



Application for consent from ASIC for resignation or removal of auditor for corporate collective investment vehicle

Form 5232
Corporations Act 2001
331AC(1), 331AC(2), 331AC(7)
s1232R(2)

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

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

Application for consent

Tick one box

This is an application for consent for:

- Removal of CCIV auditor by corporate director
 Resignation of CCIV auditor by the auditor

Lodgement details

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

Name

ASIC registered agent number (if applicable)

Company/entity name

ACN/ABN/ARBN

Telephone number

Postal address

Email address (optional)

1 CCIV details

Name of CCIV

ACN

Name of corporate director

ACN/ABN

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

Office, unit, level

Street number and Street name

Suburb/City

State/Territory

Postcode

2 Auditor details

Name of auditor

ASIC registered company auditor number (for individual auditor or authorised audit company)

Family name

Given name/s

OR

Authorised audit company name

ACN/ABN

OR

Firm name

ABN

Address

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

Office, unit, level.

Street number and Street name

Suburb/City

State/Territory

Postcode

Country (if not Australia)

3 Statement by corporate director

See Guide for instructions to complete

You must declare that the following statements are true for the corporate director after making proper enquiries.

You must be authorised to sign on behalf of the corporate director.

Declaration

The corporate director applies for ASIC's consent to remove the auditor of the above named CCIV (**strike-out this sentence if the auditor is seeking to resign**).

The corporate director declares that other than stated in an annexure to this application:

- there are no disagreements with the auditor (as defined in RG 26).
- there are no circumstances or matters connected with the auditor ceasing to hold office which should be brought to ASIC's attention.
- there are no reasons that give rise to an inability to complete any audit under the Corporations Act 2001, or the National Consumer Credit Protection Regulations 2010 (if applicable).
- for a removal, the corporate director has notified the auditor in writing of its intention to seek ASIC consent to remove them as the CCIV auditor.
- confirmation in writing from the proposed replacement auditor stating that they are prepared to accept the appointment subject to ASIC's approval to the resignation/removal and, if the change is close to the reporting deadline, they have the ability to conduct an effective audit before the reporting deadline has been obtained and is attached as an annexure to this application.
- a signed copy of a resolution made by the directors of the corporate director appointing a replacement auditor to the CCIV, subject to ASIC's approval of the current auditor's resignation/removal has been prepared and is attached as an annexure to this application.

Reasons for the removal

Tick one box only

(Do not complete the reasons for removal if the application is from the auditor seeking to resign)

The reasons for applying for consent to remove the auditor are set out:

 below in an annexure marked (indicate identifying letter or symbol used to mark annexure)

I acknowledge that if ASIC consents to the resignation or removal as CCIV auditor, the consent will only take effect when the disclosures outlined in RG 26 are made by the corporate director.

Signature

This form must be signed by a director or secretary of the corporate director of the CCIV.

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

Name of person signing

Capacity

- Director of the corporate director
 Secretary of the corporate director

Signature

Date signed

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

4 Statement by auditor

See Guide for instructions to complete

Declaration

You must declare that the following statements are true for the auditor after making proper enquiries.

You must be authorised to sign on behalf of the audit firm or authorised audit company.

I apply for ASIC's consent to resign as auditor of the above named CCIV (**strike-out this sentence if the auditor is being removed**).

I declare that other than stated in an annexure to this application:

- all matters that require reporting by me to ASIC under all relevant legislative requirements (ie section 311 under the Corporations Act 2001) have been reported to ASIC at the date of this application and any further such matters which come to my attention before resignation will be reported to ASIC.
- there are no disagreements with the management or directors of the corporate director (as defined in RG 26).
- there is no evidence of opinion shopping (as defined in RG 26).
- there are no circumstances or matters connected with my ceasing to hold office which should be brought to ASIC's attention.
- there are no reasons that give rise to an inability to complete any audit under the Corporations Act 2001, or the National Consumer Credit Regulations 2010 (if applicable).
- for a resignation, the directors of the corporate director have been notified in writing about this application to seek ASIC consent to resign as the CCIV auditor.

I have annexed exceptions to the above statements to this form (tick applicable box below):

Yes No

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

Yes No

Reasons for and timing of resignation

Tick one box only

(Do not complete reasons for and timing of resignation if the application is from the corporate director to remove the auditor)

The reasons for applying for consent to resign as auditor are set out:

below

in an annexure marked (indicate identifying letter or symbol used to mark annexure)

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

Signature

to be signed by:

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

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

Name of person signing

Capacity

Auditor

Authorised audit company director

Signature

Date signed

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

Lodgement

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

For more information

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

Guide: Application for consent from ASIC for resignation or removal of auditor for corporate collective investment vehicle

Form 5232
Corporations Act 2001
331AC(1), 331AC(2), 331AC(7)
s1232R(2)

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 5232.

Completion of form	<p>This form can only be used to apply for consent to resign or remove an auditor of a retail collective corporate investment vehicle.</p> <p>For an auditor removal:</p> <ul style="list-style-type: none">a) the application is to be completed and lodged by the corporate director; andb) the auditor is to sign the declaration in the Statement by auditor. <p>For an auditor resignation:</p> <ul style="list-style-type: none">a) the application is to be completed and lodged by the auditor; andb) the director or secretary of the corporate director is to sign the declaration in the Statement by corporate director.
Lodgement period	<p>Removal - Within 14 days after the resolution made to remove the auditor.</p> <p>Resignation - Application should be lodged at least 3 weeks prior to the proposed timing of the auditor's resignation</p>
Lodgement fee	<p>A lodgement fee applies to this form.</p> <p>For information on fees refer to www.asic.gov.au/forms.</p>
Timing of resignation or removal	<p>Do not proceed on the assumption that ASIC's consent will be automatically granted. If ASIC does not grant its consent to the resignation or removal, the appointed auditor will continue to hold office as the CCIV's auditor.</p> <p>The resignation or removal will only take effect on the day, following ASIC's consent, when the following disclosure requirements are made by the corporate director, for a CCIV:</p> <ul style="list-style-type: none">• if the CCIV is a disclosing entity, the corporate director must give a continuous disclosure notice, that would not deal with other matters, to ASIC and any relevant market operator for the CCIV (RG 26); and• if the CCIV is not a disclosing entity, the corporate director must give notice to the CCIV's members (RG 26): <p>Within 14 days after the removal or resignation of the CCIV auditor, the corporate director is required by s331AC(7) to lodge a Form 5233 <i>Notification of resignation, removal or cessation of auditor of a CCIV</i>.</p> <p>For an auditor that is an auditor of the CCIV's compliance plan, the auditor should apply for consent to resign using Form 5213 <i>Application for consent from ASIC to resign as compliance plan auditor of a CCIV</i>.</p>
Other forms to be completed	Nil
Signature	<p>This form must be signed by a director or secretary of the corporate director of the CCIV on page 3, and by the outgoing auditor of the CCIV on page 4.</p> <p>The signatory for an auditor must be:</p> <ul style="list-style-type: none">• an individual auditor; or• by an ASIC registered company auditor of the firm if the auditor is a firm; or• by a current director in the case of an authorised audit company.
Further guidance	<p>ASIC Regulatory Guide 26 <i>Resignation, removal and replacement of auditors</i> (RG 26) sets out full details of when ASIC will grant an application for consent to resign or be removed as auditor (see www.asic.gov.au/rg).</p>

How to provide additional information**Annexures**

If there is insufficient space in any section of the form, you may submit annexures as part of this lodgement.

To make any annexure conform to the regulations, you must

1. use A4 size paper of white or light pastel colour with a margin of at least 10mm on all sides
2. show the CCIV name, ARFN and APFRN (if applicable)
3. number the pages consecutively
4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied
5. mark the annexure with an identifying letter or symbol eg a,b,c or 1,2,3 etc.
6. endorse the annexure with the words:
This annexure (mark) of (number) pages referred to in form (form number and title)
7. sign and date the annexure

The annexure must be signed by the same person(s) who signed the form.

Privacy

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

Lodgement

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

For more information

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