

28 January 2022

**The Director: Legal
Independent Regulatory Board for Auditors (IRBA)**

For attention: Ms R Motsepe

Email: dcrulescomments@irba.co.za

Dear Ms Motsepe

Comments on the Draft Proposed Disciplinary Rules of the Independent Regulatory Board for Auditors

1. The South African Institute of Chartered Accountants (SAICA) welcomes the opportunity to make submissions to the IRBA Board on the Draft Proposed IRBA Disciplinary Rules issued in terms of section 10(1) of the Auditing Profession Act 26 of 2005, as amended.
2. SAICA is encouraged that the IRBA has taken some of our previous recommendations into consideration especially as relates to the legal instrument in which the rules are contained.
3. For ease of reference we have set out our main points in Annexure A.

Yours sincerely

**Freeman Nomvalo
Chief Executive Officer**

**Juanita Steenekamp
Project Director: Governance and Non-IFRS Reporting**

The South African Institute of Chartered Accountants



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ANNEXURE A: DETAILED COMMENTS

GENERAL MATTERS

Concerns over consultation

4. SAICA and IRBA have built a good and close working relationship over many years. Based on such good relationship, we would have appreciated direct further engagement on an individual basis to reflect this good relationship, but also the reality that currently SAICA is the professional body most impacted. To date, SAICA has not been afforded the opportunity for such direct engagement with IRBA.
5. This is reflected in that for example that our previous comments with regards to the definition of “non-audit matters” has not been taken into account notwithstanding that a scoping definition is fundamental to the operation and application of the draft rules.

6. Submission: The rules will have a significant operational, legal and cost impact on SAICA. As a voluntary professional body, we will now for example have to accept disciplinary referrals from the IRBA and SAICA should have been afforded sufficient opportunity to engage the IRBA to gauge the impact that the proposals will have on SAICA and its members as relates the SAICA Disciplinary Code and SAICA By-laws.
7. SAICA also needs to consider the cost and impact on the Disciplinary process and caseload which may have a direct impact on SAICA’s whole membership, not just is RA members. We submit that such engagement to discuss the impact on SAICA, including the number of cases and their complexity that the IRBA foresees will be referred to SAICA, needs to occur before finalisation of the rules.
8. Accordingly, while the IRBA has previously advised SAICA that there are only a few matters which the IRBA anticipates referring to SAICA, we would appreciate the IRBA providing an average of non-audit complaints received per year over the past five (5) years in order for SAICA to reasonably plan for these additional cases in terms of budget and staff resources and prepare for a further productive engagement with IRBA.

Definitions

9. The Draft Rules imports definitions that could potentially change the legal meaning of the term already described in other pieces of legislation and which may already have been tested in our courts as to their meaning.
10. The Draft Rules cannot change the meaning or description of recognised legal terms in legislation and common law though it can create specific purpose definitions. Examples include the definition of an identity document which is inter alia defined in the Identification



Act, 1997. Another example is the imported definition of the term “warrant” that is extensively dealt with in various pieces of legislation and criminal procedure.

11. However, by creating specific purpose definitions of matters already defined in other law, it not only creates uncertainty as to how the IRBA definitions differ from the other definitions but also results in these technical difference creating legal anomalies in the application of the rules. This will have an impact on both RA and IRBA and detract from the efficiency and effectiveness of the rules when clarification may first be sought from the courts to proceed with disciplinary matters.
12. For example a search warrant and its execution is described in Section 48B of the APA. The warrant is also extensively dealt with in Section 21 of the Criminal Procedure Act, 1977. Another example is the description of reasonable force that is generally interpreted by the common law and criminal procedure and will depend on the circumstances of each case. The insertion of a definition is of no consequence for these criminal proceedings but could undermine IRBA’s process if their own definitions have unintended consequences.

13. Submission: It is recommended that instead of IRBA creating new definitions for terms already commonly used and defined in other legislation, IRBA rather recognise existing laws for the sake of consistency in application and to ensure that the definitions are aligned with the empowering laws.

Footnotes

14. The purpose of a footnote is to provide a reference for further clarification.
15. This is usually applied in academic or guidance documents.
16. Footnotes are however inappropriate in “Rules” which are secondary legislation.
17. Substantive rules and provisions including procedure should definitively not be contained in footnotes but in the body of the text. For example it is noted that information that an authorised person must convey is set out in footnote 11, page 52. Similar footnote 13 sets out the procedure for repeated attempts to execute a warrant.

18. Submission: Substantive procedure should be inserted into the body of the text as Rules. Where IRBA intends to clarify or justify an interpretive or operational approach that should be contained in a guide or a footnote in such guide, not in the Rules Which are secondary legislation.



PART D – RULES RELATING TO SEARCH AND SEIZURES

When is IRBA allowed to enter premises for search and seizure

Section 29 Initiation of search and seizure operation

19. Section 29(5) states that the IRBA is allowed to enter premises where the Investigating Committee Chairperson has issued a certificate of appointment authorising entry.
20. We would like to request that the requirement should be included that there should be reasonable grounds for entry that should include the conduct of the RA. Reasonable grounds should refer to the consideration that access was previously refused or there is reasonable expectation that access will be refused or that important information might be destroyed.
21. This would align to IRBA's presentation to Parliament that it seeks these invasive powers in the limited circumstances that the information is being refused, withheld or possibly destroyed.

22. **Submission:** We submit that the decision to follow the process of search and seizure should be linked to reasonable grounds and that those reasonable grounds must include that all possible steps should have been taken to request the relevant information. The search and seizure process should be followed as a last resort only in extra-ordinary circumstances.

23. It is also submitted that the issue of the premises being accessed should also clarify whose premises are being accessed. The question arises on whether the IBRA is accessing the registered auditor's premises, the auditee's or the auditor's lawyers' premises.
24. It should be noted that there is a difference between accessing business premises and a private residence when it comes to the Constitutionality of search and seizure powers.
25. In Gaertner¹ at para 38 the court face a similar dilemma in determine the scope of the legislation where it states:

Clearly, "any premises" and "any premises whatsoever" include private homes. The only qualification, if a qualification at all, on the exercise of the search power is that an officer may enter any premises "for the purposes of this Act". The wording is so broad that it brings within its sweep not only the places of business and homes of people who are players in the customs and excise industry, but also the homes of their clients, associates, service providers, and employees and their relatives. Quite conceivably, the premises – business

¹ [Gaertner and Others v Minister of Finance and Others \(CCT 56/13\) \[2013\] ZACC 38; 2014 \(1\) SA 442 \(CC\); 2014 \(1\) BCLR 38 \(CC\) \(14 November 2013\) \(saflii.org\)](#)



or homes – of any person who, somehow, may be linked to a player in the customs and excise industry may be the subject of a search in terms of the impugned sections. The breadth of the impugned sections in relation to premises becomes quite plain.

26. In this regard the court concludes at para 43 that the relevant sections do in fact limit the constitutional right to privacy and is therefore subject to a constitutional limitation analysis.

27. The court further emphasis this distinction and the privacy rights that attach to them by stating (Our emphasis):

The customs and excise industry is closely controlled and regulated. Given that fact, participants in the customs and excise industry must be taken to expect regular inspections.⁴⁷ Consequently, the right to privacy in respect of business premises in this context is greatly attenuated. On the other hand, in respect of private homes the right remains as strong as one can imagine.

But the Customs and Excise Act does not discriminate between the types of premises that may be subjected to searches for the purposes specified in the statute. Needless to say, in respect of private dwellings, participants in the customs and excise industry are still entitled to expect – and reasonably so – that the law will respect and protect their right to privacy.....

28. The Gaertner²² case also concluded the following:

“In summary, these are my conclusions thus far:

[a] Warrantless routine searches are justifiable under the Act in respect of the business premises of persons registered in terms of s 59A, of persons licensed under Chapter VIII, of person registered under s 75(10) and of persons who operate pre-entry facilities, to the extent that the search relates to the business for which such person is registered or to the business for which such premises are licensed or registered or to the business of operating the pre-entry facility.

[b] Warrantless non-routine searches are justifiable under the Act in respect of pre-entry facilities, licensed warehouses and rebate stores, to the extent that the search relates to the business of operating the pre-entry facility or to the business of the licensed warehouse or rebate store.

[c] Searches without judicial warrant are not justifiable in other cases.....”

²² Gaertner and Others v Minister of Finance and Others (12632/12)[2013]



29. Other legislation, such as the section 62(2) Tax Administration Act 2011 now clearly delineates this difference and strictly prohibits a SARS official from entering a dwelling-house or domestic premises for searches not specified in warrants or without consent, except any part thereof used for purposes of trade.

30. Submission: It is submitted that the IRBA has authority over the registered auditor and the investigation pertaining to improper conduct in the context of an audit as defined. The premises should therefore be defined as the premises of the registered auditor and it should be clarified that domestic premises are excluded from extended (ie not named in warrant or warrantless searches where a domestic premises not used for business of an RA is being sought to be searched).

31. Any intervention outside the scope of its jurisdiction should be treated with caution as the provisions are potentially ambiguous and open to challenge.

32. It is submitted that the comments submitted is applicable to all references to premises in the Draft rules.

Who may consent to a search and seizure, and under what circumstance may such a consent be granted

Section 30 Consent to a search and seizure operation

33. The section deals with who may consent to a search and seizure.

34. With reference to a private residence, Section 30(1)(a) states that a person apparently in control of the business reasonably believed to be conducted at the premises and the occupant of the private residence to be entered.

35. It seem unclear whether this need to be the same person i.e. must conduct the business on the premises and be an occupant. Given the current wording it could be different people and if they are not the same, both should provide consent.

36. Submission: The rules should be clarified as to whether both conditions must apply to the same person or if it can apply to different persons then both persons consent should be obtained.

37. At present with COVID-19 and the work from home requirements, although businesses are not conducted from home, many people are working from home. We question how this section would be applied to an employee working from home who is not in control of the business as they are only working from home due to the current circumstances.



38. **Submission:** The IRBA needs to take note that employees working from home are not in actual fact “conducting business” even if they are exercising the trade of employment and would also not be in “control” of the said business.

39. The rules need to clarify the legal position regarding this aspect.

40. Section 48A of the APA states that access can be granted by the person in control of the premises though it is not clear whose premises is referred to.

41. **Submission:** The issue of control should be clarified as control does not refer to the person having keys to access the office, e.g. the building caretaker, but rather the relevant owner/ director / manager of the business or office.

Protection of legal privilege

Section 31 Information, documentation and/or items subject to a search and seizure operation

42. The information and documentation that is being seized does not provide any guidance or a process on seizing legally protected information that is protected under legal privilege.

43. For IRBA to ensure that they act as an effective regulator and that they cannot be challenged in court as to information seized, IRBA needs to ensure that a process is set out where information is legally privileged that the person who needs to claim the privilege can exercise such rights.

44. Should IRBA seize documents in contravention of citizens constitutional rights it may be to the detriment of the whole seizure.

45. The IRBA is referred to section 64(3) of the TAA which sets out the following:

“If, during the carrying out of a search and seizure by SARS, a person alleges the existence of legal professional privilege in respect of relevant material and a legal practitioner is not present under subsection (1) or (2), SARS must seal the material, make arrangements with a legal practitioner from the panel appointed under [section 111](#) to take receipt of the material and, as soon as is reasonably possible, hand over the material to the legal practitioner.”

46. This right and process we have previously submitted in a table for ease of reference and we again implore IRBA to properly consider these provisions, many which have been tested by our courts and resulted in its amendment.

47. **Submission:** SAICA submits that a process should be included to deal with legally privileged information.



48. In this regard we have in Annexure B set out for ease of reference a comparison of rights in this regards for various authorities such as the Estate Agency Affairs Board, Financial Intelligence Authority and SARS for Customs and Excise under various Acts, as comparison. SAICA suggests that the IRBA considers the requirements in the legislation as much of it has been tested in court and the IRBA would not want to fall foul of previous decisions by the Constitutional Court. Relating to search and seizure provisions.

Procedure for removing documentation, information and/or other items

Section 33 Search and seizure operation

49. Section 33(7) states that passwords shall be provided to the authorised person.
50. We are concerned that the requirements as set out is not in line with good practice and might actually not be practical.
51. The following should be considered:
- 51.1 The person in control of the premises probably won't have access to:
 - 51.1.1 all applications
 - 51.1.2 all usernames and passwords
 - 51.2 Passwords are normally set to expire on a regular basis.
 - 51.3 The person in control of the premises probably will not be able to assist with the navigation of all applications.
 - 51.4 Access may have to be granted (by creating a new username and password (profile)) by the relevant IT administrator instead. Said IT administrator would require a scoping document, setting out which applications and which functionalities within applications need to be accessed. Only read (and not write) access should be given.
 - 51.5 Generally, any activities on the system are logged. The firm in question may therefore be able to track what information/applications IRBA accessed and when.
 - 51.6 Instead of recording usernames and passwords in a relevant schedule, we would recommend that these rather be recorded in a password protected electronic file. Writing down usernames and passwords creates an even bigger risk of unauthorised access.
 - 51.7 Legal liability should unauthorised access be gained to the relevant applications.



51.8 Where applications are hosted in the Cloud by a third party (that may not be resident in South Africa), third party access and jurisdiction in terms of the relevant service level agreement may need to be understood.

52. Submission: We recommend that a forensic auditor and / or computer audit specialist be consulted on how to access the relevant applications and to ensure that the guide includes best practice and the actual practicality of what is sought.

Forceful entry

Section 35 Limitation to a search and seizure operation

53. Section 35(1) states that the authorised person may in the absence of a warrant not enter a premises where consent was not provided and no one is present at the premises,
54. Footnote 13 then sets out a process where the authorised person can approach the court for a warrant to access the premises notwithstanding that the premises is unoccupied.
55. This process should rather be included in the draft regulations and not as a footnote as it allows for forceful entry into premises.
56. SAICA also notes that the regulations do not deal with compensation for forceful entry where the owner of the premises or occupant is not aware of or did not obstruct entry.
57. The person whose premises were accessed should be able to claim costs to repair any damages due to the forceful entry.

58. Submission: The Rules should provide for reasonable compensation for damages to property resulting from forceful entry where the occupant or owner did not obstruct entry or was not aware of such entry.

PART E: REFERRAL OF NON-AUDIT COMPLAINT TO AN ACCREDITED PROFESSIONAL BODY FOR INVESTIGATION AND DISCIPLINARY PROCEEDINGS

Referrals

Section 42 Referral of a non-audit complaint to an accredited professional body

59. The proposed guide states that the IRBA may refer non-audit matters to the relevant accredited professional body.



60. SAICA has previously raised concerns in our comment letters dated, 8 February 2019, 12 October 2020, 9 November 2020 and 13 September 2021 that the use of the term “non-audit” is not clear. The definition as stated in the APA is:

“audit” means the examination of, in accordance with prescribed or applicable auditing standards –

a) financial statements with the objective of expressing an opinion as to their fairness or compliance with an identified financial reporting framework and any applicable statutory requirements; or

(b) financial and other information, prepared in accordance with suitable criteria, with the objective of expressing an opinion on the financial and other information;

61. We question whether reasonable assurance engagements performed under ISAE 3000 would be dealt with by the IRBA or would be referred to SAICA.

62. The APA states that the Enforcement Committee should take the decision for referral of non-audit matters to the relevant accredited professional body. The Draft Regulations states that the referral of non-audit complaints were delegated to the Director Investigations.

63. SAICA takes note of section 19 of the APA which states that in respect of sections 48, 48A, 48B, 49, 50, 51 and 51B with due regard to the varying nature and seriousness of matters arising from these sections, the IRBA can oblige the investigating, enforcement and disciplinary committees to delegate or assign appropriate powers or duties to the CEO or any employee.

64. We are concerned that the delegation may derail the legal expertise and knowledge of the Enforcement Committee in evaluating the complaint and possible referral. The Enforcement Committee was specifically included in the APA to ensure legal expertise in this process, and the Guide now indicates that the decision was delegated to the Director: Investigations.

65. Submission: We submit that the referral of non-audit matters must be clarified and that the referral must be done by the Enforcement Committee.

66. We request further information on the delegation process as our view is that the Enforcement Committee should be dealing with the referral.



Responsibilities of the accredited professional body

Section 42 Referral of a non-audit complaint to an accredited professional body

67. The APA states that the accredited professional body has to finalise the investigation within 12 months of the complaint.
68. We appreciate the change to the Draft Rules that allows the accredited professional body the opportunity to apply for an extension as well as the clarification of the time period.
69. SAICA is however concerned with regards to the case load as these referrals would be in addition to our current disciplinary case load for members who are not Ras and who make up the majority of our members.
70. SAICA is also concerned with regards to the complaint information which will be provided.
71. SAICA does not have subpoena powers and can only act on the referral documents forwarded by the IRBA as received. Further SAICA lacks the authority to compel evidence from third parties who are in possession of information which is critical to the success. Where SAICA cannot obtain further information SAICA will have to close a case due to lack of *prima facie* evidence to discipline the member.
72. Section 42(12)(c) requires that the accredited professional body must within 12 months of the date of receipt of the referral investigate the complaint and where applicable initiate and finalise the disciplinary proceedings. Section 42(13) allows for a request for extension.
73. In view of the 12 month period which the IRBA has mandated for the accredited professional body to finalise the investigation, it may be necessary for the accredited professional body to revert to the IRBA for assistance in obtaining certain evidence. An example of this is where it comes to the attention of the accredited professional body that there are documents and/ or other evidence considered to be material to an investigation, in the possession of an individual who is not a member of the accredited professional body and who has refused to provide said information to the professional body. Since the professional body lacks powers of subpoena, successful investigation on such a matter is unlikely. In such circumstances, the IRBA as the referrer of the complaint should issue a subpoena to obtain such documentation and/or evidence and provide same to the professional body to utilise in their investigation. It is submitted that this is a mechanism to ensure the same quality of evidence would be available to an accredited professional body as would be available if the IRBA were conducting the investigation itself.
74. If the IRBA decides not to assist the professional body in obtaining this information via the subpoena mechanism, it is likely that many matters referred to a professional body would need to be closed due to no prospects of successful prosecution. Where the IRBA is able



to obtain the information needed to lead to a successful prosecution, by way of the subpoena mechanism, and to provide such information to the professional body, for the IRBA not to do so would not be in the best interests of the public or of the accountancy profession.

75. The practical process envisaged would be for the professional body to formally request the documentation and/or other evidence from the IRBA and for the IRBA to issue the subpoena to the Party in possession of the information, the IRBA would obtain the information requested and refer this information to the professional body. Accordingly, the IRBA would not be ceding any powers to the professional body but merely allowing the accredited professional body the same quality of evidence that the IRBA would have, were the IRBA to investigate the case itself.

76. Submission: SAICA would like to request that the requirement to finalise the complaint within 12 months be removed as the case load of the SAICA Disciplinary department needs to be taken into account.

77. SAICA would also need to consider the complexity of the cases and SAICA cannot foresee and plan with regards to the number of cases that might affect the timing of investigation and finalisation of cases. . SAICA submits that it would rather be more reasonable for the professional bodies to submit an update on all open cases referred by the IRBA every 12 months.

78. There is also no process or criteria set out on how the IRBA can allow for an extension and this would create uncertainty on how and when the IRBA would allow for an extension.

79. SAICA submits that the section needs to be amended to allow for complaints to be closed that cannot be finalised due to lack of evidence or where no prospects of success exist, for example where the Complainant, Respondent or a key witness is now deceased.

Section 43 Outcomes of the accredited professional body's investigation and disciplinary proceedings

80. The IRBA requires the professional body in Regulation 43(4) to issue a letter stating that the respondent is not in good standing where the sanction imposed on the respondent by the professional body is a suspension from practice without termination of membership.

81. The IRBA draft rules require the aforesaid letter to be issued to the IRBA and upon receipt of any third party enquiries.

82. Suspensions from practise are not indefinite and membership will be re-instated upon the expiry of the suspension period.



83. Submission: SAICA submits that this section needs to be amended to clarify that the letter stating the respondent is not in good standing need only be issued until such time as the period of suspension from practice has expired.

Section 44 Monitoring of the accredited professional body's investigation and disciplinary processes

84. Section 44(1) states that the IRBA will be conducting annual monitoring of the accredited professional bodies investigation and disciplinary processes, including the sanctions imposed against respondents so as to satisfy itself on the integrity and fairness of the process.
85. Further in section 44(2) the IRBA sets out that the above monitoring may result in action plans for implementation by the professional body.
86. SAICA is concerned that the annual monitoring may result in the operational managing of SAICA disciplinary processes by the IRBA which was never intended.
87. IRBA as the Regulator monitors SAICA as an accredited professional body through the accreditation process and the proposal might lead to undue influence of the Regulator in the process of discipline. The SAICA disciplinary committee acts without fear or favour and should be allowed to continue as such.
88. The IRBA as the Regulator should be independent of SAICA and the proposals to review the SAICA disciplinary process' sanctions and suggest action plans can be viewed as a conflict of interest that should IRBA mandate the exact process and then seek to further express views as to the sufficiency of the process it mandated.
89. The sanctions determined in the SAICA disciplinary processes are decided upon by the Independent Professional Conduct Committee and the Disciplinary Committees and accordingly the IRBA seeking to effectively question these determinations and as to whether there was integrity and fairness may be seen as the IRBA seeking to fetter the independent discretion of these committees.
90. The action plans referred to in paragraph 39 above are problematic in that it may result in one set of actions/processes being utilised for non-audit complaints referred to the professional body and another set of actions/processes being utilised for other complaints received by the professional body.
91. No objections mechanism has been set out where the professional body may disagree with the IRBA's view.



92. Submission: SAICA submits that that this section needs to be amended to clearly set out the parameters of the annual monitoring so that it does not seek to infringe upon the independent decisions reached by the professional body disciplinary committees. It should neither create a situation where managerial decisions on appropriate process is supplanted by the Regulator who itself has to then review the effectiveness of such process or procedure.
93. SAICA further submits that there needs to be a detailed process provided to resolves any disputes which may arise where the IRBA and the professional disagree on the IRBA Findings in the monitoring and actions plans.

Annexure B – Analysis and comparison of search and seizure powers							
Reference	Regulatory References in prevalent legislation: search and entry /seizure	Estate Agency Affairs Board Act 112 of 1976 (to be repealed by Property Practitioners Bill passed 2019) PPB	Property Practitioners Act 22 of 2019	Legal Practice Act 28 of 2014	Tax Administration Act 28 of 2011	Financial Intelligence Centre Act 38 of 2001	Financial Sector Regulation Act 9 of 2017
1.	Prior procedures to ensure that search and entry/seizure is remedy of last resort	Not reflected Rectified in PPB	S 26 Compliance notices	N/a No search and entry/seizure requirement	S 99 (3)	S 43A (3)	S 149 S 131(1) (a)
2.	Inspector criteria	Not reflected Rectified in PPB	S 24 qualified inspectors, detail such as identification	N/a No search and entry/seizure requirement	S 61(1)	S 45 Identification of inspectors	S 134 Identification of inspectors
3.	Power of inspector	S 32A (repealed by Concourt) Rectified in PPB	S 25 powers of the inspectors to enter, inspect, search and seize	N/a No search and entry/seizure requirement	S 61	S 45B	S 137
4.	Trigger for search and entry	S 32A (repealed by Concourt) Non-compliance S 25 of PPB	S 25 to ensure compliance with the Act	N/a No search and entry/seizure requirement	S 60(1) Non-compliance	S 45B(1A) Non-compliance	S 136 For purposes of investigation
5.	Warrant	S 32A repealed, Concourt require warrant	S 25(3)	N/a No search and entry/seizure requirement	S 59 and 60	S 45(1B)	S 138



	Regulatory References in prevalent legislation: search and entry /seizure	Estate Agency Affairs Board Act 112 of 1976	Property Practitioners Act 22 of 2019	Legal Practice Act 28 of 2014	Tax Administration Act 28 of 2011	Financial Intelligence Centre Act 38 of 2001	Financial Sector Regulation Act 9 of 2017
6.	Without warrant	S 32A (repealed) Rectified in PPB No requirement in PPB	S 25(1) Enter without a warrant, inspector powers set out specifically	N/a No search and entry/seizure requirement	S 63 (1)	S 45B (1C)	S 137
7.	Protection clauses	S 8C Right of Appeal against committees S 31 Right of Appeal against decisions of board Included in PPB	S29 Mediation S30 Adjudication S 31 Adjudication Appeal Committee	S 41 Right of Appeal to Appeal Tribunal S 42 Legal Services Ombud S 44 High Court may be approached	S 57, S 72, S 103 Various mechanisms Dispute resolution procedures	S 45 D 11 Right of Appeal to Court	Various mechanisms S 140 Ombud Scheme Tribunal Administrative sanctions Structure of law
8.	Appeal	S 8C Right of Appeal against committees S 31 Appeal against decisions of board Included in PPB	S 31 Adjudication Appeal Committee	S 41 Right of Appeal to Appeal Tribunal S 44 High Court may be approached	S 104 & S107 Various procedures Objection against assessment or decision.	S 45D Right of Appeal	S 299 Right of appeal of Financial Services Board decisions Appeals Board Tribunal
9.	Sanctions Regime	Not reflected Rectified in PPB	S 26 Compliance notices S 27 Fine as compensation	S 40 fines, suspension, compensation	Chapter 15	S 45C	S 120 S 154 S 171-174