



Disclosure of information to prescribed disciplinary bodies

Prescribing of disciplinary bodies

The Government has proposed amendments to the *Taxation Administration Act 1953* and the *Tax Agent Services Act 2009* to allow the Australian Taxation Office (ATO) and the Tax Practitioners Board (TPB) to disclose protected or official information to certain prescribed disciplinary bodies in circumstances where the ATO or TPB believe that there may have been a breach of the prescribed disciplinary body's code of conduct or professional standards.

To facilitate this process, Treasury will, in early 2024, be seeking applications from relevant professional associations, with codes of conduct and appropriate disciplinary processes, to become a prescribed disciplinary body. This process will allow Treasury to assess whether relevant associations:

- have processes and safeguards in place to ensure any disclosed information is dealt with in a way that allows relevant disciplinary processes to occur while also ensuring the protected or official information is appropriately managed;
- have appropriate codes and conduct and disciplinary processes in place; and
- procedures in place for the reporting of significant breaches to regulatory agencies.

Further information about the application process, including application timeframes and the necessary information to be provided will be available on Treasury's website following the passage of the Bill. Approved disciplinary bodies will be prescribed by regulations.

Application information

Applying associations will likely be expected to provide:

- a copy of the association's code of conduct or professional standards;
- Information regarding the association's disciplinary process for breaches of the code of conduct, including its scope and available sanctions;
- information regarding how the association will ensure the appropriate treatment of any information disclosed by the ATO or the TPB, including the management of privacy concerns;
- commitment to providing relevant information to the ATO or the TPB in relation to circumstances where relevant practitioners may have been involved in significant breaches of Commonwealth laws or other ethics standards.