per month to perform. For example, the production of Board Conduct Committee agendas and resulting correspondence to practitioners is now delivered by a single integrated system.

We continue to work toward making our website modern and engaging. In 2021–22, we introduced a location-based search function to our public register, making it easier for members of the public to find practitioners near their own business or residential address. A map now shows a selected practitioner’s location. People can also verify the registration status of a practitioner via their Australian business number, as well as by typical characteristics such as address, suburb or practitioner type.

There were no website outages during 2021–22, other than planned, advertised, maintenance outages. Our public register is updated daily via automated processes and was available 98% of the time during 2021–22, other than during periods of scheduled maintenance which were advertised in advance.

Performance measure 3.3

Measure	Target	Achieved
Support our people by delivering a comprehensive People Program.	Implementation of a reward and recognition program.	

People Program

Our People Program underpins our commitment to our staff, ensuring a keen focus on our ability to manage and support change within the organisation, provide learning and development opportunities, and strengthen our positive culture.

In 2021–22, our People Program had four key pillars:

1. Staff engagement and wellbeing
2. Performance management
3. Reward and recognition
4. Learning and development participation.

We also delivered an innovation framework for the TPB through the program.

Engagement and wellbeing

The 2022 APS Employee Census was conducted between May and June 2022; 78% of TPB staff completed the 2022 census.

As in previous years, our staff engagement results were high. The engagement score is a measure of the emotional connection and commitment employees have to working for the TPB. In 2022, we received a 76% engagement score, which was consistent with our previous year’s score and 3% above the Australian Public Service average. The proportion of respondents who said that they were happy to ‘go the extra mile’ at work when required was 94%, also 3% above the Australian Public Service average.

Our staff wellbeing index score also continued to be strong at 71%, a slight decrease from 73% in 2021. In addition, 89% of responding staff advised that they believed their immediate supervisor cared about their health and wellbeing and 83% said that they receive the respect they deserve from their colleagues at work.

Performance management

We use the ATO's Compass system to record our staff performance agreements. Our Compass results for 2021–22 show that:

- 67% of staff had performance expectations in place
- 75% of staff had goals recorded
- 70% of staff had had a quarterly check-in conversation recorded with their manager or team leader in the preceding quarter.

Compared with 2020–21, there have been significant decreases regarding performance expectations and goals recorded (17 percentage points and 18 percentage points respectively). However, there has been a significant increase in staff engaging in check-in conversations (32 percentage points). This suggests that our internal communications are having an impact and we can expect our other results to improve.

Reward and recognition

To promote staff engagement and a culture of excellence, we established an annual reward and recognition program, the TPB Excellence Awards, in 2020–21.

The Chairperson's Award for Excellence is our most prestigious award. It recognises an individual or team's achievements and contribution throughout the year. The Chairperson's Award for Innovation, which recognises an individual or group for their contribution to innovation in the TPB, was introduced in 2021–22. The program also includes individual and team business line awards issued across the organisation.

Informal awards are available for directors, managers and team leaders to present to staff to recognise high performance. In addition, we offer Thank You Cards which staff may use to acknowledge a colleague informally.

We also recognise staff members' ongoing contribution to the TPB through our Years of Service Awards, which are awarded to mark each five years of service.

Learning and development

We invested considerably in our learning and development offerings as part of our People Program. We delivered over 1,332 hours of staff training to prepare for and manage the deployment of Workbench. In addition, our staff attended another 1,419 hours of formal learning and development activities during the year.

Supporting 18 of our investigations officers to continue their studies towards achieving a Certificate IV in Government Investigations was a learning and development highlight.

Innovation

The APS Employee Census innovation index assesses whether employees feel willing and able to be innovative, and whether their agency has a culture which enables them to be so. In the 2021 census, our innovation index score of 71% highlighted the benefit of fostering a culture of innovation within the organisation.

Consequently, we launched our Innovation Incubator in October 2021. The Innovation Incubator is a register designed to capture and cultivate ideas for improvement from our staff. Any staff member can submit their ideas for improvements and track the status of their suggestions using this tool.

Since the launch, 12 innovation ideas have been submitted. Three ideas were for tools to assist our investigations officers, and the tools were subsequently made available for use. Five ideas are being progressed and four ideas have been assessed and remain on the register.

Financial operations

4 Financial operations

In accordance with the *Tax Agent Services Act 2009* and *Tax Agent Services Regulations 2022*, the Commissioner of Taxation provides the Board with operational and administrative assistance in the form of a CEO Secretary, Australian Taxation Office (ATO) employees on secondment, and an agreed budget.

Consistent with these arrangements, the TPB’s financial operations appear in the ATO’s annual report as part of the ATO’s financial operations. This TPB annual report does not include audited financial statements. The summary of expenditure provided in this section outlines direct salary and supplier costs, but not overheads which are borne by the ATO under a shared services model.

Summary of expenditure

In 2021–22, the ATO allocated an operating budget of \$20,841,000 to the TPB for its direct costs and a capital budget of \$330,000. With the agreement of the ATO, approval was given to allow the TPB to exceed the budget allocated by up to \$1.0 million, noting that in prior years the TPB had underspent against its available budget.

Table 13 provides a summary of the TPB’s expenditure for 2020–21 and 2021–22.

Table 13: Actual expenses, 2020–21 and 2021–22

Category	Type	2020–21 (\$)	2021–22 (\$)
Direct expenditure	Staff and salaries ^a	15,498,028	16,693,986
	Supplier costs	5,900,373	4,912,478
	Total^b	21,398,401	21,606,464
Capital expenditure	IT systems	218,249	153,801
	Total	218,249	153,801

a The TPB’s average number of full-time equivalent staff was 140.70 in 2021–22, an increase from 134.40 in 2020–21.

b These figures do not include corporate support or infrastructure overhead costs.

The supplier costs outlined in Table 14 included the following major expenditure:

- \$3,181,896 for the maintenance and development of business systems and IT infrastructure, along with the hosting and maintenance of the TPB’s website; use of IT contractors and service and software providers; and engagement of expertise to support our data analytics capabilities
- \$618,130 for litigation and external legal advice – litigation costs in 2021–22 reflected the continued focus on enforcement activities, including activities related to the black economy
- \$427,153 for labour hire to assist with enquiry management and the processing of registrations, renewals and annual declarations

- \$265,771 for remuneration of Board members in accordance with rates determined by the Remuneration Tribunal
- \$112,093 for staff learning and development
- \$111,157 for communications, including outreach events held to promote the TPB, advertising campaigns, printing and postage of correspondence to tax practitioners, and ad hoc marketing costs
- \$88,255 for the use of business advisory services
- \$69,309 for travel and accommodation costs associated with the running of the TPB – interstate travel is often necessary for Board members and staff to carry out their responsibilities, including investigations and stakeholder engagement
- \$38,714 for other operating expenses.

Capital expenditure was incurred while improving and enhancing our IT environment and systems. The capital expenditure comprised \$153,801 for the purchase of laptop computers, monitors and multifunction devices.

Table 14 shows the TPB's direct expenditure broken down by cost centre.

Table 14: Direct expenditure by cost centre, 2021–22

Cost centre	Salary costs (\$)	Supplier costs (\$)	Total (\$)
Investigations and Enforcement	6,723,908	96,098	6,820,005
Client Services	3,001,735	425,991	3,427,726
Legal	1,374,681	571,266	1,945,947
Board and Members	151,158	304,834	455,992
Technology	2,285,695	3,146,470	5,432,166
Office of the CEO Secretary	675,742	19,472	695,214
Policy	700,246	18,763	719,009
Communications	786,380	195,578	981,958
Corporate Services	994,442	134,006	1,128,448
Total	16,693,986	4,912,478	21,606,464

Note: Due to rounding, numbers presented in this table do not sum up to the totals.

Procurement

The ATO buys goods and services for TPB operations on the TPB's behalf. Detailed information on the ATO's procurement processes and activities (including consultancies, advertising, direct mail, media placement and market research activities) is included in the ATO annual report. Contracts with a value greater than \$10,000 are also published on AusTender ([tenders.gov.au](https://www.tenders.gov.au)).

The TPB supports small business participation in the Australian Government procurement market. Small and medium-sized enterprise participation statistics are available on the Department of Finance website ([finance.gov.au](https://www.finance.gov.au)).

Cost recovery

The TPB recovers a portion of the costs of processing tax practitioner registrations by way of an application fee charged at the time of applying to become registered or to renew an existing registration. The revenue is directed to the Commonwealth Consolidated Revenue Fund, not straight to the TPB.

In 2021–22, the TPB received application fee payments from tax practitioners of \$14,529,275, a decrease from \$15,504,870 in 2020–21. The decrease in revenue reflects three-year registration cycles and the cessation of the requirement for tax (financial) advisers to be registered with the TPB.

Further details regarding cost recovery can be found in the TPB's annual cost recovery implementation statement, available from the TPB website, and in the financial statements in the ATO annual report.

The background features a dark blue horizontal band across the middle. Above and below this band are wavy, layered lines in shades of green and blue, creating a sense of depth and movement. The word "Appendixes" is centered in the lower half of the blue band in a bold, yellow, sans-serif font.

Appendixes

Appendixes

Appendix A: Disclosure of official information

Ministerial requests

We did not receive any ministerial requests for information in 2021–22. However, we made three departmental responses to correspondence received during 2021–22, involving general information on the search function for the TPB’s public register, the TPB’s application fees, and the TPB’s complaint process.

External requests for information

We received three requests for disclosures of information from external enforcement agencies in 2021–22. We responded to all of the requests in accordance with section 70-40(4) of the *Tax Agent Services Act 2009*.

Freedom of information requests

We received 30 requests for documents under the *Freedom of Information Act 1982* in 2021–22.

In total, 29 freedom of information matters were finalised during the year (one remains ongoing), with the following outcomes:

- we granted access in full in response to six requests
- we granted access in part in response to nine requests
- we refused access in full in response to three requests
- nine requests were withdrawn
- two requests were resolved without a decision required.

All freedom of information matters are handled in accordance with the Australian Government Information Publication Scheme requirements, as described on the TPB website at tpb.gov.au/information-publication-scheme.

Appendix B: Recognised professional associations

Table B1: Recognised professional associations at 30 June 2022

Association	Type of recognition	Date of accreditation
Association of Chartered Certified Accountants	Tax agent association	12 May 2010
Association of Financial Advisers	Tax agent association	1 January 2022
Australian Bookkeepers Association	BAS agent association	21 May 2013
Australian Institute of Quantity Surveyors	Tax agent association	26 August 2010
Chartered Accountants Australia and New Zealand	Tax agent association	12 May 2010
	BAS agent association	12 May 2010
CPA Australia	Tax agent association	31 May 2010
	BAS agent association	31 May 2010
Financial Planning Association of Australia	Tax agent association	21 March 2012
Institute of Certified Bookkeepers	BAS agent association	5 May 2010
Institute of Chartered Accountants in England and Wales	Tax agent association	14 August 2014
Institute of Public Accountants	Tax agent association	5 May 2010
	BAS agent association	5 May 2010
Law Society of New South Wales	Tax agent association	21 March 2012
National Tax Agents' Association	Tax agent association	1 July 2011
Royal Institution of Chartered Surveyors	Tax agent association	30 August 2010
Self Managed Super Fund Association	Tax agent association	10 September 2010
South African Institute of Chartered Accountants	Tax agent association	13 December 2016
	BAS agent association	13 December 2016
Stockbrokers and Investment Advisers Association	Tax agent association	1 January 2022
TAI Practitioners & Advisers Ltd	Tax agent association	21 May 2013
The Tax Institute	Tax agent association	5 May 2010

BAS = business activity statement

Appendix C: Breach allegations reviewed

Table C1: Breach allegations reviewed by the TPB under the *Tax Agent Services Act 2009*, 2021–22

Type of breach	No. reviewed
20-5 Eligibility for registration	47
20-15(a) Fit and proper – good fame, integrity and character	173
20-15(b)(i) An event described in section 20.45 has occurred in previous 5 years	4
20-15(b)(ii) Individual status of an undischarged bankrupt in previous 5 years	1
30-10(1) Code – act honestly with integrity	417
30-10(2) Code – comply with taxation laws in conduct of personal affairs	187
30-10(3) Code – account for money or other property on trust	73
30-10(4) Code – act lawfully in best interests of client	47
30-10(5) Code – arrangements for the management of conflict of interest	24
30-10(6) Code – must not disclose information relating to client affairs without permission	12
30-10(7) Code – tax agent service is provided competently	872
30-10(8) Code – maintain knowledge and skills	8
30-10(9) Code – reasonable care to ascertain a client’s state of affairs	52
30-10(10) Code – reasonable care to apply tax laws correctly	15
30-10(11) Code – must not knowingly obstruct proper administration of tax laws	11
30-10(12) Code – advise client of client’s rights and obligations	1
30-10(13) Code – maintain professional indemnity insurance	352
30-10(14) Code – respond to requests and directions from the Board	37
50-5 Civil penalty – providing tax agent services if unregistered	133
50-10 Civil penalty – advertising tax agent services if unregistered	65
50-15 Civil penalty – representing that you are a tax agent or BAS agent if unregistered	21
50-20 Civil penalty – making false or misleading statements	0
50-25 Civil penalty – employing or using the services of deregistered entities	7
50-30 Civil penalty – signing of declarations etc	3
Non-TPB-related referral	8
No breach specified	91
Total	2,661

BAS = business activity statement, TPB = Tax Practitioners Board

Note: These allegations arose from 2,212 cases. There may be more than one breach per case.

List of abbreviations

AAT	Administrative Appeals Tribunal
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
ATO ARC	Australian Taxation Office Audit and Risk Committee
BAS	business activity statement
Code	Code of Professional Conduct (section 30-10 of the TASA)
CPE	continuing professional education
Federal Court	Federal Court of Australia
ICT	Information and communications technology
IPA	Institute of Public Accountants
James Review	Review of the Tax Practitioners Board and <i>Tax Agent Services Act 2009</i>
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>
PGPA Rule	Public Governance, Performance and Accountability Rule 2014
TASA	<i>Tax Agent Services Act 2009</i>
TASR	Tax Agent Services Regulations 2022
TFA	tax (financial) adviser
TPB	Tax Practitioners Board

List of requirements

This list shows how the annual report requirements for non-corporate Commonwealth entities, as set out in Schedule 2 of the Public Governance, Performance and Accountability Rule 2014, are met by the Tax Practitioners Board.

It identifies the matters that are covered in the Australian Taxation Office annual report and provides page references to the required information in this report.

PGPA Rule Reference	Part of Report	Description	Requirement
17AD(g)	Letter of transmittal		
17AI	ATO annual report	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory
17AD(h)	Aids to access		
17AJ(a)	iv–v	Table of contents (print only).	Mandatory
17AJ(b)	66	Alphabetical index (print only).	Mandatory
17AJ(c)	57	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	58–65	List of requirements.	Mandatory
17AJ(e)	ii	Details of contact officer.	Mandatory
17AJ(f)	ii	Entity's website address.	Mandatory
17AJ(g)	ii	Electronic address of report.	Mandatory
17AD(a)	Review by accountable authority		
17AD(a)	Not applicable – this annual report is prepared in accordance with section 60-130(1) of the TASA.	A review by the accountable authority of the entity.	Mandatory
17AD(b)	Overview of the entity		
17AE(1)(a)(i)	6–8	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	15	A description of the organisational structure of the entity.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AE(1)(a)(iii)	Not applicable	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	6	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	ATO annual report	Name of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(ii)	34	Position title of the accountable authority or each member of the accountable authority	Mandatory
17AE(1)(aa)(iii)	ATO annual report	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory
17AE(1)(b)	Not applicable	An outline of the structure of the portfolio of the entity.	Portfolio departments mandatory
17AE(2)	Not applicable	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, Mandatory
17AD(c)	Report on the Performance of the entity		
	<i>Annual performance Statements</i>		
17AD(c)(i); 16F	34–48	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
17AD(c)(ii)	<i>Report on Financial Performance</i>		
17AF(1)(a)	50–52	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	ATO annual report	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	ATO annual report	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, Mandatory.

PGPA Rule Reference	Part of Report	Description	Requirement
17AD(d)	Management and Accountability		
<i>Corporate Governance</i>			
17AG(2)(a)	ATO annual report	Information on compliance with section 10 (fraud systems)	Mandatory
17AG(2)(b)(i)	ATO annual report	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	ATO annual report	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	Mandatory
17AG(2)(b)(iii)	ATO annual report	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory
17AG(2)(c)	18–19, ATO annual report	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d) – (e)	Not applicable	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non compliance with Finance law and action taken to remedy non compliance.	If applicable, Mandatory
<i>Audit Committee</i>			
17AG(2A)(a)	ATO annual report	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	ATO annual report	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	ATO annual report	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	ATO annual report	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	ATO annual report	The remuneration of each member of the entity's audit committee.	Mandatory
<i>External Scrutiny</i>			
17AG(3)	3, 45	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(3)(a)	43–44	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory
17AG(3)(b)	Not applicable	Information on any reports on operations of the entity by the Auditor General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory
17AG(3)(c)	Not applicable	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
Management of Human Resources			
17AG(4)(a)	ATO annual report	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	ATO annual report	Statistics on the entity's employees on an ongoing and non ongoing basis, including the following: (a) statistics on full time employees; (b) statistics on part time employees; (c) statistics on gender (d) statistics on staff location	Mandatory
17AG(4)(b)	ATO annual report	Statistics on the entity's APS employees on an ongoing and non ongoing basis; including the following: <ul style="list-style-type: none"> • Statistics on staffing classification level; • Statistics on full time employees; • Statistics on part time employees; • Statistics on gender; • Statistics on staff location; • Statistics on employees who identify as Indigenous. 	Mandatory
17AG(4)(c)	ATO annual report	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	Mandatory
17AG(4)(c)(i)	ATO annual report	Information on the number of SES and non SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	Mandatory
17AG(4)(c)(ii)	ATO annual report	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	ATO annual report	A description of non salary benefits provided to employees.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(4)(d)(i)	ATO annual report	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	Not applicable	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory
17AG(4)(d)(iii)	Not applicable	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory
17AG(4)(d)(iv)	Not applicable	Information on aggregate amount of performance payments.	If applicable, Mandatory
Assets Management			
17AG(5)	Not applicable	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	If applicable, mandatory
Purchasing			
17AG(6)	ATO annual report	An assessment of entity performance against the Commonwealth Procurement Rules.	Mandatory
Reportable consultancy contracts			
17AG(7)(a)	ATO annual report	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7)(b)	ATO annual report	A statement that “During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]”.	Mandatory
17AG(7)(c)	ATO annual report	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory
17AG(7)(d)	ATO annual report	A statement that “Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.”	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
<i>Reportable non-consultancy contracts</i>			
17AG(7A)(a)	ATO annual report	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7A)(b)	ATO annual report	A statement that “ <i>Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.</i> ”	Mandatory
17AD(daa)	<i>Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</i>		
17AGA	ATO annual report	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory
<i>Australian National Audit Office Access Clauses</i>			
17AG(8)	Not applicable	If an entity entered into a contract with a value of more than \$100,000 (inclusive of GST) and the contract did not provide the Auditor General with access to the contractor’s premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, Mandatory
<i>Exempt contracts</i>			
17AG(9)	Not applicable	If an entity entered into a contract or there is a standing offer with a value greater than \$10,000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
Small business			
17AG(10)(a)	51	A statement that “[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website.”	Mandatory
17AG(10)(b)	ATO annual report	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	Not applicable	If the entity is considered by the Department administered by the Finance Minister as material in nature – a statement that “[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury’s website.”	If applicable, Mandatory
Financial Statements			
17AD(e)	ATO annual report	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
Executive Remuneration			
17AD(da)	ATO annual report	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2 3 of the Rule.	Mandatory
17AD(f)	Other Mandatory Information		
17AH(1)(a)(i)	ATO annual report	If the entity conducted advertising campaigns, a statement that “During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity’s website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website.”	If applicable, Mandatory
17AH(1)(a)(ii)	ATO annual report	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	Not applicable	A statement that “Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].”	If applicable, Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AH(1)(c)	ATO annual report	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	54	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory
17AH(1)(e)	Not applicable	Correction of material errors in previous annual report	If applicable, mandatory
17AH(2)	Information required by other legislation		
	ATO annual report	Work health and safety (Schedule 2, Part 4 of the <i>Work Health and Safety Act 2011</i>)	Mandatory
	ATO annual report	Ecologically sustainable development and environmental performance (section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>)	Mandatory
	54	Disclosure of official information (section 70-40(4) of the <i>Tax Agent Services Act 2009</i>)	Mandatory
	Throughout	Report on operations (section 60-130(1) of the <i>Tax Agent Services Act 2009</i>)	Mandatory

Index

A

abbreviations, 57

Aboriginal and/or Torres Strait Islander employees, 18

accountability of TPB, 18, 36

- reforms to enhance, 3 (see *also* James Review)
- accountable authority, Commissioner of Taxation as, 6, 34

Administrative Appeals Tribunal

- decisions, 31, 44
- case studies, 28, 32
- merits review applications, 44

administrative decisions, review of, 43–44; see *also* Administrative Appeals Tribunal; Federal Court of Australia

advertising campaign, 25–26, 40

annual declarations processes, 14, 15, 28

- waived requirement during COVID-19, 24

annual performance statement, 34–48

annual reporting requirements, TPB, 34

application fee payments, 52

applications, processing of, 24, 36–37

applications to stay Board decisions, 44

approved courses, 38; see *also* continuing professional education policy

ATO Audit and Risk Committee, 14, 18

Audit and Risk Committee, TPB, 14, 18

AusTender, 51

Australian Public Service Employee Census, 47, 48

Australian Securities and Investments Commission

- collaboration with, 3, 16, 27, 41
- transfer of tax (financial adviser) regulation to, 2, 7, 8, 22, 26

Australian Taxation Office (ATO)

- administrative relationship with, 6, 14, 34, 50
- collaboration with, 2, 4, 27, 28, 30, 40 (see *also* Coordinated Compliance Strategy)
- data access and information sharing arrangements, 40
- funding from, 6, 50
- investigation of referrals from, 27, 28, 41
- shared services model, 50
- staff from, 6, 15, 16, 50

TPB independence from, 6

see *also* Commissioner of Taxation

Australian Taxation Office Audit Risk Committee, 14, 18

awards, employee, 33, 48

B

black economy, tax practitioner involvement in, 50

Board

- committees, 14, 18
- delegation of authority, 9, 14
- members, 9–13
- remuneration, 51

Board-approved courses, 38

Board Conduct Committee, 14, 31

- cases presented to, 3, 27, 37, 41–42

breach allegations reviewed, 56

business activity statement (BAS) agents

- number of registered, 7
- regulation and registration requirements, 6, 8, 14

C

capital expenditure, 50, 51

case studies

- Administrative Appeals Tribunal decisions, 28, 32
- Federal Court proceedings against unregistered preparer, 30

Cerrah and Tax Practitioners Board (Taxation) [2022]
AATA 7, 44

Certificate IV in Government Investigations, 8

Chairperson's Award for Excellence, 33, 48

Chairperson's Award for Innovation, 48

Chair's report, 2–4

Charter of Tax Practitioner Governance, 4, 45

Chief Executive Officer Secretary, 6, 15, 18, 50

- role, 3, 9, 16

civil penalty provisions, 8, 30, 42, 43

classification, employees, 17

client management software, new, 23, 36, 46, 48

Code of Professional Conduct

- administration of, 4, 6, 8, 25, 36, 38
- breaches of, 32, 42, 56

Commissioner of Taxation, 28
 as accountable authority, 6, 34
 provision of staff, 6, 15, 16, 50
 see also Australian Taxation Office

committees, Board, 14, 18; see also Board Conduct Committee

Commonwealth Risk Management Policy, 19

communications strategy, 22–23, 25–26, 39–40
 expenditure, 51

complaints management, 3, 8, 27, 41–42

compliance measures, 3, 8, 28, 41–42; see also sanctions for non-compliance

conflicts of interest, management of, 32, 44

consultancies, 51

consultation, stakeholder, 9, 38–39, 45–46

consumer awareness activities, 25–26, 39, 40

‘Contact Us’ section, website, 36

continuing professional education policy, 22, 24, 38, 39; see also approved courses

Continuing professional education policy requirements for tax agents with a tax (financial) advice services condition (explanatory paper TPB(EP) 08/2022), 38

contractors, expenditure, 51

Coordinated Compliance Strategy, 27, 40

coronavirus pandemic; see COVID-19 pandemic

corporate governance framework, 18–19

corporate plan, 6, 18, 34

cost recovery measures, 52

Course in Australian taxation law that is approved by the Board for tax agents with a tax (financial) advice services condition (proposed guideline TPB(PG) 06/2022), 38

Course in commercial law that is approved by the Board for tax agents with a tax (financial) advice services condition (proposed guideline TPB(PG) 07/2022), 38

court cases, 30, 43, 44

COVID-19 pandemic, 2
 government’s stimulus measures, 8, 17, 23, 24, 27, 41
 organisational impact, 33
 TPB response, 2, 23–25, 27, 39

COVID-19 tip-off telephone queue, 27

culturally and linguistically diverse employees, 18

Curtin Tax Clinic, 30

D

data analytics capability, 3, 40

Data61 (CSIRO), 40

delegation of authority, 9, 14

Department of Finance, 18, 51

digital services, improvements to, 40

disclosure of official information requests, 54

E

education and guidance materials for practitioners, 2, 8, 22, 25–26, 38, 45

Effective compliance through education, deterrence and sanctions (strategic objective 2)
 performance measures, 34–35, 38, 39, 40, 43
 performance report, 38–44

Efficient registration of tax practitioners (strategic objective 1)
 performance measures, 34, 36, 37
 performance report, 36–37

employee census, APS, 47, 48

employee statistics, 16–18

employees with disability, 18

enabling legislation, 8; also *Tax Agent Services Act 2009*

eNewsletter, 2, 25, 26, 36, 39

enforcement agencies, collaboration with, 27, 41, 54
 expenditure, 50–51

external scrutiny; see Administrative Appeals Tribunal; Federal Court of Australia

F

Facebook, 25, 26

Federal Court of Australia, 8
 cases, 30, 43, 44

feedback, stakeholders, 22, 23, 25, 36

female staff, 16, 17

financial operations, 50–52

Financial Sector Reform Amendment (Hayne Royal Commission Response — Better Advice) Regulations 2021, 38

Financial Sector Reform (Hayne Royal Commission Response — Better Advice) Act 2021, 7, 22, 27, 38

Financial Services and Credit Panel (ASIC), 7

‘fit and proper person’ requirements for registration, 6, 8
 case studies, 28, 32

flexible working arrangements, staff, 33
fraud management, 19
Freedom of Information Act 1982, 8, 54
freedom of information requests, 54
functional areas, staff statistics, 16
functions, TPB, 6, 8

G

gender, staff, 16–17
guidance material, 2, 8, 22, 25–26, 38, 45
papers released in 2021–22, 38

H

highlights of 2021–22, 22–33
human resources management, 47–48; *see also* staff statistics

I

indemnity insurance, requirement to hold, 6
independent review of effectiveness of TPB and TASA; *see* James Review
Indigenous employees, 18
Information Publication Scheme, 54
information technology systems, 46–47
expenditure, 50
Innovation and preparation for the future (strategic objective 3)
performance measures, 35, 45, 46, 47
performance report, 45–48
Innovation Incubator, 48
Inspector-General of Taxation and Taxation Ombudsman, 4

J

James Review, 6, 7
implementation of recommendations, 3, 4, 45–46
JobKeeper Payment, 24, 27; *see also* stimulus measures, COVID-19
judicial review of decisions, 43, 44; *see also* Federal Court of Australia

L

learning and development, staff, 47, 48
expenditure, 51
legislative framework, 8
letter of transmittal, iii

LGBTI+ employees, 18
list of requirements, 58–65
litigation program, 3, 43–44
expenditure, 50
matters finalised in 2021–22, 31
locations, staff, 16, 33

M

M&A Corporate Accountants Pty Ltd and Tax Practitioners Board [2021] AATA 4523, 31, 44
male staff, 17
mature age employees, 18
media coverage, 26, 36, 39; *see also* radio advertising campaign
Mihajlovic and Tax Practitioners Board [2022] AATA 342, 31
ministerial requests, 8, 54

N

National Tax Clinic program, 29; *see also* tax clinics, partnership with
non-compliance, sanctions for; *see* sanctions for non-compliance
non-ongoing employees, 16, 17
notifiable instruments, publication of, 28

O

objectives; *see* strategic objectives
ongoing employees, 16, 17, 18
operating expenses, 51
organisational culture, 47–48
organisational structure, 15
outreach activities; *see* education and guidance materials for practitioners; webinar program

P

People Program, 47–48
people with disability, 18
performance management, staff, 47, 48
performance measures
strategic objective 1, 34, 36, 37
strategic objective 2, 34–35, 38, 39, 40, 43
strategic objective 3, 35, 45, 46, 47
see also annual performance statement
performance reports
highlights of 2020–21, 22–33
strategic objective 1, 36–37

- strategic objective 2, 38–44
- strategic objective 3, 45–48
- see also annual performance statement
- personal tax obligations, practitioners', 28, 32, 44
- portfolio budget statements, 18, 34
- procurement management, 51
- professional indemnity insurance requirements, 6
- Professional Practice Committee, 14
- proof-of-identity requirements, 38, 39
- Proof of identity requirements for client verification* (practice note TPB(PN) 5/2022), 38
- Public Governance, Performance and Accountability Act 2013*, 6, 14, 18, 19, 34
- Public Governance, Performance and Accountability Rule 2014, 14, 18, 34
- public register, 15, 28, 40, 47
- purchasing and consultancy management, 51
- purpose, TPB, 6

Q

- quality assurance processes, 16, 36, 37

R

- radio advertising campaign, 25–26, 40
- recognised professional associations, 8, 14, 24, 55
- Recognised Professional Associations Committee, 14
- registered tax practitioners; see business activity statement (BAS) agents; tax agents; tax (financial) advisers
- registration and renewal process
 - application processing, 24, 36–37
 - tax practitioner experience of, 36
 - see also terminations of registrations
- registration service standards, 6, 36–37
- Relevant tax (financial) advice experience for tax agents with a tax (financial) advice services condition* (information sheet TPB(I) 37/2022), 38
- remuneration, Board, 51
- Remuneration Tribunal, 51
- renewal applications, processing, 24, 37
- reporting framework, 18
- reporting requirements, tax practitioners, 14, 15, 24, 28
- research and development tax incentive, investigations of, 27
- revenue, 52

- Review of the Tax Practitioners Board and *Tax Agent Services Act 2009*, 3, 6; see also James Review
- reward and recognition processes, 33, 47, 48
- risk-based compliance model, 41
- risk management, TPB, 18–19
- rogue agents; see unregistered preparers, measures to curb
- role, TPB, 6, 8

S

- safe harbour provisions, 27
- salary costs, 50, 51
- sanctions for non-compliance, 27, 28, 29, 31, 42, 45
 - provisions to impose, 6, 8, 9, 14
- self-managed superannuation funds audit issues, 27, 44
- service standards, registration processing, 6, 36–37
- shared services model, with ATO, 50
- small businesses, support for, 51
- social media engagement, 25, 26, 39
- staff engagement, 47
- staff statistics, 16–18
- stakeholder consultation, 9, 38–39, 45–46
- stay applications, 44
- stimulus measures, COVID-19
 - declaration as BAS services, 8, 23, 24
 - ensuring integrity of payments, 27, 41
- strategic objectives, 34–35
 - performance reports, 34–48
 - results against, 34–35
 - see also Effective compliance through education, deterrence and sanctions (strategic objective 2); Efficient registration of tax practitioners (strategic objective 1); Innovation and preparation for the future (strategic objective 3)
- strategic plan, 4
- structure, organisational, 15
- suppliers, expenditure, 50, 51
- surveys
 - employee, 47–48
 - tax practitioners and consumers, 22, 23, 25

T

- Tax Agent Services Act 2009*, 4, 6, 15, 36, 50
 - amendments arising from James Review, 3, 6
 - Board's powers and functions under, 8, 14
 - compliance measures, 6, 8, 15, 29, 30, 31, 38–44, 45, 55

independent review of (see James Review)

Tax Agent Services Regulations 2009, 38

Tax Agent Services Regulations 2022, 8, 38, 50

Tax Agent Services (Specified BAS Services No. 1) Instrument 2020, 8

Tax Agent Services (Specified BAS Services No. 2) Instrument 2020, 8

Tax Agent Services (Transitional Provisions and Consequential Amendments) Act 2009, 8

tax agents

- number of registered, 7
- regulation and registration requirements, 6, 8, 14, 45

tax clinics, partnership with, 29, 30, 42

tax (financial) advisers

- number of registered, 7
- transfer of regulation to ASIC, 2, 7, 8, 22, 26

Tax Laws Amendment (2013 Measures No. 3) Act 2013, 8

Tax Practitioner Biannual Survey, 22, 23, 25

Tax Practitioner Governance and Standards Forum, 4, 9, 45

tax practitioners, numbers registered, 2, 7

Tax Practitioners Board Corporate Plan 2021–22, 34

Tax Practitioners Board Corporate Plan 2022–23, 6

tax time campaign, 25–26, 40

Taxation Administration Act 1953, 27

Taxation Ombudsman and Inspector-General of Taxation, 4

termination of registrations, 3, 27, 28, 39, 42; see also sanctions for non-compliance

TPB Audit and Risk Committee, 14, 18

TPB Consultative Forum, 9, 38

TPB eNews, 2, 25, 26, 36, 39

TPB Excellence Awards, 33, 48

TPB register, 15, 28, 40, 47

transmittal letter, iii

travel and accommodation expenditure, 51

Treasury, 15, 18, 48

Treasury portfolio, TPB as statutory body in, 6

Treasury Portfolio Budget Statements 2021–22, 34

2024 Strategic Plan, 4

U

unplanned leave days, 33

unregistered preparers, measures to curb, 29–30, 42, 44

W

webinar program, 2, 25–26, 36, 39–40

website, TPB

- improvements and maintenance, 46–47, 50
- publications on, 26, 37, 39, 45

TPB Register on, 15, 47

wellbeing, staff, 47

whole-of-government approach to compliance, 27, 29, 40

Workbench, customer relationship management tool, 23, 36, 46, 48

workforce diversity, 18

workforce statistics, TPB, 16–18

working-from-home arrangements, 33

working groups, for James Review implementation, 45

Y

year in review, 2–4; see also highlights of 2021–22

Years of Service Awards, 48

YouTube, 39