Your Rights And Obligations Under Taxation Laws

Information for clients of Endura Advisory

Why you are receiving this guide

This guide gives you general information about the obligations Endura Advisory has when providing tax agent services and the obligations you have as our client. It should be read with your engagement letter and the Tax Practitioners Board (TPB) Information for clients factsheet.

1. Important information about your tax practitioner

Endura Advisory Pty Ltd (ABN 61 700 592 972) is the entity providing tax agent services. Endura is registered with the TPB as a tax agent under registration number 26376460.

You can view Endura Advisory's TPB Register entry or search the TPB public register. The register provides information about registration status, conditions and sanctions recorded by the TPB.

Prescribed events and registration conditions

Endura Advisory has no prescribed events under section 45 that it is required to disclose. Endura Advisory's tax agent registration is not subject to any conditions.

2. Your responsibilities as a client

You remain responsible for your tax affairs and for information supplied to us. To allow Endura to provide tax agent services competently, you should:

- **Be truthful and complete.** Provide all information relevant to the work, including information that may not appear favourable to your tax position.
- **Provide information on time.** Meet reasonable information-request dates so that work can be completed by applicable due dates.
- **Keep supporting records.** Retain records required by law and provide readable copies when requested.
- **Review before approval.** Read returns, statements, calculations and other documents, ask questions where needed, and approve them only when you are satisfied the information is correct.
- **Tell us about changes.** Advise us if relevant facts, transactions, ownership, residency, contact details, authorities or instructions change.
- **Co-operate with reasonable checks.** Provide identity, authority, ownership and other information that Endura is legally or professionally required to obtain.
- **Meet your own obligations.** Pay tax and other liabilities when due and comply with obligations that remain your responsibility.

3. Australia's self-assessment system

Australia generally operates a self-assessment system. When a return or activity statement is lodged, the Australian Taxation Office (ATO) will commonly process it using the information provided. Processing or issuing an assessment does not necessarily mean the ATO has verified every item.

The ATO may later review, verify or audit lodged information and may amend an assessment where the law permits. Review and amendment periods differ according to the taxpayer, tax, transaction and circumstances. Special rules and exceptions can apply, including where the ATO considers fraud or evasion may be involved.

If information is incorrect or obligations are not met, additional tax, penalties and interest may arise. In some cases the ATO may also take debt-recovery action or pursue prosecution. Promptly telling us about a discovered error may allow available correction or voluntary-disclosure options to be considered.

4. Records and information

Keeping records

Taxation laws require taxpayers to keep records that explain transactions and support amounts reported or claimed. The required retention period varies. Five years is common, but some records must be kept longer, including records relating to assets, carried-forward losses, disputes, amendments or superannuation matters.

Records should remain readable and capable of being produced if requested by the ATO or another regulator. Clear and accessible electronic copies are generally suitable. Endura's working papers do not replace your obligation to retain your own source documents.

Complete and accurate information

Endura must take reasonable care to understand the circumstances relevant to the service. We may ask questions, compare information between periods, seek explanations for unusual items and request evidence. If sufficient information is not provided, we may be unable to complete or lodge the work.

Information shown in ATO pre-fill reports, bank feeds or third-party systems may be incomplete or incorrect. You should tell us about all relevant information even where it is not pre-filled or was not included in an initial checklist.

5. What you can expect from Endura Advisory

When providing tax agent services, Endura is required to comply with the Tax Agent Services Act 2009, the Code of Professional Conduct and other applicable taxation laws. These obligations require us to:

- act honestly and with integrity, and uphold and promote the ethical standards of the tax profession
- act lawfully in your best interests
- identify and manage conflicts of interest
- take reasonable care to understand your relevant circumstances and apply the taxation laws correctly

5. What you can expect from Endura Advisory - continued

- keep your information confidential unless disclosure is authorised or legally required
- provide tax agent services competently and within the agreed scope
- not knowingly obstruct the administration of taxation laws
- advise you of relevant rights and obligations under taxation laws
- account to you for money or other property held on trust
- address false or misleading statements as required by law and our professional obligations
- keep proper records of tax agent services provided
- keep you informed of matters relevant to your decision to engage or continue to engage us.

Unsupported or unlawful positions

Endura cannot include a claim, statement or tax treatment that we reasonably consider unlawful, materially misleading or inadequately supported. We may request further information, recommend a ruling or specialist advice, delay lodgment, qualify our advice, or decline or end an engagement where we cannot act lawfully and competently.

If a registered practitioner does not meet their obligations

The TPB may investigate and take regulatory action. Depending on the circumstances, a practitioner may receive a caution or order, have their registration suspended or terminated, or face a civil penalty. A client's tax or superannuation affairs may also require correction, and tax shortfalls may attract penalties and interest.

6. Reviews, amendments and dispute rights

The taxation laws contain processes for checking, correcting and challenging tax outcomes. The appropriate process and time limit depend on the decision, tax, taxpayer and circumstances. If you receive an ATO notice or become aware of an error, provide it to us promptly so the available options can be considered.

Amendments and voluntary disclosures

The ATO may amend an assessment within the period permitted by law. You may also be able to request an amendment where lodged information is incorrect. Voluntary disclosure of an error before the ATO identifies it can reduce some penalties, depending on the facts and timing.

Private rulings

Where the application of a tax law to particular facts is uncertain, you may be able to ask the ATO for a private ruling. A ruling application requires accurate and complete facts. Preparing an application is a separate service unless it is included in your engagement.

Objections and further review

Many assessments and other ATO decisions can be challenged by lodging an objection. Strict time limits apply and differ according to the type of decision and taxpayer. If you remain dissatisfied after an objection decision, further review may be available through the Administrative Review Tribunal or the courts.

In a tax dispute, the taxpayer will generally need to establish that the ATO decision is excessive or otherwise incorrect and identify the correct outcome. Complete contemporary records are therefore important.

6. Reviews, amendments and dispute rights - continued

Safe harbour protection

Using a registered tax practitioner may protect you from certain administrative penalties in limited circumstances. Protection may be available where you gave the practitioner all relevant taxation information accurately and on time, but the practitioner failed to take reasonable care or failed to lodge by the due date for reasons not caused by you.

> **Important:** Safe harbour is not a general guarantee against penalties. It does not remove the underlying tax liability or interest, and eligibility depends on the statutory conditions and facts.

Separate services and costs

Amendments, disclosures, ruling applications, objections, audits and disputes are not automatically included in an ordinary compliance engagement. If assistance is requested, the scope and fees will be agreed separately unless already covered by the engagement letter.

7. Questions or complaints

If you have a question or concern about Endura's tax agent services, please contact us at hello@enduraadv.com.au so that we have an opportunity to consider the matter.

You may also make a written complaint about a tax agent service directly to the TPB using its online complaints form. Further information is available on the TPB complaints page.

8. Useful official information

- Endura Advisory's TPB Register entry
- TPB Information for clients factsheet
- TPB guidance: Keeping your clients informed
- TPB Code of Professional Conduct
- ATO information about keeping tax records
- ATO information about objections

9. About this guide

This guide provides general information only. Taxation and superannuation laws are complex and change over time. Your engagement letter defines the services Endura has agreed to provide and the responsibilities applying to that engagement. This guide does not alter the engagement letter or exclude any statutory obligation. While this guide remains publicly available on Endura Advisory's website, it is Endura's current client information. Endura will update or replace it if relevant information changes.

Information in this guide may not address your particular circumstances. Please contact Endura if you need assistance in relation to a specific matter.