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# SMSF Auditors Professional Association Stakeholder Group

Access information from meetings of the SMSF Auditors Professional Association Stakeholder Group.

## **SMSF Auditors Professional Association Stakeholder Group key messages 10 December 2024**



Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 10 December 2024.

## **SMSF Auditors Professional Association Stakeholder Group key messages 2 July 2024**



Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 2 July 2024.

## **SMSF Auditors Professional Association Stakeholder Group key messages 4 December 2023**



Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 4 December 2023.

## **SMSF Auditors Professional Association Stakeholder Group key messages 24 July**

**2023**

Key messages discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 24 July 2023.

**SMSF Auditors Professional Association  
Stakeholder Group key messages 5  
December 2022**



Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 5 December 2022.

**SMSF Auditors Professional Association  
Stakeholder Group key messages 11  
August 2022**



Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 11 August 2022.

**SMSF Auditors Professional Association  
Stakeholder Group key messages 15 June  
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Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 15 June 2022.

QC 55829

**SMSF Auditors Professional  
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Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 10 December 2024.

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## Welcome and introductions

Alister Boyes, the new co-chair for the group opened the meeting with an Acknowledgement of Country.

No conflicts of interest were declared and members were advised the key messages from the July 2024 meeting have been distributed and published.

## Action item updates

*Action Item 01.04122023 – Auditor Approach to Non-Arm's Length General Expenses*

ATO consultation is underway on draft guidance to clarify how **non-arm's length expenditure (NALE)** and **super contributions** impact self-managed super funds (SMSFs) and small Australian Prudential Regulation Authority regulated funds. Public consultation on **Law Companion Ruling LCR 2021/2DC Non-arm's length income - expenditure incurred under a non-arm's length arrangement** and **Draft Taxation Ruling TR 2010/1DC2 Income tax: superannuation contributions** closes on 24 January 2025.

As the consultation period is still open, we are currently limited in the information and guidance that can be provided to SMSF auditors.

In response to feedback from this group, the ATO is proposing additional website content to provide guidance to SMSF approved auditors on minimum audit checks when considering NALE. This draft content will be distributed to members post-meeting. Feedback on the content is welcomed and should be provided by 31 January 2025.

*Action Item 04.04122023: Web content on section 82 of the SIS Act*

The ATO is undertaking a major web content review. Part of this review will be to examine the SMSF auditor content and in-house asset content.

Member feedback provided in the July 2024 meeting in relation to section 82 of the *Superannuation Industry (Supervision) Act 1993* has been considered in the drafting of web content.

*Action Item 01.02072024 – Auditor Contravention Report reporting expectations in relation to market valuations and custodian reports*

This action item was created following feedback by members at the July 2024 meeting in relation to Part A and Part B reporting in the independent auditors report (IAR) with specific reference to market valuations and custodian reports. We recognise and have considered feedback on the challenges of gathering appropriate evidence in this situation.

The following proposal was made to the group to address the issue.

It is proposed to include a mechanism in the auditor contravention report (ACR) instructions that allows auditors to use their professional judgment to determine if an ACR is required when they modify the IAR in relation to the market value of assets held by service organisations.

To achieve this, it is proposed to add the paragraphs below under the Professional Judgment section in the ACR reporting criteria.

A specific scenario where you may use your professional judgment in deciding whether to lodge an ACR is in relation to market value [Regulation 8.02B of the Super Industry (Supervision) Regulations 1994] contraventions for assets held by service organisations. ASA 402 is relevant in determining the audit procedures required for this type of asset.

If after performing the audit procedures you conclude that the risk of a Regulation 8.02B contravention is low, however you are unable to obtain sufficient appropriate audit evidence in accordance with

ASA 402, you may use your professional judgment to determine if an ACR is required.

The risk may be considered low if the modification of Part B of the IAR is solely by virtue of a modification of Part A, due to the inability to obtain sufficient appropriate audit evidence over the rights and obligations assertion of investments managed by a service organisation, leading to the inability to ensure the assets have been reported at market value.

If you have qualified Part B of the IAR for a Regulation 8.02B contravention that otherwise meets the reporting criteria and do not lodge an ACR, your audit file should clearly explain the procedures performed and evidence relied on to conclude the risk of a contravention is low.

A member asked a question on the type of documentation that the ATO would expect to see in an audit file to support the professional judgment of an auditor to not lodge an ACR. We advised that the auditor would need to follow the guidance in ASA 402 in relation to the audit procedures performed and the evidence gathered. The tests performed and evidence gathered may vary depending on the type of investment and records kept by the SMSF.

Feedback from members is welcomed on this proposal. The ATO is preparing to update the ACR instructions in the first half of 2025.

## **Compliance and engagement program**

The ATO tabled its SMSF auditor compliance and engagement report for the period 1 July 2024 to 30 November 2024. The report identified:

- A record number of auditors referred to the Australian Securities and Investments Commission (ASIC) in the 2023–24 financial year and a similar trend identified during the 2024–25 financial year.
- A notable rate of voluntary registration cancellations by auditors after the commencement of ATO compliance action.
- In-house audit reviews continue to be a major focus of compliance work.
- The effectiveness of the market valuation program in changing trustee behaviour. Follow up auditor compliance action will commence in 2025.

The main issues identified from compliance cases includes:

- a failure of the auditor to check that trustee declarations have been signed and retained under section 104A
- lack of confirmation from the auditor that transactions are conducted at arm's length under section 109
- a failure of the auditor to obtain sufficient appropriate audit evidence or adequately document that the fund complied with the in-house asset rules under sections 82,83 and 84
- a failure of the auditor to adequately check whether the fund has any borrowings per section 67.

A new review product has been deployed for treating high volume auditors. The purpose is to engage with auditors who audit more than 1,000 funds per year. Field visits have been conducted in Melbourne, Sydney, and Perth.


Upcoming programs of work include:

- trustee disqualification reviews
- reciprocal audit reviews
- professional Indemnity Insurance and Continuous Professional Development reviews.

## ASIC

ASIC continues to action ATO referrals of SMSF auditors. 17 SMSF auditors have been referred to during the period 1 July 2024 to 30 November 2024.

[ASIC has suspended the registration of three high volume SMSF auditors connected to a SMSF administration provider](#)  for one year.

ASIC's professional registers have moved to the [ASIC Professional Registers Search](#) . These registers provide information about 'professionals' including liquidators, auditors, and licensees.

## Auditing and Assurance Standards Board

The Auditing and Assurance Standards Board (AUASB) is continuing work on its domestic and international agenda.

Domestically, this has focussed on Sustainability Assurance including the finalisation of Exposure Draft (ED) 02/24- Proposed Australian Standard on Sustainability Assurance ASSA 5010.

Internationally, the IAASB has issued ISSA 5,000 -International Standard on Sustainability Assurance. The AUASB will look to adopt this standard in Australia as a legislative instrument.

An internal review of all AUASB guidance statements is underway to consider relevance to users and to determine if current content is still fit for purpose. Stakeholder consultation will commence in the first quarter of 2025.

## **Member comments**

### **Market valuation**

A member asked a question relating to the challenges faced when an SMSF has an investment in an unlisted trust and there are delays in the SMSF receiving the unlisted trust's financial reports to determine market value. We noted there are multiple ways to establish the market value of assets and it's the trustee's responsibility to ensure they can demonstrate the assets are valued at market value.

A member asked a question relating to the reporting of regulation 8.02B contraventions in the ACR. Will the ATO be considering a risk-based approach and will there be consideration given to changing the reporting criteria for the financial threshold test in tables 1A and 1B of the ACR. We advised that the guidance on Type 2 reports has provided clarification in relation to certain aspects of regulation 8.02B. The ATO is observing shifts in behaviour with trustees increased diligence on gathering market value information and providing this to their auditor, negating the requirement to lodge an ACR. We are aware of suggested changes for the reporting criteria but there are no plans to change the reporting criteria for the financial threshold tests.

### **Crypto assets**

Will the ATO publish any guidance on crypto assets to support SMSF auditors? We advised that guidance on this asset class is on the ATO's future program of work.

### **Regulation 4.09A – Separation of assets**

A member asked about future ATO website guidance on Regulation 4.09A – Separation of assets. It is anticipated that ATO website guidance on Regulation 4.09A will be published during the first half of 2025.

## Other business

The group will be undergoing a membership refresh, and we will write to members and member organisations in relation to this refresh in early 2025.

QC 103807

# SMSF Auditors Professional Association Stakeholder Group key messages 2 July 2024

Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 2 July 2024.

**Last updated** 30 August 2024

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# Welcome

There were no conflicts declared for the meeting. Key messages from the December 2023 meeting were distributed to members and have been published on [ato.gov.au](https://ato.gov.au)

Marina Michaelides was welcomed as the new AuASB representative, replacing Matthew Zappulla. Members were advised that a new mailbox is being used for member engagement.

## Action item updates

### *Action Item 02.24072023 – Assets acquired from a related party*

The ATO has reviewed the **compliance audit guidance** current web content for auditors on conducting checks for whether a fund has made acquisitions from related parties and considers that the web content correctly reflects the appropriate expectations for auditors.

This action item is now closed.

### *Action Item 01.04122023 – Auditor Approach to Non-Arm's Length General Expenses*

The Treasury Laws Amendment (Support for Small Business and Charities and Other Measures) Bill 2023 has recently been passed in Parliament which allows certainty to progress this action item.

An out of session discussion with members will be scheduled to discuss options for possible guidance to be provided to auditors on non-arm's length expenditure (NALE) transactions (including issues of materiality, the application of section 109(1A) of the SISA and what are reasonable enquiries for an auditor to make).

The ATO noted that now law has passed, there are public guidance products being updated to help with guidance on NALE.

### *Action Item 02.04122023: Submissions for Independent Auditor Report (IAR)*

Following member feedback, changes to the **self-managed superannuation fund independent auditors report** and the accompanying guidance on [ato.gov.au](https://ato.gov.au) have been published.

It is expected that the updated IAR is used for audits completed on or after 1 July 2024.

The **updated IAR (docx, 682KB)** is available for reference and an article will be published in SMSF News to bring the update to the attention of all auditors.

A member asked whether the ATO saw auditors changing the approved form wording and therefore changing the meaning of the reports. The ATO confirmed that it has not observed this as a regular practice being adopted by auditors.


This action item is now closed.

*Action Item 03.04122023: SMSF annual return (SAR) reporting where the auditor is of the view that there is a material misstatement in the financial reports of the SMSF*

The issue of Type 2 reports provided by service organisations and how they need to be considered for Part A qualifications was addressed as an agenda item at the Auditors Stakeholder Group meeting in August 2021.

The agenda item related to requests for a change in Part A qualifications in the SAR where an auditor applies Auditing Standard ASA 402 (Auditing Consideration Relating to an Entity Using a Service Organisation) and finds that after obtaining an unqualified Type 2 report, along with an the annual investor statement, they are still of the opinion that they do not have sufficient appropriate audit evidence in relation to material balances and transactions in the fund.

The key messages from the meeting included the following response:

- Auditors may be able to avoid a Part A qualification where sufficient appropriate evidence is obtained in accordance with ASA 402 and [Guidance Statement GS009 Auditing Self-Managed Superannuation Funds \(PDF 1.25MB\)](#)  June 2020. It was therefore determined that the proposed change was not necessary.
- The ATO notes that the Joint Accounting Bodies (JAB) has subsequently issued guidance on 'Audit considerations relating to an SMSF using an investment management service organisation' in September 2023 to further assist SMSF auditors.
- The ATO considers that the previous response to this issue as well as the detailed guidance issued by the JAB appropriately addresses the expectations of auditors for when an audit qualification is required.

- Section A of the SAR requires a fund to report any audit qualifications and the ATO continues to maintain this expectation. In relation to this issue, the ATO has received feedback from members that some SMSF auditors may not be qualifying their audit reports in line with ATO expectations and as a result, may be leading to some funds incorrectly reporting to the ATO.
- The ATO will be undertaking broader communication to SMSF auditors and trustees on when Part A qualifications may be required for SMSFs using investment management service organisations.

Members raised questions in relation to Part A and Part B reporting with specific reference to market valuations and custodian reports. The ATO agreed to take this as an action item (01.02072024) to review reporting expectations before discussing further with members.

*Action Item 04.04122023: Web content on section 82 of the SIS Act*

Correspondence was sent to members on 7 February 2024 with the 2 main examples that have been raised with the ATO for clarification on how the in-house asset rules apply to the lease of a residential property by an SMSF to a related party:

1. The lease is ongoing and continues beyond the end of the financial year.
2. The lease is short term and ceases before the end of the financial year.

Feedback was sought from members asking if these scenarios provide the necessary clarification for how the legislation applies to the scenarios raised. Feedback confirmed the scenarios were appropriate but sought the following:

- a diagram, in the form of a timeline of the scenario leading into the treatment
- to provide guidance on how the section 82 obligations are resolved
- under scenario 2, would the ATO expect the auditor to lodge an auditor contravention report where a breach of section 82 from the prior year remains unrectified
- clearer articulation on whether an asset is only tested only at the end of the financial year to determine if it is an in-house asset.

The ATO will attempt to accommodate member feedback into the drafting of web content however, we note that guidance on rectification of SIS breaches is not usually provided in our web content.

Draft web content will be provided to members to allow more detailed feedback in the coming months.

## **ATO's compliance and engagement program**

The ATO tabled its SMSF auditor compliance and engagement report for the period December 2023 to May 2024. The report identified:

- a higher rate of referrals to Australian Securities and Investments Commission (ASIC) during the 23–2024 year in comparison to 22–2023
- a notable rate of registration cancellations by auditors post the commencement of ATO compliance action
- in-house audit reviews continue to be a major focus of compliance work
- during the period, compliance work was also undertaken to target auditors who have
  - been involved in reciprocal audit arrangements
  - have not undertaken any audits in the last 5 years
  - are at risk of not holding appropriate PII and/or
  - not completing completed the required CPD.

The main issues identified from compliance cases includes:

- inadequate evidence/testing of market valuations under regulation 8.02B
- insufficient testing of the existence, ownership, rights and obligations that the SMSF has for assets
- failure to check that trustee declarations have been signed and retained under section 104A
- lack of confirmation that transactions are conducted at arm's length under section 109

- a failure to adequately check whether the fund has any borrowings per section 67.

A new review product has been deployed for treating high volume auditors. The purpose is to engage with auditors who audit more than 1,000 funds per year.

## **ASIC**

ASIC investigations for SMSF auditors has resulted in 54 outcomes during the 23–2024 financial year.

There have been 14 disqualifications which are mainly related to audit quality issues and 25 cases resulting in auditors having conditions imposed on their registration. Of these, 15 are related to in-house audit breaches.

## **Auditing and Assurance Standards Board**

The Auditing and Assurance Standards Board (AUASB) continue work on the projects on fraud, ASA 240 and growing concern. Other projects in progress include the sustainability project, audit evidence, risk response and internal controls.

An internal review of guidance statements is underway to consider relevance and determine if content is current.

## **Member comments**

A member asked a question in relation to the application of the non-arm's length income (NALI) rules in a scenario which involves an SMSF entering into a limited recourse borrowing arrangement (LRBA) with a related party for a low rate of interest. In the scenario, the fund complies with the terms of the LRBA, purchasing the commercial property, and deriving rental income from that property before refinancing with a third-party lender on arm's length terms. The member asked whether the capital gain on the sale of the asset would be subject to NALI.

The ATO confirmed that example 4 in Law Companion Ruling LCR 2021/2 provides the relevant guidance on this issue.

In relation to any capital gain, paragraph 37 of LCR 2021/2 states – 'The non-arm's length expenditure incurred under the LRBA will also result in any capital gain that might arise from a subsequent CGT event happening in relation to the property (such as disposal of the property) being NALI. This will be the case regardless of whether the LRBA is subsequently refinanced on arm's length terms.'

## Other business

The SMSF Auditors Professional Association Stakeholder Group Charter 24–2025 has been reviewed for the new financial year and a draft has been provided for member feedback. We will collate any feedback and finalise the Charter in settling the meeting's key messages.

The ATO is introducing integrity declarations for all consultation stakeholder groups. Members will be provided with the integrity declaration which they need to sign to maintain their membership in the group.

QC 102974

## SMSF Auditors Professional Association Stakeholder Group key messages 4 December 2023

Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 4 December 2023.

**Published** 12 February 2024

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## Action items update

### *Action item 0107202 – SMSF Audits and use of service organisations*

- The Joint Accounting Bodies released a facts and questions (FAQ) document (audit considerations relating to a self-managed superannuation fund (SMSF) using an investment management service organisation).
- This item was included for member discussion and feedback.
- Members did not have any additional feedback to provide in relation to the FAQs. This action item will be closed but feedback can be provided if members became aware of any relevant auditor issues.
- A member asked how independent auditor's report (IAR) qualifications needed to be reported to the ATO. This was captured as a new action item.

<b>Action item – 03.04122023</b>	SMSF annual return (SAR) reporting where the auditor is of the view that there is a material misstatement in the financial reports of the SMSF.
<b>Due date</b>	March 2024
<b>Responsibility</b>	ATO
<b>Action item details</b>	ATO to provide information on its expectations for SAR reporting where an auditor has qualified/modified an audit report because of an SMSF holding an

	investment in a management service organisation.
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*Action item 02072023 – Technical issue – Treatment of pink diamonds*

- The ATO was asked if an SMSF investing in loose pink diamonds (naturally occurring, without any mounting/setting, though processed from a rough diamond) needs to meet the requirements of regulation 13.18AA of the Superannuation Industry (Supervision) Regulations 1994 (SISR).

The ATO responded no. Loose, natural pink diamonds are not subject to regulation 13.18AA of the SISR. In and of themselves, they do not fall within any of the paragraphs 62A(a) to (l) of the Superannuation Industry (Supervision) Act (SISA).

Even if loose, naturally-occurring pink diamonds are covered by paragraph 62A(m) of the SISA, since paragraph 62A(m) is not reflected in sub regulation 13.18AA(1) of the SISR, the requirements in that regulation will not apply.

The ATO is preparing a media article to outline the technical position.

Members suggested that the ATO consider whether the article could include reference to diamonds in general and other gemstones.

*Action Item 03072023 – Insurance under Regulation 13.18AA*

- The ATO was asked what the term 'insured' mean for the purposes of sub-regulation 13.18AA(5)(c) of the SISR?

'Insured' within sub-regulation 13.18AA(5) of the SISR refers to the state of having entered into a contract or undertaking in exchange for the protection of an asset from specified risks that could result in loss or damage to the asset.

The ordinary meaning of the term implies a standard of sufficiency of insurance, although the level of sufficiency is for the trustees to determine in line with the fund's risk appetite balanced with the need to protect the members' retirement income.

- The ATO was asked, in a situation where insufficient insurance is held by the SMSF for their assets, is this considered a breach of regulation 13.18AA of the SISR?

A SMSF that holds insufficient insurance over their assets could potentially be considered to be in breach of sub-regulation 13.18AA(5)



of the SISR.

Even if a SMSF is not considered to have breached sub-regulation 13.18AA(5), there may be other relevant provisions which may need to be considered for the SMSF (for example, sole purpose test under section 62 of the SISA which requires that an SMSF is to be maintained for the purposes of the provision of benefits to the members). *Action item 04072023 – Assets acquired from related parties*

The ATO is still scoping the issues associated with this action and will be carried forward to the next SMSF Auditors Professional Association stakeholder meeting.

## ATO

The ATO's Compliance and Engagement Program update for the period July 2023 to November 2023 included:

- A media announcement in August identified the highest rate of auditor referral to Australian Securities and Investments Commission (ASIC) in 5 years (41 auditors referred during 2022–23).
- The compliance program in 2023–24 has seen a similar rate of referral with 13 auditors having been referred to ASIC at the end of October.
- Fourteen auditors have chosen to voluntarily de-register following the commencement of ATO compliance activity.
- The review of auditors who are at risk of undertaking 'in house audits' continues to be focus of our compliance program. Twenty-one compliance cases have been completed this financial year resulting in 7 auditors being referred to ASIC.
- Compliance action to address known reciprocal audit arrangements is ongoing with referrals to occur for this work in early 2024.
- Other compliance work expected to commence early in 2024 includes engagement with auditors who have not conducted audits in the last 5 years.

## Auditor approach to non-arm's length general expenses

A member raised the issue of the pending legislative changes for non-arm's length expenditure (NALE) provisions and how this would impact upon the future evidentiary expectations of auditors.

In response, the ATO noted that:

- Practical Compliance Guideline PCG 2020/5 outlines that the ATO will not apply compliance resources to general non-arm's length expenses for income years 2019–2023 inclusive. There is no intention to further extend the PCG coverage.
- As any proposed legislative changes have not passed, the ATO is limited in any guidance information which can be provided to auditors at this stage.

<b>Action item – 01.04122023</b>	Auditor approach to non-arm's length general expenses
<b>Due date</b>	March 2024
<b>Responsibility</b>	ATO
<b>Action item details</b>	The ATO to continue to work with group members to explore options for assisting auditors in understanding their obligations under any legislative changes for non-arm's length general expenditure.

## ASIC


ASIC noted its outcomes in the first quarter of financial year 24.

Per [23-275 media release, ASIC announces action against 11 SMSF auditors](#) [↗](#), between 1 July 2023 and 30 September 2023, ASIC:

- disqualified 3 SMSF auditors
- imposed additional conditions on 5 SMSF auditors
- cancelled the registration of 3 SMSF auditors.

Since 1 October 2023, further decisions have been made in relation to 11 in-house audit referrals mentioned earlier by the ATO. Of those, 6 have been finalised with 5 having had conditions imposed on their

registrations and one which ASIC accepted their voluntary cancellation. These will be publicised in due course.

ASIC noted the Administrative Appeals Tribunal (AAT) delivered its decision to affirm the disqualification of an SMSF auditor, finding there is no doubt that the auditor was in breach of their independence requirements when they audited their spouse's SMSF for 6 income years, [AAT affirms ASIC decision to disqualify SMSF auditor for breaching independence requirements](#) .

Chartered Accountants Australia and New Zealand asked about ASIC's ability to provide information about their cases directly to the professional associations prior to the decision being made rather than waiting for the public outcome. ASIC explained that while this may be legally available to it per section 127(4)(d) of the ASIC Act, it is considered on a case-by-case basis considering the procedural fairness and confidentiality issues arising within each case.

## **Auditing and Assurance Standards Board**

The Auditing and Assurance Standards Board (AUASB) is continuing work on its Domestic and International agenda.

Domestically, this has focussed on Sustainability Assurance including the Exposure Draft (ED) ISSA 5000 submission to the IAASB, policy settings work with Treasury and analysis of the AASB ED's ASRS1 ASRS 2 which outline the climate reporting requirements and what this may mean from the assurance perspective in Australia.

The AUASB will decide at its meeting on Wednesday 6 December as to whether the Less Complex Entity Standard issued by the IAASB should be adopted in Australia.

Internationally the AUASB is focusing on:

- The revised ISA 240 Fraud Standard (as an exposure draft) and the IAASB Strategic workplan which are to be approved at the December 2023 meeting.
- The ISA 500 Audit Evidence project is in the initial stages of proposed changes from feedback on submissions with specific changes to definitions and requirements being proposed at the December meeting.

The International Federation of Accountants (IFAC) recently issued a small business sustainability checklist which may be useful for clients of this industry group.

## Independent auditors report

The ATO is considering updates to the independent auditor's report (IAR).

It is expected that the current reference to Auditing Standard ASQC 1:

- quality control for firms that perform audits and reviews of financial reports and other financial information, other assurance engagements and related services engagements

will be removed and updated with Auditing Standard ASQM 1:

- quality management for firms that perform audits or reviews of financial reports and other financial information, or other assurance or related services engagements.

<b>Action item – 02.04122023</b>	Submission for IAR
<b>Due date</b>	15 March 2024
<b>Responsibility</b>	Members
<b>Action item details</b>	Members are invited to provide feedback to the ATO on appropriate amendments to the current IAR by mid-March 2024.

## Market valuations

Recent analysis of 2022 lodgment data has identified a population of funds that have holdings in asset classes where they have not reported a change in the asset values for several years.

The ATO is considering how to address this observed behaviour and will engage with the group in future meetings.

## Other business

Media articles commenting on the application of section 82 of the SIS Act was discussed and that there would be value in the ATO considering web guidance on this matter.

<b>Action item – 04.04122023</b>	Web content on section 82 of the SIS Act
<b>Due date</b>	July 2024
<b>Responsibility</b>	ATO
<b>Action item details</b>	The ATO to develop web content on the application of section 82 of the SIS Act with particular reference to the lease of residential property by an SMSF to a related party.

A Member asked whether consideration could be given to amending the current ACR Reporting Criteria. In particular, the \$30,000 reporting threshold under test 7. The ATO advised that as part of the ACR criteria review in December 2022 analysis showed:

- the \$30k threshold was not creating an excessive amount of ACRs to be submitted under test 7 on its own
- a high percentage of ACRs being lodged because of test 7 were rated as ‘high risk’ by the ATO’s risk model
- the reported behaviour created visibility for what the ATO would term ‘risky’ behaviour that would not be known if not for that test.

The ATO considers it appropriate for the current test criteria to remain unchanged given we have seen a heightened state of risk around certain behaviours like illegal early access.

## Attendees

### Attendees list

Organisation	Attendee
ATO	Justin Micale (Co-chair), Superannuation and Employer

	Obligations
ATO	Paul Delahunty (Co-chair), Superannuation and Employer Obligations
ATO	Anna Kiriakopoulos, Superannuation and Employer Obligations
ATO	Cameron Millsom, Superannuation and Employer Obligations
ATO	Cameron Watson, Superannuation & Employer Obligations
ATO	Kellie Grant, Superannuation and Employer Obligations
ARC Super	Ashley Course
Argurion Accounting Group	Chris Craggs
ASF Audits	Shelley Banton
Australian Securities and Investments Commission	Craig Angove
Australian Securities and Investments Commission	Peter Ridgley
Auditing and Assurance Standards Board	Marina Michaelides
BDO	Shirley Schaefer
Chartered Accountants Australia and New Zealand	Tony Negline
CPA Australia	Richard Webb
Elite Super	Katrina Fletcher

Institute of Public Accountants	Irwin Bushnell
National Tax and Accountants Association	David Burrows
Reliance Auditing Services	Naz Randeria
SMSF Association	Tracey Scotchbrook
Super Sphere	Belinda Aisbett
Ten Hats Group	David Hall
The Auditors Institute	Ron Phipps-Ellis
The Tax Institute	Kym Bailey

## Apologies

### Apologies list

Organisation	Member
Auditing and Assurance Standards Board	Matthew Zappulla
BDO	Matina Moffitt

QC 101194

## SMSF Auditors Professional Association Stakeholder Group key messages 24 July 2023

Key messages discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 24

July 2023.

**Last updated** 7 September 2023

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## **Welcome**

There have been some recent changes to the group's membership.

We formally acknowledge Deanne Firth, Naomi Kewley, Richard Smith and Vimbai Mhlanga for their contribution and involvement as members of the SMSF Auditors Professional Association Stakeholder Group for a period of over 2 years.

Welcome to new member Chris Craggs.

## **Action item updates**

### **Guidance on Regulation 4.09A**

An out of session meeting was convened in February 2023 to discuss the draft web content which was presented to members at the December 2022 meeting. Valuable feedback was provided which allowed an updated draft to be progressed.



The updated draft has been provided with today's agenda for member information.

The ATO is working towards releasing an updated website later this year, with rewritten content for the SMSF trustees and professional in early 2024. Because of these changes, we are prioritising our content publishing process and there will be a temporary delay to publishing new content.

The updated content for this action item is expected to be available on [ato.gov.au](https://ato.gov.au) early in 2024.

## **SuperStream and contravention reporting for SMSFs**

Following member feedback from the December 2022 meeting we have:

- monitored SuperStream reporting rates and how auditors are currently completing ACRs
- reviewed our web content for the instructions we currently provide auditors
- considered how we are responding to ACRs where SuperStream contraventions are reported
- updated web content in May 2023 to help educate and guide trustees through the process to reduce possibility of contraventions occurring.

We found a reasonable rate of ACRs being lodged and auditors are providing SuperStream detail in the free text field in accordance with **SuperStream SMSF rollovers and auditor reporting obligations** web content which was updated in September 2022.

We have improved our approach to responding to SuperStream contraventions and are now sending tailored correspondence which identifies a SuperStream breach has been reported.

The ACR instructions will be updated to align with the auditor web content.

## **Draft charter**

A draft SMSF Auditors Professional Association Stakeholder Group charter was circulated within the group in June 2023 with feedback received. The charter has been reviewed and updated to maintain currency of member expectations.

There will continue to be rotations of members to provide opportunity for auditors and have continuity for industry engagement.

The charter will be finalised for 2023–24 and will be reviewed annually.

## ATO

The ATO's Compliance and Engagement Program update for the period 1 July 2022 to 30 June 2023 included:

- A total of 80 SMSF Auditor compliance cases and 23 SMSF Auditor Number (SAN) misuse cases were completed
- Referral rates to Australian Securities and Investments Commission (ASIC) have continued to increase in comparison to recent years. Forty one referrals we made to ASIC during 2022–23 which is the highest rate of referral since 2018–19.
- Targeted reviews of auditors involved with in-house audit activity have commenced. Initial observations have identified independence concerns for audit firms and sole practitioners who have not restructured their operations.
- Compliance action to further address identified reciprocal audit arrangements are in progress.

SAN misuse mailout summary:

- During October 2022, client lists were emailed to 3,797 SMSF Auditors for all fund lodgments with a reported Audit Completion Date between 1 July 2021 and 30 June 2022.
- This was connected to a total of 434,401 funds with a total combined assets of over \$613 billion.
- A total of 68,173 Audit Complete Advice (ACA) or Auditor Contravention Reports (ACRs) had been received by the ATO for the funds and were excluded from the mailout.
- We captured a total of 1,680 responses via email, electronic portal channels or paper. Email was the preferred channel for sending responses, with Online services for agents next.

- The predominant reason for SAN misuse remains software errors as auditor details on returns are not being updated prior to lodgment.
- There has been a significant downward trend in occurrences of SAN misuse with minimal instances of deliberate misuse being reported.
- Tax agents who are identified as misreporting SANs continue to be referred to the Tax Practitioners Board.
- There will be a shift in the approach to managing the SAN misuse risk for 2023–24 noting the significant improvements in compliance behaviour in recent years. The ATO will continue to make client lists available to auditors who would like to verify the use of their auditor number however a targeted mailout of client lists will not occur in 2023–24. We continue to encourage auditors to lodge ACAs as this is the best means of ensuring the ATO has a record of an audit being conducted by an auditor for a specific fund.

## **Communications**

Recently issued SMSF news articles and guidance material included:

- SuperStream related content
  - Register of SMSF messaging providers
  - SMSF verification service for rollovers
- Communication to support
  - Taxpayer Alert TA 2023/2 on SMSFs and property developments
  - Tax Determination TD 2023/D1 on How the non-arm's length income and capital gains tax provisions interact.

## **Future work program focus areas**

Crypto for auditors – it was noted that the current review of ato.gov.au content will impact when this can be published. Currently expected in 2024.

Implementation of SMSF auditor survey action plan – we are continuing to focus on the ongoing delivery of articles on topics requested by auditors as well as promoting the availability and content on 'SMSF news' to improve subscription rate and readership.

## ASIC

It was noted that 374 auditors had their registration cancelled, for failing to lodge their annual statements. An outcome of the project is that all SMSF auditors are now registered on the ASIC Regulatory Portal. Professional associations may wish to consider messages to their members about their ongoing obligations to make annual statements to ASIC.

The ASIC competency standards for SMSF auditors (Class Order 12/1687) has been revoked. However, ASIC may continue to use them as part of the framework for maintaining ASIC's competency exam.

## Auditing and Assurance Standards Broad (AUASB)

International Auditing and Assurance Standards Board (ISSAB) agenda:

- ISA 570 – Going concern – has implications for the audit report, Exposure Draft (ED) currently out for comment by 24 August 2023.
- ISA 240 – Fraud – has implications for the audit report, ED is likely to be issued in December 2023.
- ISSA 5000 – Sustainability assurance – ED to be issued by the IAASB at the end of July 2023 with 120-day comment period to 1 December 2023.

The EDs generally have a 3-month consultation period for anyone that is interested in providing comment. The AUASB will also be undertaking outreach on all these topics with ISA 570 virtual and face-to-face roundtables occurring in late July and early August 2023.

Other work priorities including work issued in the last 6 months or currently in progress:

- Standard for Audits of Less Complex Entities – to be approved in September 2023 by the IAASB. AUASB to discuss its adoption and application in Australia at its September 2023 meeting.
- Scalability – in relation to Not for Profit (NFP) entities the AUASB has recently issued 2 bulletins, one focusing on NFP fundraising revenue in a digital age and the other on what NFP entities need to know about an audit and review.

- Sustainability Standards on Assurance – the AUASB will issue the Australian ED by mid-August 2023 and will conduct outreach to capture feedback in October 2023.
- Technology – the Digital Standards Portal has been updated to provide access to the suite of AUASB Guidance Statements.

#### SMSF Audits and Use of Service Organisations:

- The AUASB is trying to understand the prevalence of service organisations and the impact on SMSF audits. ASA 402 *Auditing Considerations Relating to an Entity Using a Service Organisation* deals with the user auditor's (SMSF auditor) responsibility to obtain sufficient appropriate audit evidence when a SMSF uses the services of one or more service organisations, whilst service auditors are required to meet the requirements of ASAE 3402 *Assurance Reports on Controls at a Service Organisation*.
- The group confirmed that the prevalence of service organisations is high for SMSFs however the ASAE 3402 Type 1 or Type 2 audit reports on the controls at the service organisation in relation to custodial assets cannot always be obtained as audit evidence. ASA 402 and ASA 330 *The Auditor's Responses to Assessed Risks* requires the auditor to perform further audit procedures to obtain sufficient appropriate audit evidence. If the auditor determines applying their professional judgment that they cannot obtain sufficient appropriate audit evidence as required by ASA 402 or through the SMSF, then the auditor of the SMSF would need to consider any impact on the audit report. The approach taken by some auditors in these circumstances is to qualify both Parts A and B of their audit report.

<b>Action item</b>	SMSF Audits and Use of Service Organisations
<b>Due date</b>	December 2023
<b>Responsibility</b>	AUASB and ATO
<b>Action item details</b>	AUASB to consider whether a review of Guidance Statement GS 007 <i>Audit Implications of the use of Service Organisations for Investment Management Services</i> is appropriate. AUASB to discuss

	with the AUASB Technical Group. ATO to consider drafting guidance for auditors`.
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## **Technical discussion**

### **Pink diamonds**

At the December 2022 meeting, a technical issue regarding the treatment of pink diamonds was raised as an issue requiring ATO clarification.

The matter has progressed internally within the ATO, and we expect to finalise our position shortly.

### **Partial or insufficient insurance**

An issue has been raised by members of an association for the need to clarify the reporting requirements where partial/insufficient insurance is held for collectables under regulation 13.18AA of the SISR.

Members highlighted the need for the ATO to consider the intent of the regulation and the relevance and practicalities of market valuations when considering insurance cover.

### **Market valuations**

The ATO has identified a compliance trend in referrals to ASIC where auditors are failing to take an appropriate approach to market valuations.

It was noted that auditors are required to obtain sufficient appropriate evidence, either from the trustee or external sources, to form an opinion about whether the SMSF has complied with regulation 8.02B and to document that evidence as well as any judgments made in their audit file.

ATO analysis of lodgment data has also identified several funds where we have observed classes of assets where the funds have not reported (via the SAR) a change in the asset value for several years.

Feedback was sought on the types of scenarios (and potential drivers for such behaviour) that may be of relevance for the ATO to be aware

of where classes of assets may not have had a change in valuation over a 3-year period.

## Section 66 – Assets acquired from related parties

The ATO has identified a potential compliance issue where auditors are only considering a fund's compliance with Section 66 for acquisitions made during the year which is subject to audit.

<b>Action item</b>	Further discussion on the identified technical matters (Pink diamonds, partial or insufficient Insurance and Section 66 – Assets acquired from related parties) will be arranged via an out of session meeting. Position papers will be provided in advance to assist members understand the issues and prepare for the discussion.
<b>Due date</b>	October 2023
<b>Responsibility</b>	ATO
<b>Action item details</b>	Proposed ATO positions to be drafted and provided to members for comment in advance of scheduled meeting.

## Attendees

### Attendees list

<b>Organisation</b>	<b>Attendee</b>
ATO	Paul Delahunty (Co-chair), Superannuation and Employer Obligations
ATO	Anna Kiriakopoulos, Superannuation and Employer Obligations
ATO	Ian Colhoun, Superannuation and Employer Obligations

ATO	Kellie Grant, Superannuation and Employer Obligations
Argurion Accounting Group	Chris Cragg
ASF Audits	Shelley Banton
Auditing and Assurance Standards Board	Marina Michaelides
Australian Securities and Investments Commission	Craig Angove
BDO	Matina Moffitt
BDO	Shirley Schaefer
Chartered Accountants Australia and New Zealand	Tony Negline
CPA Australia	Tiffany Tan
Elite Super	Katrina Fletcher
Institute of Public Accountants	Irwin Bushnell
National Tax and Accountants' Association	David Burrows
Reliance Auditing Services	Naz Randeria
SMSF Association	Tracey Scotchbrook
Super Sphere	Belinda Aisbett
The Auditors Institute	Linda De Marco
The Tax Institute	Kym Bailey

## Apologies



## Apologies list

Organisation	Members
ATO	Justin Micale (Co-chair), Superannuation and Employer Obligations
ARC Super	Ashley Course
Auditing and Assurance Standards Board	Matthew Zappulla
Class	Jo Hurley
CPA Australia	Richard Webb
The Auditors Institute	Ron Phipps-Ellis

QC 73185

## SMSF Auditors Professional Association Stakeholder Group key messages 5 December 2022

Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 5 December 2022.

**Last updated** 21 February 2023

### On this page

Technical discussion and action items

Proposed ATO guidance on regulation 4.09A

ATO

ASIC

Auditing and Assurance Standards Board

SMSF auditors survey

Other business

## Technical discussion and action items

- Proposed ATO guidance of regulation 4.09A – Two draft papers have been issued to members prior to the meeting. A designated agenda item has been included to discuss the papers further.
- Market valuations guidelines and auditor requirements – The updated market valuation guidance was published on [ato.gov.au](http://ato.gov.au) on 4 November 2022. This action item is now closed.
- Review of Auditor Contravention Report (ACR) reporting criteria – The ATO has now completed its analysis on the extent of reporting on Test 7.

As part of the review, the ATO engaged several members for feedback on the practical issues associated with the application of Test 7 and those members are thanked for their assistance.

The analysis considered the:

- current rate of reporting under Test 7
- extent and degree of reporting obligations it imposes on the sector
- expected loss of visibility for the ATO on some higher risk contraventions should the threshold be changed, or Test 7 removed all together
- potential impact upon the ATO's assessment and treatment of risk and reporting to external stakeholders.

The ATO will continue to review the rate and risk information reported via Test 7 however for now, the current reporting parameters will not be changed. This action item is now closed.

## Proposed ATO guidance on regulation 4.09A

The ATO has progressed draft web content and has distributed this content to members to gather further feedback.

A dedicated technical discussion will be held in early 2023 with members to further explore the technical aspects raised within the draft content and to resolve any outstanding concerns they may have before any content is progressed for publishing.

## ATO

The ATO's Self-Managed Superannuation Fund (SMSF) auditor program update included the following key points:

- Compliance cases completed this financial year have so far resulted in the referral of 13 auditors to Australian Securities and Investments Commission (ASIC).
- ACRs received for the 2022 financial year has increased slightly. The most common breaches reported are for loans, sole purpose, and separation of assets.
- The current year SMSF Auditor Number (SAN) misuse program of work commenced in October 2022. Client lists have been sent out to auditors to review and respond to the ATO. The lists included any audits reported to have taken place between 1 July 2021 and 30 June 2022.
- A joint media release with the Tax Practitioners Board was issued in October in relation to the recent termination of registration of 2 tax agents who have been involved in systemic SAN misuse.
- The auditor checklist and guidance material on market valuations and SuperStream has recently been updated following stakeholder group feedback.

In relation to the upcoming work program the ATO noted:

- Targeted reviews of auditors who may be involved with in-house audits and reciprocal audit arrangements have recently commenced.
- There is also a specific focus underway on tax agents and auditors who have outstanding personal SMSF lodgment obligations.
- Website material on crypto is being developed to support auditors who are now becoming more exposed to this asset class.

- The ATO website, including SMSF content will undergo a redesign over the next 6 months and stakeholders will see some changes in relation to how auditor content is presented.

Key observations and feedback noted by members in open discussion included:

- The change to auditor independence requirements, per APES 110 Code of Ethics for Professional Accountants (including Independence Standards) has had a positive shift in terms of SMSF compliance and appropriate audit behaviour.
- The ATO could use the data on reported contraventions, which have occurred post the change of an auditor to consider compliance strategies.
- There was an expectation that over time that ACRs should decrease in relation to the established relationships with the new auditor.
- The SuperStream reporting requirements may lead to an increase in contravention reporting. Stakeholders raised the concern that most contraventions cannot be rectified and that ATO correspondence received in response to the ACR (which directs the trustee/s to rectify) has the potential to cause confusion.
- Members also noted that a driver for some SuperStream issues may be participants who may not be familiar with SuperStream or do not use it often enough to build workable solutions.

<b>Action item</b>	SuperStream ACR Reporting
<b>Due date</b>	End of February 2023
<b>Responsibility</b>	ATO
<b>Action item details</b>	ATO to consider the current reporting expectations and whether further guidance for auditors would be appropriate in respect to how to best report SuperStream issues on an ACR

## ASIC

The ASIC update focussed on:

- The Federal Court has recently set aside an Administrative Appeals Tribunal (AAT) decision to reject the ASIC disqualification of an auditor for auditing the fund of a relative. The Federal Court has referred the matter back to the AAT.
- Based on feedback on the ASIC class order [CO 12/1687] Competency standards for approved SMSF auditors, which is due to sunset in April 2023, it has been decided that ASIC will not seek to reinstate the order. The knowledge requirements in the order were borrowed from accounting bodies and are appropriately reflected in the auditing standards.
- A recent media release highlighted the significant proportion of SMSF auditors who are behind on their annual statement compliance obligations. The next step in the approach will be to issue show cause and intent to cancel correspondence for failure to comply with annual statement obligations.

## **Auditing and Assurance Standards Board**

The Auditing and Assurance Standards Board (AUASB) discussed its 6 strategic priorities for the 2023 financial year:

- The International Auditing and Assurance Standards Board (IAASB) Agenda – This area is to be discussed at the upcoming December IAASB meeting.
- Audit quality – Continuing to work on the Australian (International Equivalent) Standard on Quality Management (ASQM) suite, including ASQM 1 Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements – which is required to be in place by firms from 15 December 2022. Review and remediation by the firms is likely to occur at the end of the first year of implementation. AUASB continues to work with the Financial Reporting Council and ASIC on audit quality matters and has recently issued a research report No 9 Perceptions of Audit Quality by Audit Committee Chairs in Australia.
- Technology – Several bulletins have been issued by the AUASB Technology PAG that may be useful (ASA 315 and general IT Controls, Evaluating the reliability of data obtained for use in audit technology tools and Integrity of Data obtained for the purpose of

an audit of a Financial Report). The PAG will look at the need for new projects in 2023.

- Public Sector Auditors – A suite of Guidance Statements have been issued for this sector.
- Scalability – For sectors such as SMSF and Not-for-profit (NFP), the AUASB is looking at the broad issue of scalability of the standards for any sized entities and whether any further guidance is needed.
- Sustainability Standards on Assurance – This is a significant priority area of the AUASB. Work is progressing quickly on both the baseline climate reporting standards and the assurance standards internationally and the IAASB and AUASB are likely to see exposure drafts for both in Q1 2023 and Q3 2023 respectively.

Other points mentioned:

- Post implementations of ASAE 3100 – Based on feedback received from stakeholders during the Post-Implementation Review process the AUASB determined no changes to the standard are required at this time.
- Digital standards portal – Originally released on 1 June 2021 with some recent updates deployed which provide better search functionality by date.
- AUASB agenda consultation process – Undertaken in 2022 and continues to inform the AUASB of focus areas for 2023.
- ISA 500 Audit Evidence – The Exposure Draft has been issued in Australia and is available for comment until 31 March 2023. An educative webinar will also be released by the AUASB to assist auditors and in person roundtables will be held in February 2023.
- Review of Guidance Statement GS019 – For fundraising revenue for NFP entities for relevance and modernisation based on current practice.
- Review of Guidance Statement GS007 – For investment management services. The AUASB will look at this potential project further in 2023.
- IAASB Strategy 2023–27 includes work on:
  - ISA 500 – Sustainability assurance
  - ISA 570 – Going concern

## **SMSF auditors survey**

In October, the ATO conducted a survey which sought to gather information on communication preferences and the effectiveness of the current content and approaches. It was pleasing to see that:

- 86% of responders are aware of and have used ATO web content in guiding them on their obligations as auditors
- 83% of responders agreed that our guidance material strikes the right balance in terms of the extent of content and detail
- 77% of SMSF auditors are aware of, and have used, the newsletter – with 88% of those considering it of some or considerable value, rating it second on awareness and value to ato.gov.au content
- Direct email, 66% and the Tax Professional newsletter, 63% were also considered valuable forms of communication.

There was also a clear message from auditors that they value the information that they receive from their professional associations.

There were a few topics where auditors have advised us that they would like more information from us including:

- Valuations
- In-house assets and related party transactions
- SMSF property
- Non-arm's length income
- Auditor independence

The survey results provide strong affirmation of our existing approach to communication and content delivery. Going forward there will be a commitment to:

- continue with our website content and website experience to deliver the information auditors need to meet their compliance obligations and service their clients
- maintain regular updates to SMSF auditors through the dedicated section in the SMSF newsletter

- focus on the topics that auditors have told us they would like to hear more about
- continue to build relationships with our key associations to ensure they are supportive of our messaging and providing clear and concise information for SMSF auditors
- continue monitoring the click through rates of our articles in SMSF news to understand the ongoing effectiveness of our communication strategies.

## Other business

Members raised the issue of the appropriate treatment of diamonds as a collectable under s62A of the *SIS Act*. The ATO is considering the technical aspects of this issue. Auditors need to consider the application of regulation 13.18AA of the *Superannuation Industry (Supervision) Regulations 1994* to these types of assets if they meet the s62A definition.

Members also asked how the SMSF lodgment statistics are tracking and if there is any evidence that lodgments will be considerably behind coming into the new year.

The ATO advised that it has observed a 6% decrease in the outstanding lodgments from last month, but overall, the number of late lodgments is still over 70,000 outstanding which is a 16% increase from the same period last year.

The ATO thanked members for their participation in the stakeholder group throughout 2022, acknowledging that the SMSF landscape is ever changing and that the groups contribution assists in targeting our communication and guidance in the sector.

QC 71447

**SMSF Auditors Professional  
Association Stakeholder Group key  
messages 11 August 2022**



# Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 11 August 2022.

**Last updated** 29 September 2022

## **On this page**

Action item update

Member feedback updates

Top 100 Auditor Program

## **Action item update**

- Review of Regulation 4.09A breaches – Technical discussion continues to progress and we are expecting that November meeting will provide the opportunity for further discussion.
- Review of Market Valuations guidelines and auditor requirements – We have tweaked some aspects of the wording of the current web content which specifically relates to the role of auditors and when independent market valuations should be sought. We circulated the document to members for feedback on these proposed changes with feedback due by 26 August 2022.
- Review of Auditor Contravention Reports (ACRs) –This relates to the \$30,000 financial threshold test for reporting of ACRs. We have commenced a review which is looking at audit and fund behaviour and reported contraventions. Scoping is underway and we expect the preliminary findings and our thoughts around options to be presented at the next meeting.

## **Member feedback updates**

### **SuperStream web content**

Based on member feedback to the proposed draft content, updates have been made and the final version is expected to be published on the ATO website in the coming weeks.

Post meeting update – Web content was published on 5 September at SuperStream SMSF rollovers and auditor reporting obligations.

## **SMSF auditors communications survey**

Based on member feedback, a final version of the auditor communications survey is being progressed and is expected to issue to all SMSF auditors from mid to late September. We expect to provide summary details of the survey results at the November meeting.

## **Top 100 Auditor Program**

A presentation on the outcomes of the ATO's Top 100 Auditor Program was provided and highlighted the following key points.

- The majority of Top 100 SMSF auditors use computerised systems and have adequate systems, processes and controls to allow them to appropriately sign off on large numbers of audits annually.
- This increased confidence, allows us to treat any residual risk under the general risk categories for the whole approved SMSF auditor population.
- Some areas of audit practices have emerged as potential areas of improvement including
  - ensuring staff are provided with regular and comprehensive training
  - having detailed audit procedures with effective quality control (evidenced by appropriate audit trails/notes)
  - not just relying on audit software and data feeds, appropriate audit testings needed to be conducted.
  - ATO SMSF Auditors Compliance Plan for the 2023 financial year
  - The ATO presented a high-level overview of its SMSF Auditor Compliance Plan for the 2022–2023 financial year.

The ATO's compliance approach for the year will again be balanced in a way which aims to support the whole population of SMSF auditors as well as identifying and dealing with high risk audit behaviours.

Stakeholder engagement will continue to be a key aspect of our program and in particular via the SMSF Auditors Professional Association Stakeholder Group.

Upcoming guidance material and engagement activities for auditors includes:

- SuperStream web content
- Guidance on Cryptocurrency
- Guidance on the application of Regulation 4.09A
- SMSF auditor communications survey.

There will be the opportunity for us to engage and seek feedback on the material being developed on these topics.

Our co-regulatory role is extremely important and we will look to strengthen the relationship and compliance approach to SMSF auditors with ASIC this year.

There is a need for us to be agile and adapt to changes in the segment and shift our compliance resources to the behaviours that are the most egregious. In addition, we are attempting to move to a more real time approach for compliance intervention.

The ATO compliance approach will include a focus on in-house audit arrangements, reciprocal audit arrangements, market valuation issues, the fitness and propriety of auditors and SAN misuse.

Members provided feedback that 'file swaps' between auditors is still prevalent behaviour and relevant for the ATO in considering independence issues. The ATO confirmed that this is a recognised risk and part of our consideration for any compliance cases.

Members also brought to the ATO's attention an issue observed by peer reviewers on independence matters. They noted that issues which are addressed in the peer review report or memo, may not be provided to the ATO when the firm/auditor is reviewed by the ATO.

The ATO notes this feedback and while we would consider this as evidence in instances where the firm has independence threats (if they are provided), peer reviewers that have concerns they wish to flag, can use the **ATO Tip-Off Form** to bring it to our attention.

# SMSF Auditors Professional Association Stakeholder Group key messages 15 June 2022

Key topics discussed at the SMSF Auditors Professional Association Stakeholder Group meeting 15 June 2022.

Last updated 26 July 2022

## On this page

Technical discussion on market valuations

Compliance and engagement program

Australian Securities and Investments Commission

Auditing and Assurance Standards Board

Other business

## Technical discussion on market valuations

The discussion followed feedback on the practical application of the ATO's market valuation guidance. It covered a range of issues that included:

- requirements of *Regulation 8.02B* and *Auditing Standard ASA 500 Audit Evidence*
- challenges faced by auditors in obtaining appropriate audit evidence to support trustee rationale for determining the market value of each asset (or class of asset), particularly about comparable sales for commercial property
- external market valuations and how frequently they are conducted
- kerbside valuations and valuation ranges
- funds in accumulation phase verses pension phase
- risk based approaches adopted by auditors for valuations.

Members raised an issue about the timing of ATO guidance and the impact that it has on auditor practices for a specific year.

Action item	Web guidance on market valuations
Due date	August 2022
Responsibility	ATO
Action item details	<p>ATO to review the current wording of its web guidance on market valuations to identify whether further clarification can be provided on:</p> <ul style="list-style-type: none"><li>• when an external market valuation would be appropriate</li><li>• the role of auditors in applying professional judgment when considering evidence which has been provided to substantiate a market valuation.</li></ul>

## Compliance and engagement program

The ATO's Compliance and Engagement Program update included the following key observations:

- The return of ATO resources to our compliance program post the Covid-19 disruption has led to an increase in the completion of more audits and resulted in an increase in Australian Securities and Investments Commission (ASIC) referrals.
- The transition to the use of Online services for business by auditors for lodging auditor/actuary contravention reports (ACRs), audit complete advices (ACAs) and professional to professional (P2P) enquiries is working effectively.
- There has been a noted increase in ACRs reported for the 2021–22 financial year
- Web content for auditors on SuperStream is expected to be published shortly.
- We are at the compliance treatment stage of our SMSF auditor number (SAN) misuse strategy for the 2020–21 financial year.

Correspondence was recently issued to 683 tax agents who had misreported SANs.

Upcoming work includes:

- The finalisation of our SMSF auditors compliance program for the 2022–23 financial year.
- Web material is being developed on cryptocurrency (crypto) to help support auditors who are now becoming more exposed to this asset class.
- The SAN misuse mailout for the 2021–22 financial year will issue late in the 2022 calendar year.
- SMSF statistics for 2021 SMSF annual return (SAR) lodgments will soon be published.
- SMSF auditors communications survey which is expected to issue to all auditors in September 2022.

Other relevant matters discussed included:

- Some members noted more ACRs were being lodged because of an increase in Part A qualifications. These are more likely to be due to insufficient evidence to support the market value of unlisted assets rather than insufficient evidence in relation to opening balances.
- Other auditors considered ACR lodgments were increasing because of the \$30,000 financial threshold for reporting.
- Concerns were raised about tax agents receiving year on year ACR letters requesting that the contravention is rectified in circumstances where, for example, the contravention relates to insufficient evidence to support the market value of unlisted assets.

Compliance and engagement case outcomes included:

- A total of 41 SMSF auditor case cases were completed during the period 1 July 2021 to 26 April 2022. Of these, 11 were part of the Top 100 program and 30 were part of the High risk auditor program.

Outcome	Top 100	High risk	Total	Percent
Referral to ASIC	1	9	10	24

Voluntary cancellation	1	18	19	46
Education outcome	6	3	9	22
No further action required	3	0	3	7

- Our SAN misuse mailout in September 2021 included the issue of lists to auditors of all audits reported to have taken place between 1 July 2020 and 30 June 2021 and excluded funds for which an ACR or ACA had been received.

Outcome	Number	Percent
Auditors that reported SAN misuse	389	13
Funds with reported SAN misuse	1,896	0.65
Trustees connected to SAN misuse	24	0
Tax agents connected to SAN misuse	683	100
Tax agents connected to one instance	411	60
Tax agents connected to 2 to 5 instances	222	33
Tax agents connected to more than 5 instances	50	7

- Serious instances of SAN misuse detected through mailouts sent in earlier years continue to be treated through case work. 35 SAN misuse cases have been completed so far this financial year.
- Since March, our preferred channel through which to receive P2P queries is the online services to business messaging tool. 33 P2P queries have been completed so far this financial year.

Action item	Auditor contravention reports
Due date	August 2022

Responsibility	ATO
Action item details	ATO to consider the appropriateness of the reporting criteria under Test 7 and our correspondence in relation to year on year contraventions.

## Australian Securities and Investments Commission

ASIC has recently issued a publication on crypto as well as 3 other media releases specific to SMSF auditors as follows:

- ASIC has accepted voluntary cancellations or imposed conditions on the registration of 18 SMSF auditors involved in reciprocal auditing arrangements
- actions taken against another 19 SMSF auditors
- work in progress to get all auditor annual statements up to date.

Further, the current regime which involves co-regulation of SMSF auditors, is 10 years old and is under internal review. The ASIC competency standards for auditors are also subject to review. Stakeholders may be contacted for feedback in the future as part of a public consultation process.

## Auditing and Assurance Standards Board

The Auditing and Assurance Standards Board (AUASB) update included:

- The post implementation review of the Standard on Assurance Engagements ASAE 3100 *Compliance Engagements* has not resulted in any major feedback from stakeholders and as such the AUASB agreed that no standard setting activities will be pursued at this time.
- Systems of quality management in compliance with ASQM 1 *Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements* are required to be designed and implemented by 15 December 2022, and the evaluation of the system of quality management is required to be performed within



one year following 15 December 2022. Chartered Accountants Australia and New Zealand has released a tool kit available to assist auditors with implementation especially those in small or medium sized firms

- The International Auditing and Assurance Standards Board (IAASB) is making changes to the international standard on Audit Evidence ISA 500. The Auditing and Assurance Standards Board (AUASB) is considering the impacts on the Australian Auditing Standard.
- *ASA 500 Audit Evidence*. An Exposure Draft is likely to be released by the IAASB in September and the AUASB will undertake some Australian outreach in October 2022. The AUASB will provide an update at the next meeting.

## Other business

The existing *SMSF Independent Auditor's Report form* (NAT 11466) will not be changed and can continue to be used for audits completed on or after 1 July 2022.

Due to time constraints, the ATO Top 100 auditor program findings agenda item will be carried over to the next meeting.

The next meeting is likely to be held via Webex due to ongoing uncertainty around Covid-19 in August 2022.

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