



22nd August 2019

Mail: TPBreview@treasury.gov.au

Mr. Nick Westerink
Individuals and Indirect Tax Division,
The Treasury
Langton Cres
PARKES A.C.T. 2600

Dear Nick,

Re: Review of Tax Practitioners Board

Thankyou for the opportunity of attending the recent roundtable discussion on the above Review on 12th August in Melbourne.

As previously pointed out in our letter to you of 23rd April 2019, Licensed Conveyancers have been charged by the Australian Taxation Office (ATO) with the task of administering paperwork and collecting taxes in relation to the Foreign Resident Capital Gains Withholding (FRCGW). The Tax Practitioners Board (TPB) advised that Licensed Conveyancers could be in breach of the Tax Agents Services Act 2009 (TASA) in carrying out these tasks. We therefore sought an exemption from such action in line with the exemption granted to lawyers but had no response from the TPB.

We therefore welcome the Review as we believe that the TPB was overreaching its remit in following this line. Licensed Conveyancers are fully regulated in Victoria, New South Wales, South Australia, Western Australia, Northern Territory and Tasmania. The Victorian and New South Wales legislation provides Licensed Conveyancers with a broad scope of work that encompasses any work that relates to a conveyancing transaction.

Australian Institute of Conveyancers (Victorian Division) Inc.

Incorporated under the Associations Incorporation Act 1981

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We also note that AIC NSW has sought legal advice to support their case, copies of which have been provided to the TPB and the ATO.

I therefore look forward to this issue being resolved and any amendment to the TASA will not impose an unnecessary and unfair restriction on Licensed Conveyancers in undertaking the role that they are entitled to undertake.

Yours faithfully,

Jill Ludwell
Chief Executive Officer

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