

27 October 2021

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Dear Sir

## Proposed standard: APES 330

We are pleased to provide feedback in response to the Exposure Draft for the proposed revisions to standard 330 *Insolvency Services*.

We are generally supportive of the proposed revisions and our reasoning is set out below.

The new small business restructuring regime introduced into the Corporations Act 2001 (Cth) (the Act) at Part 5.3B on 1 January 2021 was, in our view, a welcome addition to Australia's insolvency laws. With it came the introduction of a new restructuring practitioner (RP) role which is unique and distinct from other insolvency appointment roles. We note the proposed standard has added a helpful and succinct definition for this new role.

We note the Australian Restructuring, Insolvency and Turnaround Association (ARITA) provided guidance to its members early this year that they will not be applying their Code of Professional Practice independence requirements to RP appointments. Accordingly, we are supportive of the proposed amendments to the standard which provides that the *Section 4 Professional Independence* standards do not apply to a RP and that new guidance, at *Section 10*, has been drafted to address the independence requirements of a RP. We believe the proposed new independence guidance at paragraphs 10.2 to 10.15 for RPs have adequately captured the intention and purpose of the new regime.

Finally, we also note the new paragraphs 10.16 to 10.29 drafted for a RPs remuneration and expenses (also included in the new *Section 10*) have been crafted in a way that is consistent with the provisions enacted in the *Insolvency Practice Rules (Corporations)* that apply to RP remuneration.

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We thank you for the opportunity to make this submission. If you have any queries, please contact me at [saalgeri@deloitte.com.au](mailto:saalgeri@deloitte.com.au) or by phone (03) 9371 7362.

Yours faithfully

A handwritten signature in black ink, appearing to be 'SA', followed by a period.

**Salvatore Algeri**  
National Leader – Turnaround & Restructuring Service