



Module 5_{v5.0}

Professional Practice Program Statutory Registrations



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Program completion

The IPA Professional Practice Program has been designed for IPA members in professional practice and for non-practitioners as a refresher Program.

With recognition comes responsibility. The IPA is recognised in legislation as one of the three professional accounting bodies within Australia. This means compliance with the ASIC Act and with regulations and standards set by ATO, TPB, ASIC, APESB, FRC, AASB AUASB and IFAC.

The regulators, standard setters, government and the public all rely on the professional expertise, competence and ethics of IPA members. Therefore, the IPA has mandated that members moving into professional practice must demonstrate competence in these key areas.

It is compulsory to complete the IPA Professional Practice Program within 6 months of receiving an IPA PPC unless you have completed a Professional Practice Program with Chartered Accountants Australia + New Zealand or CPA Australia within the last 5 years.

The Program consists of self-paced study and six Online webinars. You should complete the self-paced study before attending the webinars. This will take up to 80 hours, depending on your experience. To successfully complete the Program, you must:

- Attend all sessions of the course,
- Successfully complete the assessment held in two parts at the end of webinar 3 and at the end of webinar 6.

The assessment comprises two tests of 15 multiple-choice questions and you are permitted 30 minutes to complete each of the assessment tasks. You may refer to your course materials, but you are not to consult any other person. There is 1 mark per question and you need to obtain at least 50% to successfully complete the assessment.

If you do not successfully complete the assessment, you will be offered an opportunity to re-sit the assessment. If you are still unsuccessful, you will be required to repeat the six Online webinars and successfully pass the assessment.

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5.1: Introduction – Statutory Registrations

5.1.1: ABN Registration

ABN registrations are administered by the Federal Government through the Australian Business Register (ABR). The ABR website provides an applicant with information as to how to register an ABN.

You will not be permitted to register a business name if you do not hold an ABN.

To apply for an ABN, this can be done online via the ABR website. There is no charge. You must be carrying on a business or other enterprise to be entitled to hold an ABN. It must be clearly indicated on your application that you are carrying on an enterprise.

An ABN application will be processed faster if staff at the ABR can identify the applicant from the information provided, such as a tax file number. Applications can be commenced and saved if all the information is not available at the time of the application.

More information is available at: <https://abr.gov.au/For-Business.-Super-funds---Charities/Applying-for-an-ABN>

5.1.2: TFN Application

Companies, trusts, partnerships and many other organisations can apply for a tax file number (TFN) online. Individuals or sole traders cannot apply for a TFN for business as they are the business, there is no separate legal entity.

If you do not hold a TFN, you may not be eligible to hold an ABN. You can apply for a TFN with the Australian Taxation Office or apply for a TFN at the same time as you apply for your ABN.

More information is available at: <https://www.ato.gov.au/individuals/tax-file-number/apply-for-a-tfn/>

5.1.3: Business Name Registration

To register a business name in Australia, an applicant must hold an Australian Business Number (ABN).

A business name is a major element of your business identity and image so it should be original and not similar to existing business names, company names or trademarks. It should be memorable, easy to pronounce and spell, non-offensive and functional.

You can choose to use your personal name for your business. If you're using your personal name as a business name, there's no need to register it. However, if you want to call your business your personal name and add on something such as 'and Co.', then this will need to be registered.

It is wise to see if the name you would like to register is available for you to use. If the preferred name of your business is generic, it may be taken by some other person.

Applicants can check with ASIC to determine if a business name or company name is available for registration:

- To check if your preferred business name is available:
https://connectonline.asic.gov.au/RegistrySearch/faces/landing/bn/SearchBnRegisters.jspx?_adf.ctrl-state=fkn2i3kzw_20
- To check if a company name is available:
https://connectonline.asic.gov.au/RegistrySearch/faces/landing/SearchRegisters.jspx?_adf.ctrl-state=fkn2i3kzw_28

5.1.4: PAYG, GST and myGovID Registrations

Applying for PAYG, GST and myGovID registrations can be done at the same time as an ABN application. This may save time.

More information on PAYG and GST registrations is available at: <https://abr.gov.au/For-Business.-Super-funds---Charities/Applying-for-other-registrations/Apply-for-GST,-PAYG,-business-name-and-AUSkey/>.

More information on how to setup a myGovID is available at <https://www.mygovid.gov.au/set-up>.

5.1.5: Domain Name Registration

A domain name is a business online address for the internet. Each computer that is connected to the internet has a unique identifying number - an Internet Protocol address or IP address. This sequence of numbers is too difficult to remember, therefore we use a unique domain name for each IP address.

The domain name is marketed so customers can easily locate your services. Each website has its own distinct domain name, allowing it to be distinguishable from other sites. Most domain names are easy to remember because they are usually made up of a business name.

Domain names within Australia are administered by au Domain Administration Ltd (auDA) who are the policy authority and industry self-regulatory body for .au domain names.

More information on domain name registration is available at: www.auda.org.au.

5.2: Intellectual Property Protection

Protection of intellectual property should be considered as part of your overall business strategy. This can add value to your business and provide you with a wider range of marketing options. It also means customers can identify your business by your logo or trade mark.

5.2.1: Trade Mark Registration

Registering a business, company or domain name does not give you proprietary rights. Only a trade mark can provide that protection.

A trade mark is your brand and is a way of identifying your unique product or service you offer can be used as a valuable marketing tool. Your trade mark is your unique identity which your clients know who you are.

Registering a business, company or domain name does not automatically give you the right to use that name as a trade mark. IP Australia offer a search facility on their website allowing you to check what is currently registered which will shape your trade mark design so it will not conflict with an existing registration.

More information on intellectual property protection is available at: <https://www.ipaustralia.gov.au/>

5.3: ASIC Registration Requirements

ASIC oversees the registration process for:

- Registered Company Auditors (RCA's);
- Self-managed superannuation fund (SMSF) auditors;
- Limited Australian financial services (AFS) licence;
- Australian financial services (AFS) licence.
- Registered Qualified Tax Relevant Providers (QTRP).
- Registered Liquidators.
- Credit licensees.

5.3.1: Registered Company Auditor Registration

Applications to become a Registered Company Auditor (RCA) are managed by ASIC and the application process is performed online. There are compliance obligations under the *Corporations Act 2001* which ASIC has oversight.

ASIC Regulatory Guide 180 (RG 180) Auditor Registration explains how to apply for registration and the requirements for maintaining registration.

There are various pathways available to becoming a RCA and an applicant must demonstrate they have the appropriate qualifications and skills and also that they are fit and proper person as per ASIC's requirements.

More information on the registered company auditor registration process is available at:

<http://asic.gov.au/for-finance-professionals/company-auditors/>

5.3.2: Self-Managed Superannuation Fund Auditor Registration

Applications to become a Self-managed superannuation fund auditor (SMSF auditor) are managed by ASIC and the application process is performed online. Applicants must:

- be an Australian resident;
- successfully complete an examination;
- have practical experience; and
- hold appropriate qualifications.

ASIC Regulatory Guide 243 (RG 243) Registration of self-managed superannuation fund auditors explains how to apply for registration and the requirements for maintaining registration. RG 243 provides guidance on the continuing legal obligations of approved SMSF auditors.

More information on the SMSF auditor registration process can be found at: <http://asic.gov.au/for-finance-professionals/self-managed-superannuation-fund-smsf-auditors/applying-for-smsf-auditor-registration/>

5.3.3: AFS Licensees

You must have an Australian financial service (AFS) licence to conduct a financial services business.

If you carry on a business of providing financial services, you must hold an AFS licence (unless you are exempt or are authorised to provide those services as a representative of another person who holds an AFS licence).

You may need an AFS licence if, as part of your business, you:

- provide financial product advice to clients
- deal in a financial product
- make a market for a financial product
- operate a registered scheme
- provide a custodial or depository service
- provide traditional trustee company services
- provide a crowd funding service
- provide a superannuation trustee service
- provide a claims handling and settling service, or
- operate the business and conduct the affairs of a corporate collective investment vehicle (CCIV).

You will need to have your AFS licence or be a representative of a licensee from the day you start your financial services business. Depending on your business, you may decide to apply for a limited AFS licence.

More information on when you need an AFS licence can be found at: <https://asic.gov.au/for-finance-professionals/afs-licensees/do-you-need-an-afs-licence/>

5.3.3.1 Limited Australian Financial Services (AFS) Licence Registration

Applications to hold a limited Australian financial services (AFS) licence are managed by ASIC and the application process is performed online. There are compliance obligations under the *Corporations Act 2001* which ASIC has oversight.

Limited AFS license holders are generally accountants, but there are exceptions to this as other professionals determine the need to hold a limited AFS license.

A limited AFS licensee authorises individuals, companies and any other to provide only one or more of the following limited financial services and is not open to negotiation:

- financial product advice about:
 - self-managed superannuation funds (SMSFs)
 - a client's existing superannuation holdings in certain circumstances.
- 'class of product advice' about:
 - superannuation products
 - securities
 - simple managed investment schemes
 - general insurance products

- life risk insurance products
- basic deposit products.

A limited AFS licensee can also be authorised to arrange to deal in an interest in an SMSF.

An AFS licensee who is authorised to provide financial services in addition to those limited financial services set out above is not a limited AFS license holder.

More information on the Limited AFS licence registration process can be found at: <https://asic.gov.au/for-finance-professionals/afs-licensees/applying-for-and-managing-an-afs-licence/limited-financial-services/>

5.3.3.2: Australian Financial Services (AFS) Licence Registration

Applications to hold an Australian financial services (AFS) licence are managed by ASIC and the application process is performed online. There are compliance obligations under the *Corporations Act 2001* which ASIC has oversight.

An AFS licence authorises the licence holder and its representatives to provide financial services to clients. Financial services are:

- financial product advice to clients for example, giving a recommendation to clients or the general public about which financial product they should purchase.
- dealing in a financial product for example, buying or selling shares on behalf of a client or issuing interests in a managed investment scheme.
- making a market for a financial product for example, where you regularly quote prices at which people can buy or sell financial products.
- operating a registered managed investment scheme. ASIC is also required to register managed investment schemes that are offered to retail clients.
- providing a custodial or depository service for example, holding a financial product, or a beneficial interest in a financial product on trust for a client or
- providing traditional trustee company services for example, preparing estate management functions.
- providing a crowd funding service.
- providing a superannuation trustee service.
- providing a claims handling and settling service.
- operating the business and conduct the affairs of a corporate collective investment vehicle (CCIV).

Financial products include things such as shares, bonds, superannuation, interests in managed investment schemes, life insurance, general insurance, derivatives and margin lending facilities.

Depending on your circumstances, you may be exempt from the requirement to hold an AFS licence or you may provide financial services under a limited AFS licence. You may also choose to provide financial services as an authorised representative of an AFS licensee.

The authority permitted under an AFS licence by far exceeds the authority provided under a limited AFS licence. Members need to ascertain the level of authority they need and apply to ASIC accordingly.

More information on the AFS licence registration process can be found at: <https://asic.gov.au/for-finance-professionals/afs-licensees/applying-for-and-managing-an-afs-licence/>

5.3.4: Registered Qualified Tax Relevant Provider (QTRP)

On 1 January 2022, the regulatory landscape for relevant providers who provide tax (financial) advice services changed following the commencement of the *Financial Sector Reform (Hayne Royal Commission Response – Better Advice) Act 2022* (Better Advice Act).

ASIC has released INFO 268 Information Sheet 268 to address some frequently asked questions about the impact of the Better Advice Act on relevant providers who provide tax (financial) advice services.

ASIC are expected to release additional information relating to the financial adviser registration requirements in due course. Any urgent queries about financial adviser registration with ASIC can be directed to registration.enquiries@asic.gov.au.

More information on QTRPs can be found at: <https://asic.gov.au/regulatory-resources/financial-services/financial-advice/your-obligations-when-giving-financial-advice/faqs-relevant-providers-who-provide-tax-financial-advice-services/>

5.3.5: Registered Liquidators

You must be registered as a liquidator to be appointed to any type of insolvent external administration. A registered liquidator is a natural person who is registered as a liquidator under the *Corporations Act 2001*.

Registered liquidators act in a fiduciary capacity, and often have total management control of the affairs, money and other property of a body corporate.

Applications for registration as a registered liquidator are made to ASIC and will be referred to a committee that will interview the applicant and may require that the applicant sit an examination.

More information on Registered Liquidators can be found at: <https://asic.gov.au/for-finance-professionals/registered-liquidators/>

5.3.6: Credit Licensees

You must be covered by an Australian credit licence to engage in credit activities (unless you are exempt or authorised to engage in those activities as a representative of a credit licensee).

Credit activity includes:

- providing credit under a credit contract or consumer lease
- benefiting from mortgages or guarantees relating to a credit contract
- exercising rights or performing obligations of a credit provider or lessor
- suggesting or assisting with a particular credit contract or consumer lease
- acting as an intermediary between a credit provider and a consumer (for a credit contract) or between a lessor and a consumer (for a consumer lease).

You will need to have your credit licence or authorisation from the day you start your business. Strict penalties may apply to persons who unlawfully engage in credit activities.

ASIC assesses applications for credit licences as part of their role as regulator of the consumer credit industry.

More information on Credit licensees can be found at: <https://asic.gov.au/for-finance-professionals/credit-licensees/>

5.4: Tax Practitioner Board Registration - Introduction

The Tax Practitioners Board (TPB) is a national body responsible for the registration and regulation of tax agents and BAS agents (collectively referred to as 'tax practitioners'). The TPB is also responsible for ensuring compliance with the [Tax Agent Services Act 2009](#), including the Code of Professional Conduct (Code). The TPB achieves this by:

- administering a system to register tax practitioners, ensuring they have the necessary competence and personal attributes;
- providing guidelines and information on relevant matters;
- investigating conduct that may breach the TASA, including non-compliance with the Code, and breaches of the civil penalty provisions;
- imposing administrative sanctions for non-compliance with the Code; and
- applying to the Federal Court in relation to contraventions of the civil penalty provisions in the TASA.

The TASA can be accessed from <https://www.legislation.gov.au/Series/C2009A00013>.

5.5: Tax Practitioner Registration Requirements

Anyone who provides tax agent services for a fee or other reward must be registered with the Tax Practitioners Board (emphasis added).

On 31 January 2023, TPB issued [Information sheet TPB\(I\) 40/2023 What is a fee or other reward?](#) TPB(I) 40/2023 provides information to assist entities to determine what constitutes a fee or other reward.

Registration ensures that tax agents:

- have the qualifications and experience required to provide tax agent services;
- meet the fit and proper requirements of the TASA; and
- have appropriate professional indemnity insurance cover to protect consumers.

In short, there are 2 main types of services that require a practitioner to be registered under the TASA:

- tax agent service; or
- BAS agent service.

5.5.1: Tax Agent Service

A tax agent service is any service relating to:

- ascertaining (that is, working out) or advising about liabilities, obligations or entitlements of entities (that is your clients) under a taxation law; or
- representing entities in their dealings with the Commissioner of Taxation (Commissioner) in relation to a taxation law;
- where it is reasonable to expect the entity will rely on the service to satisfy liabilities or obligations, or to claim entitlements under a taxation law.

There is a legal requirement that you must not charge or receive a fee or other reward if you provide a service which you know or should reasonably know is a tax agent service and you are not a registered tax agent.

For the definition of a tax agent service, refer to section 90-5 of the TASA.

TPB guidance – examples of tax agent services

The following table contains a non-exhaustive list of the types of services that may or may not constitute a tax agent service under the TASA, if provided for a fee or reward.

Service	Tax agent service	Not a tax agent service
Preparing returns, notices, statements, applications or other documents about your client's liabilities, obligations or entitlements under a taxation law.	✓	
Lodging returns, notices, statements, applications or other documents about your client's liabilities, obligations or entitlements under a taxation law.	✓	
Assisting clients with tax concessions for expenditure incurred on research and development activities where the service involves the application of taxation laws.	✓	
Preparing depreciation schedules on the deductibility of capital expenditure.	✓	
Preparing or lodging objections on behalf of a taxpayer under Part IVC of the <i>Taxation Administration Act 1953</i> (TAA) against an assessment, determination, notice or decision under a taxation law.	✓	
Giving clients advice about a taxation law that they can reasonably be expected to rely on to satisfy their taxation obligations.	✓	
Dealing with the Commissioner on behalf of clients.	✓	
Applying to the Commissioner or the Administrative Appeals Tribunal (AAT) for a review of, or instituting an appeal against, a decision on an objection under Part IVC of the TAA.	✓	
Reconciling BAS provision data entry to ascertain the figures to be included on a client's activity statement.	✓	
Filling in an activity statement on behalf of a client or instructing them which figures to include.	✓	
Ascertaining the withholding obligations for employees of your clients, including preparing payment summaries.	✓	
Installing computer accounting software and determining default goods and services tax (GST) and other codes tailored to clients.	✓	
Installing computer accounting software without determining default GST and other codes tailored to clients.		✗
Coding transactions, particularly in circumstances where it requires the interpretation or application of a taxation law.	✓	

Service	Tax agent service	Not a tax agent service
Coding tax invoices and transferring data onto a computer program for clients under the instruction and supervision of a registered tax or BAS agent.		x
Contracting the services of a specialist to provide advice about an area of taxation law that you have no expertise and cannot review for accuracy.		x
Services provided by an auditor of a self-managed superannuation fund under the <i>Superannuation Industry (Supervision) Act 1993</i> .		x
Providing general taxation advice to clients that does not involve the application or interpretation of a taxation law to the client's personal circumstances.		x
General training (such as a classroom) in relation to the use of computerised accounting software not related to particular fact situations.		x
Preparing bank reconciliations.		x
Entering data.		x
Providing a payroll service which involves interpreting and applying a taxation law, including reporting of employee payroll information through the use of single touch payroll (STP) enabled software	✓	
Providing tax related advice specific to client's circumstances regarding: PAYG withholding liability, Superannuation Guarantee obligations, fringe benefits tax laws, and termination and redundancy payments.	✓	
Transmission of data to the Commissioner through single touch payroll (STP) enabled software, where the data transmission does not require the interpretation or application of a taxation law.		x

Partnerships and companies must have a sufficient number of registered individual tax agents to provide tax agent services to a competent standard and to carry out supervisory arrangements. This means that if you register as a partnership or company tax agent you may also need to register separately as an individual tax agent.

Source: <https://www.tpb.gov.au/tax-agent-services>

On 31 January 2023, TPB issued [Information sheet TPB\(I\) 39/2023 What is a tax agent service?](#) TPB(I) 39/2023 provides information regarding the TPB's position on the application of subsection 90-5 of the TASA, containing the definition of tax agent service.

5.5.2: BAS Service

A BAS service is a tax agent service that relates to:

- ascertaining or advising about the liabilities, obligations or entitlements of a client under a BAS provision; or
- representing a client in their dealings with the Commissioner of Taxation in relation to a BAS provision; and
- where it is reasonable to expect a client will rely on the service to satisfy liabilities or obligations or to claim entitlements under a BAS provision.

The term 'BAS provision' is defined in *Income Tax Assessment Act 1997* as:

- Part VII (collection and recovery only) of the *Fringe Benefits Tax Assessment Act 1986*
- the indirect tax laws, including
 - the goods and services tax (GST) law
 - the wine tax law
 - the luxury car tax law
 - the fuel tax law, and
- Parts 2-5 and 2-10 in schedule 1 of the *Tax Administration Act 1953*, which are about the pay as you go (PAYG) system.

The TASA also provides that the Tax Practitioners Board may, by legislative instrument, specify that another service is a BAS service.

There are significant civil penalties for anyone providing BAS services for a fee or reward, or advertising BAS services, while unregistered.

For the definition of a BAS service, refer to section 90-10 of the TASA.

Declaring certain services as BAS services

TPB have registered the following legislative instruments that extend the scope of services that registered BAS agents can provide:

- [*Tax Agent Services \(Specified BAS Services No.1\) Instrument 2020*](#) — this instrument, registered on 15 April 2020, allows BAS agents to provide certain services under the Australian Government's COVID-19 stimulus measures. Refer to the [Explanatory Statement](#) of this instrument for further information.
- [*Tax Agent Services \(Specified BAS Services No 2\) Instrument 2020*](#) — this instrument, registered on 5 November 2020, allows BAS agents to provide certain services, including in relation to the superannuation guarantee (SG) and superannuation guarantee charge (SGC). This instrument repeals the *Tax Agent Services (Specified BAS Services) Instrument 2016*. Refer to the [Explanatory Statement](#) of this legislative instrument for further information.

TPB guidance – examples of a BAS service

The following table contains a non-exhaustive list of the types of services that may or may not constitute a BAS service under the TASA:

Service	BAS service	Not a tax agent service or BAS service
Applying to the Registrar for an ABN on behalf of a client.	✓	
Installing computer accounting software without determining default GST and other codes tailored to the client.		✗
Coding transactions, tax invoices and transferring data onto a computer program for clients through processes that require the interpretation or application of a BAS provision.	✓	
Coding transactions, tax invoices and transferring data onto a computer program for clients through processes that do not require the interpretation or application of a BAS provision.		✗
Confirming figures to be included on a client's activity statement.	✓	
Completing activity statements on behalf of an entity or instructing the entity which figures to include.	✓	
General training in relation to the use of computerised accounting software not related to client's particular circumstances.		✗
Preparing bank reconciliations.		✗
Entering data without involvement in or calculation of figures to be included on a client's activity statement.		✗
Providing advice about or confirming the withholding tax obligations for the employees of a client.	✓	

Service	BAS service	Not a tax agent service or BAS service
Services declared to be a BAS service by way of a legislative instrument issued by the TPB.	✓	
Preparing and providing an income tax statement that may include reportable fringe benefits amounts and the reportable employer superannuation contributions.	✓	
Registering or providing advice on registration for GST or PAYG withholding.	✓	
Services under the <i>Superannuation Guarantee (Administration) Act 1992</i> to the extent that they relate to a payroll function or payments to contractors.	✓	
Advising about an SGC liability, including calculating the liability and preparing the SGC statement	✓	
Advising about the offsetting of late payments of superannuation contributions against the SGC	✓	
Completing the late payment offset election section of an SGC statement	✓	
Representing a client in their dealings with the ATO relating to the SGC – lodging SGC statements, being an authorised contact relating to SG and SGC, and accessing these accounts in the ATO's online services for BAS agents	✓	
Being an authorised contact with the ATO for payment arrangements relating to SGC account	✓	
Being an authorised contact with the ATO for requesting penalty remissions relating to SGC	✓	

Service	BAS service	Not a tax agent service or BAS service
Being an authorised contact for any audit or review activity undertaken by the ATO relating to SGC	✓	
Advising about claiming of an allowable tax deduction for superannuation contribution		✗
Advising about superannuation contribution caps and the effect of exceeding those caps		✗
Advising on salary sacrificing arrangements and salary packaging		✗
Advising about fringe benefits tax laws		✗
Advising about, preparing and/or lodging income tax returns		✗
Determining and reporting the superannuation guarantee shortfall and associated administrative fees	✓	
Dealing with superannuation payments made through a clearing house	✓	
Completing and lodging the Taxable payments annual report to the ATO on behalf of a client	✓	
Sending a TFN declaration to the Commissioner on behalf of a client	✓	
Transmitting data to the Commissioner through single touch payroll (STP) enabled software, where the data transmission does not require the interpretation or application of a BAS provision		✗

Service	BAS service	Not a tax agent service or BAS service
Providing a payroll service which involves interpreting and applying a BAS provision, including reporting of employee payroll information through the use of STP enabled software	✓	
Undertaking a payroll compliance review, providing an assessment and/or opinion whether the client is compliant with one or more BAS provisions	✓	
Determining eligibility, providing advice and assisting eligible clients to elect to participate in the JobKeeper Payments scheme	✓	
Determining eligibility, providing advice and assisting eligible clients in relation to their Cashflow boost entitlements	✓	
Determining eligibility, providing advice and assisting eligible clients to claim the JobMaker Hiring Credit	✓	

Source: <https://www.tpb.gov.au/bas-agent-services>

On 31 January 2023, TPB issued [Information sheet TPB\(I\) 38/2023 What is a BAS service?](#) TPB(I) 38/2023 provides information regarding the TPB's position on the application of subsection 90-10 of the TASA, containing the definition of a BAS service.

5.6: Registration Exemptions

5.6.1: Tax Agent Services

There are limited situations where you do not need to register as a tax agent. You do not need to be registered if you are:

- an employee or contractor of a registered tax agent and you do not provide tax agent services in your own right. However, if you are working for a company or partnership which charges or receives fees for tax agent services, the company or partnership might need you (as an individual) to be registered so that it has a sufficient number of registered individual tax agents
- a registered Qualified Tax Relevant Provider (QTRP) with ASIC
- a company or partnership providing tax (financial) advice services and you ensure every individual providing tax (financial) advice services on your behalf is registered either as a QTRP or tax agent
- a legal practitioner and you
 - are not prohibited from providing tax agent services under a State or Territory law that regulates legal practice and the provision of legal services, and

- do not prepare and lodge returns or return like statements such as:
 - business activity statements
 - instalment activity statements
 - superannuation guarantee statements
 - pay as you go withholding payment summary statements or income statements.

except in the course of acting for a trust or deceased estate as trustee or legal personal representative.

There are also certain services which are specifically excluded from the definition of a tax agent service, and you do not need to be registered to provide these services. For a full list of these specified services refer to [section 26 of the Tax Agent Services Regulations 2022](#).

5.6.2: BAS Services

There are limited situations where you do not need to register as a BAS agent. You do not need to be registered if you are:

- an employee or contractor of a registered tax or BAS agent and you do not provide BAS services in your own right. However, if you are working for a company or partnership tax or BAS agent, the company or partnership might need you (as an individual) to be registered so that it has a [sufficient number](#) of registered individual BAS agents
- a customs broker licensed under the *Customs Act 1901* providing a BAS service relating to imports or exports to which an 'indirect tax law' (as defined in section 995-1 of the *Income Tax Assessment Act 1997* (ITAA1997)) applies.
- a legal practitioner and you:
 - are not prohibited from providing BAS services as a legal service under a state or territory law that regulates legal practice and the provision of legal services, and
 - do not prepare and lodge return like statements such as:
 - business activity statements
 - instalment activity statements
 - superannuation guarantee statements
 - pay as you go withholding payment summary statements

except in the course of acting for a trust or deceased estate as trustee or legal personal representative

5.7: Maintaining your Registration

IPA Members who have obtained registration to provide tax agent services or BAS agent services as a registered tax practitioner under the TASA are required to:

- maintain professional indemnity insurance that meets TPB's requirements
- Meet TPB's continuing professional education requirements
- notify TPB of any change of registration details or circumstances
- comply with the TASA Code
- renew their registration when it becomes due for renewal
- submit an Annual Declaration.

More information on maintaining your registration can be found at: <https://www.tpb.gov.au/maintain-your-registration>

5.7.1: TPB's Annual Declaration for Registered Tax Practitioners

A registered tax practitioner must complete an annual declaration with the TPB to demonstrate that they meet ongoing registration requirements, including:

- having professional indemnity insurance cover;
- undertaking continuing professional education (individuals only);
- satisfying fit and proper requirements; and
- meeting your personal tax obligations.

More information on TPB's Annual Declaration can be found at: <https://www.tpb.gov.au/annual-declaration>

5.7.2: Notify the TPB of any Change of Registration Details or Circumstances

Under the TASA, you must notify the TPB of certain changes in registration details or circumstances. Failure to notify the TPB is a breach of the TASA Code and the TPB may terminate your registration. Notification must be in writing (either electronic or paper) within 30 days on which you become, or ought to have become, aware of any changes to your:

- contact details
- practice structure
- legal or trading name
- circumstances relevant to your registration
- changes to professional association membership.

More information on your notification obligations can be found at: <https://www.tpb.gov.au/change-registration-details-or-circumstances>

5.7.3: Comply with the TASA Code

The TASA Code regulates the personal and professional conduct of registered tax practitioners. The Code is contained in section 30-10 of the TASA.

The Code sets out principles under five separate categories:

Honesty and integrity

1. You must act honestly and with integrity.
2. You must comply with the taxation laws in the conduct of your personal affairs.
3. If you:
 - receive money or other property from or on behalf of a client, and
 - hold the money or other property on trustyou must account to your client for the money or other property.

Independence

4. You must act lawfully in the best interests of your client.
5. You must have in place adequate arrangements for the management of conflicts of interest that may arise in relation to the activities that you undertake in the capacity of a registered tax agent.

Confidentiality

6. Unless you have a legal duty to do so, you must not disclose any information relating to a client's affairs to a third party without your client's permission.

Competence

7. You must ensure that a tax agent service that you provide, or that is provided on your behalf, is provided competently.
8. You must maintain knowledge and skills relevant to the tax agent services that you provide.
9. You must take reasonable care in ascertaining a client's state of affairs, to the extent that ascertaining the state of those affairs is relevant to a statement you are making or a thing you are doing on behalf of a client.
10. You must take reasonable care to ensure that taxation laws are applied correctly to the circumstances in relation to which you are providing advice to a client.

Other responsibilities

11. You must not knowingly obstruct the proper administration of the taxation laws.
12. You must advise your client of the client's rights and obligations under the taxation laws that are materially related to the tax agent services you provide.
13. You must maintain the professional indemnity insurance that the Board requires you to maintain.
14. You must respond to requests and directions from the Board in a timely, responsible and reasonable manner.

More information on the TASA Code can be found at: [TPB Explanatory Paper 01/2010: Code of Professional Conduct](#).

5.7.4: Renew Registration

Registration must be renewed as per the TPB requirements and part of the renewal process is to make appropriate declarations and in some circumstances, undertakings to satisfy specific TPB requests.

5.8: TPB information products

TPB has a range of information products, from binding guidance to general information that set out the TPB's view of how the laws they administer apply to tax practitioners and the wider community.

These products include:

- [Explanatory papers](#)
- [Information sheets](#)
- [Practice notes](#)
- [Legislative instruments](#)
- [Proposed guidelines](#)
- [Exposure Drafts](#)
- [Discussion Papers](#)
- [Consultative Forum](#) and [Tax Practitioner Governance and Standards Forum Reports](#)
- [Other Guidance](#)

More information of TPB information products can be found at: <https://www.tpb.gov.au/guide-our-products>