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APESB issues revised APES 350 *Participation by Members in Public Practice in Due Diligence Committees in connection with a Public Document*

Accounting Professional & Ethical Standards Board Limited (APESB) today announced the issue of the revised APES 350 *Participation by Members in Public Practice in Due Diligence Committees in connection with a Public Document* (APES 350) to replace the existing APES 350 (Issued March 2023).

The key changes in the revised APES 350 consist of:

- the addition of the definition of “Confidential Information” in accordance with the change made in the Amending Standard to APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) for Technology-related revisions and consequential amendments to the related paragraphs where the definition of “Confidential Information” is used; and
- an additional explanatory sentence to the definition of “Listed Entity” (refer below).

APES 350 was developed for specific roles a Member in Public Practice may perform on Due Diligence Committees of listed entity clients. Accordingly, cognizant of the importance of retaining the term “Listed Entity” to ensure alignment with the *Corporations Act 2001*, the term “Listed Entity” has been retained in APES 350 rather than incorporating the definition of a Publicly Traded Entity as per the revised Code. In addition, the extant definition of Listed Entity has been enhanced to clarify that it includes entities as defined in Section 9 of the *Corporations Act 2001*.

Please refer to Appendix 1 of this technical update for details of all the revisions. The revised APES 350 will be effective for Engagements commencing on or after 1 April 2025, with early adoption permitted.

The revised standard is available from APESB’s website: www.apesb.org.au

– ENDS –

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Appendix 1

Revision to APES 350 (Issued March 2023)

Accounting Professional & Ethical Standards Board Limited (APESB) has approved the following revisions to APES 350 *Participation by Members in Public Practice in Due Diligence Committees in connection with a Public Document* that was originally issued in December 2009 and revised in March 2011, August 2015, November 2019 and March 2023 (extant APES 350).

Paragraph/Section Reference	Revisions
1.2	Accounting Professional & Ethical Standards Board Limited (APESB) has revised professional standard APES 350 <i>Participation by Members in Public Practice in Due Diligence Committees in connection with a Public Document</i> (the Standard), which is effective for Engagements commencing on or after 1 April 2023 2025 and supersedes APES 350 issued in November 2019 March 2023. Earlier adoption of this Standard is permitted.
2	Auditing and Assurance Standards means the AUASB standards, as described in ASA 100 <i>Preamble to AUASB Standards</i> , ASA 101 <i>Preamble to Australian AuditingAUASB Standards</i> and the <i>Foreword to AUASB Pronouncements</i> , issued by the AUASB, and operative from the date specified in each standard.
2	Confidential Information means any information, data or other material <u>in whatever form or medium (including written, electronic, visual or oral) that is not publicly available.</u>
2	Listed Entity means an entity whose shares, stock or debt are quoted or listed on a recognised stock exchange, or are marketed under the regulations of a recognised stock exchange or other equivalent body. <u>It includes an entity that is listed, as defined in Section 9 of the <i>Corporations Act 2001</i>.</u>
3.18	A Member in Public Practice who acquires eConfidential iInformation in the course of performing a Professional Service for a Client shall comply with Subsection 114 Confidentiality of the Code.
3.19	Where a Member in Public Practice provides Professional Services to a Client which comprise participating in and/or reporting to a Due Diligence Committee, the proper performance of the work will generally require the Member to disclose eConfidential iInformation of the Client to the Due Diligence Committee, subject to any overriding restrictions on disclosure of information (including those commonly referred to as ethical wall arrangements). Unless the Member has a legal, regulatory or professional duty or right to disclose, the Member should not disclose any information relating to the Client's affairs to a party, other than to a DDC Member, DDC Observer or Reporting Person, without obtaining the Client's prior permission in Writing.