



Tax Agent Services (a course in commercial law that is approved by the Board for tax agents) Instrument 2020

I, Ian Klug AM, Chair of the Tax Practitioners Board, make the following instrument under the *Tax Agent Services Act 2009*.

Dated 2020

Ian Klug AM
Chair

^1 Name of instrument

This instrument is the *Tax Agent Services (a course in commercial law that is approved by the Board for tax agents) Instrument 2020*.

^2 Commencement

This instrument commences on the day after it is registered.

^3 Authority

This instrument is made under the *Tax Agent Services Act 2009*.

^4 Definitions

In this instrument:

A course in commercial law means ‘a course in commercial law that is approved by the Board’ for the purposes of items 201, 202, 203 and 205 in Part 2 of Schedule 2 to the *Tax Agent Services Regulations 2009*.

Act means the *Tax Agent Services Act 2009*.

AQF means *Australian Qualifications Framework*, 2nd edition (January 2013) published by the Australian Qualifications Framework Council.

AQF criteria, for a specified AQF level, means the criteria for the AQF level specified in AQF.

AQF level means a level identified as such in the AQF.

Board means the Tax Practitioners Board established by section 60-5 of the *Act*.

other registered higher education provider means an entity registered as a higher education provider under the *Tertiary Education Quality and Standards Agency Act 2011*.

person means an individual applying to become a ***registered tax agent***.

registered tax agent means an entity that is registered under the *Act* as a registered tax agent.

registered training organisation means a training organisation that is registered by the National VET Regulator as a registered training organisation under the *National Vocational Education and Training Regulator Act 2011*.

Regulations means the *Tax Agent Services Regulations 2009*.

^5 Course duration

- (1) A course in commercial law must comprise of at least three tertiary level units.

^6 Course topics

- (1) A course in commercial law must include units from the following topics:
 - (a) introductory or foundation units commonly described as ‘Australian legal systems and processes’;
 - (b) the fundamental legal concepts of business organisational structures (such as sole traders, partnerships, corporations, trusts, agencies, joint ventures and incorporated associations) and the underlying regulation of those structures;
 - (c) the law of torts (in particular, negligence and negligent misstatement)
 - (d) introduction to the fundamental law of real and personal property transactions;
 - (e) non-tax legal aspects of superannuation;
 - (f) contracts;
 - (g) the law relating to remedies for breach of contract;
 - (h) corporations law;
 - (i) competition and consumer law;
 - (j) finance law;
 - (k) law relating to electronic commerce;
 - (l) insurance law;
 - (m) intellectual property;
 - (n) bankruptcy and insolvency law;
 - (o) any other subject areas approved by the Board.
- (2) Without limiting subsection (1), a course in commercial law must wholly or substantially cover all of the following core commercial law areas:
 - (a) Australian legal systems and processes;
 - (b) contracts;
 - (c) the law of entities (including partnerships, corporations and trusts) and business structures; and
 - (d) property law.

^7 Course education level

- (1) Unless otherwise approved by the Board, each of the units comprising a course in commercial law must meet at least AQF level 5 criteria.

^8 Course providers

- (1) Unless otherwise approved by the Board, each of the units comprising a course in commercial law must be attained through study with:
 - (a) a university;
 - (b) a registered training organisation;
 - (c) an other registered higher education provider; or
 - (d) another provider approved by the Board.

^9 Assessment requirements

- (1) Each of the units comprising a course in commercial law must contain assessment(s) which:
 - (a) represent a genuine test of relevant knowledge and skills; and
 - (b) are subject to integrity to ensure the relevant person will have undertaken the assessment task(s) in question.
- (2) Without limiting subsection (1), each of the units comprising a course in commercial law must contain independently supervised assessment(s) that total at least 40% of the overall grade for the unit.

^10 Course currency

- (1) Subject to subsection (2), each of the units comprising a course in commercial law must have been completed fewer than 10 years from the date a person makes an application for registration.
- (2) The Board may accept units completed more than 10 years from the date a person makes an application for registration provided the Board is satisfied that the person has continued to update their relevant skills through work experience and continuing professional education.