

ISSUES REGISTER FOR APESB PROFESSIONAL PRONOUNCEMENTS

Current as at 1 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 has 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.		

	APES 110 : Code of Ethics for Professional Accountants (including Independence Standards) Issues Register			
No.	Issue	Response	Current Status	
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 released an Exposure Draft Proposed Technology-related Revisions to the Code on 18 February 2022 with comments due 20 June 2022. Technical Staff will continue to monitoring the progress of the IESBA Technology Working Group.	
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 which pronouncements may need to be reviewed in respect of 'Role and Mindset' provisions in APES 110 and determine whether these provisions are more appropriate when these pronouncements are next reviewed.	

	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	

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

	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.	This issue has been noted.	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	Technical Staff have identified the need to consider the impact on APES 215 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	development of the project proposal for quality management amendments.	project on conforming amendments to	

		Taxation Services es 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	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 guidance period with a public consultation process to take place in early 2021. Consideration will need to be given to this		Technical Staff will monitor the progress of TPB's review and consider any applicable revisions to APES 220 in due course.

	APES 220 : Taxation Services Issues Register			
No.	Issue	Response	Current Status	
220.4	Technical Staff have identified the need to consider the impact on APES 220 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.	project on conforming amendments to	

	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		
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.	
225.3	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	project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 225.	
225.4	Technical Staff have identified the need to consider the impact on APES 225 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	development of the project proposal for quality management amendments.	project on conforming amendments to	

	APES 230 : Financial Planning Services Issues Register				
No.	Issue	Response	Current Status		
230.1	Members in Public Practice who provide credit advice are regulated under the <i>National Consumer Credit Protection Act</i> and not the <i>Corporations Act 2001</i> . APES 230 requires Members to act in the best interests of their Client, which is defined in the standard as Division 2 of Part 7.7A of the Corporations Act. While Members in Public Practice providing credit advice can comply with the general obligation to act in their Client's best interest, they cannot comply with the remaining obligations defined in Division 2. However, ASIC has stated in RG 175.239 that satisfying the safe harbour of Section 961B in Division 2 is not the only way to demonstrate an individual is acting in their Client's best interest.	This matter was raised in the Six Month Review of APES 230.	In 2017, APESB released a consultation paper on the post-implementation review of APES 230, which included questions relating to application of best interest duty requirements. APESB subsequently reviewed submissions to the consultation paper and undertook further engagement with key stakeholders to inform this review. 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. In 2019, 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. APESB is also engaging with the current ALRC review to reform Financial Services Legislation (refer 230.7).		

	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.		

	APES 230 : Financial Planning Services Issues Register			
No.	Issue	Response	Current Status	
230.3	Some stakeholders continue to raise issues in respect of the professional fees requirements in APES 230 and their effectiveness in practice.	and determined to engage with key stakeholders to explore the issues.		
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.	This issue has been noted.	APES 230. Technical Staff will continue to monitor the implementation of laws and regulations by the government stemming from the findings at the Royal Commission.	

	APES 230 : Financial Planning Services Issues Register			
No.	Issue	Response	Current Status	
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	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	project on whistleblowing.	Technical staff will consider this matter in the next revision of APES 230.	
230.7	The Australian Law Reform Council (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 and 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, any impact on APES 230 and keep the Board informed.	
230.8	Technical Staff have identified the need to consider the impact on APES 230 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.	on conforming amendments to APESB	

	APES 305 : Terms of Engagement Issues Register			
No.	Issue	Response	Current Status	
305.1	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 to 12 months after its effective date of 1 July 2021.		APESB to undertake a post-implementation review of APES 305 post 1 July 2022.	

	APES 310 : Client Monies Issues Register			
No.	Issue	Response	Current Status	
310.1	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.	
310.2	Technical Staff have identified the need to consider the impact on APES 310 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	development of the project proposal for quality management amendments.	project on conforming amendments to	

	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	development of the project proposal for quality management amendments.	project on conforming amendments to	

	APES 320 : Quality Management for Firms that provide Non-Assurance Services Issues Register			
No.	Issue	Response	Current Status	
320.1	In February 2021, 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 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>		APESB to 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.	
	At the February 2021 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.			

	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		APESB will review APES 325 as part of its project on conforming amendments to APESB pronouncements for Quality Management during 2022/23.	
325.1	As noted in Issue 320.1, at the February 2021 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.	

	APES 330 : Insolvency Services Issues Register			
No.	Issue	Response	Current Status	
330.1	At the November 2021 Board meeting, the Board approved the issue of the revised APES 330 which was issued on 15 December 2021 with an effective date of 1 April 2022. The Board also agreed to undertake a post-implementation review after 1 April 2023 due to the newness of the reforms and significantly different nature of the appointments. This also provides an opportunity to assess the Federal Government's other insolvency reforms.	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	Technical Staff have identified the need to consider the impact on APES 330 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	development of the project proposal for quality management amendments.	project on conforming amendments to	

	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	Technical Staff have identified the need to consider the impact on APES 345 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	development of the project proposal for quality management amendments.	project on conforming amendments to	

APES 350: Participation by Members in Public Practice in Due Diligence Committees in Connection with a Public Document **Issues Register** No. Response **Current Status** Issue 350.1 Technical Staff note that paragraph 3.19 in APES 350 relating This issue was noted during the Technical staff will consider this matter in to confidentiality currently refers to 'a legal, regulatory, or project on whistleblowing. the next revision of APES 350. 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. 350.2 Technical Staff have identified the need to consider the impact This issue was noted during the APESB will review APES 350 as part of its on APES 350 from changes to APES 320, noted in Issue development of the project project on conforming amendments to 320.1, and the issue of AUASB's quality management proposal for quality management APESB pronouncements for Quality standard ASQM 1 Quality Management for Firms that amendments. Management during 2022/23. Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services

	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.	

	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.	

	APES GN 30 : Outsourced Services Issues Register			
No.	Issue	Response	Current Status	
	A Professional Body has raised the issue of whether APES GN 30 is effective and used by Members in Public Practice in a proper manner. The Professional Body has suggested that APESB conduct a survey of its use and consider whether transforming it into a Standard would make it more effective.	considered during the 2017 annual review of APES GN 30.	In 2017, the Board approved a project to review APES GN 30 to assess its effectiveness and use by Members. In accordance with the project plan, APESB sought engagement from a wide range of stakeholders. The majority of stakeholders preferred to retain APES GN 30 as a guidance note but there was consideration as to whether there should be a mandatory requirement to inform clients of the nature of any services outsourced and, if applicable, the jurisdiction in which the outsourced service is performed. In 2020, the Board revised APES 305 Terms of Engagement to include a mandatory requirement for Members to inform clients of the use of outsourced service. During the first half of 2021, APESB considered revisions to APES GN 30 to align with the revised requirements and guidance in APES 305. An Exposure Draft was issued in March 2021 and a revised APES GN 30 was issued on 25 June 2021.	
30.2	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 to undertake a post-implementation review of APES GN 30 post 1 July 2022.	

	APES GN 30 : Outsourced Services Issues Register			
No.	Issue	Response	Current Status	
	Technical Staff have identified the need to consider the impact on APES GN 30 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	development of the project proposal for quality management amendments.	project on conforming amendments to	

	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	Technical Staff have identified the need to consider the impact on APES GN 31 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	development of the project proposal for quality management amendments.	its project on conforming amendments to	

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

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