



# Application for consent from ASIC for resignation or removal of scheme auditor

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 scheme auditor by responsible entity  
 Resignation of scheme 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/ARSN

Telephone number

Postal address

Email address (optional)

## 1 Scheme details

Name of registered scheme

ARSN

Australian Passport Fund Registration Number (if applicable)

Name of responsible entity

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 responsible entity

See Guide for instructions to complete

#### Declaration

You must declare that the following statements are true for the responsible entity after making proper enquiries.  
You must be authorised to sign on behalf of the responsible entity.

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

The responsible entity declares that other than as set out in this application, including any annexures:

- there are no disagreements with the auditor (as defined in Regulatory Guide 26 Resignation, removal and replacement of auditors (RG 26)).
- there are no circumstances or matters connected with the auditor ceasing to hold office which should be brought to ASIC's attention.
- confirmation in writing from the proposed incoming auditor has been obtained (attached as an annexure to this application) and 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.
- a signed copy of a resolution made by the directors of the responsible entity appointing a replacement auditor to the scheme, 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 removal as scheme auditor, the consent will only take effect when the disclosures outlined in RG 26 are made by the responsible entity.**

#### Signature

Director or secretary of responsible entity to sign.

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
- Secretary

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 scheme (**strike-out this sentence if the auditor is being removed**).

I declare that other than set out in this application, including any annexures:

- 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 at the date of this application and I will report any further such matters which come to my attention before my resignation becomes effective.
- there are no disagreements with the management or directors of the responsible entity (as defined in RG 26).
- there is no evidence of opinion shopping by the responsible entity (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 relevant legislation and standards, including any specific legislative requirements.
- for a resignation, the directors of the responsible entity have been notified in writing about this application to seek ASIC consent to resign as the scheme 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 responsible entity 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](http://www.asic.gov.au)  
Need help? [www.asic.gov.au/question](http://www.asic.gov.au/question)  
Telephone 1300 300 630

# Guide: Application for consent from ASIC for resignation or removal of scheme auditor

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 5132.

<b>Completion of form</b>	<p>For an auditor removal:</p> <ul style="list-style-type: none"><li>a) the application is to be completed and lodged by the responsible entity; and</li><li>b) the auditor is to sign the declaration in the Statement by auditor.</li></ul> <p>For an auditor resignation:</p> <ul style="list-style-type: none"><li>a) the application is to be completed and lodged by the auditor; and</li><li>b) the director or secretary of the responsible entity is to sign the declaration in the Statement by responsible entity.</li></ul>
<b>Signature</b>	<p>The signatory for the responsible entity must be a director or secretary of the responsible entity. The signatory for an auditor must be:</p> <ul style="list-style-type: none"><li>• an individual auditor; or</li><li>• by an ASIC registered company auditor of the firm if the auditor is a firm; or</li><li>• by a current director in the case of an authorised audit company.</li></ul>
<b>Lodgement period</b>	<p>Removal - As soon as practicable after resolution made to remove the auditor. Resignation - Application should be lodged at least 4 weeks prior to the proposed timing of the auditor's resignation</p>
<b>Lodgement fee</b>	<p>A lodgement fee applies to this form.</p> <p>For information on fees refer to <a href="http://www.asic.gov.au/forms">www.asic.gov.au/forms</a>.</p>
<b>Other forms to be completed</b>	Nil

<p><b>Timing of resignation or removal</b></p>	<p>ASIC's consent to an auditor's resignation or removal cannot be back-dated. ASIC will notify the auditor and responsible entity in writing, whether or not consent to the resignation has been granted. ASIC will notify the responsible entity in writing whether or not the consent to the removal has been granted.</p> <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 registered scheme's auditor.</p> <p>When ASIC consents to a resignation of an auditor of a registered scheme, our consent will take effect on the later of:</p> <ul style="list-style-type: none"> <li>• the day of our consent; or</li> <li>• the day (if any) specified in the notice of resignation given by the auditor to the scheme; or</li> <li>• a day that we specify (if any).</li> </ul> <p>If the registered scheme is a disclosing entity, then depending on the circumstances, the responsible entity may be required to lodge a continuous disclosure notice of the resignation with ASIC or the relevant market operator for the scheme (RG 26); or</p> <p>If the registered scheme is <u>not</u> a disclosing entity, or that is a disclosing entity that does not need to lodge a continuous disclosure notice, ASIC considers it best practice to disclose the details of the resignation, at or around the date when the resignation takes effect, by public notice displayed prominently on the responsible entity's website where the notice can reasonably be readily located and accessed by members (RG 26).</p> <p>When we consent to the removal of an auditor of a registered scheme, our consent will take effect when all the conditions of ASIC's consent have been met. This will generally involve disclosure, to the relevant market operator or to members of the scheme by a public notice displayed prominently on the responsible entity's website where the notice can reasonably be readily located and accessed by members.</p> <p>The resignation or removal notice generally contains the following:</p> <ul style="list-style-type: none"> <li>• details of the outgoing auditor;</li> <li>• details of the proposed incoming auditor; and</li> <li>• the reason for the change in auditor.</li> </ul> <p>Within 14 days after the removal or resignation of the scheme auditor, the responsible entity is required by s331AC(7) to lodge a Form 5133 <i>Notification of resignation, removal or cessation of a registered scheme auditor</i>.</p> <p>For an auditor that is an auditor of the scheme's compliance plan, the auditor should apply for consent to resign using Form 5113 <i>Application for consent from ASIC to resign as compliance plan auditor</i>.</p> <p>For an auditor that is an auditor of the scheme's compliance plan, the responsible entity should apply for consent to remove using Form 5112 <i>Application for consent from ASIC to remove compliance plan auditor</i>.</p>		
<p><b>Further guidance</b></p>	<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 <a href="http://www.asic.gov.au/rg">www.asic.gov.au/rg</a>).</p>		
<p><b>How to provide additional information</b></p>	<p><b>Annexures</b></p> <p>If there is insufficient space in any section of the form, you may submit annexures as part of this lodgement.</p> <p>To make any annexure conform to the regulations, you must</p> <ol style="list-style-type: none"> <li>1. use A4 size paper of white or light pastel colour with a margin of at least 10mm on all sides</li> <li>2. show the scheme name, ARSN and APFRN (if applicable)</li> <li>3. number the pages consecutively</li> <li>4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied</li> <li>5. mark the annexure with an identifying letter or symbol eg a,b,c or 1,2,3 etc.</li> <li>6. endorse the annexure with the words: This annexure (mark) of (number) pages referred to in form (form number and title)</li> <li>7. sign and date the annexure</li> </ol> <p>The annexure must be signed by the same person(s) who signed the form.</p>		
<p><b>Privacy</b></p>	<p>The information provided to ASIC in this form may include personal information. Please refer to our privacy policy (<a href="http://www.asic.gov.au/privacy">www.asic.gov.au/privacy</a>) 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.</p>		
<p><b>Lodgement</b></p>	<table border="0"> <tr> <td data-bbox="454 1814 1021 1944"> <p>Send completed and signed forms to: Australian Securities and Investments Commission, PO Box 4000, Gippsland Mail Centre VIC 3841.</p> </td> <td data-bbox="1021 1814 1544 1944"> <p><b>For more information</b></p> <p>Web <a href="http://www.asic.gov.au">www.asic.gov.au</a> Need help? <a href="http://www.asic.gov.au/question">www.asic.gov.au/question</a> Telephone 1300 300 630</p> </td> </tr> </table>	<p>Send completed and signed forms to: Australian Securities and Investments Commission, PO Box 4000, Gippsland Mail Centre VIC 3841.</p>	<p><b>For more information</b></p> <p>Web <a href="http://www.asic.gov.au">www.asic.gov.au</a> Need help? <a href="http://www.asic.gov.au/question">www.asic.gov.au/question</a> Telephone 1300 300 630</p>
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