

**Review of Submissions – General Comments Table**  
**Exposure Draft 04/21 relating to proposed revisions to APES 330 *Insolvency Services***

*Note: Specific comments relating to ED 04/21 are addressed in a separate table. This table excludes minor editorial changes.*

Item No.	Paragraph No. in Exposure Draft	Respondent	Respondents' Comments	Change made to Standard?
1	n/a	ARITA	Thank you for the opportunity to provide feedback in the process to update APES 330 <i>Insolvency Services</i> to address the Federal Government's insolvency reforms to assist small business.	No
2	n/a	CA ANZ	Chartered Accountants Australia and New Zealand (CA ANZ) represents more than 130,000 professional accountants in over 100 countries.	No
3	n/a	CPAA	CPA Australia represents more than 168,000 professional accountants in over 100 countries, supported by more than 19 offices globally. We make this submission to the proposed amendments to APES 330 <i>Insolvency Services</i> on behalf of our members.  CPA Australia acknowledges that we were part of the taskforce that assisted in the drafting of the proposed amendments to APES 330 to incorporate the introduction of a framework for the small business restructuring practitioner ('SBRP') and the other ancillary changes proposed.	No
4	n/a	Deloitte	We are pleased to provide feedback in response to the Exposure Draft for the proposed revisions to Standard 330 <i>Insolvency Services</i> .	No
5	n/a	IPA	The Institute of Public Accountants (IPA) welcomes the opportunity to comment on the proposed revisions to APES 330 <i>Insolvency Services</i> .	No
6	n/a	ARITA	ARITA – Australian Restructuring Insolvency & Turnaround Association – has been highly involved in providing feedback, consultation and input into the review of APES 330 and we are supportive of the amendments made to APES 330.	No
7	n/a	CA ANZ	We make this submission in support of the proposed revisions to the APES 330 <i>Insolvency Services</i> on behalf of our members.	No
8	n/a	CA ANZ	We applaud the Board for reviewing APES 330 to ensure it remains fit-for purpose, following the enactment of insolvency reforms introducing the debt restructuring and simplified liquidation options for small businesses. The reforms also established a new class of registered liquidator for members that seek to practice only as a restructuring practitioner....	No
9	n/a	CA ANZ	Overall, we consider the revised APES 330 should help to increase the level of trust by creditors in these options for small businesses and the perceived independence of the Restructuring Practitioner.	No
10	n/a	CPAA	CPA Australia supports these amendments, based on: .... <ul style="list-style-type: none"> <li>• It is important that the SBRP has a set of standards that reflect best practice as a SBRP may not be a member of a professional body specialising in insolvency.</li> </ul> .... <ul style="list-style-type: none"> <li>• The amendments should give stakeholders confidence that all practitioners who provide insolvency services adhere to these standards.</li> </ul>	No
11	n/a	Deloitte	We are generally supportive of the proposed revisions and our reasoning is set out below.	No

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12	n/a	IPA	<p><b>IPA position</b></p> <p>Overall, the IPA supports the proposed revisions to APES 330 to align with the recently introduced changes to Australia's insolvency regime, including the new Restructuring Practitioner (RP). One of our main concerns is to ensure that the proposed revisions do not act as an unnecessary barrier to accountants who wish to take up registration as an RP.</p> <p>Whilst there was some early interest amongst IPA members in the RP opportunity, we are not aware of any members who have become registered (our database of members holding statutory registrations will be updated in February 2022). We understand that the profession-wide take up has been limited for various reasons.</p>	No
13	n/a	IPA	<p><b>Too early to make an assessment</b></p> <p>Given the limited number of RP registrations, the ongoing insolvency reforms, and the 50%-60% reduction in insolvencies over the COVID-19 period (up to July 2021), the IPA believes that it is still too early to assess the effectiveness of the new insolvency regime and its impact on the survival of small businesses.</p> <p>Even though the new regime commenced 10 months ago, the reforms are continuing. We note during the last few months and going forward, that further reforms are being proposed and subject to consultation, including:</p> <ul style="list-style-type: none"> <li>• how trusts, which are commonly used by small businesses, are treated under insolvency law (consultation open until 10 December 2021);</li> <li>• review of whether the insolvent trading safe-harbour provisions, which were introduced in 2017 and designed to promote a culture of entrepreneurship and innovation by providing breathing space for distressed businesses, remain fit for purpose;</li> <li>• improving schemes of arrangement processes to better support businesses, including by introducing a moratorium on creditor enforcement while schemes are being negotiated; and</li> <li>• consequential amendments to regulations supporting small business insolvency reforms (submissions due 1 November 2021 and ongoing).</li> </ul> <p>It may well be that APES 330 needs further revisions to keep pace with the legislative and regulatory changes and practical implications; whilst ensuring that the Government's COVID-19 recovery related policy objectives are being enhanced and not compromised.</p>	No
14	n/a	IPA	<p><b>Effective date and timing</b></p> <p>The IPA notes the proposed start date of 01 April 2022 (or earlier adoption) and suggests that this be delayed so that any further changes resulting from the above consultations can be considered and incorporated if needed (subject to further consultation by APESB). For instance, there may be significant changes to trusts law. Alternatively, a delay until say 01 July 2022 may be warranted. However, we are also mindful that a federal election must be held by no later than 21 May 2022 and this may impact the legislative priorities and timetable. Whilst we appreciate that APESB must continue with its own agenda and priorities, we believe that APESB should either delay the proposed revisions or be mindful of the need for further consultation if more revisions are needed.</p>	No

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15	n/a	IPA	<p><b>Policy objectives of insolvency reforms</b></p> <p>The IPA believes that the policy objectives of the insolvency reforms, as part of our post-COVID economic recovery are paramount, and that barriers should not be constructed which may compromise these objectives. In the words of the Treasurer, Josh Frydenberg (03 May 2021),</p> <p>“These measures will play an integral part in Australia’s economic comeback. The Government remains committed to further simplifying and streamlining insolvency law so that viable businesses that do encounter economic challenges have the opportunity to restructure and go on trading.”</p> <p>The IPA fully supports the policy objective of,</p> <p>Supporting small businesses by creating a new simplified restructuring and liquidation process that has given directors the control and flexibility they need to either restructure or wind down operations, whilst reducing the time and costs of external administration <i>and the compliance burden for insolvency practitioners</i> [IPA italics].</p>	No
16	n/a	IPA	<p><b>Post-implementation review</b></p> <p>Whether there is a delay or not in the commencement of the revised APES 330, the IPA believes that a post-implementation review should be undertaken in due course to ensure that APES 330 is working as intended in practice; and that the policy objectives underlining our post-COVID recovery are being enhanced.</p>	No
17	n/a	ARITA	Should you wish to discuss any aspect of our submission, please contact Ms Kim Arnold, Policy & Education Director, on 02 8004 4340.	No
18	n/a	CA ANZ	Should you have any queries concerning the matters discussed above or wish to discuss them in further detail, please contact Karen McWilliams via email at <a href="mailto:karen.mcwilliams@charteredaccountantsanz.com">karen.mcwilliams@charteredaccountantsanz.com</a> or phone (612) 8078 5451.	No
19	n/a	CPAA	Please do not hesitate to reach out to Kristen Beadle of CPA Australia on 0413 883 581 or at <a href="mailto:Kristen.Beadle@cpaaustralia.com.au">Kristen.Beadle@cpaaustralia.com.au</a> if you have any questions regarding this submission.	No
20	n/a	Deloitte	We thank you for the opportunity to make this submission. If you have any queries, please contact me at <a href="mailto:saalgeri@deloitte.com.au">saalgeri@deloitte.com.au</a> or by phone (03) 9371 7362.	No
21	n/a	IPA	If you have any queries with respect to our comments, please don’t hesitate to contact Vicki Stylianou at <a href="mailto:vicki.stylianou@publicaccountants.org.au">vicki.stylianou@publicaccountants.org.au</a> or on mobile 0419 942 733.	No
22	n/a	CA ANZ	<p><b>About Chartered Accountants Australia and New Zealand</b></p> <p>Chartered Accountants Australia and New Zealand (CA ANZ) represents 131,673 financial professionals, supporting them to make a difference to the businesses, organisations and communities in which they work and live. Chartered Accountants are known as Difference Makers. The depth and breadth of their expertise helps them to see the big picture and chart the best course of action.</p> <p>CA ANZ promotes the Chartered Accountant (CA) designation and high ethical standards, delivers world-class services and life-long education to members and advocates for the public good. We protect the reputation of the designation by</p>	No

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			<p>ensuring members continue to comply with a code of ethics, backed by a robust discipline process. We also monitor Chartered Accountants who offer services directly to the public.</p> <p>Our flagship CA Program, the pathway to becoming a Chartered Accountant, combines rigorous education with mentored practical experience. Ongoing professional development helps members shape business decisions and remain relevant in a changing world.</p> <p>We actively engage with governments, regulators and standard-setters on behalf of members and the profession to advocate boldly in the public good. Our thought leadership promotes prosperity in Australia and New Zealand.</p> <p>Our support of the profession extends to affiliations with international accounting organisations.</p> <p>We are a member of the International Federation of Accountants and are connected globally through Chartered Accountants Worldwide and the Global Accounting Alliance. Chartered Accountants Worldwide brings together members of 15 chartered accounting institutes to create a community of more than 1.8 million Chartered Accountants and students in more than 190 countries. CA ANZ is a founding member of the Global Accounting Alliance which is made up of 10 leading accounting bodies that together promote quality services, share information and collaborate on important international issues.</p> <p>We have a strategic alliance with the Association of Chartered Certified Accountants. The alliance represents more than 870,000 current and next generation accounting professionals across 179 countries and is one of the largest accounting alliances in the world providing the full range of accounting qualifications.</p> <p>We employ more than 500 talented people across Australia, New Zealand, Singapore, Malaysia, Hong Kong and the United Kingdom.</p>	
23	n/a	Deloitte	<p>Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms, and their related entities (collectively, the “Deloitte organisation”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see <a href="http://www.deloitte.com/about">www.deloitte.com/about</a> to learn more.</p> <p>Deloitte is a leading global provider of audit and assurance, consulting, financial advisory, risk advisory, tax and related services. Our global network of member firms and related entities in more than 150 countries and territories (collectively, the “Deloitte organisation” serves four out of five Fortune Global 500® companies. Learn how Deloitte’s approximately 312,000 people make an impact that matters at <a href="http://www.deloitte.com">www.deloitte.com</a>.</p> <p>Liability limited by a scheme approved under Professional Standards Legislation.</p> <p>Member of Deloitte Asia Pacific Limited and the Deloitte organisation.</p>	No

**RESPONDENTS**

1	ARITA	Australian Restructuring Insolvency & Turnaround Association
2	CA ANZ	Chartered Accountants Australia and New Zealand
3	CPAA	CPA Australia
4	Deloitte	Deloitte Financial Advisory Pty Ltd
5	IPA	Institute of Public Accountants