

ISSUES REGISTER FOR APESB PROFESSIONAL PRONOUNCEMENTS

Current as at 28 March 2022

Note to Stakeholders

The following is a summary of issues raised by stakeholders in relation to APESB pronouncements. Issues have been compiled by standard or guidance note, with the intended response and current status. Members of the professional accounting bodies, firms, professional bodies and other stakeholders are encouraged to report to APESB via the APESB website (www.apesb.org.au then Standards & Guidance/Issues Register) any new issues that need to be addressed by APESB when a pronouncement is next updated or reviewed.

Issues are entered into the register when brought to the attention of APESB by external stakeholders or through identification during internal reviews of the standard or guidance note. The issue remains on the register until it has been resolved to the satisfaction of the Board.

	APES 110 : Code of Ethics for Professional Accountants (including Independence Standards) Issues Register			
No.	Issue	Response	Current Status	
110.1	Technical Staff are aware that some jurisdictions, including Australia, are reconsidering what services a firm can provide to an audit client. The Independence requirements in APES 110 may need to be reviewed if a major jurisdiction prohibits auditors from performing non-assurance services for an audit client.		APESB is continuing to monitor international developments to determine if changes are required to the Independence provisions of the Code. APESB is also considering the recommendations from the Parliamentary Joint Committee (PJC) inquiry into audit regulation and the impact it may have on the Code. The Federal Government is yet to respond to the PJC recommendations. The International Ethics Standards Board for Accountants (IESBA) released revisions to the non-assurance services provisions in the International Code of Ethics for Professional Accountants (including International Independence Standards) in April 2021. APESB is continuing to consider the international provisions from an Australian perspective and expect to release an Exposure Draft in the first half of 2022.	
110.2	ED 03/19 requested specific comments on whether the existing provisions in the pronouncements required amendments due to the use of digital technology and artificial intelligence. A respondent's view was that the most appropriate way to address ethical issues relating to digital technology and artificial intelligence is via the Code.		Technical Staff commenced a project on the impact of technology and artificial intelligence on APESB pronouncements in 2020. The IESBA have also been working on a technology project. In February 2022, IESBA released an Exposure Draft <i>Proposed Technology-related revisions to the Code</i> with comments due 20 June 2022. Technical Staff will continue to monitor the progress of the IESBA Technology Project.	
110.3	A professional body provided feedback in a submission on APES 320 Quality Management for Firms that provide Non-Assurance Services as to whether the new 'Role and Mindset' provisions in the Code are more appropriate than 'Independence' in other APESB pronouncements.		APESB will consider this matter during future reviews of relevant pronouncements.	

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	APES 205 : Conformity with Accounting Standards Issues Register				
No.	Issue	Response	Current Status		
205.1	Technical Staff have identified the need to consider any potential implications of the AASB's revision of the Australian Financial Reporting Framework on APES 205. The relevant AASB projects, and any resulting changes, will impact on the provisions in APES 205 relating to Members' financial reporting responsibilities and the references to AASB's conceptual framework.		As part of the project on restructured pronouncements in 2019, APESB sought feedback on this matter from stakeholders in their responses to Exposure Draft 03/19, which incorporated APES 205. Stakeholders provided feedback that APESB should continue to monitor the AASB projects and their impact on APES 205. The AASB projects are still in progress, with the AASB due to reconsider some amendments from one of their related projects in the first quarter of 2022. Technical Staff will continue to monitor the projects and any outcomes in relation to APES 205.		

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	APES 210 : Conformity with Auditing and Assurance Standards Issues Register			
No.	Issue	Response	Current Status	
	No current issues			

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	APES 215 : Forensic Accounting Services Issues Register			
No.	Issue	Response	Current Status	
215.1	The Australian Securities and Investments Commission (ASIC) raised concerns with APESB that the example in the definition of Other Evidence and examples 6 and 7 in Appendix 3 of APES 215 are not consistent with evidence ASIC adduce under section 50 of the Evidence Act and the findings in <i>Idylic Solutions Pty Ltd & Ors – Australian Securities and Investments Commission v Hobbs</i> [2012] NSWSC 568 (ASIC v Hobbs). An initial review of APES 215 has identified that the definitions of Lay Witness, Lay Witness Services, Expert Evidence, Other Evidence, Consulting Expert and Consulting Expert Service may also need to be considered.		A project to update APES 215 commenced in June 2021. ASIC provided additional material and recommendations in late January 2022, which will be considered by Technical Staff in the first half of 2022.	
215.2		development of the project proposal for quality management amendments.	APESB will review APES 215 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	

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	APES 220 : Taxation Services Issues Register			
No.	Issue	Response	Current Status	
220.1	Technical Staff note that paragraphs 3.9 and 3.12 in APES 220 relating to confidentiality currently refer to 'a legal, regulatory, or professional obligation of disclosure'. Technical Staff are of the view that this reference needs to be amended to 'a legal, regulatory, or professional right or duty to disclose' to align with the confidentiality provisions in Subsection 114 Confidentiality of APES 110.	project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 220.	
220.2	Technical Staff note that paragraph 3.12 in APES 220 requires a Member to notify the Client, Employer or relevant third party if they provide confidential information in accordance with a legal, regulatory or professional obligation of disclosure. This requirement also does not align with the intent of the Whistleblower protection legislation to allow disclosures to be made confidentially. Consideration should be given to whether the approach used in the NOCLAR provisions requiring the application of professional judgement in determining whether to inform the client, employer or relevant third party could be used.	project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 220.	
220.3	An issue was raised with APESB Technical Staff about the interplay of paragraph 4.3 of APES 220 with guidance released by the Tax Practitioners Board (TPB) on supervisory agreements and supervision and control, in particular in relation to whether an individual should be an employee of the registered tax agent. TPB advised that they are in the process of reviewing this		In October 2021, the TPB released Information Sheet TPB(I) 36/2021 Supervisory arrangements under the Tax Agent Services Act 2009. The guidance clarifies that supervisory arrangements may be in place with an individual who is not an employee of the registered tax agent. APESB Technical Staff will consider the guidance in the	
	guidance period with a public consultation process to take place in early 2021. Consideration will need to be given to this revised guidance and the impact, if any, on APES 220.		information sheet for any applicable revisions to APES 220.	

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	APES 220 : Taxation Services Issues Register			
No.	Issue	Response	Current Status	
220.4		development of the project proposal for quality management amendments.	APESB will review APES 220 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	

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	APES 225 : Valuation Services Issues Register			
No.	Issue	Response	Current Status	
225.1	Technical staff note that Section 3 of APES 225 refers specifically to Members in Public Practice when dealing with conflicts of interest. Consideration should be given to whether this section should contain guidance for Members in Business.	project to restructure the APESB pronouncements.	Technical staff will consider this matter in the next revision of APES 225.	
225.2	Technical Staff note that paragraphs 3.11 and 3.13 in APES 225 relating to confidentiality currently refer to 'a legal, regulatory, or professional obligation of disclosure'. Technical Staff are of the view that this reference needs to be amended to 'a legal, regulatory, or professional right or duty to disclose' to align with the confidentiality provisions in Subsection 114 Confidentiality of APES 110.	project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 225.	
	Technical Staff note that paragraph 3.13 in APES 225 requires a Member to notify the Client, Employer or relevant third party if they provide confidential information in accordance with a legal, regulatory or professional obligation of disclosure. This requirement also does not align with the intent of the Whistleblower protection legislation to allow disclosures to be made confidentially. Consideration should be given to whether the approach used in the NOCLAR provisions requiring the application of professional judgement in determining whether to inform the client, employer or relevant third party could be used.	project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 225.	
225.4		development of the project proposal for quality	APESB will review APES 225 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	

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	APES 230 : Financial Planning Services Issues Register			
No.	Issue	Response	Current Status	
230.1	· ·	Six Month Review of APES 230.	In 2019, APESB favourably noted a recommendation from the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry to extend the Best Interest Duty to credit activities. The Best Interest Duty was subsequently introduced into the National Consumer Credit Protection Act 2009 and became effective 1 January 2021. APESB released Consultation Paper CP 01/19 seeking feedback on key issues relating to APES 230. APESB is considering the feedback from the consultation paper and other developments and whether revisions to the best interest provisions in APES 230 are required. In 2021, the Australian Law Reform Council (ALRC) commenced a review to reform Financial Services Legislation (refer to issue 230.7). APESB will continue to monitor this review and its impact on APES 230.	

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	APES 230 : Financial Planning Services Issues Register			
No.	Issue	Response	Current Status	
230.2	Technical Staff have identified the need to consider the potential implications on APES 230 on the Code of Ethics for professional planners issued by the Financial Adviser Standards and Ethics Authority (FASEA).		FASEA released their Financial Planners and Advisers Code of Ethics in February 2019. In October 2020, FASEA undertook a consultation process on a draft guide to the FASEA Code. APESB made a submission to FASEA that was supportive of the draft guide but asked for further clarity on some of the guidance provided. APESB Technical Staff met with FASEA to discuss each organisation's Code during 2021. The Federal Government determined to cease FASEA's operations from 31 December 2021. From 1 January 2022, ASIC's Financial Services Credit Panel became the single disciplinary body for financial advisers and FASEA's standard development functions, including the FASEA Code, were transferred to Treasury. Technical Staff will continue to monitor developments and any impact on APES 230.	
230.3		and determined to engage with	As noted in Issue 230.1, a Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry commenced in 2019. Technical Staff are monitoring the implementation of laws and regulations by the government stemming from the findings at the Royal Commission to ascertain the impact of the recommendations, if any, on APES 230. In 2021, the Australian Law Reform Council (ALRC) commenced a review to reform Financial Services Legislation (refer to issue 230.7). APESB will continue to monitor this review and its impact on APES 230.	

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	APES 230 : Financial Planning Services Issues Register			
No.	Issue	Response	Current Status	
230.4	Technical Staff have identified the need to consider the potential implications on APES 230 of the findings from the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.		Technical Staff will continue to monitor the implementation of laws and regulations by the government stemming from the findings at the Royal Commission.	
230.5	Technical Staff note that paragraphs 3.12 and 3.15 in APES 230 relating to confidentiality currently refer to 'a legal, regulatory, or professional obligation of disclosure'. Technical Staff are of the view that this reference needs to be amended to 'a legal, regulatory, or professional right or duty to disclose' to align with the confidentiality provisions in Subsection 114 Confidentiality of APES 110.	the project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 230.	
230.6	Technical Staff note that paragraph 3.15 in APES 230 requires a Member to notify the client or relevant third party if they provide confidential information in accordance with a legal, regulatory or professional obligation of disclosure. This requirement also does not align with the intent of the Whistleblower protection legislation to allow disclosures to be made confidentially. Consideration should be given to whether the approach used in the NOCLAR provisions requiring the application of professional judgement in determining whether to inform the client or relevant third party could be used.	the project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 230.	
230.7	The ALRC are undertaking an inquiry to simplify Australian financial services law in response to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. The first interim report from the ALRC was issued on 30 November 2021 with other interim reports due on 30 September 2022 and 25 August 2023. The final report is due 30 November 2023.		APESB made a submission on the first ALRC interim report on 25 February 2022. Technical Staff will monitor the findings from the ALRC and any impact on APES 230.	

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	APES 230 : Financial Planning Services Issues Register			
No.	Issue	Response	Current Status	
230.8		the development of the project proposal for quality management amendments.	APESB will review APES 230 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	

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	APES 305 : Terms of Engagement Issues Register			
No.	Issue	Response	Current Status	
	A revised APES 305 was issued in December 2020. At the June 2021 Board meeting, the Board agreed to undertake a post-implementation review of the revisions in APES 305 12 months after its effective date of 1 July 2021.		APESB will undertake a post-implementation review of APES 305 in 2022/23.	

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	APES 310 : Client Monies Issues Register			
No.	Issue	Response	Current Status	
	A professional body provided feedback that some Members in Public Practice are still experiencing difficulties in establishing bank accounts that meet the requirements of APES 310. The issue is that the trust accounts are not considered statutory trust accounts, the terms of the bank account do not exclude the right of set off and the bank account name will not include the word 'trust'.		APESB is planning to conduct a post-implementation review of APES 310 in the current strategic period, which will consider the challenges Members may face in establishing trust accounts that meet the requirements of APES 310.	
		development of the project proposal for quality management amendments.	APESB will review APES 310 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	

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	APES 315 : Compilation of Financial Information Issues Register			
No.	Issue	Response	Current Status	
315.1	Technical Staff have identified the need to consider the impact on APES 315 from changes to APES 320, noted in Issue 320.1, and the issue of AUASB's quality management standard ASQM 1 Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements.	development of the project proposal for quality management amendments.	conforming amendments to APESB pronouncements for	

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	APES 320 : Quality Management for Firms that provide Non-Assurance Services Issues Register			
No.	Issue	Response	Current Status	
320.1	In February 2022, APESB reissued APES 320 as <i>Quality Management for Firms that provide Non-Assurance Services</i> . Key changes in the reissued APES 320 include the change in scope to only apply to non-assurance practices of firms and high-level alignment of APES 320's elements to the components of the Auditing and Assurance Standards Board's ASQM 1 <i>Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements which will apply to Australian assurance practices.</i> At the February 2022 Board meeting, the Board agreed to a post-implementation review of the reissued APES 320 within two years of issue, or earlier if deemed necessary. This review will include reviewing the interaction between APES 320 and APES 325.		APESB will undertake a post-implementation review of APES 320 within two years of issue, or earlier if deemed necessary.	

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	APES 325 : Risk Management for Firms Issues Register			
No.	Issue	Response	Current Status	
325.1	Technical Staff have identified the need to consider the impact on APES 325 from changes to APES 320, noted in Issue 320.1, and the issue of AUASB's quality management standard ASQM 1 Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements.		APESB will review APES 325 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	
	As noted in Issue 320.1, at the February 2022 Board meeting, the Board agreed to a post-implementation review of the reissued APES 320 within two years of issue, or earlier if deemed necessary. This review will include reviewing the interaction between APES 320 and APES 325.		APESB will undertake a post-implementation review of APES 320 within two years of issue, or earlier if deemed necessary, including the interaction between APES 320 and APES 325.	

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	APES 330 : Insolvency Services Issues Register			
No.	Issue	Response	Current Status	
330.1		November 2021 Board meeting.	APESB will undertake a post-implementation review of APES 330 post 1 April 2023 (12 months from the effective date of 1 April 2022).	
330.2		development of the project proposal for quality management amendments.	APESB will review APES 330 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	

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	APES 345 : Reporting on Prospective Financial Information Prepared in Connection with a Public Document Issues Register		
No.	Issue	Response	Current Status
345.1	Technical Staff note that paragraphs 3.13 and 3.15 in APES 345 relating to confidentiality currently refer to 'a legal, regulatory, or professional obligation of disclosure'. Technical Staff are of the view that this reference needs to be amended to 'a legal, regulatory, or professional right or duty to disclose' to align with the confidentiality provisions in Subsection 114 Confidentiality of APES 110.	project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 345.
345.2	Technical Staff note that paragraph 3.15 in APES 345 requires a Member to notify the client or relevant third party if they provide confidential information in accordance with a legal, regulatory or professional obligation of disclosure. This requirement also does not align with the intent of the Whistleblower protection legislation to allow disclosures to be made confidentially. Consideration should be given to whether the approach used in the NOCLAR provisions requiring the application of professional judgement in determining whether to inform the client or relevant third party could be used.	project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 345.
345.3		development of the project proposal for quality management amendments.	APESB will review APES 345 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.

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	APES 350 : Participation by Members in Public Practice in Due Diligence Committees in Connection with a Public Document Issues Register			
No.	Issue	Response	Current Status	
350.1	Technical Staff note that paragraph 3.19 in APES 350 relating to confidentiality currently refers to 'a legal, regulatory, or professional obligation of disclosure'. Technical Staff are of the view that this reference needs to be amended to 'a legal, regulatory, or professional right or duty to disclose' to align with the confidentiality provisions in Subsection 114 Confidentiality of APES 110.	project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 350.	
350.2		development of the project proposal for quality management amendments.	APESB will review APES 350 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	

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	APES GN 20 : Scope and Extent of Work for Valuation Services Issues Register			
No.	Issue	Response	Current Status	
20.1	Technical Staff note that the definition of Member refers to the adoption of a standard or the relevant pronouncement. Referring to a standard, rather than using the general term pronouncement, may create an issue in respect of Guidance Notes which rely on definitions from a Standard (for example, APES GN 20 & 21 refer to APES 225 for definitions).		Technical staff will consider this matter in the next revision of APES GN 20.	

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	APES GN 21 : Valuation Services for Financial Reporting Issues Register			
No.	Issue	Response	Current Status	
21.1	Technical Staff note that the definition of Member refers to the adoption of a standard or the relevant pronouncement. Referring to a standard, rather than using the general term pronouncement, may create an issue in respect of Guidance Notes which rely on definitions from a Standard (for example, APES GN 20 & 21 refer to APES 225 for definitions).		Technical staff will consider this matter in the next revision of APES GN 21.	

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	APES GN 30 : Outsourced Services Issues Register			
No.	Issue	Response	Current Status	
30.1	At the June 2021 Board meeting where the revised APES GN 30 was approved, the Board agreed to undertake a post-implementation review of the revisions in APES GN 30 to be conducted in 12 months after its effective date.	This issue has been noted.	APESB will undertake a post-implementation review of APES GN 30 post 1 July 2022.	
30.2		development of the project proposal for quality management amendments.	APESB will review APES GN 30 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	

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	APES GN 31 : Professional and Ethical Considerations relating to Low Doc Offering Sign-offs Issues Register			
No.	Issue	Response	Current Status	
31.1	Technical Staff note that the definition of Member refers to the adoption of a standard or the relevant pronouncement. Referring to a standard, rather than using the general term pronouncement, may create an issue in respect of Guidance Notes which rely on definitions from a Standard (for example, APES GN 31 refers to APES 350 for definitions).		Technical staff will consider this matter in the next revision of APES GN 31.	
31.2		development of the project proposal for quality management amendments.	APESB will review APES GN 31 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	

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	APES GN 40 : Ethical Conflicts in the Workplace - Considerations for Members in Business Issues Register			
No.	Issue	Response	Current Status	
	No current issues			

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APES GN 41 : Management representations Issues Register			
No.	Issue	Response	Current Status
	No current issues		

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