

ASIC Superannuation (Notice of Administrative Appeals Tribunal Decision—John Gilliland) Instrument 2024/309

I, Craig Angove, delegate of the Australian Securities and Investments Commission, make this notifiable instrument.

Pursuant to subsection 130F(7) of the *Superannuation Industry (Supervision) Act 1993* (**the Act**), attached to this instrument is a copy of a decision made by the Administrative Appeals Tribunal in relation to a disqualification order made by the Australian Securities and Investment Commission under subsection 130F(2) of the Act.

Date 29 April 2024

Craig Angove

*Attachment to the ASIC Superannuation (Notice of Administrative Appeals Tribunal Decision–John Gilliland) Instrument 2024/309*

**Administrative Appeals Tribunal**

**ADMINISTRATIVE APPEALS TRIBUNAL )**

**)** No: 2018/5931

**TAXATION AND COMMERCIAL DIVISION )**

Re: John Gilliland

Applicant

And: Australian Securities & Investments Commission

Respondent

**TRIBUNAL:** Deputy President Bernard J McCabe

**DATE:** 25 March 2024

**PLACE:** Brisbane

In accordance with subsection 42C(1) of the *Administrative Appeals Tribunal Act 1975*:

1. the parties have reached an agreement as to the terms of a decision of the Tribunal that is acceptable to the parties; and

2. the terms of the agreement have been reduced to writing, signed by or on behalf of the parties and lodged with the Tribunal; and

3. the Tribunal is satisfied that a decision in those terms is within the powers of the Tribunal and is appropriate to make.

WHEREAS:

A. The Applicant accepts the Self-Managed Superannuation Fund audits of Fiscal Consultants Superannuation Fund for the financial years 2013, 2014 and 2015 were in breach of the Accounting Professional & Ethical Standards Code (APES 110).

B. The Applicant abandons the submissions dated and filed with the Tribunal on 15 March 2024.

C. The Applicant accepts he breached the relevant provisions contained in APES 110 as alleged and agrees not to undertake any further audits.

D. Upon the Tribunal making the orders set out below the Applicant will immediately apply to voluntarily resign his registration a SMSF Auditor.

Pursuant to subsection 42C(2) of the *Administrative Appeals Tribunal Act 1975*, the Tribunal orders

I. The reviewable disqualification decision made by the Respondent on 15 August 2018 that disqualified the Applicant from being an approved SMSF Auditor be varied so that the Applicant not disqualified but is instead suspended for the period of five (5) years effective from 15 August 2018.

.................................**[SGD]**.................................

Bernard J McCabe Deputy President