

AGENDA PAPER

Item Number: 8
Date of Meeting: 16 November 2020
Subject: Update on Whistleblowing Project

Action Required For Discussion For Noting For Information

Purpose

To:

- (a) provide the Board with an update on the Whistleblowing project; and
- (b) seek the Board's feedback on the draft Technical Staff publication on Whistleblowing and Confidentiality.

Background

At the March 2020 Board Meeting, the Board approved a [project plan](#) on whistleblowing. The project is to review the provisions of the Code and determine how the provisions around confidentiality interact with the new whistleblowing protections under Federal whistleblower legislation, which became effective in 2019.

At the June 2020 Board Meeting, the Board determined that Technical Staff should develop a Question and Answer Staff publication as the most efficient and effective way to publish guidance in a short time frame on the topic of whistleblowing.

At the August 2020 Board Meeting, the Board considered the first draft of the Technical Staff Q&As on whistleblowing and discussed additional case studies that could be included in the publication. The Board also discussed the confidentiality provisions of APESB pronouncements and noted some revisions might be required. Refer to Agenda paper 6 for further details on the pronouncements affected by the review of the confidentiality provisions.

Matters for Consideration

Technical Staff have developed a revised draft of the Whistleblowing & Confidentiality Technical Staff Q&As publication (refer to agenda item 8(a)). The revised draft includes eight case studies relating to a range of scenarios in which whistleblowing may be a key consideration of the Member. The case studies consider the impact of ethical issues and whistleblowing and the resulting impact, if any, on compliance with the fundamental principle

of confidentiality in APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)*.

There are five case studies for Members in Public Practice, with two of these case studies focused on auditors. There are also three case studies for Members in Business. At least one scenario for each type of Member includes Non-Compliance with Laws and Regulations (NOCLAR) as a key consideration.

Technical Staff are planning to circulate the draft Technical Staff Whistleblowing publication to a range of stakeholders for review or comments by the 10th of November 2020. We will be requesting any feedback by the end of November 2020. The stakeholders will include the standard setters, Professional Bodies, firms and regulators.

At this point, Technical Staff seek the Board's feedback on the draft Technical Staff whistleblowing publication.

Way forward

Subject to the Board's feedback on the draft Technical Staff Whistleblowing publication, Technical Staff will work with the Professional Bodies and other stakeholders to finalise the content of the publication.

Technical Staff propose to present the final version of the Technical Staff Whistleblowing publication for the Board's consideration and approval out-of-session.

Recommendations

The Board:

- (a) note the progress of the whistleblowing project; and
- (b) provide feedback with respect to the draft Whistleblowing and confidentiality Technical Staff publication.

Materials Presented

Agenda Item 8 (a) Draft Whistleblowing and Confidentiality APESB Technical Staff Q&As

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