# IESBA Post-Implementation Review (PIR) Survey
# Responding to Non-Compliance with Laws and Regulations (NOCLAR®)

## Introduction

*This survey is only applicable to respondents that have adopted or use or benefit from the Responding to Non-Compliance with Laws and Regulations (NOCLAR) provisions in the International Code of Ethics for Professional Accountants (including International Independence Standards) (the Code). Sections 5260 and 5360 as contained in the International Ethics Standards for Sustainability Assurance (including International Independence Standards) (IESSA), and conforming amendments to Sections 260 and 360 arising from the development of the IESSA, are outside the scope of this survey and only become effective in December 2026.*

1. The International Ethics Standards Board for Accountants (IESBA) is conducting a post-implementation review (PIR) of the NOCLAR provisions in Sections 260 and 360 of the Code.
2. This survey seeks to obtain input from a broad range of stakeholders to enable the IESBA to determine:
   - (a) Whether the NOCLAR provisions have achieved their intended purpose by identifying:
     - (i) Benefits from applying the provisions; and
     - (ii) Any practical challenges or questions regarding their implementation, including whether they are being consistently understood and applied; and
   - (b) What actions, if any, are needed by the IESBA to address identified matters.
3. The responses received will be analyzed for purposes of providing feedback to the IESBA and in developing recommendations for any actions.
4. Recognizing that some respondents may wish to discuss certain NOCLAR or NOCLAR-related matters on a confidential basis instead of documenting them in writing when responding to this survey, respondents are welcome to reach out to the IESBA Project Team (email jeanneviljoen@ethicsboard.org and kamleung@ethicsboard.org) to discuss such matters confidentially. In such circumstances, respondents are requested to discuss the matters on an anonymized basis.
5. The survey comment period starts on April 1 and ends on July 30.

## Survey Responses to be Made Public

6. Unless confidentiality is specifically requested, respondents' submissions will be considered a matter of public record and will be posted to the IESBA's website. Where confidentiality is requested, respondents are nonetheless requested to provide any detailed input on an anonymized basis.
7. Some questions ask for details, examples or sharing of relevant reports or materials. Respondents are requested to provide such information on an anonymized basis.

## Survey Instructions

8. Respondents to the survey are asked to provide their responses only on the questions applicable to

the stakeholder group to which they belong:

- Part A — Demographic Information (All Respondents)
- Part B — Jurisdictional Standard Setters (JSS)
- Part C — Professional Accountancy Organizations (PAOs)
- Part D — Regulators or Oversight Bodies
- Part E — Accounting Firms or Individual Professional Accountants in Public Practice (PAPPs)
- Part F — Professional Accountants in Business (PAIBs)
- Part G — Other Users or Beneficiaries of the Code

9. Respondents may respond to all questions or only selected questions or matters. All responses to this survey, whether complete or partial, will be accepted and considered as input for the IESBA Project Team's analysis.

**Overview and Key Intended Outcomes of the IESBA NOCLAR Provisions**

10. The IESBA NOCLAR provisions establish a response framework to guide auditors, other PAPPs, and PAIBs in deciding how best to act in the public interest when they become aware of NOCLAR or suspected NOCLAR.

11. NOCLAR is any act of omission or commission, intentional or unintentional, committed by a client or employer, or by those charged with governance (TCWG), by management or by other individuals working for or under the direction of a client or employer which is contrary to the prevailing laws or regulations.

12. For a more detailed overview of the NOCLAR provisions of the Code, please access the following link here.

13. Key intended outcomes of the NOCLAR provisions in the public interest include:
    - Ensuring that PAs respond in a timely way to identified or suspected NOCLAR.
    - Rectifying, remediating, or mitigating the adverse consequences of identified or suspected NOCLAR to stakeholders and the general public.
    - Deterring the commission of NOCLAR.
    - Stimulating increased reporting of identified or suspected NOCLAR where required by law or regulation, or where determined appropriate under the Code in the public interest.

**Part A – Demographic Information (All Respondents)**

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

    ~~(a) If you are responding as an individual:~~

    ~~(i) Please indicate your jurisdiction~~

    ~~(ii) Approximate years of professional experience:~~

    - ~~Less than 5 years~~

- ~~5–10 years~~
- ~~11–20 years~~
- ~~More than 20 years~~

(b) 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?

- ~~Global~~
- ~~Regional *(Please specify)*~~
- ~~Multiple jurisdictions *(Please specify)*~~
- Single jurisdiction *(Please specify)* South Africa

2. 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))*
- ~~PAOs **(Complete Part C)** *(Please indicate whether your members are PAPPs and/or PAIBs)*~~
- Regulators or oversight bodies **(Complete Part D)** *(Please indicate which of the following you regulate or oversee (select all that apply): PAPPs (including auditors), PAIBs, accounting firms (including audit firms), none of the above)*
- ~~Accounting firms and individual PAPPs **(Complete Part E)**~~
- ~~PAIBs **(Complete Part F)**~~
- ~~Other users or beneficiaries of the Code *(Please specify)* (e.g., investors or other users of financial statements, those charged with governance, academics) **(Complete Part G)**~~

3. 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]) Independent Regulatory Board for Auditors (IRBA)
- Your name and job title / role Liezel du Preez (Senior Professional Manager Standards)
- Your email address ldupreez@irba.co.za
- Your jurisdiction South Africa

[1] If you respond on behalf of a global organization, the jurisdiction (or name of the country) in which you work. If you are responding on behalf of a global organization, please indicate "Global" as your jurisdiction.

## Part B – Jurisdictional Standard Setters (JSS)

### Adoption status and effective date

> *Note:*
>
> *Adoption (full or with modifications) refers to the formal acceptance and incorporation of the IESBA standards into a jurisdiction's national laws, regulations or professional requirements.*
>
> *Convergence is where a jurisdiction aligns its national ethics (including independence) standards or provisions with the IESBA standards through a process that seeks to eliminate or minimize differences between the IESBA and national standards or provisions. This includes a process where an IESBA standard is used as a basis to develop the local standard or provisions.*

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

   (a) Yes, through full adoption with no modifications *(Please provide (i) information on the effective date, and (ii) links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions)*

   ~~(i) 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)*~~

   ~~(ii) No, but the local NOCLAR provisions are converged with the IESBA NOCLAR provisions *(Please (i) provide information on the effective date, (ii) provide links to the local NOCLAR provisions or the specific announcement of the issuance of the local NOCLAR provisions, and (iii) describe any significant differences between the local NOCLAR provisions and the IESBA NOCLAR provisions)*~~

   ~~(iii) No, there are provisions in relevant law or regulation or a different ethical framework that address NOCLAR *(Please describe any significant differences between the relevant law or regulation or ethical framework and the IESBA NOCLAR provisions)*~~

   ~~(iv) Not adopted *(Please specify reasons. If there is a plan to adopt the IESBA NOCLAR provisions, please provide details, including timing)*~~

   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.

   The IRBA is the jurisdictional standard setter and audit regulator in South Africa. The IRBA adopted the *Final Amendments to the IRBA Code of Professional Conduct for Registered Auditors Responding to Non-Compliance with Laws and Regulations* in December 2016, following the issue of these amendments on exposure in South Africa on 9 September 2016 for public comment (Board Notice 153 of 2016). The changes became effective as of 15 July 2017.

   Refer to the IRBA Standards Communique: *Final Amendments to the IRBA Code of Professional Conduct for Registered Auditors Responding to Non-Compliance with Laws and Regulations*

**Guidance and educational materials**

5. 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*)

    - Technical guidance (e.g., FAQs) NOCLAR - IRBA
    - ~~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)*~~
    - ~~None~~

**Other support**

6. 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)*

    - ~~Ethics hotline or equivalent (e.g., for technical queries)~~
    - Discussion forum (e.g., for sharing knowledge) IRBA Committee for Auditor Ethics and participation on the South African Institute of Chartered Accountants (SAICA) Ethics Committee Meetings
    - ~~Whistleblower hotline (e.g., to report actual or suspected NOCLAR)~~
    - Other *(Please specify)* Inquiries of and / or collaboration with the IRBA RI Team, a standards inbox on queries from the public and registered auditors.
    - ~~None~~

**Inquiries and questions**

7. 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)* Please refer to our response under Part D.

**Level of understanding**

8. 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)*

    - Yes

    Yes, based on the information available to us.

    We haven't conducted a formal assessment of registered auditors' overall understanding of the local NOCLAR provisions. However, available information from stakeholder engagement does not indicate significant implementation challenges or trends suggesting a lack of understanding.

In preparing this response, we engaged with audit, ethics, risk and compliance representatives from five registered auditor firms, comprising two large firms, two medium firms and one small firm. These discussions did not highlight significant implementation challenges in relation to the NOCLAR response framework.

- Somewhat
- No
- Not known or no data available

**Legal protection**

9. 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. Please refer to our response under Part D.

**Observed outcomes (benefits and challenges)**

10. 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 discussions with audit, ethics, risk and compliance representatives from registered auditor firms, the nature of NOCLAR matters identified has remained relatively consistent over time. While the IRBA does not have comprehensive visibility over all NOCLAR matters identified by firms, registered auditors indicated that the most encountered matters continue to relate to non-compliance with statutory and regulatory requirements with common examples including:

    - Late submission of annual financial statements and annual returns.
    - Non-compliance with requirements of the Companies Act.
    - Tax-related non-compliance.
    - Failures to meet governance requirements, such as Social and Ethics Committee requirements.
    - Employment-related compliance matters (e.g. UIF, COIDA registrations).
    - Data privacy and protection requirements.
    - Industry-specific regulatory non-compliance (e.g. pension funds, higher education institutions and financial sector entities).
    - Suspected or actual fraud identified during engagements.

11. 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*)

Overall, the effectiveness of the NOCLAR provisions appears to vary depending on whether external reporting is required, and the responsiveness of the relevant regulatory authority.

The deterrent effect appears stronger where the matter triggers external reporting obligations, particularly through the RI reporting or other regulatory reporting requirements. In those circumstances, clients tend to attach greater urgency to the matter, and there are clearer incentives for timely remediation.

Where no external reporting obligation is triggered, the provisions remain useful as an ethical response framework, but their practical impact may depend more heavily on the client's willingness to engage, the seriousness with which management and those charged with governance approach the matter, and the likelihood of regulatory follow-up or enforcement.

Registered auditors also noted that the provisions have assisted in broadening the discussion with clients beyond matters that fall strictly within the RI definition. In some cases, this has supported remedial action, improved awareness of compliance obligations, and strengthened controls.

12. 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)*

Registered auditors generally considered the provisions to be sufficiently clear and capable of being applied in practice, however the discussion did identify the following areas that require judgement in practice and often legal advice:

- Application of subjective terms such as "clearly inconsequential" and "substantial harm",
- Determining when disclosure is appropriate and,
- Balancing ethical responsibilities against legal and contractual confidentiality requirements, particularly in complex or sensitive matters.

Despite these challenges, registered auditors generally agreed that implementation issues arise more frequently from practical circumstances, legal complexities and resource constraints than from deficiencies in the NOCLAR provisions themselves.

13. 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?

- ~~Yes, the provisions were not applied in whole *(Please explain why the provisions were not applied (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.)*~~
- ~~Yes, the provisions were only partially applied *(Please explain which provisions were not applied and why (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.)*~~
- No, not observed

**Other comments**

~~14. 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)*~~

15. 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)?

Feedback from registered auditors was generally positive on the clarity and usefulness of the NOCLAR provisions. The discussions did not indicate significant implementation challenges for larger firms, which generally have access to internal ethics, risk management, legal and technical support. Rather, the practical challenges identified are more relevant to SMPs, where capacity constraints, limited access to specialist expertise and the need for consistent application may make complex or sensitive NOCLAR matters more difficult to assess.

In particular, SMPs may face greater practical difficulty when assessing confidentiality considerations, possible external reporting obligations, interactions with multiple regulators, or judgmental concepts such as "clearly inconsequential" and "substantial harm". The discussion therefore highlighted the value of practical implementation support, such as non-authoritative guidance, illustrative workflows, decision trees or documentation templates, to assist SMPs in applying the NOCLAR provisions more consistently.

## ~~Part C – Professional Accountancy Organizations (PAOs)~~

### ~~Adoption status and effective date~~

> ~~*Note:*~~
>
> ~~*Adoption (full or with modifications) refers to the formal acceptance and incorporation of the IESBA standards into a jurisdiction's national laws, regulations or professional requirements.*~~
>
> ~~*Convergence is where a jurisdiction aligns its national ethics (including independence) standards or provisions with the IESBA standards through a process that seeks to eliminate or minimize differences between the IESBA and national standards or provisions. This includes a process where an IESBA standard is used as a basis to develop the local standard or provisions.*~~

~~4. Has your organization adopted the NOCLAR provisions of the Code (IESBA NOCLAR provisions)? *(Please choose the most representative answer*)~~

~~(a) Yes, through full adoption with no modifications *(Please provide (i) information on the effective date and (ii) links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions)*~~

~~(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)*~~

~~(c) No, but the local NOCLAR provisions are converged with the IESBA NOCLAR provisions *(Please (i) provide information on the effective date, (ii) provide links to the local NOCLAR provisions or the specific announcement of the issuance of the local NOCLAR provisions, and (iii) describe any significant differences between the local NOCLAR provisions and the IESBA NOCLAR provisions)*~~

~~(d) No, there are provisions in relevant law or regulation or a different ethical framework that address NOCLAR *(Please describe any significant differences between the relevant law or regulation or ethical framework and the IESBA NOCLAR provisions)*~~

~~(e) Not adopted *(Please specify reasons. If there is a plan to adopt the IESBA NOCLAR provisions, please provide details, including timing)*~~

~~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.~~

### ~~Guidance and educational materials~~

~~5. 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*)~~

- ~~Technical guidance (e.g., FAQs)~~
- ~~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)*~~
- ~~None~~

~~**Other support**~~

6. ~~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)*~~

   - ~~Ethics hotline or equivalent (e.g., for technical queries, application questions on the local NOCLAR provisions)~~
   - ~~Discussion forum (e.g., for sharing knowledge)~~
   - ~~Whistleblower hotline (e.g., to report actual or suspected NOCLAR)~~
   - ~~Other *(Please specify)*~~
   - ~~None~~

~~**Inquiries and questions**~~

7. ~~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)*~~

~~**Level of understanding**~~

8. ~~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)*~~

   - ~~Yes~~
   - ~~Somewhat~~
   - ~~No~~
   - ~~Not known or no data available~~

~~**Enforcement**~~

9. ~~Does your organization enforce the local NOCLAR provisions?~~

   - ~~Yes (*Please specify (i) when enforcement started, (ii) details such as disciplinary cases against members (the information may be anonymized), and (iii) links to relevant published reports*)~~
   - ~~No (*Please specify (i) why your organization does not enforce the local NOCLAR provisions, (ii) which organization enforces the local NOCLAR provisions, and (iii) whether your organization receives reports from them*)~~

**~~Appropriate authority~~**

~~10. Does your organization have the authority to investigate NOCLAR or suspected NOCLAR that is reported to it and take any necessary action?~~

- ~~Yes *(Please provide details, including the (i) nature of the NOCLAR matters that have been reported to your organization, and the (ii) actions taken (the information may be anonymized))*~~
- ~~No~~

**~~Legal protection~~**

~~11. 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.~~

**~~Observed outcomes (benefits and challenges)~~**

~~12. 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.*~~

~~13. 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*)~~

~~14. 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)*~~

~~15. 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?~~

- ~~Yes, the provisions were not applied in whole *(Please explain why the provisions were not applied (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.)*~~
- ~~Yes, the provisions were only partially applied *(Please explain which provisions were not applied, and why (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.)*~~
- ~~No, not observed~~

**~~Other comments~~**

~~16. 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)*~~

17. ~~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)?~~

## Part D – Regulators or Oversight Bodies

### Adoption status and effective date

> *Note:*
>
> *Adoption (full or with modifications) refers to the formal acceptance and incorporation of the IESBA standards into a jurisdiction's national laws, regulations or professional requirements.*
>
> *Convergence is where a jurisdiction aligns its national ethics (including independence) standards or provisions with the IESBA standards through a process that seeks to eliminate or minimize differences between the IESBA and national standards or provisions. This includes a process where an IESBA standard is used as a basis to develop the local standard or provisions.*

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

   (a) Yes, with no modifications *(Please (provide (i) information on the effective date and (ii) links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions)* For more details, please refer to our response under Part B.

   ~~(b) Yes, 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)*~~

   ~~(c) No, but the local NOCLAR provisions are converged with the IESBA NOCLAR provisions *(Please (i) provide information on the effective date, (ii) provide links to the local NOCLAR provisions or the specific announcement of the issuance of the local NOCLAR provisions, and (iii) describe any significant differences between the local NOCLAR provisions and the IESBA NOCLAR provisions)*~~

   ~~(d) No, there are provisions in relevant law or regulation or a different ethical framework that address NOCLAR *(Please describe any significant differences between the relevant law or regulation or ethical framework and the IESBA NOCLAR provisions)*~~

   ~~(e) Not adopted *(Please specify reasons. If there is a plan to adopt the IESBA NOCLAR provisions, please* provide *details including timing)*~~

   ~~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.~~

### Guidance and educational materials

5. 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*)

   - Technical guidance (e.g., FAQs) NOCLAR - IRBA
   - ~~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)*~~
- ~~None~~

**Other support**

6. 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)*

- ~~Ethics hotline or equivalent (e.g., for technical queries)~~
- Discussion forum (e.g., for sharing knowledge) IRBA Committee for Auditor Ethics and participation on the South African Institute of Chartered Accountants (SAICA) Ethics Committee Meetings
- ~~Whistleblower hotline (e.g., to report actual or suspected NOCLAR)~~
- Other *(Please specify)* Inquiries of and / or collaboration with the IRBA RI Team, a standards inbox on queries from the public and registered auditors.
- ~~None~~

**Inquiries and questions**

7. 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)*

In South Africa, registered auditors are required to report reportable irregularities (RIs) to the IRBA in accordance with Section 45(1) of the Auditing Profession Act (Act 26 of 2005), as amended.

In the past, NOCLAR-related questions have been submitted to the IRBA's RI team, generally in conjunction with questions about whether a matter constitutes an RI. Accordingly, the inquiries received most are those that relate to the interaction between the RI legislative framework and the NOCLAR provisions in the IRBA Code, in which case registered auditors are referred to the locally developed FAQ on this topic.

These inquiries have typically focused on the following matters:
- whether a matter constitutes an RI;
- the interaction between RI reporting and the NOCLAR framework;
- whether further reporting or escalation is warranted;
- confidentiality and disclosure considerations, particularly where client-related information may be involved; and
- public interest considerations when contemplating onward reporting to an appropriate authority.

**Level of understanding**

8. 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)*

   - Yes
   - ~~Somewhat~~
   - ~~No~~
   - ~~Not known or no data available~~

   Yes, based on the information available to us. \

   In preparing this response, we engaged internally with our inspections and investigations departments, and those discussions did not identify inspection or investigation trends relating to the application of the NOCLAR provisions, that would suggest a lack of understanding of the NOCLAR provisions.

   That said, not all NOCLAR or suspected NOCLAR matters encountered by registered auditors would necessarily come to the IRBA's attention. In practice, the matters that come to our attention generally arise through reportable irregularities reported in terms of section 45 of the Auditing Profession Act, inspections, complaints and investigations. Accordingly, we may not have sight of all NOCLAR or suspected NOCLAR matters encountered by registered auditors, particularly where those matters do not also trigger a reporting requirement or referral through one of these channels.

**Enforcement**

9. Does your organization enforce the local NOCLAR provisions?

   - Yes (*Please specify (i) when enforcement started, provide (ii) details such as disciplinary cases against professional accountants/accounting firms (information may be anonymized if not public), and (iii) links to relevant published reports*)

     The local NOCLAR provisions became effective on 15 July 2017, and enforcement of those provisions forms part of the IRBA's broader statutory mandate to investigate and discipline registered auditors for non-compliance with the IRBA Code and other applicable regulatory requirements. A contravention of, or failure to comply with, any requirement of the IRBA Code may be regarded as improper conduct. Such matters may be investigated and, where appropriate, the registered auditor may be charged in terms of section 48 of the Auditing Profession Act.

     The IRBA's enforcement role in relation to NOCLAR is therefore limited to the conduct of registered auditors, including whether a registered auditor appropriately applied the NOCLAR response framework in Section 360 of the IRBA Code; enforcement action in relation to the underlying non-compliance by an audit client or other third party would fall within the mandate of the relevant authority.

     South Africa has a broad legislative and regulatory framework that includes multiple mandatory reporting obligations applicable to registered auditors in particular contexts, in addition to the considering if external reporting is required in accordance with the NOCLAR provisions in the IRBA Code. Registered auditors are required to comply with the RI requirements in section 45 of the Auditing Profession Act, 2005. In addition, sector- or engagement-specific reporting obligations under company, co-operative, banking, insurance, pension fund, medical schemes, financial sector, legal practice, property practitioner, public sector and anti-money laundering legislation also apply. These frameworks co-exist. The RI requirements impose a statutory obligation to report reportable irregularities to the IRBA where the legislative definition of an RI is met. Sector and engagement-specific obligations may require reporting to different authorities, depending on the nature of the engagement, the entity and the applicable legislation.

Accordingly, the NOCLAR provisions do not operate in isolation in South Africa. They form part of the broader legal and regulatory ecosystem in which registered auditors may already have statutory or regulatory reporting obligations when they identify or suspect NOCLAR.

From an IRBA perspective, matters involving NOCLAR more commonly come to the IRBA's attention through the RI reporting process. This is because the RI framework creates a direct statutory reporting obligation to the IRBA, whereas the NOCLAR provisions require a broader ethical assessment of the auditor's response, including whether further action or reporting to an appropriate authority is required in the public interest.

Our inaugural RI Report is available here: Reportable Irregularities Reports - IRBA

In addition, the IRBA's inspections process may identify audit quality deficiencies that are relevant to NOCLAR or suspected NOCLAR, including deficiencies relating to the auditor's consideration of laws and regulations, fraud, RIs or related reporting responsibilities. In reviewing the latest IRBA Inspections Report, as well as the prior year's report, certain audit quality deficiencies were identified, but further discussion with our inspections colleagues explained that these are typically instances where the non-compliance wasn't identified as opposed to incorrect application of NOCLAR provisions.

Our Inspections Reports are available here: Inspection Reports - IRBA

At this stage, the IRBA has had no disciplinary cases specifically framed as non-compliance with Section 360 of the IRBA Code.

Published information on disciplinary matters, including matters involving contraventions of the IRBA Code more broadly, is available in our Enforcement Reports: Enforcement Reports - IRBA.

- ~~No (*Please specify (i) why your organization does not enforce the local NOCLAR provisions, (ii) which organization enforces the local NOCLAR provisions, and (ii) whether your organization receives reports from them*)~~

**Authority to investigate**

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

- ~~Yes (*Please provide details, including the (i) nature of the NOCLAR matters that have been*~~

~~*reported to your organization, and the (ii) actions taken (the information may be anonymized if not public))*~~

- No

The IRBA does not have a general mandate to investigate or enforce the underlying NOCLAR committed by an audit client, management, those charged with governance or another third party. However, where the matter raises a question about whether a registered auditor complied with the IRBA Code, appropriately applied the NOCLAR response framework, complied with RI obligations, or otherwise met applicable professional requirements, the IRBA may investigate the registered auditor's conduct and take disciplinary action where warranted.

**Legal protection**

11. 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.

    The IRBA is not the authority responsible for administering whistleblowing legislation and has not conducted a formal assessment of the effectiveness of these protections.

    Publicly available South African commentary and research recognise that South Africa has a legislative framework for protected disclosures and whistleblower protection, including the Protected Disclosures Act and related statutes. However, these sources also identify persistent concerns regarding practical effectiveness, accessibility, implementation, adequacy of remedies, confidentiality/anonymity, retaliation risks, and the availability of legal, financial, physical and psychosocial support for whistleblowers in practice. These sources include, but are not limited to:

    - Whistleblower protection in South Africa: where to from here? , by Just Share, with support from Old Mutual Investment Group and Futuregrowth, May 2022.
    - Discussion Document on Proposed Reforms for the Whistleblower Protection Regime in South Africa, by the Department of Justice and Constitutional Development, 2023.
    - Submissions on Proposed Reforms for Whistle-blower Protection Regime in South Africa, by Corruption Watch, 15 August 2023.
    - South African Whistleblowers: Tribulations and Triumphs, by Gordon Institute of Business Science / Centre for Business Ethics, University of Pretoria, with Nottingham Business School researchers, November 2021.

**Observed outcomes (benefits and challenges)**

12. 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.*

The latest analysis of the RIs received is available in our inaugural RI Report here: Reportable Irregularities Reports - IRBA

13. 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*)

    Please refer to our response under Part B.

14. 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)*

    In reviewing the latest IRBA Inspections Report, as well as the prior year's report, certain audit quality deficiencies were identified, but further discussion with our inspections colleagues explained that these are typically instances where the non-compliance wasn't identified as opposed to incorrect application of NOCLAR provisions. Our Inspections Reports are available here: Inspection Reports - IRBA

15. 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?

    - ~~Yes, the provisions were not applied in whole *(Please explain why the provisions were not applied (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.)*~~
    - ~~Yes, the provisions were only partially applied *(Please explain which provisions were not applied, and why (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.)*~~
    - No, not observed.

**Other comments**

~~16. 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)*~~

17. 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)?

    Please refer to our response under Part B.

**~~Part E – Accounting Firms or individual PAPPs~~**

**~~Adoption status and effective date~~**

> *~~Note:~~*
>
> *~~Adoption (full or with modifications) refers to the formal acceptance and incorporation of the IESBA standards into a jurisdiction's national laws, regulations or professional requirements or, if your firm belongs to a network, your network's policies and methodologies.~~*
>
> *~~Convergence is where a jurisdiction aligns its national ethics (including independence) standards with the IESBA standards through a process that seeks to eliminate or minimize differences between the IESBA and national standards or provisions. This includes a process where an IESBA standard is used as a basis to develop the local standards or provisions.~~*

~~4. 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*)~~

~~(a) Yes, through full adoption with no modifications *(Please provide (i) information on the effective date and (ii) details of your firm's NOCLAR policies and methodologies)*~~

~~(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 details of your firm's NOCLAR policies and methodologies)*~~

~~(c) No, our firm's policies and methodologies implement local NOCLAR provisions that are converged with the IESBA NOCLAR provisions *(Please (i) provide information on the effective date, (ii) provide details of your firm's NOCLAR policies and methodologies, and (iii) describe any significant differences between your firm's NOCLAR policies and methodologies and the IESBA NOCLAR provisions)*~~

~~(d) No, our firm's policies and methodologies are based on law or regulation or a different ethical framework that address NOCLAR *(Please describe any significant differences between your firm's NOCLAR policies and methodologies and the IESBA NOCLAR provisions)*~~

~~(e) Not adopted *(Please specify reasons. If there is a plan to adopt the IESBA or local NOCLAR provisions, please provide details, including timing)*~~

~~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.~~

~~5. 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:~~

- ~~The jurisdiction in which the individual firm is based has not adopted the IESBA NOCLAR provisions *(Please describe the circumstances and how this interacts with the network policies)*~~

- ~~The jurisdiction in which the individual firm is based has provisions in relevant law or regulation or another ethical framework that address NOCLAR *(Please describe the circumstances and how this interacts with the network policies)*~~

**~~Guidance and Educational Materials~~**

~~6. 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*)~~

- ~~Technical guidance (e.g., FAQs)~~
- ~~Education/training programs (e.g., webinars)~~
- ~~Articles, publications or newsletters (e.g., updates about standards, case studies or illustrative examples)~~
- ~~Other *(Please specify)*~~
- ~~None~~

**~~Other support~~**

~~7. 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)*~~

- ~~Ethics hotline or equivalent(e.g., for technical queries, application questions on the network's NOCLAR policies and methodologies)~~
- ~~Discussion forum (e.g., knowledge sharing)~~
- ~~Other *(Please specify)*~~
- ~~None~~

**~~Level of understanding by auditors~~**

~~8. 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)*~~

- ~~Yes~~
- ~~Somewhat~~
- ~~No~~
- ~~Not known or no data available~~

**~~Level of understanding by non-auditors (i.e., consulting/advisory)~~**

~~9. 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)*~~

- ~~Yes~~
- ~~Somewhat~~
- ~~No~~
- ~~Not known or no data available~~

**~~Practical experience (benefits and challenges)~~**

~~10. Have you or your firm encountered any NOCLAR or suspected NOCLAR (i) at a client, or (ii) within the firm?~~

- ~~Yes, *(Where possible, please provide details such as (i) general nature of the NOCLAR or suspected NOCLAR, (ii) whether the client was an audit or non-audit client, (iii) to whom it was communicated, and (iv) how the matter has been addressed (information provided may be anonymized))*~~
- ~~No~~

~~11. 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.*~~

~~12. 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? )*~~

~~13. 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)*~~

~~14. 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))*~~

**~~Legal protection~~**

~~15. 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)*~~

**~~Other comments~~**

~~16. 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)*~~

~~17. 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)?~~

## ~~Part F – Professional Accountants in Business (PAIBs)~~

*~~This section refers to the "local NOCLAR provisions" issued by your professional accountancy organization, a regulator or the local standard setter responsible for promulgating ethics standards for PAIBs, where those local provisions are based on the NOCLAR provisions in the IESBA Code.~~*

**~~Guidance and educational materials~~**

4. ~~What guidance or educational materials have you received or accessed on the local NOCLAR provisions? (*Select all that apply and provide links*)~~
   - ~~Technical guidance (e.g., FAQs)~~
   - ~~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)*~~
   - ~~None~~
5. ~~From which organizations have you received guidance or educational materials on the local NOCLAR provisions? *(Select all that apply)*~~
   - ~~Professional Accounting Organization (PAO)~~
   - ~~Regulator or oversight body~~
   - ~~Accounting firms~~
   - ~~Other~~
   - ~~None~~

**~~Other support~~**

6. ~~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)*~~
   - ~~Ethics hotline or equivalent (e.g., for technical queries, application questions on the local NOCLAR provisions)~~
   - ~~Discussion forum (e.g., for sharing knowledge)~~
   - ~~Whistleblower hotline (e.g., to report actual or suspected NOCLAR)~~
   - ~~Other *(Please specify)*~~
   - ~~None~~

**~~Inquiries and questions~~**

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

**~~Integration into internal framework~~**

~~8. 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?~~

- ~~Yes *(Please describe)*~~
- ~~No~~
- ~~Not known~~

**~~Level of understanding~~**

~~9. Do you have an overall understanding of the local NOCLAR provisions?~~

- ~~Yes~~
- ~~Somewhat~~
- ~~No~~

**~~Practical experience (benefits and challenges)~~**

~~10. Have you encountered any NOCLAR or suspected NOCLAR in your work?~~

- ~~Yes, *(Where possible, please provide details such as (i) general nature of the NOCLAR, (ii) to whom it was communicated, and (iii) how the matter has been addressed (information provided may be anonymized))*~~
- ~~No~~

~~11. 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?)*~~

~~12. Which of the local NOCLAR provisions have you found most challenging to apply when responding to a NOCLAR or suspected NOCLAR? (*Please provide details)*~~

~~13. 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))*~~

**~~Legal protection~~**

~~14. 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.~~

**~~Other comments~~**

~~15. 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)*~~

~~16. 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)?~~

~~**Part G – Other Users or Beneficiaries of the Code**~~

~~4. *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)*~~

~~5. 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)*~~

~~6. 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)*~~

~~7. Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions?~~

**End of survey**

Thank you for your valuable input. Your input will inform the IESBA's Post-Implementation Review and help the IESBA develop clear, robust and practical ethics standards that reinforce public trust in the profession and effectively serve the public interest.