

ISSUES REGISTER FOR APESB PROFESSIONAL PRONOUNCEMENTS

Current as at 6 March 2025

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	Priority	Current Status
110.1	A professional body provided feedback in a submission on APES 320 <i>Quality Management for Firms that provide Non-Assurance Services</i> as to whether the new 'Role and Mindset' provisions in the Code are more appropriate than 'Independence' in other APESB pronouncements.	This issue has been noted.	Low	APESB will consider this matter during future reviews of relevant pronouncements.
110.2	In July 2023, CA ANZ wrote a letter to APESB requesting a requirement be included in the Code for members to report wrong doing committed by other members to the relevant professional accounting body. This change would see alignment with a requirement currently in place for New Zealand CA ANZ members.	This issue has been noted.	Medium	<p>The Board discussed this project request at the March 2024 and June 2024 Board meetings. Technical Staff's research identified that the requirement to report breaches is usually established in the by-laws of professional bodies. In jurisdictions like New Zealand, where this reporting obligation exists in a Code of Ethics, there is legislative backing and whistleblowing protection for members who disclose breaches.</p> <p>The Board noted the inadequacy of whistleblowing provisions in Australia is being considered in current parliamentary inquiries. It is likely that reforms to enhance the current protections may be recommended. Therefore, the Board agreed to defer further consideration until the outcomes of the parliamentary inquiries are known.</p>

**APES 110 : Code of Ethics for Professional Accountants (including Independence Standards)
Issues Register**

No.	Issue	Response	Priority	Current Status
110.3	Technical Staff are to continue to monitor the changing technological landscape to determine if any amendments are required across APESB's suite of pronouncements.	This matter was discussed at the March 2024 Board Meeting.	Medium	<p>Technological developments was considered as part of the Code conforming amendments project with amendments included in APESB pronouncements if necessary.</p> <p>Technical staff will continue to monitor technological advancements and assessing their impact, if any, on APESB's pronouncements.</p>
110.4	Technical Staff have noted that the definition of Public Interest Entity needs to be amended to reflect recent changes to the <i>Corporations Act 2001</i> whereby the term 'listed' is defined rather than the term 'listed entity.'	This issues was noted during the revision of the Transactions Advisory Services related pronouncements.	Low	APESB will address this matter in a future revision of APES 110.

APES 205 : Conformity with Accounting Standards
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

APES 210 : Conformity with Auditing and Assurance Standards
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

APES 215 : Forensic Accounting Services
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

APES 220 : Taxation Services
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

APES 225 : Valuation Services
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

**APES 230 : Financial Planning Services
Issues Register**

No.	Issue	Response	Priority	Current Status
230.1	<p>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 <i>Corporations Act</i>.</p> <p>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.</p>	<p>This matter was raised in the Six Month Review of APES 230.</p>	<p>Medium</p>	<p>Based on a recommendation from the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, a Best Interest Duty was included in the <i>National Consumer Credit Protection Act 2009 (NCCP Act)</i>. This duty became effective from 1 January 2021.</p> <p>In 2021, the Australian Law Reform Council (ALRC) commenced a review to reform Financial Services Legislation (refer to issue 230.7). The final report, issued in January 2024, recommended consolidating overlapping regulatory regimes for financial products and services contained in the <i>Corporations Act 2001</i>, <i>NCCP Act</i>, <i>Australian Securities and Investments Commission Act 2001</i> and the <i>Superannuation Industry (Supervision) Act</i>. However, there are significant differences in the regulatory regimes making it challenging to consolidate without addressing policy differences. Once the Government's response to the ALRC review is released, APESB will consider any impact on APES 230.</p>

**APES 230 : Financial Planning Services
Issues Register**

No.	Issue	Response	Priority	Current Status
230.2	<p>Technical Staff have identified the need to consider the potential implications on APES 230 of the Code of Ethics for professional planners issued by the Financial Adviser Standards and Ethics Authority (FASEA) in February 2019.</p>	<p>This issue has been noted.</p>	<p>Low</p>	<p>FASEA's operations ceased on 31 December 2021, with ASIC's Financial Services Credit Panel becoming the single disciplinary body for financial advisers and FASEA's standard development functions, including the FASEA Code, being transferred to Treasury.</p> <p>In the Government's response to the Quality of Advice review, which was released on 7 December 2023, it specified that the Financial Planners and Adviser Code of Ethics 2019 will be reviewed after the implementation of the Delivering Better Financial Outcomes package.</p> <p>Technical Staff will continue to monitor developments and any impact on APES 230.</p>

**APES 230 : Financial Planning Services
Issues Register**

No.	Issue	Response	Priority	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.	The Board discussed this issue and determined to engage with key stakeholders to explore the issues.	Medium	<p>As noted in Issue 230.1, a Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry was held from 2017-2019.</p> <p>Technical Staff are monitoring the implementation of laws and regulations stemming from the Royal Commission findings to ascertain the impact, if any, on APES 230.</p> <p>In 2021, the Australian Law Reform Council (ALRC) commenced a review to reform Financial Services Legislation (refer to issue 230.7). The ALRC Final Report was issued in January 2024, however, the Government is yet to respond to the report. APESB will continue to monitor this review and its impact on APES 230.</p>
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.	Low	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	Priority	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 <i>Confidentiality</i> of APES 110.	This issue was noted during the project on whistleblowing.	Low	Technical staff will consider this matter in the next revision of APES 230.

**APES 230 : Financial Planning Services
Issues Register**

No.	Issue	Response	Priority	Current Status
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.	This issue was noted during the project on whistleblowing.	Low	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 was issued on 18 January 2024.	The issue has been noted.	Medium	APESB made a submission on the first ALRC interim report on 25 February 2022. The final report was issued on 18 January 2024. Technical Staff will monitor the response from the Government on the ALRC's final report and assess whether there is any impact on APES 230.
230.8	Technical Staff have identified the need to consider the impact on APES 230 from changes to APES 320 and the issue of AUASB's quality management standard 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</i> .	This issue was noted during the development of the project proposal for quality management amendments.	Low	APESB will consider any relevant conforming amendments in the next revision of APES 230.

**APES 230 : Financial Planning Services
Issues Register**

No.	Issue	Response	Priority	Current Status
230.9	<p>The Government is undertaking reforms to the financial planning industry, In July 2024, the Treasury Laws Amendments (Delivering Better Financial Outcomes and Other Measures) Act 2024 (DBFO Act) was passed. The Act introduced changes to superannuation advice, fee renewal processes, financial services guides, conflicted remuneration rules, and insurance commission consent requirements (collectively the tranche 1 DBFO reforms).</p> <p>In December 2024, the Tranche 2 reforms were announced which see the introduction of a new class of financial adviser to deliver quality, helpful and safe simple advice for consumers. The remainder of the package aims to support affordable and targeted advice at important periods in to consumers' lives.</p> <p>In February 2025, the Government further announced plans to reform the current education pathway for financial advisers and address adviser shortages by creating a sustainable pathway for new advisers to enter the profession. Additionally, the Government will cancel Stage 2 of the financial adviser registration.</p>	The issue has been noted.	Low	APESB will consider potential revisions to APES 230 once the DBFO reforms and the proposed legislative changes are finalised.
230.10	<p>Technical Staff note the term 'confidential information' is used in paragraphs 3.11, 3.14, 3.15 and 3.16 of APES 230. The term 'confidential information' was defined in the Amending Standard technology-related revisions to the Code. This definition could be included in this pronouncement to align with the Code.</p>	This issue was noted during the Code Conforming Amendments Project.	Low	This matter will be addressed in the next revision of this pronouncement.

APES 305 : Terms of Engagement
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

APES 310 : Client Monies
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

**APES 315 : Compilation of Financial Information
Issues Register**

No.	Issue	Response	Priority	Current Status
315.1	Technical Staff note the term 'confidential information' is used in paragraph 3.6 of APES 315. The term 'confidential information' was defined in the Amending Standard technology-related revisions to the Code. This definition could be included in this pronouncement to align with the Code.	This issue was noted during the Code Conforming Amendments Project.	Low	This matter will be addressed in the next revision of this pronouncement.

**APES 320 : Quality Management for Firms that provide Non-Assurance Services
Issues Register**

No.	Issue	Response	Priority	Current Status
320.1	<p>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</i> which will apply to Australian assurance practices.</p> <p>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.</p>	This issue has been noted.	Low	<p>The initial post implementation review (PIR) was scheduled for 2024. However, the professional bodies suggested that the PIR be delayed for 2 years to allow time to obtain more feedback from their members.</p> <p>In September 2024, the Board approved the deferral of the PIR of APES 320 at the request of the professional bodies. The review will now happen in 2026.</p>

**APES 325 : Risk Management for Firms
Issues Register**

No.	Issue	Response	Priority	Current Status
325.1	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.	This issue has been noted.	Low	The post-implementation review (PIR) of APES 325 has been delayed to align with the APES 320 PIR. APESB will undertake the review of APES 320 in 2026, and consider the implications, if any, on APES 325.

**APES 330 : Insolvency Services
Issues Register**

No.	Issue	Response	Priority	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.	The Issue was noted at the November 2021 Board meeting.	Medium	<p>APESB commenced a post-implementation review of APES 330 in October 2023. During the review it was noted that the Government has not yet responded to a Parliamentary Inquiry into Corporate Insolvency.</p> <p>At the November 2023 Board Meeting, the Board agreed to wait for the government's response to allow Technical Staff to assess whether any amendments to APES 330 are necessary. APESB will continue to monitor the Government's response to the insolvency inquiry and will consider any resulting amendments.</p>
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 <i>Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements</i> .	This issue was noted during the development of the project proposal for quality management amendments.	Low	APESB will consider any relevant conforming amendments in the next revision of APES 330.

APES 345 : Reporting on Prospective Financial Information Prepared in Connection with a Public Document
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

**APES 350 : Participation by Members in Public Practice in Due Diligence Committees
in Connection with a Public Document
Issues Register**

No.	Issue	Response	Priority	Current Status
	No current issues			

APES GN 20 : Scope and Extent of Work for Valuation Services
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

APES GN 21 : Valuation Services for Financial Reporting
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

APES GN 30 : Outsourced Services
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

APES GN 31 : Professional and Ethical Considerations relating to Low Doc Offering Sign-offs
Issues Register

No.	Issue	Response	Priority	Current Status
	No current issues			

**APES GN 40 : Ethical Conflicts in the Workplace - Considerations for Members in Business
Issues Register**

No.	Issue	Response	Priority	Current Status
40.1	Technical Staff note the term 'confidential information' is several times in APES GN 40. The term 'confidential information' was defined in the Amending Standard technology-related revisions to the Code. This definition could be included in this pronouncement to align with the Code.	This issue was noted during the Code Conforming Amendments Project.	Low	This matter will be addressed in the next revision of this pronouncement.

**APES GN 41 : Management representations
Issues Register**

No.	Issue	Response	Priority	Current Status
41.1	Technical Staff note the term 'confidential information' is used in paragraph 5.6. in APES GN 41. The term 'confidential information' was defined in the Amending Standard technology-related revisions to the Code. This definition could be included in this pronouncement to align with the Code.	This issue was noted during the Code Conforming Amendments Project.	Low	This matter will be addressed in the next revision of this pronouncement.