

19 February 2016

Tax Practitioners Board
GPO Box 1620
SYDNEY NSW 2001

Email: tpbsubmissions@tpb.gov.au

Dear sir/madam,

Re: Exposure Draft TPB Information Sheets TPB(I) D30/2015 Cloud computing and the Code of Professional Conduct and TPB(I) D31/2015 Code of Professional Conduct – Confidentiality of client information for tax (financial) advisers

In brief:

AIST welcomes guidance for persons providing tax (financial) advice services to members of not-for-profit superannuation funds. We support this guidance but note that ideally, APRA should be consulted to ensure consistent guidance from regulators. AIST also takes the opportunity to remind the TPB that reconciliation of initial disclosure, consent and information gathering processes between TASA and Corporations Act requirements should be prioritised.

AIST welcomes guidance for persons providing tax (financial) advice services to members of not-for-profit superannuation funds. We note that members of AIST who may be required to register with the TPB are generally employed by RSE licensees who are bound to comply with APRA's standards on Outsourcing and Risk Management. We welcome reference made to APRA's standards in the footnotes of the draft information sheet D30/2015, as well as the reference to APRA's information paper dated 1 July 2015 on the subject of shared computing services, however, we point out that AIST believes that APRA's guidance is unduly restrictive, and should better balance risk management with innovation and advancing the interests of super fund members.

Notwithstanding, AIST recommends that, if not already part of this consultation, APRA be consulted to ensure guidance with regards to cloud computing is not inconsistent with APRA guidance to RSE licensees.

We also draw your attention to the reference to letters of engagement made at paragraph 17 of the draft information paper TPB(I) D30/2015. We point out that registered tax (financial) advisers are generally representatives of Australian Financial Services Licensees. Under these licences they would be required to obtain consent as part of an initial information gathering process that would not include such letters.

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We additionally take this opportunity to remind the Board that processes relating to disclosure, consent and information gathering for new clients of registered tax (financial) advisers have yet to be reconciled with ordinary requirements expected from representatives of AFS licensees under the *Corporations Act 2001*. We reiterate previous calls that we have made for the Board to prioritise work with ASIC to ensure that all uncertainties which currently exist due to this discontinuity are resolved in the interests of consumers.

AIST generally supports these information sheets and believes that they provide much needed guidance to practitioners.

If you have any further questions regarding this submission, please contact Richard Webb, AIST Policy & Regulatory Analyst on 03 8677 3835 or at rwebb@aist.asn.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Garcia', is written over a light blue horizontal line.

Tom Garcia
Chief Executive Officer

The Australian Institute of Superannuation Trustees (AIST) is a national not-for-profit organisation whose membership consists of the trustee directors and staff of industry, corporate and public-sector funds.

As the principal advocate and peak representative body for the \$650 billion not-for-profit superannuation sector, AIST plays a key role in policy development and is a leading provider of research.

AIST provides professional training and support for trustees and fund staff to help them meet the challenges of managing superannuation funds and advancing the interests of their fund members. Each year, AIST hosts the Conference of Major Superannuation Funds (CMSF), in addition to numerous other industry conferences and events.