

# Application for consent from ASIC to remove compliance plan auditor of a corporate collective investment vehicle

Use this form to apply for consent to remove a compliance plan 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.**

## Lodgement details

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

Name

ASIC registered agent number (if applicable)

Company/entity name

ACN/ABN/ARBN

Telephone number

Postal address

Email address (optional)

## 1 CCIV details

Name of CCIV

ACN

Name of corporate director

ACN/ABN

AFS licence number

**Registered office address**

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

Office, unit, level

Street number and Street name

Suburb/City

State/Territory

Postcode

## 2 Auditor details

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

## 3 Statement by corporate director

Declaration

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.

The corporate director applies for ASIC's consent to remove the auditor of the above named CCIV's compliance plan and declares that other than as stated in an annexure to this application:

- there are no disagreements with the auditor and the management or directors of the corporate director (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 National Consumer Credit Protection Regulations 2010 (if applicable).
- the corporate director has notified the auditor in writing of its intention to seek ASIC consent to remove the compliance plan auditor.

Reasons for the application

Tick one box only

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)

## 4 Additional information

I attach the following information in annexure marked  of  pages.

- confirmation in writing from the proposed replacement auditor stating that they are prepared to accept the appointment subject to ASIC's consent to the 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 statement in writing from the outgoing auditor that:
  - all matters that require reporting by the auditor to ASIC under all relevant legislative requirements (ie subsections 1226H(1), 1226H(2) or 1226H(3) of the Corporations Act 2001) have been reported to ASIC at the date of this application and any further such matters which come to their attention before the auditor's removal will be reported to ASIC.
  - there are no disagreements between the auditor and 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 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 National Consumer Credit Protection Regulations 2010 (if applicable).
- a signed copy of a resolution made by the directors of the corporate director appointing a replacement auditor to the compliance plan, subject to ASIC's approval of the current auditor's removal.

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

### Signature

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

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

Name of person signing

Capacity

- Director of the corporate director  
 Secretary of the corporate 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 to remove compliance plan auditor of a corporate collective investment vehicle

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 5212.

<b>Use of this form</b>	This is a prescribed form.
<b>Signature</b>	This form must be signed by director or secretary of the corporate director.
<b>Lodgement period</b>	As soon as practicable after resolution made to remove the auditor
<b>Lodgement fee</b>	A lodgement fee applies to this form.  For information on fees refer to <a href="http://www.asic.gov.au/forms">www.asic.gov.au/forms</a> .
<b>Timing of removal</b>	<p>ASIC's consent to an auditor's removal cannot be back-dated. When ASIC consents to a removal, the removal will only take effect on the day, following ASIC's consent, when the following disclosure is made by the corporate director for the CCIV:</p> <ul style="list-style-type: none"> <li>• 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 scheme (RG 26); and</li> <li>• if the CCIV is <u>not</u> a disclosing entity, the corporate director must give notice to the CCIV's members (RG 26): <ul style="list-style-type: none"> <li>• by a public notice displayed prominently on the corporate director's website where the notice can reasonably be readily located and accessed by members of the CCIV;</li> <li>• by email; or</li> <li>• in writing.</li> </ul> </li> </ul> <p>In both instances, the notice must contain:</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>Do not proceed on the assumption that ASIC's consent will be automatically granted. If ASIC does not grant its consent to the removal, the appointed auditor will continue to hold office as the CCIV's compliance plan auditor.</p> <p>Within 7 days after the removal of the compliance plan auditor, the corporate director is required by s1226K to lodge a Form 5214 <i>Notification of request by corporate director to change compliance plan auditor</i>.</p> <p>For an auditor that is an auditor of the CCIV's financial report, the corporate director should apply for consent to remove using Form 5232 <i>Application for consent from ASIC for resignation or removal of auditor for corporate collective investment vehicle</i></p>
<b>Eligibility to act as auditor of CCIV compliance plan</b>	<p>Under s1226F(3), a person is not eligible to act as the individual auditor, lead auditor or review auditor of a CCIV's compliance plan if the person is:</p> <ul style="list-style-type: none"> <li>(a) the corporate director; or</li> <li>(b) an associate of the corporate director; or</li> <li>(c) a person who holds money or property of the CCIV; or</li> <li>(d) an associate of a person covered by paragraph (c); or</li> <li>(e) the auditor of the corporate director's financial statements.</li> </ul>
<b>Further guidance</b>	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 be removed as an auditor (see <a href="http://www.asic.gov.au/rg">www.asic.gov.au/rg</a> ).

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**How to provide additional information****Annexures**

If there is insufficient space in any section of the form, you may alternately submit annexures as part of this lodgement. To make any annexure conform to the regulations, you must

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 and ACN
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.

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**Privacy**

The information provided to ASIC in this form may include personal information. Please refer to our privacy policy ([www.asic.gov.au/privacy](http://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.

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**Lodgement**

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