

The Shane Warne Foundation – Public information statement

Public Information Statement by the Director of Consumer Affairs under section 70B of the Fundraising Act concerning the Shane Warne Foundation

I, Simon Cohen, Director of Consumer Affairs, being satisfied that it is in the public interest, make the following public information statement:

There has been extensive media reporting and public discussion about the Shane Warne Foundation ('the Foundation') since late 2015. Media reports have included information about a Notice of Direction from me to the Foundation, requiring that it submit an auditor's report by 29 February 2016 on the accounts and records kept in relation to fundraising appeals conducted by the Foundation. I have received a request from the Foundation for an extension of time to submit the report. As I note below, I have agreed to provide an extension of time.

Given the media reporting of the date for the Foundation to submit a report, and that this date will not be met, I consider it is in the interests of members of the public who have contributed monies to the Foundation that they understand the reasons for this decision, and the date that I have directed that the report now be provided.

The Notice of Direction issued to the Foundation requires it to submit an auditor's report on the accounts and records kept in relation to fundraising appeals for the financial year (s) 1 July 2012 to 30 June 2015; and for the part financial year of the current registration, 1 July 2015 to December 2015. The report must be prepared by a registered company auditor or person approved by me.

In providing the Notice of Direction, I asked that the Foundation confirm the receipt of the Notice of Direction, to advise the name of the auditor and to confirm the audit would be completed by 29 February 2016. I have set out below a brief summary of communications with Consumer Affairs Victoria staff since 24 December 2015:

- on 13 January 2016, the Foundation confirmed receipt of the notice, and advised the professional services firm KPMG would conduct the audit and it would be completed on time
- on 21 January 2016, KPMG advised they had not yet been formally engaged by the Foundation to prepare a report, but it was expected this would occur in the week ending 29 January 2016
- on 29 January 2016, the Foundation issued a media release indicating it would be ceasing its operations and there would be a final cheque presentation on 18 March 2016
- on the afternoon of 29 January 2016, a representative of the Foundation advised that KPMG might not be conducting the audit, and my office confirmed the Foundation's continuing obligation to comply with the Notice of Direction
- on 5 and 8 February 2016, at the request of the Foundation, Consumer Affairs Victoria officers participated in telephone discussions with potential auditors to assist them to understand the scope of the audit
- on 15 February 2016, I wrote to the Foundation's Board seeking confirmation of the engagement of an auditor, and reminding the Board of the requirements of the Notice of Direction, and
- on 16 February 2016, Consumer Affairs Victoria received confirmation from the Foundation of the appointment of KPMG as the auditor to prepare the report; the Foundation also requested an extension of time on the basis that it would take four weeks to complete the report.

The delay by the Foundation in appointing an auditor to prepare a report means that it will not be possible, at this stage, for a report to be provided by 29 February 2016. The most important matter is to have a comprehensive and complete audit. Given this, I consider it appropriate to grant additional time for compliance with the Notice of Direction.

I have therefore written to the Foundation's Board on 25 February 2016 to advise that I will provide additional time, until Friday 11 March 2016, for the report to be submitted. I have also advised the Board that I will make this Public Information Statement.

Until the report has been received and fully assessed, Consumer Affairs Victoria will not provide any further information about the Foundation's registration as a fundraiser, the Notice of Direction or the report.