

Application for consent from ASIC to resign as compliance plan auditor of a corporate collective investment vehicle

Form 5213
Corporations Act 2001
1226J(3)

Use this form to apply for consent to resign as compliance plan auditor of a corporate collective investment vehicle (CCIV). Refer to Australian Securities and Investments Commission (ASIC) Regulatory Guide 26 and the attached Guide before completing this form.

If there is insufficient space in any section of the form, you may attach an annexure and submit as part of this lodgement

Lodgement details

Who should ASIC contact if there is a query about this form?

Name

ASIC registered agent number (if applicable)

Company/entity name

ACN/ABN/ARBN

Telephone number

Postal address

Email address (optional)

1 CCIV details

Name of CCIV

ACN

Name of corporate director

ACN/ABN

AFS licence number

At the office of, C/- (if applicable)

Office, unit, level

Street number and Street name

Suburb/City

State/Territory

Postcode

2 Auditor details

	ASIC registered company auditor number (for individual auditor or authorised audit company)	<input type="text"/>
	Family name	<input type="text"/>
	Given name/s	<input type="text"/>
OR	Authorised audit company name	<input type="text"/>
	ACN/ABN	<input type="text"/>
OR	Firm name	<input type="text"/>
	ABN	<input type="text"/>
	At the office of, C/- (if applicable)	<input type="text"/>
	Office, unit, level	<input type="text"/>
Address	Street number and Street name	<input type="text"/>
	Suburb/City	<input type="text"/>
	State/Territory	<input type="text"/>
	Postcode	<input type="text"/>
	Country (if not Australia)	<input type="text"/>

3 Statement by auditor

Declaration	<p>You must declare that the following statements are true for the auditor after making proper enquiries. You must be authorised to sign on behalf of the audit firm or authorised audit company.</p> <p>I apply for ASIC's consent to resign as auditor of the above named CCIV's compliance plan and declare that other than stated in an annexure to this application:</p> <ul style="list-style-type: none">all matters that require reporting by me to ASIC under all relevant legislative requirements (ie subsections 1226H(1), 1226H(2) or 1226H(3) of the <i>Corporations Act 2001</i>) have been reported to ASIC at the date of this application and any further such matters which come to my attention before resignation will be reported to ASIC.there are no disagreements with the management or directors of the corporate director (as defined in RG 26).there is no evidence of opinion shopping (as defined in RG 26).there are no circumstances or matters connected with my ceasing to hold office which should be brought to ASIC's attention.there are no reasons that give rise to an inability to complete any audit under the <i>Corporations Act 2001</i> or the <i>National Consumer Credit Protection Regulations 2010</i>.I have notified the directors of the corporate director in writing about this application to seek ASIC consent to resign as the CCIV's compliance plan auditor.
Reasons for resigning Tick one box only	<p>My reasons for applying for consent to resign are set out:</p> <p><input type="checkbox"/> below</p> <p><input type="checkbox"/> in an annexure marked <input type="text"/> (indicate identifying letter or symbol used to mark annexure)</p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p>

3...Continued Statement by auditor

Timing of resignation

Provide the following information as to the timing of your resignation:

- set out details of the timing of the proposed resignation, including any impact on the effectiveness of the audit process, below or in annexure to this form:

- indicate below whether you have within the two most recent financial years and any subsequent interim period provided an adverse or disclaimer opinion or qualification:

Yes No

I acknowledge that if ASIC consents to my resignation as auditor of the CCIV's compliance plan, the consent will only take effect when the disclosures outlined in RG 26 are made by the corporate director.

4 Additional information

Confirmation in writing from the corporate director is to be signed by a secretary or director of the corporate director.

I attach the following information in annexure marked of pages.

- copy of dated notice from compliance plan auditor outlining intention to resign
- confirmation in writing from the proposed replacement auditor stating that they are prepared to accept the appointment subject to ASIC's approval of your resignation and, if the change is close to the reporting deadline, they have the ability to conduct an effective audit before the reporting deadline.
- a signed copy of a resolution made by the directors of the corporate director, appointing a replacement auditor to the compliance plan, subject to ASIC's approval of your resignation.
- confirmation in writing from the corporate director that:
 - there are no disagreements between the auditor and the management or directors of the corporate director (as defined in RG 26).
 - there are no reasons that give rise to an inability to complete any audit under the Corporations Act 2001, or the National Consumer Credit Protection Regulations 2010 (if applicable).

Signature

This form must be signed by:

- the individual auditor; or
- if the auditor is a firm, by an ASIC registered company auditor of the firm; or
- in the case of an authorised audit company, by a current director.

To the best of my knowledge, the information in this form and annexures is true and complete (it is an offence to provide false or misleading information to ASIC).

Name of person signing

Capacity

- Auditor
 Authorised audit company director

Signature

Date signed

/ /
[D] [D] [M] [M] [Y] [Y]

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841.

For more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630

Guide: Application for consent from ASIC to resign as compliance plan auditor of a corporate collective investment vehicle

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 5213.

Use of this form	This is a prescribed form.
Signature	This form must be signed by: <ul style="list-style-type: none">• the individual auditor; or• if the auditor is a firm, by an ASIC registered company auditor of the firm; or• in the case of an authorised audit company, by a current director.
Lodgement period	Application should be lodged at least 3 weeks prior to the proposed timing of the resignation.
Timing of resignation	<p>ASIC's consent to an auditor's resignation cannot be back-dated. When ASIC consents to a resignation, the resignation can only take effect on the day specified by ASIC (s1226J(6)), when the following disclosure is made by the corporate director, for a CCIV.</p> <ul style="list-style-type: none">• if the CCIV is a disclosing entity, the corporate director must give a continuous disclosure notice, that would not deal with other matters, to ASIC and any relevant market operator for the CCIV (RG 26); and• if the CCIV is <u>not</u> a disclosing entity, the corporate director must give notice to the CCIV's members (RG 26):<ul style="list-style-type: none">• by a public notice displayed prominently on the corporate director's website where the notice can reasonably be readily located and accessed by members of the CCIV;• by email; or• in writing. <p>In both instances, the notice must contain:</p> <ul style="list-style-type: none">• details of the outgoing auditor;• details of the proposed incoming auditor; and• the reason for the change in auditor. <p>Do not proceed on the assumption that ASIC's consent will be automatically granted. If ASIC does not grant its consent to the resignation, the applicant will continue to hold office as the CCIV's compliance plan auditor.</p> <p>Within 7 days after the resignation of the compliance plan auditor, the corporate director is required by s1226K to lodge a Form 5214 <i>Notification of request by corporate director to change compliance plan auditor</i>.</p> <p>For an auditor that is an auditor of the CCIV's sub-fund financial report, the auditor should apply for consent to resign using Form 5230 <i>Notification of appointment of auditor for a corporate collective investment vehicle</i>.</p>
Further guidance	ASIC Regulatory Guide 26 <i>Resignation, removal and replacement of auditors</i> (RG 26) sets out full details of when ASIC will grant an application for consent to resign as auditor (see www.asic.gov.au/rg).
How to provide additional information	<p>Annexures</p> <p>If there is insufficient space in any section of the form, you may alternately submit annexures as part of this lodgement. To make any annexure conform to the regulations, you must</p> <ol style="list-style-type: none">1. use A4 size paper of white or light pastel colour with a margin of at least 10mm on all sides2. show the CCIV's name and ACN3. number the pages consecutively4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied5. mark the annexure with an identifying letter or symbol eg a,b,c or 1,2,3 etc.6. endorse the annexure with the words: This annexure (mark) of (number) pages referred to in form (form number and title)7. sign and date the annexure <p>The annexure must be signed by the same person(s) who signed the form.</p>

Privacy

The information provided to ASIC in this form may include personal information. Please refer to our privacy policy (www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy.

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841..

For more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630