

TASA Determination 2024

Disclosures for Engagement Documents and Website

Keeping Your Clients Informed of All Relevant Matters

The Tax Agent Services (Code of Professional Conduct) Determination 2024 creates the following requirement for Tax Agents and BAS Agents from 1 August 2024:

45 Keeping your clients informed of all relevant matters

Obligation

- (1) You must advise all current and prospective clients, in the manner and form set out in subsection (2), of all of the following:
 - (a) any matter that could significantly influence a decision of a client to engage you, or to continue to engage you, to provide a tax agent service;
 - (b) that the Board maintains a register of tax agents and BAS agents and how they can access and search the register;
 - (c) how they can make a complaint about a tax agent service you have provided, including the complaints process of the Board.

Manner and form requirements

- (2) Where you are required to advise clients of information covered by subsection (1), you must do so:
 - (a) by giving the information mentioned in a paragraph in subsection (1), in writing, to current and prospective clients in a prominent, clear and unambiguous way; and
 - (b) for information mentioned in paragraph (1)(a):
 - (i) if a client makes inquiries to engage or re-engage you to provide tax agent services, and you are aware of the matter at that time—at the time of the inquiry; or
 - (ii) otherwise—within 30 days of becoming aware of the matter; and
 - (c) for information covered by either paragraph (1)(b) or (1)(c)—upon engagement or re-engagement of a client (as the case requires), or upon receiving a relevant request.

- Example** Whilst not limiting the ways in which a registered tax agent or BAS agent could satisfy subsection (2), an agent who does all of the following, in the form and within the times mentioned in subsection (2), will have given information to all their current and prospective clients as required under this section:
- (a) the agent publishes the information on a publicly accessible website that they use to promote the tax agent services they offer, and
 - (b) the agent includes the information in letters of engagement or re-engagement (as case the requires) given to each of their clients.

Example Disclosure Content

The content below is designed to satisfy the disclosure requirements of S45, using the example recommendations. You will need to add in any matters you wish to disclose in Item 1 below.

Information we are required to Disclose to You

As a [Tax Agent / BAS Agent], our work for you is performed in accordance with the *Tax Agent Services Act 2009*. Under this Act, the *Tax Agent Services (Code of Professional Conduct) Determination 2024* requires that we make the following disclosures to you:

1. Matters that could significantly influence your decision to engage us (or continue to engage us) for a Tax Agent Service from 1 July 2022 onward include the following:
 - None Applicable / or LIST MATTER
 - LIST MATTER
2. The Tax Practitioner's Board maintains a register of Tax Agents and BAS Agents. You can access and search this register here: <https://www.tpb.gov.au/public-register>
3. If you have a complaint about our [Tax Agent / BAS Agent] services, you will need to contact your Accountant in the first instance with details by email. If they are unable to resolve your complaint within 3 business days, please contact [DIRECTOR NAME] - [ROLE] by email. Your complaint will be investigated by [the Director / a staff member who is not involved in the subject matter of the dispute where possible]. We will provide you with email acknowledgement of receipt of your complaint and our understanding of the circumstances. The email will inform you that we will attempt to resolve your complaint within 14 days and will outline the dispute resolution process. If you are unhappy with the outcome that we propose to you, you can then make a complaint to the Tax Practitioners Board (TPB) using the link listed above. The TPB will send you an email to acknowledge the receipt of your complaint and review and risk assess your complaint. If you are unhappy with how the TPB has dealt with your complaint, the above link includes details about your review rights and who can further assist you.

SYSTEM

Step	Action	Person Responsible
1	Update Example Disclosure Content <ul style="list-style-type: none"> Update the above Example Disclosure Content for all items listed in RED. 	Director
2	Liaise with your Website provider to upload your Disclosure Content <ul style="list-style-type: none"> Ensure that your Disclosure Content is shown on your website in a "prominent, clear and unambiguous way" (<i>Tax Agent Services (Code of Professional Conduct) Determination 2024 S45(2)(a)</i>). 	Practice Manager
3	Update your Engagement Letter with your Disclosure Content <ul style="list-style-type: none"> Ensure that your Disclosure Content is shown in your Engagement Letter in a "prominent, clear and unambiguous way" (<i>Tax Agent Services (Code of Professional Conduct) Determination 2024 S45(2)(a)</i>). This appears to mean that it must be in the body of the Engagement Letter and not in fine print in Terms and Conditions listed in your Engagement Letter. 	Practice Manager
4	Be Alert to Provide any Necessary Future Disclosures within 30 Days <ul style="list-style-type: none"> S45 (2)(b)(ii) of the <i>Tax Agent Services (Code of Professional Conduct) Determination 2024</i> requires that you update your website and Engagement Letter disclosures within 30 days of you becoming aware of any matter that could significantly influence a decision of a client to engage you or continue to engage you to provide a Tax Agent service. 	Director

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