

**Companies Auditors and
Liquidators
Disciplinary Board**

Annual Report
for the year ended 30 June 2007

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10 October 2007

The Hon. Peter Howard Costello, MP
Treasurer
Parliament House
CANBERRA ACT 2600

Dear Treasurer

I am pleased to present the Board's Annual Report for the year ended 30 June 2007 in accordance with section 214 of the *Australian Securities and Investments Commission Act, 2001*.

Subsection 214(1) of that Act requires the Board to prepare a report describing its operations during the year and to give a copy of the report to the Minister as soon as practicable after 30 June and before 31 October, each year.

Subsection 214(2) provides that the Minister shall cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that house after he receives a copy of the report.

Yours Sincerely

Donald Magarey
Chairman

Overview

In the reporting year to 30 June 2007 the following were the highlights:

- The powers of the Board were the subject of two constitutional challenges in the High Court of Australia by Mr Richard Albarran and by Mr Vanda Gould. Both of those applications had been remitted to the Federal Court of Australia for hearing before the Full Court and were heard together. The Federal Court unanimously concluded that the exercise of power under s1292(2) of the Corporations Act 2001 ('the Act') by the Board does not involve the exercise of judicial power. Subsequently both applicants sought special leave to appeal to the High Court. Leave was granted for those appeals and the High Court heard those appeals together on 30 January 2007. On 24 May 2007 the High Court unanimously dismissed each appeal.
- In November 2006 the Federal Court of Australia made an important decision regarding the Board's application and use of professional standards. A decision of the Board was challenged by Mr Ronald Dean-Willcocks under the *Administrative Decisions (Judicial Review) Act 1977*. The court dismissed the challenge and confirmed that it is permissible for the Board, in reaching a decision, to have regard to published professional standards as guidelines and that it is open to the Board to give such weight as it thinks appropriate to those guidelines.
- On 20 August 2007, the Parliament passed the Corporations Amendment (Insolvency) Act which is expected to come into effect by 21 February 2008. The legislation includes several changes to the statutory provisions affecting the Board. In particular the Chairperson of the Board has been given the power to conduct pre-hearing conferences, the Board has been given the power to publicise its decisions and the reasons for its decisions and the Board now has a wider power to defer the coming into effect of an order by the Board for a period of up to 90 days.
- Generally, contested hearings are becoming more time consuming as the issues involved in these matters become more complex. Some matters have been the subject of ongoing appeals to the Administrative Appeals Tribunal or to the Federal Court of Australia. Some appeals are still current and the Board is restricted by orders from publishing any details. One conduct matter dealt with during the reporting year will be completed in the new financial year and will be reported upon in the 2008 Annual Report.
- During the year the Board launched a website which will make access to information about the Board and its functions more readily available. The website may be accessed at www.caldb.gov.au.

- The Board has a continuing program of contested conduct cases. However, there are only two which remained at 30 June to be heard (of which one has now been heard) and a further one which had been heard but in which a decision has not yet been made. During the report year five new applications were received for administrative matters and two new applications were received for conduct matters. Since the end of the report year no new applications have been received.

Role of the Board

The Board is an independent statutory body established by Part 11 of the *Australian Securities and Investments Commission Act 2001* ('ASIC Act'). The Minister responsible for the Board is the Commonwealth Treasurer.

The Board has an important role in the Australian economy, along with several other bodies including the Australian Securities and Investments Commission ('ASIC'), the Australian Prudential Regulation Authority ('APRA'), the Financial Reporting Council and various professional associations, in the regulation of auditors and liquidators.

The competence and independence of auditors are vital to the reliability of audited information concerning corporations and other business entities. This in turn underlies the confidence of investors and creditors in those entities and in the securities and other financial markets in which they operate.

Market perceptions, particularly of companies and of the business environment, are also greatly influenced by the effectiveness and reliability of liquidators in their various roles in administration of companies in financial difficulties, in maximising the returns to creditors of failed companies, in ensuring early payment of recoverable moneys and in identifying and reporting deficient conduct by company officers.

In Australia, the Board's role makes a significant contribution to a positive market perception of companies and other entities. The Board's responsibilities pursuant to the Act are intended to provide an incentive to registered auditors and liquidators to maintain high professional standards. The Board also has a public protective and educative role by virtue of its jurisdiction to cancel or suspend an auditor's or liquidator's registration.

Constitution

The Board consists of the following:

- (a) Chairperson;
- (b) Deputy Chairperson;
- (c) 3 members selected by the Minister from a panel of 7 nominated by the Board of the Institute of Chartered Accountants in Australia (*'ICAA members'*);
- (d) 3 members selected by the Minister from a panel of 7 nominated by the Board of CPA Australia (*'CPAA members'*); and
- (e) 6 business members selected by the Minister.

The Chairperson and the Deputy Chairperson must each be enrolled as a barrister, as a solicitor, or as a barrister and solicitor or as a legal practitioner of the High Court, any Federal Court or the Supreme Court of a State or Territory and must have been so enrolled for a period of at least five years. ICAA members and CPAA members are collectively referred to as *'accounting members'*. Business members represent the business community and have qualifications, knowledge or experience in business or commerce, the administration of companies, financial markets, financial products and services, economics or law.

All appointments are made by the Minister and are part-time appointments. Appointments are for a period of no longer than three years. The appointees are eligible for re-appointment.

Functions

The Board is required by the Act to determine whether a registered auditor or registered liquidator has contravened provisions of the Corporations Act, has failed to carry out their duties and functions adequately and properly, is not a fit and proper person to remain registered, is subject to disqualification or is otherwise ineligible to remain registered. If the Board determines any of these matters to be established then the Board must decide whether to make any and, if so, what orders.

Applications to the Board

Applications to the Board can be made only by either ASIC or APRA. In addition, where the registration of a person is suspended, the Board may, on an application by the person or of its own motion, by order, terminate the suspension.

The Board categorises the matters brought before it as *administrative matters* or *conduct matters*. The categorisation has been adopted by the Board as a procedural policy and will be reviewed from time to time.

The Board categorises as administrative matters those matters which arise from applications pursuant to the following provisions of the Act:

s1292(1)(a)(i)	failing to lodge annual statement under s1287A (auditor)
s1292(1)(a)(ii)	ceasing to be resident in Australia (auditor)
s1292(2)(a)(i)	failing to lodge triennial statement under s1288 (liquidator)
s1292(2)(a)(ii)	ceasing to be resident in Australia (liquidator)
s1292(3)(a)(i)	failing to lodge a statement under s1288(5) (liquidator of a specified body corporate)
s1292(3)(a)(ii)	ceasing to be resident in Australia (liquidator of a specified body corporate)
s1292(7)(a)	becoming disqualified from managing corporations under Part 2D.6 (auditor or liquidator)
s1292(7)(b)	becoming incapable because of mental infirmity of managing affairs (auditor or liquidator)

The Board categorises as conduct matters those matters which arise from applications pursuant to the following provisions of the Act:

s1292(1)(a)(ia)	contravening s324DB by playing a significant role in an audit without being eligible to do so (auditor)
s1292(1)(a)(ia)	failing to comply with a condition of registration (auditor)
s1292(1)(b)(i)	not performing any audit work for 5 years and as a result ceasing to have the necessary practical experience (auditor)
s1292(1)(b)(ii)	not performing any significant audit work for 5 years and as a result ceasing to have the necessary practical experience (auditor)
s1292(1)(d)(i)	failing to carry out the duties of an auditor (auditor)
s1292(1)(d)(ii)	failing to carry out the duties or functions required by an Australian law to be carried out by a registered auditor (auditor)
s1292(1)(d)	not being a fit and proper person to remain registered as an auditor (auditor)
s1292(2)(d)(i)	failing to carry out the duties of a liquidator (liquidator)
s1292(2)(d)(ii)	failing to carry out the duties or functions required by an Australian law to be carried out by a registered liquidator (liquidator)
s1292(2)(d)	not being a fit and proper person to remain registered as a liquidator (liquidator)
s1292(3)(d)	failing to carry out the duties of a liquidator of a body corporate or otherwise not being a fit and proper person to remain registered as a liquidator of that corporation (liquidator of a specified body corporate)

In general the Board has power to cancel or suspend the registration of a registered auditor or a registered liquidator, if any of these grounds has been established to the satisfaction of the Board. If a ground is established under s1292(7)(a) or (b) then the Board has no discretion, it must cancel the registration of the practitioner concerned.

In relation to conduct matters under s1292(1)(d), (2)(d) or (3)(d) the Board has additional powers under s1292(9) to admonish, reprimand or require undertakings. These powers may be exercised in addition to or instead of the powers to cancel or suspend registration.

Registrar

The administrative business and operations of the Board are conducted by its Registrar, Mr Gary Hoare who was formerly an audit partner with KPMG.

Operations

The Board's office is at Level 16, 60 Margaret Street, Sydney, as is the Board's principal hearing room. Hearings are also held, as needed, at other locations around Australia, and occasionally by telephone or videolink. It is the policy of the Board that a hearing will normally be held in the capital city of the State or Territory of residence of the Respondent. The application of this policy may be varied in individual cases.

Procedures have been adopted by the Board and are contained in its *Manuals of Practice and Procedure*. There are two manuals, one for conduct matters and one for administrative matters. The manuals set out the procedures to be followed in relation to the filing and exchange of documents and other material prior to a hearing and the procedures for pre-hearing conferences and for hearings.

The Board has also issued a Costs Practice Note and Mediation Guidelines and a pro forma Mediation Agreement.

The Manuals of Practice and Procedure, the Costs Practice Note, the Mediation Guidelines and the draft Mediation Agreement are provided to all parties involved in proceedings before the Board. All these documents are also on the Board's website and are available on request to interested persons generally. All are reviewed and updated from time to time.

Pre-Hearing Conferences

The Board encourages the parties in conduct matters, to meet and negotiate to refine and reduce the matters in dispute prior to a hearing. To assist this process and

maximise its effectiveness, the Chairperson conducts a pre-hearing conference that encourages contact between the parties as early as possible.

The aim is to reduce the length of the hearing and the overall costs of the proceedings. The Board's pre-hearing procedures are under constant review in order to ensure that pre-hearing procedures are as effective and efficient as possible and result in savings in costs and time for all parties.

Telephone conferencing is normally used for pre-hearing conferences unless it is considered not to be practicable or desirable in any particular case. The parties are encouraged by the Board to meet each other in person to discuss their respective contentions and determine common ground.

The benefits which flow from these procedures include shortening of proceedings and in some cases, agreement on acceptable outcomes. Agreed terms of order resulting from discussions between the parties are referred in draft to the Board. The Board does not participate in any settlement discussions or negotiations between the parties and retains the right to determine the appropriate order.

The pre-hearing conference is also used as a means of agreeing on a timetable for finalisation and exchange of documentation and evidence, for resolving preliminary matters and for fixing a hearing date.

The passing of the Corporations Amendment (Insolvency) Act will now give statutory backing to the power of the Chairperson to conduct pre-hearing conferences. The new provision gives power to the Chairperson, at a pre-hearing conference, to fix a hearing date and to give directions about the timing of the filing of evidence and submissions and about the procedure to be followed generally at or in connection with the hearing.

Mediation

The Board encourages resolution of areas of dispute by mediation. This may be by an external mediator agreed upon by the parties or a Board member (who does not thereafter have any role in relation to that application nor communicate with the Board concerning the mediation or the application generally).

In both the negotiation and mediation processes the Board stresses to the parties that the proceedings before the Board are statutory disciplinary hearings and whilst the parties may develop a form of acceptable draft order it still remains a matter for the Board to make a determination in accordance with its statutory function and to arrive at appropriate orders.

Panels

Hearings are conducted and decisions are made by a Panel of the Board rather than by the full Board. The Chairperson determines the members of the Board who are to constitute a Panel to conduct a particular hearing. That Panel will then make a determination and make any orders under s1292 in relation to that particular application.

A Panel will normally consist of five persons and must include the Chairperson or Deputy Chairperson as Chairman of the Panel. The Panel will also normally include, an ICAA member, a CPAA member and two business members. On certain occasions (such as hearing administrative matters), the Chairperson may consider it appropriate to constitute a Panel with three members, in which case the members would normally be the Chairperson (or Deputy Chairperson), one accounting member and one business member.

Hearings

All matters referred to the Board (unless withdrawn) must proceed to a hearing, at which a Panel will make a determination and orders. A Panel may adjourn the hearing to enable it to consider and formulate its reasons for a determination or its orders. Hearings are required to be held in private unless a public hearing is requested by a person who is entitled to be given an opportunity to appear at the hearing (other than ASIC and APRA).

For contested conduct matters, a Panel will usually hold a hearing with all members and parties physically present. In other matters, a Panel may arrange hearings by videolink with one or more members or parties in different locations. Legal representation is permitted at all hearings, for all parties. Parties may also represent themselves.

Panel decisions

In relation to each application, the Panel makes a determination as to whether or not it is satisfied that the contentions have been established and, if so, makes a decision whether or not to exercise any of the Board's powers under s1292 or whether or not it is required to make an order under s1292(7). The Panel will also make a decision on penalty and costs (if applicable) and, for that purpose, may hold a separate hearing and deliver a separate decision.

Pursuant to s1296, written notice of a decision and the reasons for it must be given to the practitioner concerned. A copy of the notice must be lodged with ASIC.

The notice of decision is available for inspection at ASIC except when the Panel has decided to refuse to exercise its powers under s1292 or has decided that it is not required to make an order under s1292(7) (see s1274(2)(a)(iii)).

Where the Panel has decided to exercise any of the powers under s1292 or has decided that it is required to make an order under s1292(7), the Board is required pursuant to s1296 (1) to publish in the Commonwealth Gazette a notice setting out the decision. By arrangement with the ICAA, CPAA, NIA, IPAA and the Tax Agents Registration Board, copies of the notices published in the *Commonwealth Gazette* are provided to those bodies of which the practitioner is a member.

As a result of the recent passing of the Corporations Amendment (Insolvency) Act, the Board will now be able to take such steps as it considers reasonable and appropriate to publicise the decision and the reasons for the decision. This will include the power to post the decision and the reasons on the Board's website.

Decisions gazetted by the Board during the reporting year are set out at the conclusion of this report. Other decisions of the Board during the year are subject to restrictions on publication.

Costs

At the end of a hearing a Panel may make an order for costs, and when the Panel makes such an order, the Board refers the parties to its *Costs Practice Note*.

A Panel may also order payment by a party of all or part of the Board's costs of and incidental to a hearing.

Review of Board decisions

A review of any decision made under s1292 may be sought before the Administrative Appeals Tribunal ('AAT') by ASIC or by APRA or by any person whose interests are affected by the decision.

A person who is aggrieved by a Board decision may also apply to the Federal Court of Australia under the provisions of the Administrative Decisions (Judicial Review) Act 1977 for an order of review in respect of a decision.

Generally, reviews before the AAT are re-hearings of the application while those by the Federal Court of Australia are based on questions of law arising out of the proceedings.

When a decision of the Board is under review the Board will often be restricted from publishing any notice of decision. Such restriction may be sought by either of the

parties and is often sought to avoid prejudice to a Respondent who may later be successful in having a decision of the Board reversed or altered.

Board membership

Board members during the reporting year were as follows:

Name	Role	Term Expires/Expired
Donald Magarey	Chairman	31 May 2009
David Castle	Deputy Chairman	31 May 2009
Patrick Burroughs	Accounting Member ICAA	31 August 2010
Philip Jefferson	Accounting Member ICAA	5 October 2008
Jeffrey Knott	Accounting Member CPAA	5 October 2008
Brian Morris	Accounting Member CPAA	20 October 2009
David Olifent	Accounting Member ICAA	20 October 2009
Patrick Ponting	Accounting Member CPAA	20 October 2009
David Barnett	Business Member	31 August 2010
Tom Bostock	Business Member	31 August 2010
John Keeves	Business Member	31 August 2010
Professor Ian Ramsay	Business Member	31 August 2010
John Story	Business Member	31 August 2007
Simon Stretton	Business Member	31 August 2010

Donald Magarey

Donald Magarey is a solicitor and was formerly a partner of Blake Dawson Waldron for 36 years specialising in corporate law and commercial transactions. Donald has previously been chairman of the Corporations Committee of the Law Council of Australia, a member of the Corporations and Securities Panel, a member of the Companies and Securities Law Review Committee and chairman of the Social Security Appeals Tribunal.

David Castle

David Castle is a solicitor and was previously a partner of Dibbs Abbott Stillman, specialising in business law. He is the chairman of the Tax Agents Board of NSW and a member of the Law Society Business Law Committee. He practised in business, revenue, commercial and company law for over 40 years and has extensive experience in disciplinary and conduct areas of the Law Society of NSW, the Migration Agents Registration Authority, the Australian Stock Exchange and the Tax Agents Board of NSW. He is a qualified and experienced mediator and a costs assessor appointed by the Supreme Court of New South Wales.

Patrick Burroughs

Patrick Burroughs is a chartered accountant and company director. He was a Senior Partner of KPMG, based in Melbourne and held various responsibilities during his

career with that firm. These included major listed client responsibilities as well as firm management responsibilities. At the time of his retirement from the firm he was head of its Financial Services practice. During his career with that firm he served as a member of various external bodies, including committees of the ICAA and the Reserve Bank of Australia. He is currently a director of a number of companies operating in both the not-for-profit and for-profit sectors of the economy.

Philip Jefferson

Philip Jefferson is a Chartered Accountant, Official Liquidator and a Trustee in Bankruptcy who has been practising as an insolvency practitioner for over 30 years. He is a former partner of Coopers Lybrand, (now PricewaterhouseCoopers), and of Horwath. He currently is a consultant to Jefferson Collins Joiner. He has extensive experience involving both Corporate and Personal insolvency and reconstruction. He is an active committee member of the Queensland Branch of the IPAA, being vice president of that Branch and is in charge of the education portfolio for current and new members. He has recently obtained a Diploma from the Australian Institute of Company Directors.

Jeffrey Knott

Jeff Knott is an Assurance Services Partner of Deloitte. Jeff has been a partner in Chartered Accounting practices for the past 25 years specialising in audit but also involved in tax and accounting issues. Jeff's audit assignments include public and private companies operating in manufacturing, retail, media and service related industries. Several of these companies have had overseas reporting obligations, particularly in Europe and the US. Current obligations include reporting under Sarbanes Oxley. He also has had significant experience in the audits of NGO's both here and overseas. Jeff is a former member of the Australian Auditing and Assurance Standards Board and until recently a member of the Australian Urgent Issues Group, which was part of the Australian Accounting Standards Board. He is also the Chair of CPA Australia Financial Reporting and Governance Centre of Excellence.

Brian Morris

Brian Morris is a senior partner of Adelaide accounting firm Edwards Marshall & Co where he specialises in forensic accounting and assurance services. He is also a qualified mediator and member of the Institute of Arbitrators and Mediators of Australia. He has been a member of the Urgent Issues Group, has been an Australian representative to the International Accounting Standards Committee, a member of the Auditing Standards Board and has chaired the National Technical Standards Committee of CPA Australia.

David Olifent

David Olifent is a chartered accountant and was formerly a partner of PricewaterhouseCoopers for 22 years specialising in insolvency and business re-construction. He now acts as a consultant and director. He has been a member of both state and national committees of the Insolvency Practitioners Association of

Australia and the South Australian regional liaison committee to the Australian Securities and Investment Commission.

Patrick Ponting

Patrick Ponting is a CPA and Auditor and is in practice on his own account on the Gold Coast. He was National President of CPA Australia in 1999-2000 and has been involved in the disciplinary processes of that body for 15 years including 3 years as chairman of the Discipline Committee in Queensland. He has chaired the CPA Professional Standards Committee and Public Practice Committee and was a member of the accounting profession's Joint Task Force on Audit Independence.

David Barnett

David Barnett is the Manager, Issuers (Sydney), ASX Market Supervision with ASX Limited. He has a Bachelor of Commerce (Accounting) and is a member of CPA Australia.

Tom Bostock

Tom Bostock is a special counsel to Gadens Lawyers specialising in corporate law. He was a partner of Mallesons Stephen Jaques from 1970 until 2004. He is a Fellow of the Australian Institute of Company Directors and is a member of the Institute's Law Committee. He was also chairman, and remains a member, of the Companies and Business Organisations Committee of the Law Institute of Victoria and was a member of the Legal Committee of the Companies and Securities Advisory Committee.

John Keeves

John Keeves is a partner in the law firm Johnson Winter & Slattery, with offices in Sydney, Melbourne and Adelaide, specialising in mergers and acquisitions, corporate and securities law and corporate governance. He is a member of the Takeovers Panel, the immediate past chairman of the Corporations Committee of the Law Council of Australia and a member of the Executive of the Business Law Section of the Law Council, a Senior Fellow and Director of the Financial Services Institute of Australasia (Finsia) (formerly the Securities Institute of Australia), as well as a member of the Australian Institute of Company Directors and Banking and Financial Services Law Association.

Ian Ramsay

Ian Ramsay is the Harold Ford Professor of Commercial Law in the Faculty of Law at the University of Melbourne where he is Director of the Centre for Corporate Law and Securities Regulation. He is a member of the Takeovers Panel, the Corporations and Markets Advisory Committee, the National Law Committee of the Australian Institute of Company Directors, the Corporations Committee of the Law Council of Australia and the Audit Quality Review Board. He was head of the Federal Government inquiry on auditor independence and a member of the International Federation of Accountants taskforce on rebuilding confidence in financial reporting. He has practised law with firms in New York and Sydney.

John Story

John Story is the chairman of Suncorp Metway Limited and a member of the Boards of Tabcorp Holdings Limited and CSR Limited. He is Chairman of the Board of the Australian Institute of Company Directors. He was previously the non-executive Chairman of the Board of Corrs Chambers Westgarth and was a partner of the firm for 36 years, practising principally in the areas of corporate and commercial law.

Simon Stretton

Simon Stretton is Crown Solicitor for the State of South Australia and a member of the Corporations and Markets Advisory Committee. Formerly an ASIC Regional Commissioner, General Counsel to the NSW Independent Commission Against Corruption, and Chairman of the SA Law Society's Commerce Corporations and Taxation Committee, he has also had an extensive corporations, general insolvency and commercial litigation practice at the Independent Bar and spent several years as probity auditor of a range of major Government projects.

Subsequent to the end of the reporting year the term of Business Member Mr John Story expired. Mr Story did not seek reappointment. The Board expresses its considerable appreciation for John's significant contribution to the Board's work during his period of membership. Mr Geoffrey Brayshaw a company Director from Western Australia was appointed to the Board as a Business Member for a three year term commencing from 1 September 2007. Subsequent to the end of the reporting year the following members were reappointed for a period of three years expiring on 31 August 2010: Patrick Burroughs (Accounting Member) David Barnett, Tom Bostock, John Keeves, Ian Ramsay and Simon Stretton (Business Members).

Financial Statements

The Board is allocated funding by Treasury through ASIC's budget. The Board's expenses are, apart from some fixed overhead expenses, largely a function of the workload, which varies in accordance with the number and complexity of applications received.

The Board's expenditure for this and the previous financial year, as audited in the accounts of ASIC, consisted of:

	2005/06	2006/07
	\$	\$
Administrative expenses:	383,233	426,041
Travel and accommodation including allowances	112,173	129,864
Salaries and members' fees:	741,818	619,263
Total:	1,237,224	1,175,168

The increase in the Board's administrative expenses during the reporting year was mainly a result of increased depreciation costs associated with refurbishment to the Board's hearing room and offices together with related equipment. The location of the Board's hearings also impacted on the Board's expenses in relation to travel and accommodation during the current year. The reduction in salaries and members' fees reflects an overall reduction in the number of hearing days and related activity during the current year. It also reflects the bringing to account of outstanding superannuation costs in relation to members in the previous year. Members of the Board are remunerated in accordance with rates determined by the Commonwealth Remuneration Tribunal.

Activities

The following tables have been compiled from the records of the Board.

Matters before the Board during the report year

Auditors

	Conduct	Administrative
Uncompleted Matters at 1/7/06	3	8
New Applications	2	5
Matters withdrawn		-10
Matters dealt with — Orders issued	-3	-3
Uncompleted matters at 30/6/07	2	0
Comprising:		
Hearings scheduled to be held after 30/6/07	2	

Matters before the Board during the report year

Liquidators

	Conduct	Administrative
Uncompleted Matters at 1/7/06	6	0
New Applications		
Matters withdrawn		
Matters dealt with — Orders issued	-4	
Matters Dealt with — Subject to Appeal	-1	
Uncompleted matters at 30/6/07	1	0
Comprising:		
Hearings held/Orders yet to be made	1	

Hearing Days during the report year

The time of Board members is substantially involved in the preparation for and the hearing of matters and the preparation of determinations and orders (each with reasons) in relation to those matters. As matters can extend over the end of a financial year the table below is presented to give the users of this report an understanding of the number of days in which Board members were involved in hearings.

Activity	Auditors 2007	Auditors 2006	Liquidators 2007	Liquidators 2006
Hearing Days	23 Man Days	38 Man Days	104 Man Days	123 Man Days

In addition to formal hearing days, members of the Board are involved in preparation for hearings including travel to hearing venues, review and analysis of evidence, preparation and review of determinations and subsequent orders. In respect of each application that goes to a contested hearing, the Chairman of the relevant Panel plays the principal role in drafting the determination and any orders, together with the supporting reasons for each. In addition the Board Chairman is responsible for conducting pre-hearing conferences and is also involved in the general affairs of the Board.

Results by nature of sanction

Results of Application	02/03	03/04	04/05	05/06	06/07
Registration cancelled	1	2	4	1	4
Registration suspended	4	4	6	1	2
Admonition	-	-	1	-	
Reprimand	1	1	3	1	4
Undertakings required to be given	5	5	9	2	5
Dismissed	-	-	-	-	-
Withdrawn by ASIC	3	15	26	11	10

Notes

1. Undertakings required to be given may be in addition to other orders.
2. The results shown are after review or appeal and include orders by consent.
3. The results shown do not include cases still subject to review or appeal where publication has been stayed by order.

Status of Reviews of Board decisions

Ronald Dean Willcocks

On 12 April 2006, the Board ordered that Mr Dean-Willcocks's registration as a liquidator be suspended for a period of twelve months pursuant to s 1292(2)(d) of the Corporations Act. Mr Dean-Willcocks sought a review pursuant to section 5 of the Administrative Decisions (Judicial Review) Act 1977. The Federal Court ordered that the Board's decision be suspended until after the Court's judgment was handed down and restrained the Board from giving notice of its decision or otherwise making it public. On 8 November 2006 the Federal Court handed down its decision. The application for review was dismissed. The Board's gave notice of its decision on 20 November 2006. Mr Dean-Willcocks appealed to the Full Court of the Federal Court but this appeal has subsequently been withdrawn.

Vanda Russell Gould

On 21 December 2004, the Board ordered that Mr Gould's registration as a liquidator be suspended for a period of three months pursuant to s 1292(2)(d) of the Corporations Act and that certain undertakings be given pursuant to s 1292 (9). Mr Gould sought a review of the Board's decision in the Administrative Appeals Tribunal under the Administrative Appeals Tribunal Act, 1975.

At the reporting date, Mr Gould's application to the Tribunal remained outstanding.

Boushra Kaddis Gadallah

On 4 August 2005, the Board ordered that Mr Gadallah's registration as a liquidator be suspended for a period of six months pursuant to s 1292(1)(d) of the Corporations Act and that certain undertakings be given pursuant to s 1292(9). Mr Gadallah sought a review of the Board's decision in the Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act, 1975*.

At the reporting date, Mr Gadallah's application to the Tribunal remained outstanding.

Joseph Sleiman

On 12 September 2006, the Board ordered that Mr Sleiman's registration as a liquidator be cancelled pursuant to s 1292(2)(d) of the Corporations Act. Mr Sleiman sought a

review of the Board's decision in the Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act, 1975*.

At the reporting date, Mr Sleiman's application to the Tribunal remained outstanding.

Gary John Anderson

On 15 November 2006, the Board ordered that Mr Anderson's registration as a liquidator be suspended for a period of three months pursuant to s 1292(2)(d) of the Corporations Act and that certain undertakings be given pursuant to s 1292(9). Mr Anderson sought a review of the Board's decision in the Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act, 1975*.

On 21 December 2006 the Administrative Appeals Tribunal ordered that the Board's determination dated 30 August 2006 be affirmed. It further ordered that the Board's orders (a) and (b) dated 15 November 2006 be set aside and in lieu thereof the applicant (Mr Anderson) be reprimanded and that the applicant be required on or before 10 January 2007 to undertake to the respondent (ASIC) that:

- A. For each of the first 10 voluntary administrations to which he is appointed after the date of this order, he will furnish to ASIC within two months after the second creditors' meeting (under s439A) a written report prepared by a registered liquidator (of not less than 10 years standing and who has no prior professional or personal relationship with the Respondent) reporting on the adequacy of the investigation under s438A(a), the report under s439A(4)(a) and the statement under s439A(4)(b) relating to that administration.
- B. Within 12 months of the date of this order, or such further period as ASIC shall agree in writing in the event of sufficient Continuing Professional Development ('CPD') not being available, the applicant will complete an additional 12 hours of CPD in the area of adequate and proper performance of the duties of an administrator, such CPD to be provided by CPA Australia, the Institute of Chartered Accountants, the Insolvency Practitioners Association of Australia or such other entity as may be agreed by ASIC, and the cost of such additional CPD to be met by the applicant

Other reviews

A Respondent in relation to an order issued by the Board during the year ended 30 June 2006 has sought a review of the Board's decision in the Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act, 1975*. The decision of the Board has been stayed until the substantive application is heard and determined by the Tribunal. In addition the operation or implementation of any decision of the Board

to publish the order has been stayed until the substantive application is heard and determined by the Tribunal.

The matter remains outstanding.

Another Respondent in relation to an order issued by the Board during the year ended 30 June 2007 has sought a review of the Board's decision in the Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act, 1975*. The decision of the Board has been stayed until the substantive application is heard and determined by the Tribunal. In addition the operation or implementation of any decision of the Board to publish the order has been stayed until the substantive application is heard and determined by the Tribunal.

The matter remains outstanding.

FOI and Section 13 AD(JR) Act Requests

The Board did not receive any applications for information under the *Freedom of Information Act 1982* nor any requests for reasons pursuant to s13 of the *Administrative Decisions (Judicial Review) Act 1977* during the year.

Contact Officer

The contact officer for this Annual Report is the Registrar, Mr Gary Hoare phone (02) 9911 2970, facsimile (02) 9911 2975, GPO Box 3731, SYDNEY 2001.

Email: gary.hoare@caldb.gov.au. Website: www.caldb.gov.au

Decisions Gazetted Year Ended 30 June 2007

Corporations Law
SECTION 1296(1)(c)
NOTICE OF DECISION

Whereas:

- A. The Australian Securities and Investments Commission ('ASIC') made application to the Board pursuant to section 1292(1)(d) of the Act to have **MAURICE LEE ANGHIE** (the '**Respondent**'), a registered company auditor, dealt with under section 1292 of the Act, on the basis that the Respondent's conduct satisfies one or more of the criteria specified in paragraph 1292(1)(d) of the Act in relation to the audit of China West International Holdings Limited ACN 009 230 111 ('**CWH**') for the year ended 30 June 2003 (the '**Audit**');
- B. The Panel, pursuant to section 1294 of the Act, has provided ASIC and the Respondent with an opportunity to appear and make submissions to, and adduce evidence before, the Panel in relation to the matter; and
- C. ASIC and the Respondent have conducted negotiations and reached a settlement, in respect of ASIC's Contentions, which ASIC and the Respondent have submitted to the Panel for approval.

Agreed facts:

1. ASIC and the Respondent agree upon the facts as set out below and, without admission of any liability to any third party, the Respondent admits that he failed to carry out or perform adequately and properly the duties of an auditor in relation to the Audit, as provided in paragraph 1292(1)(d)(i) of the Act, in the respects set out below:
2. On 10 March 2003, CWH entered into an agreement ('Share Sale Agreement') with Beltrading International Corp ('Beltrading') to purchase all of the shares in Chongqing Yuao Building Materials Co Ltd ('Chongqing'), then a wholly owned subsidiary of Beltrading, on the basis that the effective date of the sale would be 1 January 2003, with all accompanying rights and benefits accruing to CWH as of the effective date ('the Share Sale').
3. As consideration for the Share Sale, CWH was to issue shares to Beltrading equivalent to 90% of the enlarged capital of CWH and, thereby making CWH a subsidiary of Beltrading.

4. There were conditions precedent in the Share Sale Agreement to the Share Sale and the resulting acquisition by CWH of Chongqing, including that CWH's shareholders approve the increase in share capital and issue of shares to Beltrading. That approval was only obtained on 3 July 2003 and the issue of new shares by CWH to Beltrading as consideration for the acquisition of Chongqing occurred on 13 August 2003.
5. The owner of Beltrading had, prior to 30 June 2003, been providing financial support to CWH. In addition, the Share Sale Agreement restricted Beltrading's ability to control Chongqing without the written consent of CWH.
6. CWH's financial report for the year ended 30 June 2003 was prepared on a consolidated basis as though Chongqing was a subsidiary of CWH.
7. In exercising his professional judgment, the Respondent formed the opinion that CWH had obtained control of Chongqing during the year ended 30 June 2003, within the meaning of AASB 1024. Accordingly, the Respondent did not consider it incorrect that CWH's consolidated accounts included Chongqing, and as the parent entity CWH's accounts included an investment in Chongqing as an asset, the shares issued post balance date as consideration for the acquisition were included in the parent entity's equity.
8. In accordance with this view, on 30 September 2003, the Respondent, as the appointed auditor for CWH, issued an unqualified audit opinion on the annual financial statements of CWH for the year ended 30 June 2003.
9. In fact, in order to consolidate accounts Chongqing needed to be the subsidiary of CWH within the meaning of the appropriate Standard and by reason of the Share Sale Agreement neither of those criteria were met because CWH did not 'control' Chongqing within the meaning of that term in AASB 1024 as there is nothing in the Share Sale Agreement or in the other matters considered by the Respondent as set out in his April 2003 file note or in the prevailing circumstances that enabled CWH to dominate decision-making in relation to the financial or operating policies of Chongqing so as to require Chongqing to operate with CWH in pursuing the objectives of CWH.
10. The impact of the consolidation of Chongqing in CWH's accounts was material as outlined in the table below:

	Extract from financial statements for year ended 30 June 2003 including Chongqing (\$)	Extract from financial statements for year ended 30 June 2003 excluding Chongqing (\$)
Net Assets (Liabilities)	10,310,109	(388,230)
Profit (Loss) from ordinary activities after income tax	(199,788)	(530,998)

11. The pending acquisition of Chongqing, and its financial effect as from 1 January 2003, ought to have been disclosed in CWH's accounts as a detailed note.
12. The Respondent failed to qualify his audit report on the basis that CWH's accounts ought not to have been consolidated as though Chongqing was a subsidiary, as CWH had not obtained control of or ownership in Chongqing during the year ended 30 June 2003.
13. In addition, the Respondent failed in certain other respects to satisfy auditing standards in connection with the Audit.
14. Contrary to AUS 208 at .05 and .06 there is a lack of documentary evidence in the working papers for the Audit ('AWPs') to suggest that adequate consideration was given to the application of AASB 1024 to the acquisition of Chongqing. Although it is noted that the Respondent had prepared a file note in April 2003, while preparing an Independent Accountant's Report ('IAR') issued in June 2003 regarding the acquisition by CWH of Chongqing, in which he recorded his consideration and conclusion about the applicability of AASB 1024 and the preparation of CWH's accounts on a consolidated basis. The Respondent failed to copy and include this file note in the AWP's or otherwise refer to it in the AWP's.
15. Contrary to AUS 208 at .05 and .06 a file note of discussions with another audit partner and a senior manager concerning the issue of the Chongqing acquisition was not kept.
16. Contrary to AUS 502 at .02 the Respondent did not include in the AWP's any documentation which verified costs incurred by external parties in the acquisition of Chongqing and indicated which of these costs were capitalised, if any, and which were expensed and whether they were paid for by cash or by the issue of shares. It is again noted that the Respondent failed to copy and include in the AWP's documentation obtained while preparing the IAR which verified fees paid to external parties in the acquisition of Chongqing and recorded the capitalisation of costs.
17. The consolidation adjustment for Chongqing indicates a material discount on acquisition of A\$431,430. This is inconsistent with the Share Sale Agreement, which reflects that consideration paid would be equal to the net asset value of Chongqing. Despite this apparent inconsistency, and contrary to AUS 208 at .05 and .06 and to AUS 502 at .02, the AWP's do not address how the discount on acquisition was derived. It is again noted that the Respondent did not copy and include in the AWP's notes that he made while preparing the IAR and which he updated at the time of the Audit, explaining how a discount on the acquisition

of Chongqing of A\$431,430 (representing approximately 3% of the total consideration) had been derived.

Decision

It is the decision of the Panel that we are satisfied on the application by ASIC that on the basis of the Agreed Facts set out above, that the Respondent has failed to carry out or perform adequately and properly the duties of an auditor in relation to the Audit in accordance with section 1292(1)(d)(i) of the Act.

The Panel therefore orders that:

1. the Auditor be reprimanded pursuant to paragraph 1292(9)(a) of the Act; and
2. pursuant to section 223 of the Australian Securities and Investments Commission Act 2001 (Cth) that the Respondent pay the costs of ASIC fixed at \$4,000 within thirty (30) days of this order coming into effect.

Dated: 24 July 2006

Gary K Hoare

Registrar

Corporations Law
SECTION 1296(1)(c)
NOTICE OF DECISION

At a hearing held on 24 July 2006 pursuant to section 1294 of the Corporations Act ('Act'), the Companies Auditors and Liquidators Disciplinary Board ('Board') was satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') that **Roger Charles WILLIAMS** ('Respondent'), a registered auditor had failed, within the meaning of section 1292(1)(d)(i) to carry out or perform adequately and properly the duties of an auditor, in relation to the audit of the financial report and the revised financial report of Newhaven Park Stud Limited for the year ended 30 June 2003.

The Board ordered:

- (a) The registration of the Respondent as an auditor be suspended for a period of nine months commencing 14 days after this order takes effect.
- (b) The Respondent must give an undertaking that:
 - (i) in addition to the normal requirements for continuing professional education, he will successfully complete the audit and assurance

module of the Chartered Accountants Program run by the Institute of Chartered Accountants in Australia (and will advise ASIC of that successful completion) before he undertakes any company audit; and

- (ii) after the completion of his suspension and the completion of the audit module referred to in (i), for each of the first two times he is engaged to conduct a company audit he will not sign the requisite report unless and until he has received (and supplied to ASIC a copy of) a written statement from a registered company auditor (approved in advance for this purpose by ASIC) that the audit has been conducted to an acceptable standard.

- (c) The Respondent pay 80% of ASIC's costs.

Dated: 1 August 2006

Gary K Hoare

Registrar

Corporations Law

SECTION 1296(1)(c)

NOTICE OF DECISION

At a hearing held on 23 August 2006 pursuant to section 1294 of the Corporations Act, 2001 ('Act'), the Companies Auditors and Liquidators Disciplinary Board ('Board') was satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') for **YU XIONG SHANG** ('Respondent'), a registered auditor, to be dealt with under section 1292 of the Act, that the Respondent had contravened section 1288 of the Act. The Board, by order, cancelled the Respondent's registration as an auditor.

Dated: 25 August 2006

Gary K Hoare

Registrar

Corporations Law

SECTION 1296(1)(c)

NOTICE OF DECISION

At a hearing held on 28 August 2006 pursuant to section 1294 of the Corporations Act ('Act'), the Companies Auditors and Liquidators Disciplinary Board ('Board') was satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') that **Stuart Hamilton CAMERON** ('Respondent'), a registered auditor had failed, within the meaning of section 1292(1)(d)(i) to carry out or perform

adequately and properly the duties of an auditor, in relation to the audit of the company accounts and the consolidated accounts of Powerise Technology Limited (formerly called SMC Resources Ltd) ('Powerise') for the years ended 30 June 2001 and 30 June 2002.

The Board ordered that:

- (a) The registration of the Respondent as an auditor be suspended for a period of nine months commencing 14 days after this order takes effect.
- (b) The Respondent must give an undertaking that:
 - (i) in addition to the normal requirements for continuing professional education, he will successfully complete the audit and assurance module of the Chartered Accountants Program run by the Institute of Chartered Accountants in Australia (and will advise ASIC of that successful completion) before he undertakes any company audit; and
 - (ii) after the completion of his suspension and the completion of the audit and assurance module referred to in (i), for each of the first two times he is engaged to conduct a company audit he will not sign the requisite report unless and until he has received (and supplied to ASIC a copy of) a written statement from a registered company auditor (approved in advance for this purpose by ASIC) that the audit has been conducted to an acceptable standard.
- (c) The Respondent pay the costs of ASIC in the sum of \$82,925, the payments to be made as follows:
 - (i) the sum of \$22,925 is to be paid by the first day of the first calendar month commencing after this order takes effect; and
 - (ii) thereafter the sum of \$20,000 is to be paid by the first day of each of the next three succeeding calendar months provided that should there be default in making any payment, that payment and any further payments that are required to discharge the total amount of \$82,925, shall thereupon become immediately due and payable.

Dated: 11 September 2006

Gary Hoare
Registrar

Corporations Law
SECTION 1296(1)(c)
NOTICE OF DECISION

At a hearing held on 12 September 2006 pursuant to section 1294 of the Corporations Act ('Act'), the Companies Auditors and Liquidators Disciplinary Board ('Board') was satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') that **Joseph SLEIMAN** ('Respondent'), a registered liquidator had failed, within the meaning of section 1292(2)(d)(ii) of the Act, to carry out or perform adequately and properly the duties or functions required by an Australian law to be carried out or performed by a registered liquidator.

The Board ordered:

- (a) the registration of the Respondent as a liquidator be cancelled under and pursuant to section 1292(2) of the Corporations Act; and
- (b) the Respondent pay 50% of ASIC's costs.

Dated: 18 September 2006

Gary K Hoare
Registrar

Corporations Law
SECTION 1296(1)(c)
NOTICE OF DECISION

At a hearing held on 16 October 2006 pursuant to section 1294 of the Corporations Act ('Act'), the Companies Auditors and Liquidators Disciplinary Board ('Board') was satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') that **Peter Anthony LUCAS** ('Respondent'), a registered liquidator had failed, within the meaning of section 1292(2)(d)(ii) of the Act, to carry out or perform adequately and properly the duties or functions required by an Australian law to be carried out or performed by a registered liquidator. The Panel of the Board made the following orders:

Preamble

The Respondent having acknowledged through his counsel that the matter presently before the Board is the only matter in which he has been involved in hiring staff of an insolvency practitioner whose firm had referred an appointment to the Respondent in circumstances where that insolvency practitioner was unable to act, for any reason, relating to independence, or vice versa, the Panel makes the following orders:

Orders

1. The Panel notes that Australian Securities and Investments Commission ('ASIC') and the Respondent admit the facts and matters set out in the agreed statement of facts.
2. The Respondent be reprimanded.
3. The Respondent undertakes not to accept any new insolvency appointments for a period of three months from today, or until the fulfilment of all the undertakings in clause 4 below, whichever is the later (except in circumstances where ASIC otherwise agrees).

The Respondent undertakes:

- a) that prior to accepting any new insolvency appointments, there be a review conducted of the Respondent's practice systems in place to identify conflict and independence issues, such review to be conducted by a person approved by ASIC in advance, and that a report be prepared by that person for provision to the Respondent ('the report');
- b) that the Respondent provide a copy of the report to ASIC within seven (7) days of receipt of same;
- c) that the Respondent adopt the recommendations contained in the report; and
- d) that ASIC be provided with a certificate by the author of the report of compliance with the recommendations contained in the report.

The Respondent undertakes to complete an additional twelve (12) hours of Continuing Professional Development ('CPD') in the area of ethics, conflicts and independence responsibilities, such additional CPD to be provided by CPAA, ACAA or IPAA or such other entity as may be agreed by ASIC. Such additional CPD shall be completed within twelve (12) months of today or such further period as ASIC shall permit in the event of sufficient CPD in those areas not being available to the Respondent within the next twelve (12) months.

The Respondent shall pay one half of ASIC's costs of and incidental to these proceedings before the Board, such costs to be agreed or assessed.

Dated: 23 October 2006

Gary K Hoare
Registrar

Corporations Law
SECTION 1296(1)(c)
NOTICE OF DECISION

At a hearing held on 12 April 2006 pursuant to section 1294 of the Corporations Act ('Act'), the Companies Auditors and Liquidators Disciplinary Board ('Board') was satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') that **Ronald John DEAN-WILLCOCKS** ('Respondent'), a registered liquidator, had failed within the meaning of s1292(2)(d)(ii) to carry out or perform adequately and properly the duties or functions required by an Australian law to be carried out or performed by a registered liquidator.

The Board ordered that:

- a) The registration of the Respondent as a liquidator be suspended for a period of twelve months commencing on the day which is 60 days from the date this order takes effect.
- b) The Respondent pay 50% of ASIC's costs.
- c) ASIC be allowed to include in its costs the costs of briefing Senior Counsel in the matter.

Dated: 20 November 2006
Gary K Hoare
Registrar

Corporations Law
SECTION 1296(1)(c)
NOTICE OF DECISION

At a hearing held on 15 November 2006 pursuant to section 1294 of the Corporations Act ('Act'), the Companies Auditors and Liquidators Disciplinary Board ('Board') was satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') that Gary John ANDERSON ('Respondent'), a registered liquidator had failed within the meaning of s1292(2)(d)(ii) to carry out or perform adequately and properly the duties or functions required by an Australian law to be carried out or performed by a registered liquidator in relation to the administration of Flowtime Pty Ltd.

The Board ordered that:

1. The registration of the Respondent as a liquidator be suspended for a period of three months commencing 60 days after this order takes effect
2. The Respondent must give an undertaking that for each of the first 6 voluntary administrations to which he is appointed after the end of that period of suspension, he will furnish to ASIC within one month after the second creditors' meeting (under s439A) a written report prepared by a registered liquidator (of not less than 10 years standing and who has no prior professional or personal relationship with the Respondent) reporting on the adequacy of the investigation under s438A(a), the report under s439A(4)(a) and the statement under s439A(4)(b) relating to that administration.
3. The Respondent pay 85% of ASIC's costs.

Dated: 29 November 2006

Gary K Hoare
Registrar

Corporations Law
SECTION 1296(1)(c)
NOTICE OF DECISION

At a hearing held on 21 March 2007 pursuant to section 1294 of the Corporations Act ('Act'), the Companies Auditors and Liquidators Disciplinary Board ('Board') being satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') for **Kenneth James CARPENTER** ('Respondent'), a registered Auditor, to be dealt with under section 1292(7) of the Act, that the Respondent was disqualified from managing corporations pursuant to Part 2D.6 of the Act. The Board, by order cancelled the Respondent's registration as an Auditor.

The Board further ordered pursuant to section 223 of the Australian Securities and Investments Commission Act 2001 that the Respondent pay the Applicant's costs in the sum of five hundred dollars (\$500).

Dated: 21 March 2007

Gary K Hoare
Registrar

Corporations Law
SECTION 1296(1)(c)
NOTICE OF DECISION

At a hearing held on 19 June 2007 pursuant to section 1294 of the Corporations Act, 2001 ('Act'), the Panel was satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') for **Patrick Joseph Lyons** ('Respondent'), a registered auditor, to be dealt with under section 1292 of the Act, that the Respondent had contravened section 1287A of the Act. The Panel ordered that the Respondent's registration as an auditor be cancelled.

Pursuant to Section 223 of the Australian Securities and Investments Commission Act 2001 the Board ordered that the respondent pay the Applicant's costs in the sum of six hundred dollars (\$600).

Dated: 21 June 2007
Gary K Hoare
Registrar

Corporations Law
SECTION 1296(1)(c)
NOTICE OF DECISION

At a hearing held on 4 April 2007 pursuant to section 1294 of the Corporations Act ('Act'), the Companies Auditors and Liquidators Disciplinary Board ('Board') was satisfied, on an application by the Australian Securities and Investments Commission ('Applicant') that **Robert Eugene MURPHY** ('Respondent'), a registered liquidator, had failed within the meaning of s1292(2)(d) to carry out or perform adequately and properly the duties of a liquidator and the duties or functions required by an Australian law to be carried out or performed by a registered liquidator.

At a hearing held on 8 June 2007 the Board ordered that:

1. The Respondent be reprimanded.
2. The Respondent must in writing, within seven days after this order takes effect, give an undertaking that he will, within the twelve months after this order takes effect (in addition to the normal requirements for continuing professional development), undertake and satisfactorily complete a course approved in advance by ASIC dealing with the conduct of meetings and in particular the function and duties of the chairman of a meeting.

Dated: 22 June 2007
Gary K Hoare
Registrar