

**TAI Practitioners & Advisers Ltd.**

ACN 161 462 620

(the "Company")

**By-law – IV. Membership criteria**

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In this By-law, the interpretation provisions of the Company's Constitution apply unless the context otherwise requires.

**1. Eligibility for membership as a Fellow**

1.1 Taxpayers Australia Ltd is eligible for membership as a Fellow of the Company provided it is registered as a Tax Agent under TASA.

1.2 Corporations or partnerships providing tax agent services, BAS services or tax (financial) advice services for a fee or other reward are eligible for membership as a Fellow of the Company provided they are registered with the TPB.

1.3 A person is eligible for membership as a Fellow of the Company if they satisfy the requirements for at least one of the categories set out below.

**1.3.1 Registered Tax Agent Voting Member**

A person is eligible to be an accredited Registered Tax Agent Voting Member of the Company if:

- i. the person is a voting member of Taxpayers Australia Ltd. and has paid and continues to pay all subscription or other fees owing to Taxpayers Australia Ltd.; and
- ii. the person satisfies either the tertiary qualifications in accountancy, tertiary qualifications in another discipline - specialists, diploma or higher award, tertiary qualifications in law or work experience prescribed by TASA.

**1.3.1.1 The tertiary qualifications in accountancy requirements are:**

- a) the person has been awarded:
  - i. a degree or a post-graduate award from an Australian tertiary institution in the discipline of accountancy; or
  - ii. a degree or award that is approved by the Tax Practitioner Board from an equivalent institution in a discipline other than accountancy; and
- b) the person has successfully completed a course in commercial law that is approved by the Tax Practitioner Board; and
- c) the person has successfully completed a course in Australian taxation law that is approved by the Tax Practitioner Board; and
- d) the person has been engaged in the equivalent of 12 months of full-time, relevant experience in the preceding 5 years.

**1.3.1.2 The tertiary qualifications in another discipline - specialist's requirements are:**

- a) the person has been awarded:
  - i. a degree or a post-graduate award from an Australian tertiary institution in a discipline other than accountancy that is relevant to the tax agent services to which the application relates; or
  - ii. a degree or award that is approved by the Tax Practitioner Board from an equivalent institution in a discipline other than accountancy that is relevant to the tax agent services to which the application relates; and

- b) if the Tax Practitioner Board considers it relevant to the tax agent services to which the application relates and the person has also successfully completed as many of the following courses as the Tax Practitioner Board considers necessary:
  - i. a course in basic accountancy principles that is approved by the Tax Practitioner Board;
  - ii. a course in commercial law that is approved by the Tax Practitioner Board;
  - iii. a course in Australian taxation law that is approved by the Tax Practitioner Board; and
- c) the person has been engaged in the equivalent of 12 months of full-time, relevant experience in the past 5 years.

1.3.1.3 The diploma or higher award requirements are:

- a) the person has been awarded a diploma or higher award from:
  - i. a registered training organisation; or
  - ii. an equivalent institution;in the discipline of accountancy; and
- b) the person has successfully completed a course in Australian taxation law that is approved by the Tax Practitioner Board; and
- d) the person has been engaged in the equivalent of 2 years of full-time, relevant experience in the preceding 5 years; and
- e) where the transitional arrangements do not apply, the person has successfully completed a course in commercial law that is approved by the Tax Practitioner Board.

1.3.1.4 The tertiary qualifications in law requirements are:

- a) the person:
  - i. has the academic qualifications required to be an Australian legal practitioner; and
  - ii. has successfully completed a course in basic accountancy principles that is approved by the Tax Practitioner Board; and
  - iii. has successfully completed a course in Australian taxation law that is approved by the Tax Practitioner Board; and
- b) the person has been engaged in the equivalent of 12 months of full-time, relevant experience in the preceding 5 years.

1.3.1.5 The work experience requirements are:

- a) the person has successfully completed:
  - i. a course in basic accountancy principles that is approved by the TAI PAL Board; and
  - ii. a course in Australian taxation law that is approved by the TAI PAL Board; and
- b) the person has been engaged in the equivalent of 8 years of full-time, relevant experience in the past 10 years.

1.3.1.6 Pre-TASA requirements are:

The person was both registered as a tax agent or nominee under the Income Tax Assessment Act 1936 ("ITAA 1936") immediately before TASA commenced and a member of and entitled to vote at meetings of a recognised professional association as recognised under the ITAA 1936.

### 1.3.2 Registered BAS Agent Voting Member

A person is eligible to be an accredited Registered BAS Agent Voting Member of the Company if:

- i. the person is a voting member of Taxpayers Australia Ltd. and has paid and continues to pay all subscription or other fees owing to Taxpayers Australia Ltd.; and
- ii. the person satisfies either the accounting qualifications prescribed by TASA or is a member of a recognised BAS agent association.

#### 1.3.2.1 The accounting qualification requirements are:

- a) the person has been awarded at least a Certificate IV Bookkeeping or a Certificate IV Accounting from:
  - i. a registered training organisation; or
  - ii. an equivalent institution; and
- b) the person has successfully completed a course in Basic GST/BAS taxation principles that is approved by the Tax Practitioner Board; and
- c) the person has undertaken at least 1,400 hours of relevant experience in the past four years.

#### 1.3.2.2 The membership of professional association requirements are:

- a) the person has been awarded at least a Certificate IV Financial Services (Bookkeeping), or a Certificate IV Financial Services (Accounting), from:
  - i. a registered training organisation; or
  - ii. an equivalent institution; and
- b) the person has successfully completed a course in Basic GST/BAS taxation principles that is approved by the Tax Practitioner Board; and
- c) the person is a voting member of:
  - i. a recognised BAS agent association; or
  - ii. a recognised tax agent association; and
- d) the person has undertaken at least 1,000 hours of relevant experience in the past four years.

### 1.3.3 Registered Tax (financial) Adviser Voting Member

A person is eligible to be an accredited Registered Tax (financial) Adviser Voting Member of the Company if:

- a) the person is a voting member of Taxpayers Australia Ltd. and has paid and continues to pay all subscription or other fees owing to Taxpayers Australia Ltd.; and
- b) The person satisfies the TASR requirements of Schedule 2, Part 3, Division 1.

### 1.3.4 SMSF Auditor Member

A person is eligible to be an accredited SMSF Auditor Member of the Company if:

- i. the person is a voting member of Taxpayers Australia Ltd. and has paid and continues to pay all subscription or other fees owing to Taxpayers Australia Ltd.; and
- ii. the person satisfies the requirements of at least one of the three categories above; and
- iii. the person complies with the requirements of SIS and the Act.

## 2. Other classes of individual eligible for Fellows

A person is eligible for membership as a Fellow of the Company if they satisfy the requirements for other classes of membership that may be created by the Board from time to time in response to the registration provisions of TASA.

## 3. Eligibility for Membership as an Ordinary Member

A person is eligible for membership as an Ordinary Member of the Company if they satisfy the requirements for at least one of the categories for membership as a Fellow of the Company and the person has not applied to the Company for a Public Practice Certificate.

**4. Eligibility for Membership as a CPD<sup>pro</sup> Voting Member**

A person is eligible for membership as a CPD<sup>pro</sup> Voting Member of the Company if they satisfy the requirements for at least one of the categories for membership as a Fellow of the Company, the person is a CPD<sup>pro</sup> subscriber and the person has not applied to the Company for a Public Practice Certificate.

**5. Eligibility for Membership as an Associate Member**

A person is eligible for membership as an Associate Member of the Company if:

- a) the person has not applied for membership as either a Fellow, Ordinary Member or CPD<sup>pro</sup> Voting Member.