

Terms of Reference (TOR)
Committee on Fiscal Laws
Institute of Chartered Accountants of Pakistan

Introduction

1. The Committee on Fiscal Laws (CoFL) (formerly named as Committee on Taxation) is established as an independent committee of the Institute of Chartered Accountants of Pakistan (ICAP/Institute) on the terms set out in this document. The fiscal laws include matters related to Benami transactions and Anti Money Laundering laws.

Functions of the CoFL

2. The CoFL builds and maintains a good professional relationship with the Federal Board of Revenue (FBR) and Provincial Tax Authorities, reviews existing legislations to submit representations for new legislation or revision in the existing legislation and participates in creating a pro-active awareness of developments. The CoFL undertakes functions assigned by the Council / President including:
 - 2.1 To develop ICAP Proposals for the Federal and Provincial Budgets annually, and submit to the Federal Government, Provincial Governments, tax authorities and other stakeholders in consultation with the President;
 - 2.2 To examine the tax laws, rules, regulations, circulars, notifications, etc. which may be enacted or issued by the Federal and Provincial Governments from time to time and to send suitable suggestions for improvements in the respective legislation in consultation with the President;
 - 2.3 To prepare suitable representations to the FBR and Provincial tax authorities on various issues arising out of direct and indirect tax laws;
 - 2.4 To organize fiscal laws related awareness programs with the Federal Government, Provincial Governments and International Agencies e.g. World Bank, USAID etc.;
 - 2.5 To publish tax related material for the benefit of the membership;
 - 2.6 To coordinate with the Institute's regional committees in organizing seminars, conferences, roundtables, and joint programs independently and /or with the FBR;
 - 2.7 To respond to common practical issues with implementation of tax law faced by the industry/ membership; and
 - 2.8 To conduct and publish research / studies and independently or jointly with other bodies.

Communication and Reporting

3. Following communication and reporting protocol has to be observed:
 - 3.1 All correspondence with national and international organizations on policy matters shall be done in consultation with the Chairperson of the Committee and the President of the Institute. Further, all such correspondence shall be shared with the Secretary for information and record.
 - 3.2 Correspondence with national and international organisations on general matters shall be done in consultation with the Chairperson of the Committee.
 - 3.3 CoFL shall prepare an annual report summarizing the work carried out by it during the year (July to June) and submit it to the Council.
 - 3.4 In consultation with the Chairperson and President the document finalized by the Committee may be disseminated in the following manner:
 - a) placement on the Institute's website;
 - b) circulation to the membership and other stakeholders (Federal and Provincial Tax Authorities, Government ministries, SECP, SBP etc.) either in the soft or hard form;
 - c) publication of articles in the print media with the web link;
 - d) publication in the Institute's magazine 'The Pakistan Accountant' or other national and international forums/journals

Membership of CoFL

4. The CoFL will comprise of fifteen members. This number can be increased / decreased with the concurrence of the President and the ratification by the Council, and will have the following suggested composition:
 - 4.1 A Member of the Council, as nominated by the Council, who will function as the Chairperson.
 - 4.2 Other members shall be mostly members of ICAP, in such a composition, which adequately represents both the Northern and the Southern regions of ICAP, and the large practicing firms and the SMPs and from the industry.
 - 4.3 Stakeholders and other experts may be invited by the Chairperson to attend meetings for discussing specific agenda items.

Expectation from the CoFL Members

5. The CoFL members are expected to adhere to the following principles:

- 5.1 Proactive contribution for the achievement of quality thresholds of contributions in terms of technical content, innovation, understandability and timeliness.
- 5.2 Active and constructive participation in the meetings on a regular basis.
- 5.3 Specific and general proactive feedback on issues and developments relevant to CoFL.
- 5.4 Respect of and commitment to support the reputation of CoFL and ICAP.
- 5.5 Observance of ICAP's Code of Conduct and confidentiality.

Meetings and Proceedings of CoFL

6. The procedure for meetings will be as follows:

- 6.1 The quorum of CoFL will be forty percent members including the Chairperson.
- 6.2 In absence of the Chairperson for any unavoidable reason, the Chairperson may nominate any member of CoFL to chair the meeting in his/her absence.
- 6.3 The CoFL will meet as required, but should meet at least once in every three months.
- 6.4 Members are expected to attend all meetings. A member can resign from the Committee by submitting a written resignation to the Chairperson.
- 6.5 The Chairperson in consultation with the President may replace members who fail to attend two consecutive meetings without leave of absence granted by the Chairperson due to valid reasons e.g. illness, travelling etc.
- 6.6 The members will not be represented by alternates at the CoFL meetings.
- 6.7 The Chairperson will approve the agenda for each CoFL meeting.
- 6.8 Agenda will be circulated preferably within seven working days before the meeting.
- 6.9 Minutes along with action plan will be circulated within -four working days after the meeting.
- 6.10 The CoFL may also conduct business between meetings by electronic or non-electronic correspondence. For example, to obtain comment on any urgent matter or new or revised proposed standards or to poll initial views on a proposed topic in order for it to be developed appropriately for future discussion.
- 6.11 The meetings of CoFL may be conducted via video conference, depending on the geographical spread of members.
- 6.12 The Chairperson may hold a meeting requiring all members to attend in person if the matter, in the opinion of the Chairperson, is of such significance that effective discussion can only be made in person.