

**Jessica Zhang**

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**From:** Andrew.Carter@ashurst.com  
**Sent:** Friday, 4 August 2023 6:14 PM  
**To:** Sarah Court  
**Cc:** Edmond.Park@ashurst.com; Bianca Robinson  
**Subject:** RE: Peter John Collins [SEC=OFFICIAL]

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms Court

Thank you for clarifying the position with the Committee, and for providing a copy of your letter to the Chair.

Regards

**Andrew Carter**

Partner

Ashurst Australia, 5 Martin Place, Sydney, NSW 2000, Australia  
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**From:** Sarah Court <Sarah.Court@asic.gov.au>  
**Sent:** Friday, 4 August 2023 10:56 AM  
**To:** Carter, Andrew 66581 <Andrew.Carter@ashurst.com>  
**Cc:** Park, Edmond 66056 <Edmond.Park@ashurst.com>; Bianca Robinson <Bianca.Robinson@asic.gov.au>  
**Subject:** RE: Peter John Collins [SEC=OFFICIAL]

**Caution: External email.**

Dear Mr Carter

I refer to your letter of 28 July and to my email below.

Please find enclosed my letter of today to Committee Chair, Senator Deborah O'Neill. This letter corrects the evidence I gave to the Committee on 27 June 2023.

Thank you for bringing this matter to my attention.

Regards,

**Sarah Court**

Deputy Chair

**Australian Securities and Investments Commission**

Level 14/91 King William St, Adelaide SA 5000

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[sarah.court@asic.gov.au](mailto:sarah.court@asic.gov.au)



**ASIC**

EA: Bianca Robinson | +61 431 909 156 | [bianca.robinson@asic.gov.au](mailto:bianca.robinson@asic.gov.au)



ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work.  
We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

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**From:** Sarah Court <Sarah.Court@asic.gov.au>  
**Sent:** Friday, 28 July 2023 2:19 PM  
**To:** Andrew.Carter@ashurst.com  
**Cc:** Edmond.Park@ashurst.com; Bianca Robinson <Bianca.Robinson@asic.gov.au>  
**Subject:** RE: Peter John Collins [SEC=OFFICIAL]  
Dear Mr Carter.

Thank you for your letter which I confirm I have received and read, and for bringing this matter to my attention. I will respond more fulsomely shortly.

Regards,

**Sarah Court**  
Deputy Chair  
**Australian Securities and Investments Commission**  
Level 14/91 King William St, Adelaide SA 5000  
+61 417 207 559  
[sarah.court@asic.gov.au](mailto:sarah.court@asic.gov.au)



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We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

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**From:** [Andrew.Carter@ashurst.com](mailto:Andrew.Carter@ashurst.com) <[Andrew.Carter@ashurst.com](mailto:Andrew.Carter@ashurst.com)>  
**Sent:** Friday, 28 July 2023 2:06 PM  
**To:** Sarah Court <[Sarah.Court@asic.gov.au](mailto:Sarah.Court@asic.gov.au)>  
**Cc:** [Edmond.Park@ashurst.com](mailto:Edmond.Park@ashurst.com)  
**Subject:** Peter John Collins

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms Court

Please see the attached letter.

Kind regards

**Andrew Carter**  
Partner

Ashurst Australia, 5 Martin Place, Sydney, NSW 2000, Australia  
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28 July 2023

**By email and Confidential**

Ms Sarah Court  
Deputy Chair of the Australian Securities and Investments Commission (**ASIC**)  
Sarah.Court@asic.gov.au

Dear Ms Court

**Statements in relation to Mr Peter Collins before the Parliamentary Joint Committee on Corporations and Financial Services**

1. We act for Mr Peter Collins.
2. We refer to the Hansard transcript for the hearing of the Parliamentary Joint Committee on Corporations and Financial Services (the **PJC**) on 27 June 2023 (**Hansard**).
3. The Hansard records the following statement attributed to you and in relation to Mr Collins at page 36:

*Ms Court: Again, I am being careful because I am not completely across the full details of what Mr Collins did or didn't do. We have a finding from the Tax Practitioners Board that Mr Collins is not a fit and proper person.*

*Chair: Yes.*

*Ms Court: So that is clear. The finding was made in relation to the provision of taxation advice or views.*

4. We are instructed to point out that in fact there was no finding from the Tax Practitioners' Board that Mr Collins is not a fit and proper person. The reasons published by the Tax Practitioners Board on its public register with effect from 23 December 2022 in relation to their decision to terminate the tax agent registration of Mr Collins contained no such finding that Mr Collins is not a fit and proper person. The termination of his registration was on other grounds.
5. Having acted for Mr Collins in the Board's investigation in 2022, we can confirm that the Tax Practitioners Board expressly determined that it was satisfied, as at the time of its decision in December 2022, that Mr Collins was a fit and proper

Ms Sarah Court

28 July 2023

person and had not ceased to meet the fit and proper person requirement in section 20-5(1)(a) of the *Tax Agent Services Act 2009* (Cth). There is no suggestion that you were aware of this determination when the statement was made to the PJC.

6. In the circumstances, our client respectfully requests that appropriate steps be taken as soon as possible to clarify the position, by drawing to the attention of the PJC that there was no finding by the Tax Practitioners Board that he was not a fit and proper person, contrary to the statement set out above.
7. Our client has considered writing to the PJC directly but prefers to raise the matter with you. Our client would be grateful to be informed if you decide to clarify the position with the PJC and that this has occurred. Alternatively, if you decide not to clarify the position, please inform us of that decision. This is a matter of some concern to our client, and we would be grateful for a response at your earliest convenience.
8. If you have any questions or wish to discuss, please let us know.

Yours faithfully



**Ashurst**



**ASIC**  
Australian Securities &  
Investments Commission

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Senator Deborah O'Neill  
Committee Chair  
Parliamentary Joint Committee on  
Corporations and Financial Services

By email: [Corporations.Joint@aph.gov.au](mailto:Corporations.Joint@aph.gov.au)

Our Reference: CAS-125792-B9C8B4

Friday 4 August 2023

Dear Chair

I am writing to clarify and correct evidence that I provided to the Parliamentary Joint Committee on Corporations and Financial Services public hearing on Tuesday, 27 June 2023. At the hearing I answered questions concerning ASIC's jurisdiction in relation to misconduct alleged against Mr Peter-John Collins.

The relevant part of my evidence is reported at page 36 of the Hansard:

**CHAIR:** This is the part where it just does my head in. He is a PwC partner. His business card says PwC. He is embedded in the tax division. He is representing PwC at the Senate in 2015 while he is cooking up the scheme. He is operating under a PricewaterhouseCoopers Securities tagged financial licence but it's only about Mr Peter-John Collins, not PricewaterhouseCoopers? It just doesn't ring true.

**Ms Court:** Again, I am being careful because I am not completely across the full details of what Mr Collins did or didn't do. **We have a finding from the Tax Practitioners Board that Mr Collins is not a fit and proper person.**

**CHAIR:** Yes.

**Ms Court:** So that is clear. The finding was made in relation to the provision of taxation advice or views.

Subsequent to my evidence a solicitor acting for Mr Collins wrote to me and drew my attention to the fact that the TPB did not find that Mr Collins was not a fit and proper person.

The statement I made and which is reported at page 36 of the Hansard that "(W)e have a finding that Mr Collins is not a fit and proper person" is incorrect.

I have reviewed the decision of the Tax Practitioners Board and advise that:

1. The TPB's Board Conduct Committee (The Committee) did not find that Mr Collins was not a fit a proper person.

2. The Committee found that:

- a. Mr Collins breached subsection 30-10(1) of the Code of Professional Conduct (the Code), in that he did not act with integrity; and
- b. Mr Collins breached subsection 30-10(5) of the Code, in that he failed to have in place adequate arrangements to manage conflicts of interest that arose in relation to his activities as a registered tax agent.

Please let me know if the Parliamentary Joint Committee on Corporations and Financial Services has any questions or would like any additional information in relation to this letter.

Yours sincerely

A black rectangular box redacting the signature of Sarah Court.

**Sarah Court**

**ASIC Deputy Chair**