

EXPOSURE DRAFT

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Inserts for

Treasury Laws Amendment Bill 2026: Enhancing TPB Sanctions Framework

Commencement information

Column 1

Column 2

Column 3

Provisions

Commencement

Date/Details

1. Schedule 1	The first 1 January, 1 April, 1 July or 1 October to occur after the day this Act receives the Royal Assent.	
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Schedule 1—Amendments to the Tax Agent Services Act 2009

Part 1—Main amendments

Division 1—New Board powers to suspend registration

Tax Agent Services Act 2009

1AA Subsection 20-50(3)

After “section 30-25”, insert “or Division 40”.

1AAB Subsection 30-25(2)

After “suspension”, insert “under subsection (1)”.

1AAC Subsection 30-25(4)

After “suspended”, insert “under subsection (1)”.

1 Part 4 (heading)

Omit “Termination”, substitute “Suspension and termination”.

2 Division 40 of Part 4 (heading)

Omit “Termination”, substitute “Suspension and termination”.

3 Section 40-1

Repeal the section, substitute:

40-1 What this Division is about

Your registration may be suspended or terminated if an event occurs that affects your continued registration (see section 20-45), you cease to meet the tax practitioners registration requirements or you breach a condition of your registration.

If your registration is suspended, the Board must notify you of the action that you must take to lift the suspension.

If your registration is terminated, the Board may also determine a period during which you may not apply for registration.

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The Board may also suspend your registration on an interim basis if it is satisfied on reasonable grounds that you have engaged in certain serious misconduct and there may be a risk to your clients or it is in the public interest to do so.

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5 **4 Subdivision 40-A (heading)**

6 Omit “terminating”, substitute “suspending or terminating”.

7 **5 Section 40-5 (heading)**

8 Omit “Termination”, substitute “Suspension or termination”.

9 **6 Subsection 40-5(1)**

10 After “Board may”, insert “suspend or”.

11 **7 Subsection 40-5(1) (note)**

12 After “Board may also”, insert “suspend or”.

13 **8 Section 40-10 (heading)**

14 Omit “Termination”, substitute “Suspension or termination”.

15 **9 Subsection 40-10(1)**

16 After “Board may”, insert “suspend or”.

17 **10 Subsection 40-10(1) (note)**

18 After “Board may also”, insert “suspend or”.

19 **11 Section 40-15 (heading)**

20 Omit “Termination”, substitute “Suspension or termination”.

21 **12 Subsection 40-15(1)**

22 After “Board may”, insert “suspend or”.

23 **13 Subsection 40-15(1) (note)**

24 After “Board may also”, insert “suspend or”.

25 **16 After Subdivision 40-A**

26 Insert:

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1 Subdivision 40-AA—Interim suspension of registration

2 Table of sections

3 40-17 Interim suspension of registration

4 40-17 Interim suspension of registration

5 (1) If you are a *registered tax agent or BAS agent, the Board may
6 suspend your registration if the Board is satisfied on reasonable
7 grounds that:

8 (a) you have engaged in conduct that would constitute:

9 (i) an offence against a *taxation law; or

10 (ii) a contravention of a civil penalty provision; and

11 (b) having regard to the conduct, either:

12 (i) one or more of your clients is likely to suffer loss or
13 damage if your registration is not suspended; or

14 (ii) it is in the public interest to suspend your registration
15 because there is or may be a significant risk to the
16 revenue of the Commonwealth, the integrity of the tax
17 system or the integrity of the tax profession.

18 (2) The period of suspension is 90 days or a lesser period determined
19 by the Board.

20 (3) The Board is not required to observe any requirements of the
21 natural justice hearing rule in exercising the power under
22 subsection (1).

23 (4) The Board may extend the period of suspension for a further period
24 or further periods of 90 days or less determined by the Board if:

25 (a) the Board is satisfied on reasonable grounds of the matters
26 mentioned in paragraphs (1)(a) and (b); and

27 (b) an investigation about the conduct mentioned in
28 subsection (1) has commenced.

29 14 Subdivision 40-B of Division 40 of Part 4 (heading)

30 After “effect of”, insert “suspension or”.

31 15 Before section 40-20

32 Insert:

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1 **40-18 Notification of decision to suspend registration under** 2 **Subdivision 40-A and when suspension takes effect**

3 (1) If the Board suspends your registration under Subdivision 40-A,
4 the Board must, within 14 days of the decision to suspend your
5 registration, notify you in writing of:

6 (a) the decision and the reasons for the decision; and

7 (b) the action that you must take for the Board to lift the
8 suspension.

9 However, a failure to notify does not affect the validity of the
10 Board's decision.

11 Note: The Board must cause notice of its decision to be published by
12 notifiable instrument: see section 60-140.

13 (2) The suspension takes effect on the day specified in the notice given
14 under subsection (1). The day specified in the notice must be at
15 least 14 days after the date of the notice.

16 (3) The Board must also notify the Commissioner of the Board's
17 decision, the reasons for the decision and the actions required to lift
18 the suspension.

19 **40-19 Notification of decision of interim suspension of registration** 20 **and when suspension takes effect**

21 (1) If the Board suspends your registration under section 40-17, the
22 Board must, within 7 days of the decision to suspend your
23 registration, notify you in writing of the decision.

24 (2) However, a failure to notify under subsection (1) does not affect
25 the validity of the Board's decision.

26 (3) The suspension takes effect on the day after the day on which
27 notice under subsection (1) is given.

28 **40-19A Effect of suspension**

29 (1) You must not provide *tax agent services during a period of
30 suspension under this Division.

31 Note: If you provide tax agent services while suspended, you may
32 contravene a civil penalty provision: see subsection (2) and
33 Subdivision 50-A.

34 (2) While you are suspended under this Division, you are taken not to
35 be a *registered tax agent or BAS agent, except for the purposes of:

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- 1 (a) Part 2 (Registration); and
2 (b) Division 30 (Code of Professional Conduct); and
3 (c) section 60-25 (Appointment of Tax Practitioner Board
4 members); and
5 (d) this Part.

6 **40-19B Lifting a suspension of registration under Subdivision 40-A**

- 7 (1) If your registration has been suspended under Subdivision 40-A,
8 you may apply to the Board for the suspension to be lifted.
- 9 (2) An application under subsection (1) must:
10 (a) state that the action mentioned in paragraph 40-18(1)(b) has
11 been taken; and
12 (b) be accompanied by evidence of the action having been taken;
13 and
14 (c) be accompanied by any documents that are required by the
15 Board.
- 16 (3) The Board must lift a suspension of registration if satisfied that the
17 action mentioned in paragraph 40-18(1)(b) has been taken.
- 18 (4) If the Board lifts a suspension of registration, the Board must,
19 within 30 days of the decision to lift the suspension, notify you in
20 writing of the decision.
- 21 (5) The lifting of a suspension takes effect on the day after the day on
22 which notice under subsection (4) is given.

23 **17 After paragraph 60-140(a)**

24 Insert:

- 25 ; (ba) a decision under Subdivision 40-A to suspend the registration
26 of a registered tax agent or BAS agent;

27 **18 After paragraph 70-10(ga)**

28 Insert:

- 29 ; (gb) a decision under Subdivision 40-A to suspend registration;

30 **19 After paragraph 70-10(h)**

31 Insert:

- 32 ; (haa) a decision under subsection 40-17(6) to extend an interim
33 suspension;

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20 Subsection 70-30(2)

After “subsection (2A)”, insert “or to suspend a person under subsection 40-17(1)”.

Division 2—New civil penalty provisions and related matters

Tax Agent Services Act 2009

21 At the end of subsection 30-15(2)

Add:

Note: Failing to comply with the Code of Professional Conduct is also a civil penalty provision: see section 50-31. However, the Board must not apply for an order that you pay a pecuniary penalty unless it has conducted an investigation under Subdivision 60-E: see subsection 50-35(4).

22 After section 50-20

Insert:

50-21 False and misleading statements made to Commissioner or Board by unregistered persons

- (1) You contravene this subsection if:
- (a) you provide a service that you know, or ought reasonably to know, is a *tax agent service; and
 - (b) you are not a *registered tax agent or BAS agent; and
 - (c) you:
 - (i) make a statement to the Commissioner or Board; or
 - (ii) you prepare a statement that you know, or ought reasonably to know, is likely to be made to the Commissioner by an entity; and
 - (d) you know, or are reckless as to whether, the statement:
 - (i) is false, incorrect or misleading in a material particular; or
 - (ii) omits any matter or thing without which the statement is misleading in a material respect.

Civil penalty:

- (a) for an individual—2,500 penalty units; and
- (b) for a body corporate—50,000 penalty units.

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1 Note 1: Subdivision 50-C of this Act and Subdivision 298-B of Schedule 1 to
2 the *Taxation Administration Act 1953* determine the procedure for
3 obtaining a civil penalty order against you.

4 Note 2: In some circumstances, it is an offence to recklessly make a false or
5 misleading statement under sections 8K and 8N of the *Taxation*
6 *Administration Act 1953*.

7 (2) You contravene this subsection if:

8 (a) you provide a service that you know, or ought reasonably to
9 know, is a *BAS service; and

10 (b) you are not a *registered tax agent or BAS agent; and

11 (c) you:

12 (i) make a statement to the Commissioner or Board; or

13 (ii) you prepare a statement that you know, or ought
14 reasonably to know, is likely to be made to the
15 Commissioner by an entity; and

16 (d) you know, or are reckless as to whether, the statement:

17 (i) is false, incorrect or misleading in a material particular;
18 or

19 (ii) omits any matter or thing without which the statement is
20 misleading in a material respect.

21 Civil penalty:

22 (a) for an individual—2,500 penalty units; and

23 (b) for a body corporate—50,000 penalty units.

24 Note 1: Subdivision 50-C of this Act and Subdivision 298-B of Schedule 1 to
25 the *Taxation Administration Act 1953* determine the procedure for
26 obtaining a civil penalty order against you.

27 Note 2: In some circumstances, it is an offence to recklessly make a false or
28 misleading statement under sections 8K and 8N of the *Taxation*
29 *Administration Act 1953*.

30 **23 At the end of Subdivision 50-B**

31 Add:

32 **50-31 Failure to comply with Code of Professional Conduct**

33 You contravene this section if:

34 (a) you are a *registered agent or BAS agent; and

35 (b) you fail to comply with the *Code of Professional Conduct.

36 Civil penalty:

37 (a) for an individual—2,500 penalty units; and

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1 (b) for a body corporate—50,000 penalty units.

2 Note: Subdivision 50-C of this Act and Subdivision 298-B in Schedule 1 to
3 the *Taxation Administration Act 1953* determine the procedure for
4 obtaining a civil penalty order against you.

5 **24 Subsection 50-35(2)**

6 Repeal the subsection, substitute:

7 (2) If the *Federal Court is satisfied that you have contravened a civil
8 penalty provision, the Federal Court may order you to pay to the
9 Commonwealth, for each contravention, the pecuniary penalty that
10 the Federal Court determines is appropriate, but not more than:

11 (a) unless paragraph (b) applies—the maximum amount
12 specified for the provision; or

13 (b) if you are a *significant global entity—the maximum amount
14 specified for a body corporate for the provision.

15 **25 At the end of section 50-35**

16 Add:

17 *Application for order for breach of Code of Professional Conduct*

18 (4) The Board must not make an application under subsection (1) for
19 an order in relation to a contravention of section 50-31 unless the
20 Board is satisfied, after conducting an investigation under
21 Subdivision 60-E, that you have failed to comply with the *Code of
22 Professional Conduct.

23 **25A Paragraph 50-40(2)(a)**

24 After “an individual”, insert “and paragraph (ba) does not apply”.

25 **26 After paragraph 50-40(2)(a)**

26 Insert:

27 (ab) if the partner is an individual and the partnership is a
28 *significant global entity—must not exceed the maximum
29 penalty that could be imposed on a body corporate for the
30 same contravention; and

31 **27 After section 50-40**

32 Insert:

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1 **50-41 Treatment of certain trustees**

2 If an individual in the capacity of a trustee of a trust that is a
3 *significant global entity contravenes a civil penalty provision, the
4 civil penalty that may be imposed on the individual must not
5 exceed the maximum penalty that could be imposed on a body
6 corporate for the same contravention.

7 **Division 3—New criminal offences, infringement notices**
8 **and enforceable undertakings**

9 *Tax Agent Services Act 2009*

10 **28 Part 5 (heading)**

11 Repeal the heading, substitute:

12 **Part 5—Enforcement**

13 **28A At the end of Part 5**

14 Add:

15 **Division 51—Criminal offences**

16 **Table of Subdivisions**

17 51A Conduct that is prohibited with registration

18 **Guide to this Division**

19 **51-1 What this Division is about**

20 This Division contains criminal offences.

21 It is a criminal offence to provide tax agent services or BAS
22 services if you are unregistered and you provide them for a fee.

23 It is also an offence to advertise that you can provide such services
24 if you are unregistered or to represent that you are a registered tax
25 agent or BAS agent if it is untrue.

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Subdivision 51-A—Conduct that is prohibited without registration

Table of sections

4	51-5	Providing tax agent services (other than BAS services) if unregistered
5	51-10	Providing BAS services if unregistered
6	51-15	Advertising tax agent services (other than BAS agent services) if unregistered
7		
8	51-20	Advertising BAS services if unregistered
9	51-25	Representing that you are a registered tax agent or BAS agent if unregistered
10		

51-5 Providing tax agent services (other than BAS services) if unregistered

Fault-based offence

- (1) You commit an offence if:
- (a) you provide a *tax agent service; and
 - (b) the tax agent service is not a *BAS service or a *tax (financial) advice service; and
 - (c) you charge or receive a fee or other reward for providing the tax agent service; and
 - (d) you are not a registered tax agent; and
 - (e) if you provide the tax agent service as a legal service—either:
 - (i) you are prohibited, under a *State law or *Territory law that regulates legal practice and the provision of legal services, from providing that tax agent service; or
 - (ii) the service consists of preparing, or lodging, a return or a statement in the nature of a return.

Penalty: 200 penalty units or imprisonment for 40 months, or both.

- (2) Strict liability applies to paragraph (1)(c).
- (3) The fault element for paragraph (1)(d) is knowledge or recklessness.

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Exception

- (4) Subparagraph (1)(e)(ii) does not apply if you provide the *tax agent service as a legal service in the course of acting for a trust or deceased estate as trustee or *legal personal representative.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4): see subsection 13.3(3) of the *Criminal Code*.

51-10 Providing BAS services if unregistered

Fault-based offence

- (1) You commit an offence if:
- (a) you provide a *BAS service; and
 - (b) you charge or receive a fee or other reward for providing the BAS service; and
 - (c) you are not a *registered tax agent or BAS agent; and
 - (d) if you provide the BAS service as a legal service—either:
 - (i) you are prohibited, under a *State law or *Territory law that regulates legal practice and the provision of legal services, from providing that BAS service; or
 - (ii) the service consists of preparing, or lodging, a return or a statement in the nature of a return; and
 - (e) if the BAS service relates to imports or exports to which an *indirect tax law applies—you are not a customs broker licensed under Part XI of the *Customs Act 1901*.

Penalty: 200 penalty units or imprisonment for 40 months, or both.

- (2) Strict liability applies to paragraph (1)(b).
- (3) The fault element for paragraph (1)(c) is knowledge or recklessness.

Exception

- (4) Subparagraph (1)(d)(ii) does not apply if you provide the *BAS service as a legal service in the course of acting for a trust or deceased estate as trustee or *legal personal representative.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4): see subsection 13.3(3) of the *Criminal Code*.

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1 51-15 Advertising tax agent services (other than BAS agent services) 2 if unregistered

3 *Fault-based offence*

- 4 (1) You commit an offence if:
- 5 (a) you advertise that you will provide a *tax agent service; and
 - 6 (b) the tax agent service is not a *BAS service or a *tax
7 (financial) advice service; and
 - 8 (c) you are not a *registered tax agent; and
 - 9 (d) if the tax agent service would be provided as a legal
10 service—either:
 - 11 (i) you are prohibited, under a *State law or *Territory law
12 that regulates legal practice and the provision of legal
13 services, from providing that tax agent service; or
 - 14 (ii) the service would consist of preparing, or lodging, a
15 return or a statement in the nature of a return; and
 - 16 (e) if the tax agent service would be provided on a voluntary
17 basis—you would not provide the service under a scheme
18 that the Commissioner has, by notifiable instrument,
19 approved for the purposes of this paragraph.

20 Penalty: 200 penalty units or imprisonment for 40 months, or
21 both.

- 22 (2) The fault element for paragraph (1)(c) is knowledge or
23 recklessness.

24 *Exception*

- 25 (3) Subparagraph (1)(d)(ii) does not apply if you provide the *tax
26 agent service as a legal service in the course of acting for a trust or
27 deceased estate as trustee or *legal personal representative.

28 Note: A defendant bears an evidential burden in relation to the matter in
29 subsection (3): see subsection 13.3(3) of the *Criminal Code*.

30 51-20 Advertising BAS services if unregistered

31 *Fault-based offence*

- 32 (1) You commit an offence if:
- 33 (a) you advertise that you will provide a *BAS service; and
 - 34 (b) you are not a *registered tax agent or BAS agent; and

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- 1 (c) if the BAS service would be provided as a legal service—
2 either:
3 (i) you are prohibited, under a *State law or *Territory law
4 that regulates legal practice and the provision of legal
5 services, from providing that BAS service; or
6 (ii) the service would consist of preparing, or lodging, a
7 return or a statement in the nature of a return; and
8 (d) if the BAS service relates to imports or exports to which an
9 *indirect tax law applies—you are not a customs broker
10 licensed under Part XI of the *Customs Act 1901*; and
11 (e) if the BAS service would be provided on a voluntary basis—
12 you would not provide the service under a scheme that the
13 Commissioner has, by notifiable instrument, approved for the
14 purposes of this paragraph.

15 Penalty: 200 penalty units or imprisonment for 40 months, or
16 both.

- 17 (2) The fault element for paragraph (1)(b) is knowledge or
18 recklessness.

19 *Exception*

- 20 (3) Subparagraph (1)(c)(ii) does not apply if you provide the *BAS
21 service as a legal service in the course of acting for a trust or
22 deceased estate as trustee or *legal personal representative.

23 Note: A defendant bears an evidential burden in relation to the matter in
24 subsection (3): see subsection 13.3(3) of the *Criminal Code*.

25 **51-25 Representing that you are a registered tax agent or BAS agent** 26 **if unregistered**

- 27 (1) You commit an offence if:
28 (a) you represent that you are a *registered tax agent or BAS
29 agent; and
30 (b) you are not a *registered tax agent or BAS agent.

31 Penalty: 200 penalty units or imprisonment for 40 months, or
32 both.

- 33 (2) The fault element for paragraph (1)(b) is knowledge or
34 recklessness.

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1 **Division 52—Infringement notices and enforceable** 2 **undertakings**

3 **Table of Subdivisions**

4	52-A	Infringement notices
5	52-B	Enforceable undertakings

6 **Guide to this Division**

7 **52-1 What this Division is about**

8 Under Part 5 of the Regulatory Powers Act, the Board may issue
9 you with an infringement notice for the alleged contravention of
10 certain provisions in this Act.

11 Under Part 6 of the Regulatory Powers Act, the Board may accept
12 and enforce undertakings from you to comply with certain
13 provisions of this Act.

14 **Subdivision 52-A—Infringement notices**

15 **Table of sections**

16	52-5	Infringement notices
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17 **52-5 Infringement notices**

18 *Provisions subject to an infringement notice*

- 19 (1) The following provisions are subject to an infringement notice
20 under Part 5 of the Regulatory Powers Act:
- 21 (a) subsections 50-5(1) and (2) (providing tax agent services if
22 unregistered);
 - 23 (b) subsections 50-10(1) and (2) (advertising tax agent services if
24 unregistered);
 - 25 (c) section 50-15 (representing that you are a registered tax agent
26 or BAS agent if unregistered);
 - 27 (d) section 50-17 (providing tax (financial) advice services if not
28 registered);
 - 29 (e) section 50-18 (advertising tax (financial) advice services if
30 not registered or qualified);

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- 1 (f) subsections 50-30(1), (2), (3) and (4) (signing of declarations
2 etc.).
- 3 (2) Section 50-31 (failure to comply with *Code of Professional
4 Conduct) is also subject to an infringement notice under Part 5 of
5 the Regulatory Powers Act if a contravention of it is:
- 6 (a) constituted by a failure to comply with any of the following:
- 7 (i) subsection 30-10(2) (compliance with taxation laws in
8 conduct of personal affairs);
- 9 (ii) subsection 30-10(3) (accounting to client for money or
10 property held on trust);
- 11 (iii) subsection 30-10(6) (disclosure of client information);
- 12 (vi) subsection 30-10(8) (maintaining knowledge and skills);
- 13 (v) subsection 30-10(12) (advising client of rights and
14 obligations);
- 15 (vi) subsection 30-10(13) (maintaining professional
16 indemnity insurance);
- 17 (vii) subsection 30-10(14) (responding to Board requests and
18 directions); or
- 19 (b) constituted by a failure to comply with section 30-10(17)
20 (failure with obligation determined under section 30-12) in
21 relation to the following obligations determined under
22 section 30-12:
- 23 (i) an obligation to maintain confidentiality in dealings
24 with government;
- 25 (ii) an obligation to keep proper client records;
- 26 (iii) an obligation to keep clients informed; or
- 27 (c) constituted by a failure to comply with a provision of the
28 Code of Professional Conduct that is prescribed by the
29 regulations.

30 Note: Part 5 of the Regulatory Powers Act creates a framework for using
31 infringement notices in relation to provisions.

32 *Infringement officer*

- 33 (3) For the purposes of Part 5 of the Regulatory Powers Act:
- 34 (a) a *Board member is an infringement officer in relation to the
35 provisions mentioned in subsections (1) and (2); and
- 36 (b) a person authorised under subsection (4) is an infringement
37 officer in relation to the provisions mentioned in
38 subsection (1).

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1 (4) The *Chair may, by writing, authorise a person who is an SES
2 employee, or an acting SES employee, whose services are made
3 available to the Board by the Commissioner to be an infringement
4 officer in relation to the civil penalty provisions mentioned in
5 subsection (1).

6 Note: The expressions *SES employee* and *acting SES employee* are defined
7 in section 2B of the *Acts Interpretation Act 1901*.

8 *Relevant chief executive*

9 (5) For the purposes of Part 5 of the Regulatory Powers Act, the *Chair
10 is the relevant chief executive in relation to the provisions
11 mentioned in subsections (1) and (2).

12 (6) The relevant chief executive may, in writing, delegate the relevant
13 chief executive's powers and functions under Part 5 of the
14 Regulatory Powers Act in relation to the provisions mentioned in
15 subsection (1) to a *Board member.

16 (7) A person exercising powers or performing functions under a
17 delegation under subsection (6) must comply with any directions of
18 the *Board or a *committee.

19 *Infringement notices for provisions mentioned in subsection (2)*

20 (8) An infringement officer must not issue an infringement notice
21 under Part 5 of the Regulatory Powers Act to a person in relation to
22 a provision mentioned in subsection (2) unless:

- 23 (a) the *Board is satisfied, after conducting an investigation
24 under Subdivision 60-E, that the person has failed to comply
25 with the *Code of Professional Conduct; and
26 (b) the failure relates to the provision for which the infringement
27 notice will be issued.

28 *Time limit for giving an infringement notice*

29 (9) Despite subsection 103(2) of the Regulatory Powers Act, an
30 infringement notice must be given under that subsection within
31 2 years of the alleged contravention of a provision mentioned in
32 paragraph (1)(a), (b), (c) or (d).

33 **Subdivision 52-B—Enforceable undertakings**

34 **Table of sections**

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1 52-10 Enforceable undertakings

2 **52-10 Enforceable undertakings**

3 *Enforceable provisions*

4 (1) The provisions of this Act are enforceable under Part 6 of the
5 Regulatory Powers Act.

6 Note: Part 6 of the Regulatory Powers Act creates a framework for
7 accepting and enforcing undertakings relating to compliance with
8 provisions.

9 *Authorised person*

10 (2) For the purposes of Part 6 of the Regulatory Powers Act, each
11 *Board member is an authorised person in relation to the provisions
12 mentioned in subsection (1).

13 (3) An authorised person exercising powers or performing functions
14 under subsection (2) must comply with any directions of the
15 *Board or a *committee.

16 (4) An authorised person must not accept an enforceable undertaking
17 under Part 6 of the Regulatory Powers Act from a person in
18 relation to a provision mentioned in subsection 52-5(2) unless:

19 (a) the *Board is satisfied, after conducting an investigation
20 under Subdivision 60-E, that the person has failed to comply
21 with the *Code of Professional Conduct; and

22 (b) the failure relates to the provision for which the enforceable
23 undertaking would be accepted.

24 *Relevant court*

25 (5) For the purposes of Part 7 of the Regulatory Powers Act, the
26 *Federal Court is the relevant court in relation to the provisions
27 mentioned in subsection (1).

28 **29 Section 90-1**

29 Insert:

30 *Regulatory Powers Act* means the *Regulatory Powers (Standard*
31 *Provisions) Act 2014*.

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1 **Division 4—Consequential and other amendments**

2 *Tax Agent Services Act 2009*

3 **30 Subsection 45-5(1)**

4 Omit “5 years”, substitute “10 years”.

5 **31 Subsection 40-25(1)**

6 Omit “5 years”, substitute “10 years”.

7 **31A Subsection 70-5(1)**

8 After “civil penalty provision”, insert “or an offence”.

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1 **Part 2—Increasing amounts of existing civil** 2 **penalties**

3 *Tax Agent Services Act 2009*

4 **32 Subsections 45-10(3), 45-15(3) and 45-20(3) (penalty)**

5 Repeal the penalty, substitute:

6 Civil penalty:

- 7 (a) for an individual—2,500 penalty units; and
8 (b) for a body corporate—50,000 penalty units.

9 **33 Subsections 50-5(1) and (2) and 50-10(1) and (2) (penalty)**

10 Repeal the penalty, substitute:

11 Civil penalty:

- 12 (a) for an individual—2,500 penalty units; and
13 (b) for a body corporate—50,000 penalty units.

14 **34 Section 50-15 (penalty)**

15 Repeal the penalty, substitute:

16 Civil penalty:

- 17 (a) for an individual—2,500 penalty units; and
18 (b) for a body corporate—50,000 penalty units.

19 **35 Sections 50-17 and 50-18 (penalty)**

20 Repeal the penalty, substitute:

21 Civil penalty:

- 22 (a) for an individual—2,500 penalty units; and
23 (b) for a body corporate—50,000 penalty units.

24 **36 Sections 50-20 (penalty)**

25 Repeal the penalty, substitute:

26 Civil penalty:

- 27 (a) for an individual—2,500 penalty units; and
28 (b) for a body corporate—50,000 penalty units.

EXPOSURE DRAFT

1 **37 Subsection 50-25(1) (penalty)**

2 Repeal the penalty, substitute:

3 Civil penalty:

4 (a) for an individual—2,500 penalty units; and

5 (b) for a body corporate—50,000 penalty units.

6 **38 Subsections 50-30(1) and (2) (penalty)**

7 Omit “250”, substitute “2,500”.

8 **39 Subsections 50-30(3) and (4) (penalty)**

9 Omit “1,250”, substitute “50,000”.

EXPOSURE DRAFT

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Part 3—Application of amendments

Tax Agent Services Act 2009

Application

The amendments of the *Tax Agent Services Act 2009* made by this Schedule apply in relation to conduct engaged in on or after the commencement of this Schedule.