

**From:** Communications  
**Sent:** Monday, 23 January 2023 6:55 AM  
**Subject:** PwC and Peter John Collins [SEC=OFFICIAL]  
**Attachments:** Media Release - PwC and Collins .docx

**OFFICIAL**

For information the TPB intend to issue the attached media release this morning, Monday 23 January at 9am AEDT regarding PwC and Peter John Collins.

Regards

Communications  
Tax Practitioners Board

[E communications@tpb.gov.au](mailto:communications@tpb.gov.au)

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**From:** Michael Mumford  
**Sent:** Monday, 23 January 2023 9:11 AM  
**To:** Janette Luu; Tham Dao  
**Cc:** Trevor Hickman; Michael G. O'Neill  
**Subject:** FW: [SEC=OFFICIAL]

**OFFICIAL**

Hey all, AFR's report on the PwC case yesterday is below. It is very comprehensive and even quotes a 'PwC spokesman' so I think Neil Chenoweth must have been monitoring and expecting this.

The only potential negative from my read is that it ties some of our board to PwC, ie those who used to work from them, but other than the implication it doesn't go any further or call out Col etc.

Also, I hacked this via an exploit that shouldn't allow me access, since this is behind the AFR paywall. Please don't copy further as I have no rights to access or pass on.

Cheers, Mick

**Michael Mumford**

Director of Corporate Services, Tax Practitioners Board



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**From:** Michael Mumford

**Sent:** Monday, 23 January 2023 8:03 AM

**To:** Michael Mumford

**Subject:** [SEC=OFFICIAL]

# PwC partner leaked government tax plans to clients



**Neil Chenoweth** *Senior writer*

Updated Jan 23, 2023 – 7.23am, first published at Jan 22, 2023 – 7.30pm

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The former head of international tax for PwC Australia, Peter Collins, has been deregistered by the Tax Practitioners Board for dishonesty and for sharing confidential government briefings with PwC partners and clients.

The TPB, which oversees Australia's 80,000 tax agents, also sanctioned PwC for failing to regulate conflicts of interest by partners and PwC staff, who knew the confidential information would be used to help clients sidestep new tax laws and to attract new clients.



Peter Collins, former international tax leader for PwC Australia, has had his registration as a tax agent terminated.

Mr Collins, also known as Peter-John Collins, was named corporate tax adviser of the year by the Tax Institute of Australia in 2016 and led [PwC's international tax team](#) until he left the firm last October. His registration as a tax agent has been cancelled for two years and he no longer works at PwC.

PwC has been ordered to provide training on a six-monthly basis to relevant partners and staff on how to handle conflicts of interest and to file compliance statements to the TPB twice a year detailing the training and who attended.

The TPB's decisions came into effect two days before Christmas, but only came to light when it published the reasons for its findings on Friday. It marks a new low point in the relationship between Australia's largest accounting firm and the Australian Tax Office and comes as the government continues to use partners from big four firms to advise on how to target international tax avoidance.

Mr Collins was a regular member of consultation groups set up by the Treasury and by the Board of Taxation to provide confidential advice to the government on its Base Erosion Profit Shifting (BEPS) measures to combat international tax avoidance.

The TPB found that Mr Collins shared confidential documents which set out proposed legislation and policy positions with other PwC personnel both in Australia and overseas, “who in turn disclosed [the information] to clients or potential clients”.

“Additionally, internal communications within PwC indicated an awareness amongst the internal PwC recipients, including PwC taxation partners, that the confidential knowledge gained from the consultations with Treasury would be leveraged to market PwC to a new client base,” the TPB reported.

It was also understood that PwC personnel would use the confidential information to modify “the structures of existing clients in a manner that may be perceived to circumvent the intent of the proposed legislation regarding the OECD BEPS provisions”, the TPB said.

“In the circumstances, PwC would have, or should have been, aware of the perceived and actual conflict of interest. This extended to sharing the information with existing clients and potential clients of PwC.”

A PwC spokesman told *The Australian Financial Review*: “We acknowledge the TPB found that a partner of the firm did not comply with confidentiality agreements in relation to a consultation process with Treasury, which occurred in 2014.

“We also acknowledge that PwC should have had specific conflict management procedures and policies operating at the time to prevent this occurring. In each case this failed the standards we set for PwC and we deeply regret this occurred.”

Mr Collins signed confidentiality agreements with Treasury in December 2013, April 2016 and February 2018, which allowed him wide access to policy deliberations as he advised on Australia’s Multinational Anti-Avoidance Law (MAAL), the Diverted Profits Tax and Hybrid mismatch rules.

This allowed him to shape legislation as part of a consultation committee, and meant he knew in advance what the final form of the new laws would likely be. The TPB report says PwC was able to use the information to prepare ways to minimise their effect.

Senior ATO officers were shocked at the speed with which multinationals set up new structures to avoid the reach of MAAL after it was introduced on January 1, 2016.

By April the ATO was warning that foreign companies and some advisers were already “gaming the system” to avoid MAAL.

In September 2016 Deputy Commissioner Mark Konza had a furious response when he was shown a scheme to avoid MAAL during a visit to a big four accounting firm which was later identified as PwC.

## **Critical response**

He called the scheme “a blatant attempt to undermine the will of parliament” in the MAAL.

“I told them it was a very clever scheme and that cleverness is not a compliment in the tax world, and we would commence an audit of their client as soon as I got back to the office.

“Some firms are saying, ‘We’ve got the MAAL inoculation, come to us’,” Mr Konza said, without nominating which big four firms he meant.

In December that year Mr Collins was co-author of PwC’s critical response to the government’s exposure draft for the proposed diverted profit tax: “While PwC supports the use of principles-based drafting, the current ED is devoid of any ‘coherent principle’ and is likely to lead to the application of DPT in many apparently unintended circumstances as well as a dramatic increase in compliance costs.”

Mr Collins did not respond to questions put to him by the *Financial Review*.

## **Confidentiality agreements**

“The firm has since reviewed and strengthened its controls, policies and training with respect to conflicts of interest,” a PwC spokesman said.

A PwC source said the documents were shared with a small number of PwC staff, and that the TPB investigation did not find that any client arrangements or structures were impacted in connection with the matter.

Disciplinary rulings by the TPB follow an investigation which can take as long as 12 months, usually after a referral from the tax office. This suggests that the sharing of confidential documents at PwC came to light during an audit by the ATO some time after February 2018, when Mr Collins signed the last of three confidentiality agreements with Treasury.

In this period, relations between the ATO and big four firms were fraught as Commissioner Chris Jordan complained that companies were making blanket claims of legal privilege that prevented the tax office from accessing emails and documents that offered tax advice.

This culminated in a Federal Court judgment last April when Justice Mark Moshinsky [quoted emails by PwC partners](#), including the firm's current CEO, Tom Seymour, which said that tax advice for Brazil meat giant JBS would be provided by a PwC lawyer, to claim legal privilege. There was no suggestion of breach of confidentiality.

The Tax Practitioners Board has taken a proactive role in overseeing tax professionals under its chairman, Brisbane accountant and businessman Ian Klug and CEO/secretary Michael O'Neill.

TPB rulings are made by its eight-member board, which includes former PwC partners Peter Hogan and Judy Sullivan, former KPMG partner Peter de Cure and the Institute of Public Accountants chief executive Andrew Conway.

PwC has worked widely with Treasury and the tax office to advise on taxation measures.

In 2014 *The Australian Financial Review* revealed that in 2007 the ATO had become alarmed at burgeoning international tax avoidance, and commissioned PwC Legal (which is a separate legal entity to PwC) to conduct an outside review of the elite ATO unit which handled Advance Pricing Arrangements. This was at the same time as PwC Luxembourg was setting up aggressive tax structures for Australian companies.

Last August a PwC partner, Christina Sahyoun, was seconded to head the Board of Taxation, which advises the government on taxation laws. There is no suggestion that Ms Sahyoun was involved in sharing confidential information.

\*\*\*\*\*

[REDACTED]

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**From:** Tham Dao  
**Sent:** Monday, 23 January 2023 11:24 AM  
**To:** Ian Klug [REDACTED]; Craig.Stephens [REDACTED]; Peter de Cure;  
judy [REDACTED]; 'Debra Anderson'; steve [REDACTED]; Peter  
Hogan; Andrew Conway  
**Cc:** Michael G. O'Neill; Janette Luu  
**Subject:** Media release and AFR article: PwC / Collins [SEC=OFFICIAL]  
**Attachments:** 230122\_PwC partner leaked government tax plans to clients\_AFR.pdf; Media Release  
- PwC and Collins\_.pdf

OFFICIAL

Good morning everyone,

A quick update regarding our comms strategy regarding the PwC and Collins investigation outcomes. As planned, the media release was distributed via Medianet and was placed onto the TPB website this morning. Our comms team will also follow with some social media posts.

I have also attached an AFR article for those that haven't had the opportunity to review. It is a good article that provides some good exposure for the TPB. It is very comprehensive, and quotes a PwC response. Collins has declined to comment.

We have received a couple of enquiries from other media outlets, which we will continue to manage. If anyone receives any queries, grateful if they could please direct it to Janette and I to ensure that we continue to ensure consistent messaging and see if there's an opportunity for us to leverage.

We will keep you informed of any critical developments.

Tham

Tham Dao  
Senior Director, Law & Compliance  
Tax Practitioners Board  
[REDACTED]

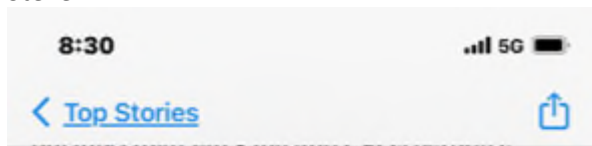
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[REDACTED]

**From:** Steve Dobson [REDACTED]  
**Sent:** Monday, 23 January 2023 11:33 AM  
**To:** Tham Dao  
**Cc:** Ian Klug [REDACTED]; Craig.Stephens [REDACTED]; Peter de Cure; judy [REDACTED]; Debra Anderson; Peter Hogan; Andrew Conway; Michael G. O'Neill; Janette Luu  
**Subject:** Re: Media release and AFR article: PwC / Collins [SEC=OFFICIAL]

Fair article.  
It makes reference to a few of the board members.  
LinkedIn traffic increasing as well, a few of the usual posts.

Thanks  
Steve



BUSINESSMAN IAN KLUG AND CEO/SECRETARY  
Michael O'Neill.

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On 23 Jan 2023, at 8:24 am, Tham Dao [REDACTED] wrote:

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Tham Dao  
Senior Director, Law & Compliance  
Tax Practitioners Board  
[REDACTED]

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<230122\_PwC partner leaked government tax plans to clients\_AFR.pdf>  
<Media Release - PwC and Collins\_.pdf>

[REDACTED]

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**From:** iancklug [REDACTED]  
**Sent:** Monday, 23 January 2023 11:57 AM  
**To:** Steve Dobson  
**Cc:** Tham Dao; Craig.Stephens [REDACTED]; Peter de Cure; judy [REDACTED];  
Debra Anderson; Peter Hogan; Andrew Conway; Michael G. O'Neill; Janette Luu  
**Subject:** Re: Media release and AFR article: PwC / Collins [SEC=OFFICIAL]

Agree. A fair article and PWC's response is pretty measured. Let's see if it gets any more airtime after the Press Release.

**IAN KLUG AM**

On 23 Jan 2023, at 10:33 am, Steve Dobson <[REDACTED]> wrote:

Fair article.  
It makes reference to a few of the board members.  
LinkedIn traffic increasing as well, a few of the usual posts.

Thanks  
Steve  
<image0.png>

On 23 Jan 2023, at 8:24 am, Tham Dao [REDACTED] wrote:

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Tham Dao  
Senior Director, Law & Compliance



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<Media Release - PwC and Collins\_.pdf>

[REDACTED]

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**From:** Peter de Cure <[REDACTED]>  
**Sent:** Monday, 23 January 2023 12:06 PM  
**To:** Steve Dobson  
**Cc:** Tham Dao; Ian Klug ([REDACTED]); craig.stephens ([REDACTED]); judy ([REDACTED]); Debra Anderson; Peter Hogan; Andrew Conway; Michael G. O'Neill; Janette Luu  
**Subject:** Re: Media release and AFR article: PwC / Collins [SEC=OFFICIAL]

Thanks Tham

I'm incognito at the Aus Open today 🙈  
Regards  
PdeC

Peter de Cure AM  
[REDACTED]

> On Jan 23, 2023, at 11:33 AM, Steve Dobson <[REDACTED]> wrote:

>  
>  
> Fair article.  
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>  
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> Steve  
> <image0.png>  
>  
>

>>> On 23 Jan 2023, at 8:24 am, Tham Dao [REDACTED] wrote:

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>>  
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>> We have received a couple of enquiries from other media outlets, which we will continue to manage. If anyone receives any queries, grateful if they could please direct it to Janette and I to ensure that we continue to ensure consistent messaging and see if there's an opportunity for us to leverage.  
>>  
>> We will keep you informed of any critical developments.  
>>  
>> Tham  
>>  
>> Tham Dao

>> Senior Director, Law & Compliance

>> Tax Practitioners Board

>> [REDACTED]

>>

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>> persons or entities other than the intended recipient is prohibited

>> and may result in severe penalties. If you have received this e-mail

>> in error please notify the Enquiry Management area of the Tax

>> Practitioners Board, telephone 1300 362 829 and delete all copies of

>> this transmission together with any attachments.

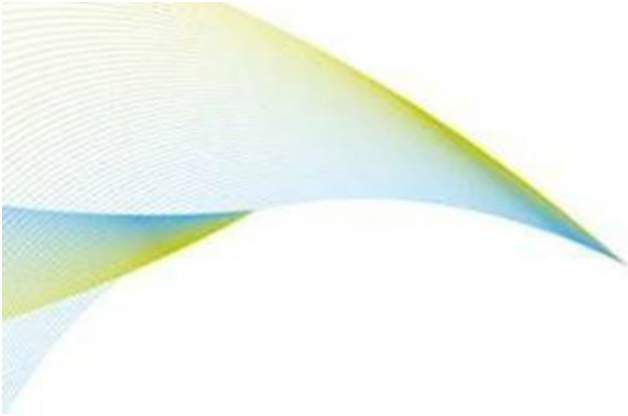
>> <230122\_PwC partner leaked government tax plans to clients\_AFR.pdf>

>> <Media Release - PwC and Collins\_.pdf>



**From:** Communications  
**Sent:** Monday, 23 January 2023 3:06 PM  
**To:** TPB\_All\_Staff  
**Subject:** Weekly What's Happening [SEC=OFFICIAL]

**OFFICIAL**



Good afternoon,

Another edition of Weekly What's Happening which we hope will inform and inspire you.

The latest edition is now live on the hub.

In this week's edition:

- Media release issued about PwC and Peter-John Collins
- Learn about the DEWG
- Top Tips for a new year in the office
- Communicating with Impact course – register now!
- Weekly Quiz

[Weekly What's Happening | 23 - 27 January 2023 \(sharepoint.com\)](#)

Kind regards

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**Trevor Hickman**

Communications Manager, Tax Practitioners Board

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[REDACTED]

**From:** Communications  
**Sent:** Monday, 23 January 2023 3:36 PM  
**To:** Communications; [REDACTED]  
[REDACTED]  
[REDACTED]  
**Cc:** Michael G. O'Neill; Fiona.payne [REDACTED]; 'mediaunit@ato.gov.au'; Janette Luu; Michael Mumford; Tham Dao; Ryan McDonald; Ian Klug  
**Subject:** RE: TPB Update: PwC and Peter-John Collins [SEC=OFFICIAL]

**OFFICIAL**

Just following up from the earlier email (Thursday 19 Jan 4.27) the media release regarding PwC and Peter-John Collins was issued this morning. A number of titles have picked up the story and we've fielded some additional media enquiries. If you receive any media contact then please let us know.

- [PwC partner Peter Collins leaked government tax plans to clients, leading to being deregistered by Tax Practitioners Board \(afr.com\)](#)
- [Sydney Morning Herald article dated 23 January 2023](#)
- [Canberra Times article dated 23 January 2023](#)
- [Financial Standard dated 23 January 2023](#)
- [Daily Liberal dated 23 January 2023](#)

Thanks

Communications, Tax Practitioners Board  
[REDACTED]

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[REDACTED]

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**From:** Janette Luu  
**Sent:** Wednesday, 25 January 2023 7:52 PM  
**To:** Michael G. O'Neill  
**Subject:** FW: PwC Peter-John Collins media update [SEC=OFFICIAL]

FYI

**Janette Luu**  
A/g Secretary  
Tax Practitioners Board  
[REDACTED]

---

**From:** Janette Luu  
**Sent:** Wednesday, 25 January 2023 7:52 PM  
**To:** Michael Mumford [REDACTED]; Trevor Hickman [REDACTED]; Tham Dao [REDACTED]  
**Subject:** RE: PwC Peter-John Collins media update [SEC=OFFICIAL]

Thanks Mick and Trevor.

Grateful if we could have this summary by noon on Tuesday 31/1 – keen to share it with the Board prior to the meeting for their pre-reading.

Janette

**Janette Luu**  
A/g Secretary  
Tax Practitioners Board  
[REDACTED]

---

**From:** Michael Mumford <[REDACTED]>  
**Sent:** Wednesday, 25 January 2023 6:25 PM  
**To:** Trevor Hickman <[REDACTED]>; Janette Luu <[REDACTED]>; Tham Dao <[REDACTED]>  
**Subject:** RE: PwC Peter-John Collins media update [SEC=OFFICIAL]

**OFFICIAL**

We will need an adhoc and up to date report to hand out at the Board meeting next Wednesday Trevor, similar to this with the list of the flagship stories and coverage stats please.

Cheers, Mick

**Michael Mumford**  
Director of Corporate Services, Tax Practitioners Board  
[REDACTED]

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**From:** Trevor Hickman <[REDACTED]>

**Sent:** Tuesday, 24 January 2023 9:03 AM

**To:** Janette Luu <[REDACTED]>; Tham Dao <[REDACTED]>; Michael Mumford <[REDACTED]>

**Subject:** PwC Peter-John Collins media update [SEC=OFFICIAL]

**OFFICIAL**

This is a bit of a (provisional) look at how much coverage the PwC Collins case has attracted in the media (we'll produce a more comprehensive media report later) but it's an illustration that it's received wide coverage across a range of print, online and radio over the last 24 hours.

Any queries just let me know.

Thanks

Trevor

**Trevor Hickman**

Communications Manager, Tax Practitioners Board  
[REDACTED]

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**From:** Communications  
**Sent:** Friday, 27 January 2023 2:06 PM  
**To:** Ian Klug Private; Debra Anderson; Peter de Cure; Peter Hogan; 'Craig.Stephens'; 'judy'; andrew.conway; 'steve'; Michael G. O'Neill; Janette Luu; Tham Dao  
**Cc:** Michael Mumford; Trevor Hickman; Julie Shaw  
**Subject:** Media release coverage summary - Peter-John Collins and PwC [SEC=OFFICIAL:Sensitive]  
**Attachments:** Collins and PwC Media release coverage report.docx

**OFFICIAL:Sensitive**

Good afternoon

Please find attached a summary report of media coverage and social media response received for our recent [media release](#) on Peter-John Collins and PwC.

A detailed report including the potential audience reach of this media release will be provided early next week.

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Kind regards  
TPB Communications  
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