



Australian Government  
CALDB

Companies Auditors and  
Liquidators Disciplinary Board

**Annual Report**

For the year ended **30 June 2011**



# **Companies Auditors and Liquidators Disciplinary Board**

Annual Report  
for the year ended 30 June 2011

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Companies Auditors  
and Liquidators  
Disciplinary Board

7 October 2011

The Hon. Wayne Swan MP  
Deputy Prime Minister and Treasurer  
Parliament House  
CANBERRA ACT 2600

Dear Deputy Prime Minister

I am pleased to present the Board's Annual Report for the year ended 30 June 2011 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

A handwritten signature in black ink, appearing to read 'HI', written over a faint circular watermark.

Howard Insall SC  
Chairperson



## Overview

- During the reporting year the Chairman of the Board, Donald Magarey, retired. The Board wishes to record its gratitude for the considerable and valuable contribution which he has made over the years.
- Howard Insall SC, the Deputy Chairperson was appointed Chairperson of the Board for a period of three years from 30 November 2010.
- During the reporting year, Patrick Burroughs retired as an accounting member and the Board records its gratitude for his valuable contribution as a member of the Board.
- George Georges was appointed as an accounting member of the Board for a period of three years from 30 November 2010. The Board welcomes George and we look forward to working with him. Business Members David Barnett, Tom Bostock, Geoff Brayshaw, John Keeves and Professor Ian Ramsay have been re-appointed for further three year terms commencing 30 November 2010.
- As at the commencement of the reporting year, the Board had no extant matters to be heard. In the final quarter of the reporting year, two conduct matters and one administrative matter were referred to the Board.
- In June 2011, the Attorney-General, the Hon Robert McClelland MP, and the Parliamentary Secretary to the Treasurer, the Hon David Bradbury MP, released an Options Paper "A modernisation and harmonisation of the regulatory framework applying to insolvency practitioners in Australia". That paper discussed features of the current regulatory framework for corporate and personal insolvency practitioners and sought views in relation to, amongst other things, the framework for discipline of breaches of the law by insolvency practitioners. Options raised for discussion in the Paper included proposals for reform which could impact upon the role of the CALDB.
- It is not appropriate for the Board to take any particular stance in relation to matters of policy raised for discussion in the Options Paper, but the Board looks forward to the opportunity to provide appropriate input in any future discussions concerning matters relevant to the role and operations of the Board.

## Role of the Board

The Board is an independent statutory body established by Part 11 of the ASIC Act which is given powers and functions by the *Corporations Act 2001* (the Corporations

Act). The Minister responsible for the Board is the Deputy Prime Minister and 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 main role of the Board, in this regard, is to consider applications for the cancellation or suspension of the registration of registered auditors or registered liquidators under the provisions of the Corporations Act.

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 Corporations 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) six accounting members selected by the Minister; and
- (d) six 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. Accounting members are required to be a



resident of Australia and a member of a professional accounting body or any other body prescribed by regulation. 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

Under the Corporations Act, the Board is required, on an application by ASIC or APRA, to determine whether a registered auditor or registered liquidator has contravened certain provisions of the Corporations Act, has failed to carry out his or her duties or 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 may be made by either ASIC or APRA.

Applications are dealt with at a hearing, conducted by a Panel of Board members, at which the respondent has an opportunity to call evidence and make submissions.

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 Corporations Act:

subparagraph 1292(1)(a)(i)	failing to lodge annual statement under section 1287A (auditor)
subparagraph 1292(1)(a)(ii)	ceasing to be resident in Australia (auditor)
subparagraph 1292(2)(a)(i)	failing to lodge annual statement under section 1288 (liquidator)

subparagraph 1292(2)(a)(ii)	ceasing to be resident in Australia (liquidator)
subparagraph 1292(3)(a)(i)	failing to lodge a statement under section 1288(5) (liquidator of a specified body corporate)
subparagraph 1292(3)(a)(ii)	ceasing to be resident in Australia (liquidator of a specified body corporate)
paragraph 1292(7)(a)	becoming disqualified from managing corporations under Part 2D.6 (auditor or liquidator)
paragraph 1292(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 Corporations Act:

subparagraph 1292(1)(a)(ia)	contravening section 324DB by playing a significant role in an audit without being eligible to do so (auditor)
subparagraph 1292(1)(a)(ia)	failing to comply with a condition of registration (auditor)
subparagraph 1292(1)(b)(i)	not performing any audit work for five years and as a result ceasing to have the necessary practical experience (auditor)
subparagraph 1292(1)(b)(ii)	not performing any significant audit work for five years and as a result ceasing to have the necessary practical experience (auditor)
subparagraph 1292(1)(d)(i)	failing to carry out the duties of an auditor (auditor)
subparagraph 1292(1)(d)(ii)	failing to carry out any duties or functions required by an Australian law to be carried out by a registered auditor (auditor)
paragraph 1292(1)(d)	not being a fit and proper person to remain registered as an auditor (auditor)
subparagraph 1292(2)(d)(i)	failing to carry out the duties of a liquidator (liquidator)
subparagraph 1292(2)(d)(ii)	failing to carry out any duties or functions required by an Australian law to be carried out by a registered liquidator (liquidator)
paragraph 1292(2)(d)	not being a fit and proper person to remain registered as a liquidator (liquidator)
paragraph 1292(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 paragraph 1292(7)(a) or (b) then the Board has no discretion but to cancel the registration of the practitioner concerned.

In relation to conduct matters under paragraphs 1292(1)(d), (2)(d) or (3)(d), the Board has additional powers under subsection 1292(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.

Where the registration of a person has been suspended, the Board may, on an application by the person or of its own motion, by order under s 1295, terminate the suspension.

## 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 video link. 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 available 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 the length of time it takes to resolve matters 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 Chairperson has the power under s1294A of the Corporations Act, 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 may be by 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 the 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 size of the Panel (three or five persons) and the members of the Board who are to constitute the Panel to conduct a particular hearing. That Panel will then hold a hearing or hearings, make a determination and make any decisions in relation to that particular application.

A Panel must include the Chairperson or Deputy Chairperson as Chairperson of the Panel. A five person Panel will include two accounting members and two business members. On certain occasions the Chairperson may consider it appropriate to constitute a Panel with three members, in which case the members would normally include 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 video link or telephone link 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 raised in the application have been established and gives the parties a written determination which sets out the Panel's conclusions (with reasons) on each of the contentions. In the event that any of the contentions has been determined to be established, the Panel will proceed to make a decision whether or not to exercise any of the Board's powers under section 1292 or whether or not it is required to make an order under subsection 1292(7) and, for that purpose, may hold a final hearing before delivering its decision. At that hearing, the parties will have an opportunity to present relevant evidence and to make submissions on the questions of sanctions, publicity and costs.

## Publicity

Pursuant to subsection 1296(1), written notice of a decision by a Panel to exercise the Board's powers under section 1292 and the reasons for the decision must be given to the practitioner concerned. Pursuant to subsection 1296(2), written notice of a decision by a Panel to refuse to exercise the Board's powers under section 1292 must be given to the practitioner concerned. A copy of any such 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 the Board's powers under section 1292 or has decided that it is not required to make an order under subsection 1292(7) (see subparagraph 1274(2)(a)(iii)).

Where the Panel has decided to exercise any of the Board's powers under section 1292 or has decided that it is required to make an order under subsection 1292(7), the Board is required pursuant to subsection 1296(1) to publish in the Commonwealth Gazette a notice setting out the decision. By arrangement with the Institute of Chartered Accountants in Australia, CPA Australia, National Institute of Accountants, Insolvency Practitioners Association of Australia 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.

In addition, if the Panel decides to exercise any of the Board's powers under section 1292, the Board may take such steps as it considers reasonable and appropriate to publicise that decision and the reasons for that decision. This will include the power to post the decision and the reasons on the Board's website.

## 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 section 1292 may be sought before the 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 concerned with a review of questions of law arising out of the proceedings before the Board.

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
Howard Insall SC	Chairperson	30 November 2013
Donald Magarey	Chairperson	30 November 2010
Patrick Burroughs	Accounting member	31 August 2010
Robert Ferguson	Accounting member	29 January 2013
George Georges	Accounting member	30 November 2013
Bruce Gleeson	Accounting member	29 January 2013
Philip Jefferson	Accounting member	5 October 2011
Jeffrey Knott	Accounting member	5 October 2011
Eric Passaris	Accounting member	29 January 2013
David Barnett	Business member	30 November 2013
Tom Bostock	Business member	30 November 2013
Geoff Brayshaw AM	Business member	30 November 2013
John Keeves	Business member	30 November 2013
Professor Ian Ramsay	Business member	30 November 2013

### Howard Insall SC

Howard Insall is a barrister practising at the New South Wales bar. He was called to the bar in 1981 and was appointed senior counsel in 2001. He practises in the field of commercial/equity with particular emphasis on corporations and insolvency law. He has appeared in a number of major cases involving significant corporate collapses and the duties of directors and auditors, and is an author of the Winding Up chapter in the Butterworths Corporations Service.

### Donald Magarey

Donald Magarey is a solicitor and was formerly a partner of Blake Dawson for 36 years specialising in corporate law and commercial transactions. Donald has previously been chairperson 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 chairperson of the Social Security Appeals Tribunal.

### 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.

### **Robert Ferguson**

Robert is a Chartered Accountant, Official Liquidator and Registered Trustee in Bankruptcy, specialising in insolvency practice. Robert's experience includes being an insolvency partner with both PricewaterhouseCoopers and Deloitte for 18 years after which he established his own specialist firm. Robert has more than 30 years experience in insolvency practice, is a member of the Insolvency Practitioners Association of Australia and former State Chair and National Board member of that organisation.

### **George Georges**

George Georges is a partner of Ferrier Hodgson in Melbourne. George has over 20 years experience specialising in corporate recovery assignments. He is a Chartered Accountant, a member of the Institute of Public Accountants (IPA) and the Insolvency Practitioners Association of Australia (IPAA) as well as being a Fellow of FINSIA.

### **Bruce Gleeson**

Bruce Gleeson is a principal at Jones Partners Chartered Accountants, a specialist insolvency and business recovery firm. He is a Chartered Accountant, a member of CPA Australia and the Insolvency Practitioners Association of Australia (IPAA). Bruce has in excess of 15 years corporate and personal insolvency experience and is an Official Liquidator and a Registered Trustee in Bankruptcy. He is also currently on the NSW State Council of the Institute of Chartered Accountants (being the Chair in 2010), as well as being the 2010 Junior Vice President of the Western Sydney Business Connection. Bruce has also held roles in commerce (with James Hardie and AMP) to broaden his experience.

### **Philip Jefferson**

Philip Jefferson is a Chartered Accountant and Official Liquidator who has been practising as an insolvency practitioner for over 30 years. He is a former partner of PricewaterhouseCoopers, and of Horwath. He currently is a consultant to Vantage Performance, a specialist turnaround firm. He has extensive experience involving both corporate and personal insolvency and reconstruction. He is a committee member of the Queensland branch of the IPAA. He is also a member of the ICAA Advisory Group.

### **Jeffrey Knott**

Jeffrey Knott was formerly an Assurance Services Partner of Deloitte. Jeffrey has been a partner in Chartered Accounting practices for the past 25 years, specialising in audit but also involved in tax and accounting issues. Jeffrey's audit assignments have included public and private companies operating in manufacturing, retail, media and service related industries. Several of those companies have had overseas reporting obligations, particularly in Europe and the US and included reporting under Sarbanes Oxley. He also has had significant experience in the audits of NGO's both in Australia and overseas. Jeffrey is a former member of the Australian Auditing and Assurance Standards Board and a former member of the Australian Urgent Issues



Group, which was part of the Australian Accounting Standards Board. He was formerly the Chair of CPA Australia Financial Reporting and Governance Centre of Excellence.

### **Eric Passaris**

Eric Passaris is a partner with BDO in Melbourne and has specialised in audit and assurance services for 25 years. Eric is a registered company auditor and a member of ICAA and CPA Australia. He has been a member of CPA Australia's Disciplinary Committee for over 10 years and is called upon to provide expert evidence in auditor/accountant professional negligence cases for legal proceedings, commercial disputes, insurance claims and disciplinary proceedings.

### **David Barnett**

David Barnett is the General Manager, Listings, ASX Compliance with ASX Limited. The Listing's unit plays a key role in monitoring and enforcing compliance with ASX Listing Rules and with ASX Operating Rules. He has been with ASX for 16 years, and has been a senior liaison point for ASX on many of Australia's most significant transactions for listed entities and IPO's. He has a Bachelor of Commerce (Accounting) and is a member of CPA Australia.

### **Tom Bostock**

Tom Bostock was a partner of Mallesons Stephen Jaques from 1970 until 2004, and from 2005 until 2010 a special counsel to Gadens Lawyers, specialising in corporate law. He is a Fellow of the Australian Institute of Company Directors and is a member of that Institute's Law Committee. He was also chairperson, and remains a member, of the Corporate Law Committee of the Law Institute of Victoria and was a member of the Legal Committee of the Companies and Securities Advisory Committee.

### **Geoff Brayshaw**

Geoff Brayshaw is a Chartered Accountant and company director. He has spent 35 years in the accounting profession and was a former audit partner and managing partner of the Perth practice of BDO, retiring from public practice in 2005. He now has a number of directorship roles including non-executive director and Chairperson of the audit committee of each of Fortescue Metals Group Limited, Poseidon Nickel Limited and Avea Insurance Limited, and a former board member of the Small Business Development Corporation in Western Australia. He was formerly Chairperson of Gumala Investments Pty Ltd, an aboriginal corporation trustee company. He was National President of the Institute of Chartered Accountants in Australia for 2002 and was made a Member of the Order of Australia in 2007.

### **John Keeves**

John Keeves is a partner and Head of Transactional and Advisory Practice Group at the law firm Johnson Winter & Slattery, which has offices in Sydney, Melbourne, Brisbane, Adelaide and Perth, specialising in mergers and acquisitions, corporate and securities law and corporate governance. He is a member of the Takeovers Panel, a

past chairperson 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 former Director and Life Member 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, Banking and Financial Services Law Association, AVCAL and AMPLA.

### 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 National Law Committee of the Australian Institute of Company Directors, the Corporations Committee of the Law Council of Australia and the Corporations and Markets Advisory Committee. He was head of the Federal Government inquiry on auditor independence, a member of the International Federation of Accountants taskforce on rebuilding confidence in financial reporting and a member of the Audit Quality Review Board. He has practised law with firms in New York and Sydney.

## Financial statements

The Board is allocated funding by the Federal Government 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:

	2010/11	2009/10
	\$	\$
Administrative expenses	173,937	173,417
Travel and accommodation including allowances	16,204	29,816
Salaries and members’ fees	293,353	442,243
<b>Total:</b>	<b>483,494</b>	<b>645,476</b>

The location and number of the Board’s hearings resulted in a further reduction in the Board’s expenses in relation to travel and accommodation during the current year. The decrease in salaries and members’ fees is a result of a significant reduction in the number of hearing days and a decrease in hearing days for matters being dealt with by the Board during the reporting 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 1/7/10	-	-
New applications	2	-
Uncompleted matters at 30/6/11	2	-

#### Liquidators

	Conduct	Administrative
Uncompleted matters at 1/7/10	-	-
New applications	-	1
Uncompleted matters at 30/6/11 <sup>1</sup>	-	1

<sup>1</sup> Matter completed July 2011

### Hearing days during the report year

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 decisions and orders. In respect of each application that goes to a contested hearing, the Chairperson 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 Chairperson is responsible for conducting pre-hearing conferences relating to all matters before the Board and is also involved in the general affairs of the Board. 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 actual hearing days.

Activity	Auditors 2011	Auditors 2010	Liquidators 2011	Liquidators 2010
Hearing days	0 man days	0 man days	3 man days	9 man days

## Results by nature of sanction

Results of application	06/07	07/08	08/09	09/10	10/11
Registration cancelled	4	1	6	1	-
Registration suspended	2	1	2	2	-
Admonition	-	-	-	-	-
Reprimand	4	-	-	-	-
Undertakings required to be given	5	-	2	2	-
Dismissed	-	-	1	-	-
Withdrawn by ASIC	10	-	8	-	-

### 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

There were no reviews in progress during the year ended 30 June 2011.

## Other reviews

There were no reviews in progress at 30 June 2011.

## FOI and section 13 AD(JR) Act requests

The Board did not receive any applications for information under the *Freedom of Information Act 1982* or any requests for reasons pursuant to section 13 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  
GPO Box 3731  
SYDNEY NSW 2001  
Phone (02) 9911 2970  
Facsimile (02) 9911 2975  
Email: [gary.hoare@caldb.gov.au](mailto:gary.hoare@caldb.gov.au)  
Website: [www.caldb.gov.au](http://www.caldb.gov.au)

## **Decisions Gazetted year ended 30 June 2011**

No decisions were gazetted during the year ended 30 June 2011



Companies Auditors and  
Liquidators Disciplinary Board

**Annual Report**

For the year ended **30 June 2011**