

2020 National Resources Tax Conference - Online

11–25 November 2020 | Online AEDT | 11 CPD hours

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Providing excellent resources-specific training and the opportunity to virtually rub shoulders with Australia-wide expert speakers, this biennial event is not to be missed.

Presenters

Jane Ballard	Herbert Smith Freehills
Cameron Blackwood, ATI	Greenwoods & Herbert Smith Freehills
Tristan Boyd, FTI	Greenwoods & Herbert Smith Freehills
Michael Carey	Shell
Mathew Chamberlain, CTA	EY
Enzo Coia, CTA	Deloitte
Teresa Dyson	Non-executive Director
Martin Fry, FTI	Allens
Glen Gaspar, CTA	Shell
Faith Harako	Australian Taxation Office
Noel Richards	Deloitte
Janelle O'Hare	PwC
Tien Phan	Australian Taxation Office
Brian Purdy, CTA	South 32
Premila Roe, CTA	BHP
Marcus Ryan, CTA	Australian Taxation Office
Niv Tadmor, CTA	Jones Day
Amelia Teng	Deloitte
Caroline Walker, ATI	EY
Damien Williams	KPMG
David Wood, CTA	King & Wood Mallesons

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- Attend the live webinars to interact with our expert presenters; or
- Replay the webinars (post-event) at a time that suits you.

Virtual Schedule

Wednesday, 11 November 2020
12.00-3.30pm AEDT

Wednesday, 18 November 2020
12.00-2.10pm AEDT

Wednesday, 25 November 2020
12.00-2.10pm AEDT

Location

Online

CPD proficiency level:

Proficient/
advanced 

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Technical Program

Week One – Wednesday, 11 November 2020

Time	Topic	Presenter
12.00–12.05pm	Welcome and opening address	
12.05-12.50pm	Part 1: Keynote address – economic update	Noel Richards Deloitte
12.50–1.00pm	Stretch break	
1.00-1.45pm	<p>Part 2: What Directors are looking for from a tax risk management perspective</p> <p>In the past few years Boards have become more involved with tax risk management. There are a number of reasons for this: tax has become a more important and topical issue in general; there is a deeper understanding of the financial and reputational impact associated with tax risks, and of course, the ATO's recommended governance frameworks for tax functions and its expectations regarding board-level controls.</p> <p>In this session, we will explore the impact of these developments from the perspective of Board members, including:</p> <ul style="list-style-type: none">– The past - what has changed in the last five years in terms of director involvement with tax, and its level of importance in the boardroom– Boards and the tax function - what do directors expect from the internal tax team and the company's tax governance framework– Boards and the ATO - directors' perspective on interaction and engagement with the ATO, and what do directors expect from the ATO?– The future - fast forward 2-3 years (as the economy recovers from COVID-19): Boards' involvement with tax issues - more, less, the same?	<p>Panel:</p> <p>Michael Carey Shell</p> <p>Teresa Dyson</p> <p>Facilitator:</p> <p>Niv Tadmore, CTA Jones Day</p>

Time	Topic	Presenter
1.45-2.30pm	<p>Part 3: Labour costs related to the construction or creation of capital assets</p> <p>Following the release of Draft Taxation Ruling TR 2019/D6 and public consultation subsequent to the release, this session will provide insights into the ATO's compliance approach on this issue, including:</p> <ul style="list-style-type: none"> – What is attracting their attention – How taxpayers can reduce the risk of ATO compliance activity – Practical insights on how to determine when labour costs related to the construction or creation of capital assets are capital or capital in nature for income tax purposes; and – If so, how they should be treated 	<p>Marcus Ryan, CTA Australian Taxation Office</p> <p>David Wood, CTA King & Wood Mallesons</p>
2.30-2.40pm	Stretch break	
2.40-3.25pm	<p>Part 4: Justified trust panel session</p> <p>We are now four years into the ATO's Justified Trust project. This session will examine the journey so far and the way forward, from the perspective of both the ATO and taxpayers:</p> <ul style="list-style-type: none"> – Setting the scene – how Justified Trust has played out so far in the Energy and Resources sectors? – A practical perspective on the positives, the gaps and areas of focus – Justified Trust going forward – how does it look and what can be improved – Global perspective – what can we learn from other jurisdictions – Resolving disputes in a Justified Trust environment - do we have to use traditional methods or can we try other ways to resolve issues 	<p>Panel:</p> <p>Glen Gaspar, CTA Shell</p> <p>Faith Harako Australian Taxation Office</p> <p>Premila Roe, CTA BHP</p> <p>Facilitator:</p> <p>Niv Tadmores, CTA Jones Day</p>
3.25pm	Week one close	

Technical Program continued

Week Two – Wednesday, 18 November 2020

Time	Topic	Presenter
12.00-1.00pm	<p>Part 5A: Decommissioning offshore petroleum project infrastructure - regulatory and tax issues in the path forward for Australia</p> <p>Decommissioning of offshore oil and gas infrastructure has emerged as a topic of global significance. Australia has been actively investigating reform of its existing regulatory systems to determine whether they are appropriate to manage upcoming large scale decommissioning works, including the appropriate way to regulate end of field life activity and the removal of offshore oil and gas installations and associated pipelines. For example, the insolvency issues that have led to the Northern Endeavour remaining on site under control of the Commonwealth are challenging both government and industry as to what an appropriate solution might be.</p> <p>The interplay of tax is also an important part of both the public policy landscape and the private structuring of resource projects.</p> <p>The session will provide an overview of the regulatory framework for decommissioning under Australian offshore petroleum and environmental law, and potential areas for reform. Some key income tax and PRRT matters will also be highlighted.</p>	<p>Jane Ballard Herbert Smith Freehills</p> <p>Tristan Boyd, FTI Greenwoods & Herbert Smith Freehills</p>
<i>OR</i>	<p>Part 5B: Australia's anti-hybrid rules for the sector</p> <p>31 December 2019 was the first year many aspects of Australia's Anti-hybrid Rules came into force. The common view has been that these rules only apply to large global companies with complex tax planning structures, however in reality, the rules apply to all entities with no de minimus and to some unexpected and fairly simple arrangements. This session will look at case studies and outline the practical issues with compliance that have been associated with applying the rules. Specifically, the session will cover:</p> <ul style="list-style-type: none">- Substantiating 'dual inclusion'- 2020 changes to the law- Reach of the Targeted Integrity Rule- Imported mismatch rule	<p>Amelia Teng Deloitte</p>
1.00-1.10pm	Stretch break	

Time	Topic	Presenter
1.10-2.10pm	<p>Part 6A: Transfer pricing issues for interest free loans</p> <p>In August 2020, the ATO released Draft Schedule 3 to the ATO's Practical Compliance Guideline PCG 2017/4 in relation to outbound interest free related party loans. The draft schedule represents the first public guidance issued by the ATO in relation to the application of the transfer pricing rules in Subdivision 815-B to interest free intercompany funding, which is a common arrangement within corporate groups in the resources sector. This session will review the risk assessment process, key concepts outlined in the draft schedule and its practical application, including:</p> <ul style="list-style-type: none"> – Steps in the risk assessment process and relevant evidence required to support a position – The relevance of documented intercompany agreements – Complexities at different stages of resources projects – Practical examples of how to assess and evidence the appropriateness of interest free funding arrangements 	<p>Tien Phan Australian Taxation Office</p> <p>Caroline Walker, ATI EY</p>
	<p>Part 6B: Australian corporate tax residency</p> <p>The High Court's decision in Bywater and subsequent ATO guidance have fundamentally changed the way in which taxpayers and advisors should be approaching corporate tax residency matters. This session will outline the current landscape in relation to corporate tax residency, provide some practical insights into the challenges facing companies and how they can be managed:</p> <ul style="list-style-type: none"> – Why is tax residency so critical - the "so what" of tax residency – Residency case law – What is "central management and control"? – ATO Guidance TR 2018/5 and PCG 2018/9 – The Board of Taxation review – Interaction with Tax Treaties, including the MLI – Governance and practical implications 	<p>Mathew Chamberlain, CTA EY</p>
2.10pm	Week two close	

Technical Program continued

Week Three – Wednesday, 25 November 2020

Time	Topic	Presenter
12.00-1.00pm	<p>Part 7A: Topical issues and developments in M&A</p> <p>Despite challenging times there has been significant M&A activity in the energy and resources sector. This session will cover current topical issues including:</p> <ul style="list-style-type: none">– Demerger relief (with a particular emphasis on post demerger capital raisings)– Recap: where are we with “royalties” paid as part of a resources transactions– Non-resident CGT withholding: considerations for public transactions– Getting your house in order: common error/issues with tax sharing agreements– Funding issues– The latest alerts from the ATO– Debts: the complex interactions between rules when dealing with distressed debts– Engaging with the ATO: is it working	<p>Enzo Coia, CTA</p> <p>Deloitte</p> <p>Cameron Blackwood, FTI</p> <p>Greenwoods & Herbert Smith Freehills</p>
<i>OR</i>	<p>Part 7B: Tax transparency</p> <p>In preparing and publishing an annual Tax Transparency and Payments to Governments Report, corporates face many different types of tax transparency measures to adopt.</p> <p>In this session, Brian and Damien will discuss the main requirements of the following tax transparency measures and much more, including:</p> <ul style="list-style-type: none">– Australian Board of Tax Voluntary Tax Transparency Code– European Union / UK requirements– Global Reporting Initiative Sustainability Reporting Guidelines– North American requirements (Canadian ESTMA and recent US proposals)– A summary of the international regimes most relevant to the Resources sector– Practical insight of how South32 have approached transparency and the adoption of the different measures available, contrast their approach to other companies and provide insight of how they are dealing with NGOs and tax authorities in this regard– The current best practice, the trends in tax transparency, and what is currently proposed	<p>Brian Purdy, CTA</p> <p>South 32</p> <p>Damien Williams</p> <p>KPMG</p>
1.00-1.10pm	Stretch break	

Time	Topic	Presenter
1.10-2.10pm	<p>Part 8A: The energy transition</p> <p>The Federal Government has recently announced its intention to adopt a technology based long-term emissions reduction strategy, adopting a bottom up approach to reduce emissions by 2050, focusing on technology investment in hydrogen, carbon capture and storage, lithium and advanced livestock feed supplements.</p> <p>So, what is the role of tax in the transition to a greener future? During this session, Janelle will consider:</p> <ul style="list-style-type: none"> - What the energy transition means for the tax mix and how it will impact the revenues of Government - The role of tax policy and fiscal settings for the energy transition - The current tax regime in Australia relevant to the transition - Other global fiscal settings and incentives and how they compare to the Australian regime - The potential reforms in Australia to support the transition 	<p>Janelle O’Hare</p> <p>PwC</p>
OR	<p>Part 8B: Baseball playbook - MLI, MAP and mandatory binding arbitration</p> <p>The adoption of the Multilateral Instrument means that for many of Australia's Double Tax Agreements there is now a pathway to mandatory binding arbitration as a means of resolving double taxation between Australia and foreign revenue authorities.</p> <p>In this session Martin will address:</p> <ul style="list-style-type: none"> - How arbitration works, with a focus on the final offer model adopted under most of Australia's DTAs, also known as the 'baseball' model - How taxpayers get to arbitration, and whether the prospect of arbitration can be expected to affect MAP - The tensions and complex decision making required in balancing domestic procedures for resolution with resolution achieved through MAP or arbitration - International experiences in tax arbitration 	<p>Martin Fry, FTI</p> <p>Allens</p>
2.10pm	Conference close	



Presenter profiles

Led by tax practitioners for tax professionals

Jane Ballard is a senior associate in Herbert Smith Freehills' international energy and resources team based in Perth. She has also spent time working in the firm's London office in the energy and infrastructure practice and is qualified to practice both Australian and English law. She has experience in a wide range of domestic and international projects in the oil and gas, natural resources and power sectors and has acted for many of the oil and gas majors. Her experience includes advising on mergers and acquisitions, joint ventures, regulatory matters and project development.

Cameron Blackwood, ATI, brings more than a decade of transactional tax expertise to his role as Director in Greenwood & Herbert Smith Freehills' Sydney office. He specialises in advising clients on the tax complexities of mergers, acquisitions and restructures, including cross-border issues and all aspects of employee share schemes, and regularly works in close collaboration with Herbert Smith Freehills. After joining Greenwood & Herbert Smith Freehills as a graduate in 2004, Cameron built his corporate experience advising companies on a wide range of advisory and compliance matters, including a secondment to BHP Billiton. His industry knowledge is broad and includes the mining, real estate and financial services sectors. Cameron is a member of The Tax Institute's Large Business and International Committee and the NSW Technical Committee. He holds a Bachelor of Business (Hons) and Bachelor of Laws (Hons) from the University of Technology Sydney, and a Master of Taxation from the University of Sydney. Cameron is admitted as a solicitor in New South Wales.

Tristan Boyd, FTI, is an Associate Director in Greenwood & Herbert Smith Freehills' Perth office. He has more than ten years' practice in corporate tax and transactional matters, with broad expertise across income tax, stamp duty and GST and a focus on the energy and resources sectors. His experience includes advising on tax issues for acquisitions and divestments, financing, joint ventures, farm-ins, and treatment of expenditure. Tristan holds a Bachelor of Laws and Bachelor of Commerce with First Class Honours from the University of Western Australia, and a Masters of Taxation from the University of New South Wales.

Michael Carey is Vice President Finance of Shell's Businesses in Australia and New Zealand. This division includes Shell's operations for production, Processing and sales of Natural Gas. Previous roles have included Vice President Finance of Shell's Global Integrated Gas Business, Global Commercial Fuels and Lubricants division, Vice President Strategy and Finance of Shell's Exploration and Production businesses in Australia, Head of Mergers and Acquisitions, based in the Hague, Vice President Finance, Strategy & Portfolio of Shell's Global Downstream Manufacturing and Marketing businesses as well as Chief Financial Officer of Shell's Global Future Fuels and CO2 division, the division accountable for research and development of bio-fuels, hydrogen fuels, CO2 abatement & sequestration developments. Earlier in his career, Michael held various roles in finance and business development throughout Shell's businesses in the Asia Pacific and Middle East region with assignments in Singapore, Malaysia, Australia and New Zealand. Michael is a past board member of the Australian Petroleum Production & Exploration Association (APPEA). Michael holds a Masters in Applied Finance from the University of Melbourne Australia, a Bachelor of Business Studies from Massey University New Zealand, is a Chartered Accountant and a member of the Australian Institute of Company Directors.

Mathew Chamberlain, CTA, is a partner at EY and leads their Perth International Tax group. A legal practitioner admitted in WA and NSW, he has more than 27 years' experience in international tax, focusing on the large multinational and corporate environments across Australia, the US, Europe, Asia-Pacific and Africa. Mathew specialises in international tax reform, foreign investment into Australia and outbound investment from Australia. A long-time member of The Tax Institute, Mathew has presented at numerous national and state conventions on international tax issues and has also lectured on tax law at the University of Western Australia and Curtin University. Mathew has led and participated in a number of government and ATO initiatives, working groups etc. on international tax law and policy issues affecting Australian inbound and outbound investment, including through the development of professional body and EY submissions on tax residency.

Enzo Coia, CTA, is a Tax Partner at Deloitte with over 20 years' experience providing advice on Australian and international taxation matters. Enzo specialises in M&A, financing, capital management and dealing with revenue authorities. He is expertly placed to understand clients' needs, having spent several years in a senior tax leadership position at a multinational oil and gas company.

Teresa Dyson is a professional company director who has enjoyed a long career as a tax adviser, previously as a tax partner at each of Ashurst and Deloitte. Now Teresa has a broad portfolio of directorships, including as a non-executive director and Audit & Risk Committee Chair of ASX-listed Seven West Media Ltd, Genex Power Ltd and Shine Justice Ltd. Teresa is also a director of Energy Queensland Ltd, Energy Super, Power & Water Corporation (NT) and the Gold Coast Hospital & Health Board, and a member of the Foreign Investment Review Board, the Takeovers Panel and the National Housing Finance & Investment Corporation. Teresa is, and has been, a member of the boards of not-for-profit entities in the arts, health promotion and international human rights sectors. Teresa has previously been Chair of the Board of Taxation and Chair of the Law Council of Australia, Business Law Section and was named Woman Lawyer of the Year in 2011 by the Women Lawyers Association of Queensland.

Martin Fry, FTI, has been a Partner in the Allens Tax Group for 20 years and in that time has been extensively involved in advising resource companies, infrastructure projects, banks and IP intensive businesses. In recent years he has focused on contentious cross border issues, both from a litigation perspective and in alternative dispute resolution.

Glen Gaspar's career in tax spans over 20 years with exposure to a diversified range of industries including mining, oil & gas, finance and property. He also has experience in a wide range of working environments including 4 years in chartered accounting with PWC, 8 years tax consulting in a boutique tax practice and, most recently, 9 years in commerce with BP and Shell and was recently appointed as Country Tax Lead with Shell Australia.

Faith Harako, is an Assistant Commissioner in the Public Groups and International business line in the ATO. She leads the engagement and assurance teams located in Perth who are tasked to deliver targeted programs of work with respect to income tax, GST and the petroleum resource rent tax. Faith also has responsibility for the large market Energy and Resources Strategy. Prior to joining Public Groups and International, Faith was a Principal Lawyer in the ATO's Review and Dispute Resolution area with responsibility for litigation matters.

Janelle O'Hare is the National Tax Leader for Energy and Resources in PwC. She is a partner in the Corporate Tax team based in Brisbane. She has over 19 years of tax consulting experience. Janelle primarily advises a broad range of operators, joint venture participants and investors in the energy and resources industry, with a focus on the oil and gas sector. Janelle has significant experience in relation to the application of the PRRT regime and has advised on the application of the regime to every major offshore and onshore project in Australia. She has also worked with the ATO on issues arising from the transition of the regime to the onshore projects.

Tien Phan is an Acting Assistant Commissioner at the ATO, in the Public Groups & International area. She leads the International Tax Structuring specialist team, which is responsible for related party financing, thin capitalisation, hybrids and other international tax issues. Prior to the ATO, Tien worked in various industries, predominately the financial services sector, in London and New York.

Brian Purdy, CTA, is Vice President - Tax for South32 Ltd where he is responsible for all global tax matters. He joined South32 from BHP Billiton, where he was Vice-President Tax – Asia Pacific before moving into finance roles in the iron ore business. Brian is a graduate of University of Western Australia and is a member of Chartered Accountants Australia & New Zealand, The Tax Institute and the Australian Institute of Company Directors.

Noel Richards has over 18 years of experience as an applied economist in Australia and the UK. He leads Deloitte's work in WA on transport economics, business cases and cost benefit analysis. He is also a contributor to Deloitte's annual WA Budget Brief, and also led Deloitte's work for the 2018 Langouant Review, which assessed fiscal policy under the previous government. Prior to joining Deloitte in 2013, Noel was a Principal Economist with AECOM Australia.

Premila Roe, CTA, is currently the Global Head of Tax at BHP. Premila has over 25 years of tax experience and was previously Vice President Tax APAC, EMEA and Transfer Pricing at BHP. She was previously the Head of Tax at Optus and, prior to this, the Head of Tax at AGL. Premila commenced her career with the ATO before leaving to join Deloitte. She has a Bachelor of Laws and a Masters in Tax Law and is a Chartered Tax Adviser.

Marcus Ryan, CTA, is an Assistant Commissioner with the ATO in Sydney, and works in the Tax Counsel Network. He currently focuses on the tax aspects of corporate and banking and finance transactions and has more recently been involved in the ATO's administration of the JobKeeper initiative. Prior to joining the ATO in May 2017, Marcus was a senior associate at Ashurst. He has over 19 years' experience as a tax lawyer providing advice on both direct and indirect taxes to both Australian and foreign clients, across a number of industries and government enterprises.

Dr Niv Tadmore, CTA, is a Band 1 practitioner leading the Australian tax team of international law firm Jones Day. He has vast experience working for more than 20 years with large-market taxpayers from diverse industries, such as upstream and downstream energy and resources, infrastructure, digital and tech, and pharmaceutical. The team is known for its hands-on practical approach to the prevention and resolution of tax disputes. Niv has represented the Tax Institute and Law Council on various ATO and Treasury Committees. He is a global Vice-President of the International Fiscal Association and the President of the Australian Branch. Niv is also a member of two tax academic boards: Melbourne University and New York University.

Amelia Teng is an international tax partner at Deloitte who specialises in cross-border tax structuring issues and has a focus on tax policy initiatives and BEPS reforms. In her past roles she was closely involved in the development and implementation of the hybrid mismatch rules.

Damien Williams is a Director at KPMG and has over 14 years of tax experience primarily advising clients on their investments into or outbound from Australia with a particular focus on the resource industry. Damien has advised clients ranging from junior explorers making their first investments overseas to large scale multinational groups expanding their operations into new countries. Damien also worked for 2 years in KPMG's office in Toronto to advise similar clients investing to and from Canada.

Caroline Walker, ATI, has 19 years' experience specialising in international tax and transfer pricing in a Big 4 environments. Based in Perth, Caroline works closely with multiple large energy and resources companies to manage and monitor their ongoing transfer pricing arrangements. She has assisted various companies with ATO compliance activity, strategic planning for various business restructures, structuring / pricing intra-group financing and guarantee arrangements, preparation of defence files in relation to the Australian Diverted Profits Tax / Multinational Anti-avoidance Law, managing global Country-by-Country Reporting and Masterfile / Local File compliance obligations and preparation for Reportable Tax Position disclosures and risk assessments under ATO Practical Compliance Guidelines.

David Wood, CTA, is a Tax Partner in the Melbourne office of King & Wood Mallesons. He has more than 38 years' experience in providing tax advice and conducts a varied practice which covers all aspects of revenue law. David has particular experience in advising on financial services and financial transactions, including innovative financial products, derivatives, securitisations and infrastructure projects. David also advises on mergers and acquisitions, international taxation, tax audits, the conduct of tax litigation, stamp duty and GST.



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