Response ID:155 Data

## 2. (untitled)

**Please indicate if you are responding as an individual or on behalf of your organization?**

Responding on behalf of your organization

**Approximate years of professional experience:**

**If you are responding on behalf of your organization, please indicate the jurisdictional profile which best represents your situation, i.e., from which jurisdictional perspective are you providing your responses?**

Single jurisdiction (Please specify): Australia

**Please indicate the stakeholder category to which you belong, i.e., from which perspective are you providing your responses? If you or your organization has one or more roles (e.g., JSS and Regulator), please respond to all relevant parts of the survey.**

JSS (Complete Part B) (Please indicate the users of your standards as a JSS, e.g., individual PAPPs, professional accountants in business (PAIBs) and/or accounting firms (including audit firms)): Jurisdictional standard setters - individual Professional Accountants in Public Practice (PAPPs), professional accountants in business (PAIBs) and accounting firms that are Members of the three professional bodies in Australia – Chartered Accountants Australia and New Zealand, CPA Australia and the Institute of Public Accountants.

**Please provide the following information *(Personal information will not be made public and will only be used by the Project Team to follow up if clarification on your responses is needed):***

**Your organization's name, if any (if you are responding on behalf of an organization[1])**

Accounting Professional and Ethical Standards Board (APESB)

**Your name and job title / role:**

Jacinta Hanrahan, Technical Director

**Your email address:**

Jacinta.Hanrahan@apesb.org.au

**Your jurisdiction/country:**

Australia

## 3. (untitled)

### Has your organization adopted the NOCLAR provisions of the Code (IESBA NOCLAR provisions)? (Please choose the most representative answer)

(b) Yes, through adoption with modifications (Please (i) describe the nature of, and reasons for, the modifications, (ii) provide information on the effective date, and (iii) provide links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions): Yes, through adoption with minor modifications. APES 110 uses the term 'NOCLAR' whereas the IESBA Code refers to 'non-compliance'. There are no significant differences between the Australian NOCLAR provisions and the IESBA NOCLAR provisions.

### If you have answered (a), (b) or (c), were the IESBA NOCLAR provisions translated into the local NOCLAR provisions? If yes, please indicate the language of translation.

N/A. Not translated.

### What guidance or educational materials has your organization issued, or what programs has your organization developed, to support understanding of the local NOCLAR provisions in your jurisdiction? (Select all that apply and provide links)

Education/training programs (e.g., webinars, CPD programs)
Articles, publications or newsletters (e.g., updates about standards, case studies or illustrative examples)
Other (Please specify): (1) Education/training programs - APESB carried out presentations and participated in professional bodies' national conferences and CPD training sessions. Refer to details at https://apesb.org.au/news-advocacy/speeches-and-presentations/ (2) Articles, publications and newsletters - E-newsletter published quarterly - https://apesb.org.au/news-advocacy/enews/ (3) Staff publication - APESB_Whistleblowing_Tech_Staff_Publication_Feb21 (currently in the process of being revised)

### Does your organization provide guidance to individual professional accountants, accounting firms, or other users of your standards in the application of the local NOCLAR provisions if they seek such assistance, e.g., in dealing with a NOCLAR matter? (Select all that apply)

Discussion forum (e.g., for sharing knowledge)
Other (Please specify): As a standard-setter, APESB can answer a professional accountant's or firm's query relating to our Standards, but we do not provide professional advice on the application of the Standards or opine on the conduct of individual accountants or firms.

### Which specific provisions in the local NOCLAR provisions has your organization commonly received inquiries or questions about? *(Please provide details, including from which stakeholder groups the inquiries or questions arose)*

In the initial years of NOCLAR (i.e., 2017-2019), APESB received queries about the concept of substantial harm in the NOCLAR provisions of APES 110. Subsequently, APESB has occasionally received questions about specific technical interpretations, generally relating to interactions with local laws and regulations.

Matters for the Board to consider or resolve are captured in the APESB Issues Register, available on the APESB website at: APESB_Issues_Register_March_2026.pdf

## Do users of your organization’s standards have an overall understanding of the local NOCLAR provisions? (Please explain the basis for your response, including how your organization evaluates the overall understanding of the local NOCLAR provisions by users of your standards)

Somewhat
**Comments:** APESB considers that Australian users of the standards have a reasonable understanding of the local NOCLAR provisions. An awareness gap remains for some practitioners and professional accountants who have limited engagement with the NOCLAR framework and, therefore, uncertainty in its practical application. APESB is aware that for some Australian stakeholders, there is confusion between "options" and "obligations," with some professional accountants interpreting NOCLAR as a prescriptive sequence rather than a principles-based judgement framework. APESB also notes ongoing uncertainty regarding the interaction among NOCLAR, whistleblower protections, and anti-money laundering (AML) obligations, which affects stakeholders' understanding.

## In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? If yes, is the protection under the relevant law or regulation perceived to be effective?

## Please provide details.

Yes.

Australia has legislative frameworks providing protections for disclosures of actual or suspected non-compliance to appropriate authorities. In Australia, whistleblower protection is addressed in the Corporations Act 2001 and the Taxation Administration Act 1953 for the private sector, and in the Public Interest Disclosure Act 2013 for the federal public sector, with legislation also in place in each state and territory for the public sector.

From 1 July 2019, the private sector whistleblowing legislation was strengthened, allowing more individuals to be recognised as eligible whistleblowers and providing stronger protection for those eligible whistleblowers regarding confidentiality and victimisation.

The Australian Treasury is currently consulting on a review of Australia's tax and corporate whistleblowing regimes: Consultation paper: Review of tax and corporate whistleblowing in Australia. APESB intends to submit a comment letter to the review.

In addition to legislative frameworks, professional support is available from the professional bodies through technical inquiries, guidance materials, forums and mentoring arrangements, but not via dedicated NOCLAR hotlines. This support is generally limited to signposting relevant provisions rather than providing interpretive advice. This limitation reflects legal and confidentiality constraints.

APESB considers that, while these protections and support mechanisms are important, their effectiveness depends on the professional accountant's awareness and understanding of both the safeguards and responsibilities under the Code.

## Has your organization observed any trend in instances of NOCLAR reported or escalated?

### If so, please describe the trend and indicate the period for which this trend has been observed, as well as the general nature of the NOCLAR commonly observed.

APESB has not identified a clear or consistent trend in NOCLAR reporting or escalation; its application remains largely case-specific.

However, recent regulatory developments, including AML obligations, heightened focus on late financial reporting penalties, and the Treasury consultation on whistleblower-related reporting, are expected to increase awareness of NOCLAR.

### Based on your organization’s observations, has the application of the local NOCLAR provisions been effective in deterring the commission of NOCLAR, or rectifying, remediating or mitigating the consequences of NOCLAR? (Please explain the basis for your response and provide any relevant details, including any supporting materials or reports)

APESB understands that the application of the NOCLAR provisions has generally been effective in supporting early intervention, with a focus on rectifying, remediating, or mitigating the consequences of identified non-compliance rather than on deterrence alone.

Where applicable, stakeholder feedback indicates that the framework prompts timely engagement with clients and corrective action, often resolving matters without the need for external reporting. In some cases, internal governance processes such as audit committees and due diligence committees were noted by stakeholders as assisting in managing more complex matters and ensuring issues are addressed in a structured and measured manner.

APESB notes that this approach is broadly consistent with the intended design of the framework, including the emphasis on the "substantial harm" threshold to avoid escalation of less significant matters while still enabling appropriate action where required.

However, feedback from some Australian stakeholders has indicated that effectiveness is sometimes constrained by practitioner awareness and the ability to identify when NOCLAR is triggered in practice. Where issues are not recognised or correctly interpreted as falling within scope, the framework cannot operate to support remediation or mitigation.

### Has your organization observed any challenges in the application of the local NOCLAR provisions? (Please provide details, including specific provisions that caused particular challenges and why, as well as any actions taken to address them)

APESB has not received common queries about the NOCLAR provisions of APES 110. APESB occasionally receives questions about specific technical interpretations, generally relating to interactions with local laws and regulations. Matters for the Board to consider or resolve are captured in the APESB Issues Register, available on the APESB website at: APESB_Issues_Register_March_2026.pdf

### Has your organization observed any trends where professional accountants or accounting firms encountered NOCLAR or suspected NOCLAR but did not apply the local NOCLAR provisions in whole or in part?

**Comments:** No matters were raised by Australian stakeholders.

### From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? (Please explain

**your response)**

APESB considers that any further efforts by IESBA to enhance global implementation of the NOCLAR provisions could focus on additional guidance and practical application support.

For example, clarifying the threshold between lower-level matters and those requiring escalation, to support more consistent judgement and reduce unnecessary documentation in borderline cases. Related guidance on scope identification would also assist, particularly for smaller practitioners.

APESB also considers that more practical examples and case studies would improve understanding of application in complex scenarios, supported by ongoing education materials such as FAQs and webinars developed with practitioners and educators.

**Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on any benefits arising from using the local NOCLAR provisions, or on matters of translation)?**

APESB notes that during the initial stages of implementation there was recognition of legal impediments to disclosure, including potential conflicts between privacy obligations and the disclosure of a matter in the public interest under the NOCLAR provisions.

As with other obligations in the Code, NOCLAR is subject to applicable laws and regulations. For example, taxation law previously imposed strict confidentiality obligations until recent changes to Australia's tax laws permitted disclosure to regulatory bodies in certain circumstances.

APESB also notes that disclosure under the NOCLAR provisions should be made to a regulatory or similar authority capable of addressing the matter. The threshold for overriding the fundamental principle of confidentiality is high: the matter must be in the public interest and involve substantial harm to a range of stakeholders. This threshold is expected to be met only rarely and only after all internal mechanisms have been exhausted. Given the complexity of this area, APESB encourages IESBA to develop non-authoritative material to assist stakeholders.

## 5. (untitled)

**Has your organization adopted the NOCLAR provisions of the Code (IESBA NOCLAR provisions)? (Please choose the most representative answer)**

**If you have answered (a), (b) or (c), were the IESBA NOCLAR provisions translated into the local NOCLAR provisions? If yes, please indicate the language of translation.**

## 6. (untitled)

**What guidance or educational materials has your organization issued, or what programs has your organization developed, to support understanding of the local NOCLAR provisions in your jurisdiction? (Select all that apply and provide links)**

**Does your organization provide guidance to individual members and accounting firms in**

the application of the local NOCLAR provisions if they seek such assistance, e.g., in dealing with a NOCLAR matter? (Select all that apply)

**Which specific provisions in the local NOCLAR provisions has your organization commonly received inquiries or questions about? (Please provide details, including from which stakeholder groups the inquiries or questions arose)**

**Do your organization’s members have an overall understanding of the local NOCLAR provisions? (Please explain the basis for your response, including how your organization evaluates the overall understanding of the local NOCLAR provisions by its members)**

**Does your organization enforce the local NOCLAR provisions?**

**Does your organization have the authority to investigate NOCLAR or suspected NOCLAR that is reported to it and take any necessary action?**

**In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? Please provide details.**

**If yes, is the protection under the relevant law or regulation perceived to be effective? Please explain your response.**

**Has your organization observed any trend in instances of NOCLAR reported or escalated?**

**If so, please describe the trend and indicate the period for which this trend has been observed, as well as the general nature of the NOCLAR commonly observed.**

**Based on your organization’s observations, has application of the local NOCLAR provisions been effective in deterring the commission of NOCLAR, or rectifying, remediating or mitigating the consequences of NOCLAR? (Please explain the basis for your response and provide any relevant details, including any supporting materials or reports)**

**Has your organization observed any challenges in the application of the local NOCLAR provisions? (Please provide details, including specific provisions that caused particular**

challenges and why, as well as any actions taken to address them)

Has your organization observed any trends where members or accounting firms encountered NOCLAR or suspected NOCLAR but did not apply the local NOCLAR provisions in whole or in part?

From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? (Please explain your response)

Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on any benefits arising from using the local NOCLAR provisions, or on matters of translation)?

## 7. (untitled)

Has your organization adopted the NOCLAR provisions of the Code (IESBA NOCLAR provisions)? (Please choose the most representative answer)

If you have answered (a), (b) or (c), were the IESBA NOCLAR provisions translated into the local NOCLAR provisions? If yes, please indicate the language of translation.

What guidance or educational materials has your organization issued, or what programs has your organization developed, to support understanding of the local NOCLAR provisions in your jurisdiction? (Select all that apply and provide links)

Does your organization provide guidance to individual professional accountants or accounting firms in the application of the local NOCLAR provisions if they seek such assistance, e.g., in dealing with a NOCLAR matter? (Select all that apply)

Which specific provisions in the local NOCLAR provisions has your organization commonly received inquiries or questions about? (Please provide details including which stakeholder groups the inquires or questions arose)

Do the professional accountants or accounting firms that your organization regulates or oversees have an overall understanding of the local NOCLAR provisions? (Please explain

**the basis for your response, including how your organization evaluates the overall understanding of the local NOCLAR provisions by professional accountants or accounting firms you regulate or oversee)**

**Does your organization enforce the local NOCLAR provisions?**

**Does your organization have the authority to investigate NOCLAR or suspected NOCLAR that is reported to it and take any necessary action?**

**In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? Please provide details.**

**If yes, is the protection under the relevant law and regulation perceived to be effective? Please explain your response.**

**Has your organization observed any trend in instances of NOCLAR reported or escalated? If so, please describe the trend and indicate the period for which this trend has been observed, as well as the general nature of the NOCLAR commonly observed.**

**Based on your organization's observations, has the application of the local NOCLAR provisions been effective in deterring the commission of NOCLAR, or rectifying, remediating or mitigating the consequences of NOCLAR? (Please explain the basis for your response and provide any relevant details including any supporting materials or reports)**

**Has your organization observed any challenges in the application of the local NOCLAR provisions? (Please provide details, including specific provisions that caused particular challenges and why, as well as any action taken to address them)**

**Has your organization observed any trends where professional accountants or accounting firms your organization oversees encountered NOCLAR or suspected NOCLAR but did not apply the local NOCLAR provisions in whole or in part?**

**From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? (Please explain**

**your response)**

**Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on any benefits arising from using the local NOCLAR provisions, or on matters of translation)?**

8. (untitled)

**Has your firm implemented global, regional or local policies and methodologies that adopt the NOCLAR provisions of the Code (IESBA NOCLAR provisions) or the locally adopted version of the IESBA NOCLAR provisions, as applicable? (Please choose the most representative answer)**

**If you have answered (a), (b) or (c), were the IESBA NOCLAR provisions translated into the local NOCLAR provisions? If yes, please indicate the language of translation.**

## This question is for global networks.

**Where an individual firm is part of a global network and the network has adopted the IESBA NOCLAR provisions, how are these provisions implemented across network firms in the following situations:**

**What guidance or educational materials has your firm or network issued, or what programs has your firm or network developed, to support understanding of the NOCLAR policies and methodologies of the firm or network? (Select all that apply and provide links)**

**If your firm is part of a network, does the network provide guidance to network firms in the application of the network's NOCLAR policies and methodologies? (Select all that apply)**

**Do audit partners and staff within your firm have an overall understanding of your firm's NOCLAR policies and methodologies? (Please explain the basis for your response, including how your organization evaluates the overall understanding of the local NOCLAR provisions by its audit personnel)**

**Do non-audit partners and staff within your firm have an overall understanding of your firm's NOCLAR policies and methodologies? (Please explain the basis for your response,**

**including how your organization evaluates the overall understanding of the local NOCLAR provisions by its non-audit personnel)**

**Have you or your firm encountered any NOCLAR or suspected NOCLAR (i) at a client, or (ii) within the firm?**

**Have you or your firm observed any trend in instances of NOCLAR reported or escalated?**

**If so, please describe the trend and indicate the period for which this trend has been observed, as well as the general nature of the NOCLAR commonly observed.**

**What benefits have you or your firm experienced as a result of the implementation of its NOCLAR policies and methodologies? (Please explain the basis for your response, e.g., do partners and staff feel better equipped to hold a conversation on a NOCLAR matter with their client; the standard helpful in guiding partners and staff as to how to respond to a NOCLAR or suspected NOCLAR matter? )**

**Which aspects of the IESBA NOCLAR provisions or the local NOCLAR provisions has your firm found most challenging to apply when responding to a NOCLAR or suspected NOCLAR? (Please provide details, including whether the challenges were for (i) audit partners and staff, and (ii) non-audit partners and staff)**

**Has your firm's whistleblowing policy been used by personnel within the firm to respond to a NOCLAR or suspected NOCLAR? If so, why was this used instead of escalating the matter to a supervisor or above? (Please provide details (information provided may be anonymized))**

**In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? Please provide details.**

**If yes, is the protection under the relevant law and regulation perceived to be effective? (Please explain your response)**

**From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? (Please explain**

**your response)**

**Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on matters of translation)?**

9. (untitled)

**What guidance or educational materials have you received or accessed on the local NOCLAR provisions? (Select all that apply and provide links)**

**From which organizations have you received guidance or educational materials on the local NOCLAR provisions? (Select all that apply)**

**Do you have access to guidance on the application of the local NOCLAR provisions if you seek such assistance, e.g., in dealing with a NOCLAR or suspected NOCLAR? (Select all that apply)**

**Which specific provisions in the local NOCLAR provisions have you inquired or raised questions about? (Please provide details)**

**Has your employing organization made changes to its governance mechanisms, ethics policies and procedures, or internal code of conduct in response to the issuance of the local NOCLAR provisions?**

**Do you have an overall understanding of the local NOCLAR provisions?**

**Have you encountered any NOCLAR or suspected NOCLAR in your work?**

**What benefits have you experienced as a result of the application of the local NOCLAR provisions? (Please explain the basis for your response, e.g., you feel better equipped to hold a conversation on a NOCLAR matter with management or those charged with governance of your employing organization; the standard was helpful in guiding you as to how to respond to a NOCLAR or suspected NOCLAR matter?)**

**Which of the local NOCLAR provisions have you found most challenging to apply when responding to a NOCLAR or suspected NOCLAR? (Please provide details)**

**Have you used your employing organization's whistleblowing policy in responding to a NOCLAR or suspected NOCLAR? If so, why did you use this whistleblowing policy instead of escalating the matter to a supervisor or above? (Please provide details (information provided may be anonymized))**

**In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? Please provide details.**

**If yes, is the protection under the relevant law and regulation perceived to be effective? Please explain your response.**

**From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? (Please explain your response)**

**Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on any benefits arising from using the local NOCLAR provisions)?**

## 10. (untitled)

**This section refers to the "local NOCLAR provisions" issued by the local professional accountancy organization, a regulator or the local standard setter responsible for promulgating ethics standards for PAPPs and/or PAIBs, where those local provisions are based on the NOCLAR provisions in the IESBA Code. Has implementation of the local NOCLAR provisions enhanced your confidence in professional accountants and accounting firms responding to NOCLAR or suspected NOCLAR? (Please explain your response)**

**From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? (Please explain your response)**

**In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? (Please provide details)**

**If yes, is the protection under the relevant law or regulation perceived to be effective? (Please explain your response)**

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**Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions?**

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