



Proposed Standard: APES 310 Dealing with Client Monies ~~and Related Audit Obligations~~ (Formerly APS 10)

~~Alternate Titles:~~

~~1. Client Monies~~

~~2. Professional Obligations of a Member in Public Practice who transacts in Client Monies or who acts in the capacity of an Auditor~~

~~3. Transacting in or Auditing Client Monies~~

Prepared and issued by Accounting Professional & Ethical Standards Board Limited

Commenting on this Exposure Draft

Comments on this Exposure Draft should be forwarded so as to arrive by **21 May 2010**.

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A copy of all submissions will be placed on public record on the APESB website:
www.apesb.org.au.

Obtaining a copy of this Exposure Draft

This Exposure Draft is available on the APESB website: www.apesb.org.au. Alternatively, any individual or organisation may obtain one printed copy of this Exposure Draft without charge until **21 May 2010** by contacting:

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Reasons for issuing Exposure Draft 01/10

Accounting Professional & Ethical Standards Board Limited (APESB) proposes to issue the Standard APES 310 *Dealing with Client Monies and Related Audit Obligations* setting out mandatory requirements and guidance for Members in Public Practice who *Deal with, holds, receives or disburses* Client Monies or *where they act as in the capacity of* an Auditor. The proposed standard will replace the existing APS 10 *Trust Accounts*.

Key requirements and guidance in ED 01/10

The proposed APES 310 includes mandatory requirements and guidance in respect of:

- Fundamental responsibilities of Members in Public Practice;
- General principles;
- Opening a Trust Account;
- Client Bank Account;
- *Dealing with* ~~Transacting in~~ Client Monies;
- ~~Disbursement of Client Monies;~~
- ~~Documentation and quality control;~~
- Audit of ~~the Professional Services provided by the~~ a Member in Public Practice's *compliance with this Standard in respect of Client Monies*; and
- Professional obligations of ~~the an~~ Auditor of *a Member in Public Practice's compliance with this Standard* ~~Client Monies~~.

Proposed operative date

It is intended that this Standard will be operative from 1 October 2010.

Request for comments

Comments are invited on this Exposure Draft of APES 310 *Dealing with Client Monies and Related Audit Obligations* by **21 May 2010**. APESB would prefer that respondents express a clear overall opinion on whether the proposed Standard, as a whole, is supported and that this opinion be supplemented by detailed comments, whether supportive or critical, on any matter. APESB regards both critical and supportive comments as essential to a balanced view of the proposed Standard.

ACCOUNTING PROFESSIONAL & ETHICAL STANDARDS BOARD
LIMITED



Accounting Professional & Ethical Standards Board

APES 310
**Dealing with Client Monies ~~and Related Audit~~
Obligations**

(Issued XXXX 2010)

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1 Scope and application

- 1.1 Accounting Professional & Ethical Standards Board Limited (APESB) issues professional standard APES 310 Dealing with Client Monies ~~and Related Audit Obligations~~ (the Standard), which is effective from 1 October 2010. This Standard supersedes APS 10 *Trust Accounts*. [Note: this proposed wording introduces a new drafting convention – other replaced standards do not contain this wording]. Earlier adoption of this Standard is permitted.
- 1.2 APES 310 sets the standards for Members in Public Practice who Deal with ~~hold, receive or disburse~~ Client Monies or ~~where they~~ who ~~act in the capacity of~~ as an Auditor. The mandatory requirements of this Standard are in **bold-type (black lettering)**, preceded or followed by discussion or explanations in normal type (grey lettering). APES 310 should be read in conjunction with other professional duties of Members and any legal obligations that may apply.
- 1.3 **Members in Public Practice in Australia shall follow the mandatory requirements of APES 310 when they ~~hold, receive or disburse~~ Deal with Client Monies or ~~where they~~ act as ~~in the capacity of~~ an Auditor.**
- 1.4 **Members in Public Practice practising outside of Australia shall follow the mandatory requirements of APES 310 to the extent to which they are not prevented from so doing by specific requirements of local laws and/or regulations.**
- 1.5 **Members in Public Practice shall be familiar with relevant Professional Standards and guidance notes when Dealing with Client Monies or when they act as an Auditor ~~providing Professional Services~~. All Members shall comply with the fundamental principles outlined in the Code.**
- 1.6 The Standard is not intended to detract from any responsibilities which may be imposed by law or regulation.
- 1.7 All references to Professional Standards, guidance notes and legislation are references to those provisions as amended from time to time.
- 1.8 In applying the requirements outlined in APES 310, Members in Public Practice should be guided not merely by the words but also by the spirit of the Standard and the Code.
- 1.9 This Standard is directed towards Members in Public Practice. However, Members in Business should apply this Standard to the extent practicable when they ~~hold, receive or disburse~~ Deal with Client Monies.

2 Definitions

For the purpose of this Standard:

Assurance Engagement means an Engagement in which an Auditor expresses a conclusion designed to enhance the degree of confidence of the intended users other than the responsible party about the outcome of the evaluation or measurement of the subject matter against criteria.

Audit Engagement means Reasonable Assurance Engagement.

Auditing and Assurance Standards means:

- In relation to reports for reporting periods and Engagements commencing on or after 1 July 2006:
 - the AUASB standards, as described in ASA 100 *Preamble to AUASB Standards* and the *Foreword to AUASB Pronouncements*, issued by the AUASB, and operative from the date specified in each standard; and
 - those standards issued by the AuASB which have not yet been revised and reissued (whether as standards or as guidance) by the AUASB, to the extent that they are not inconsistent with the AUASB standards, and
- In relation to reports for reporting periods and Engagements commencing prior to 1 July 2006, the auditing and assurance standards issued by the AuASB on behalf of CPA Australia and the Institute of Chartered Accountants in Australia.

AuASB means the Auditing and Assurance Standards Board which issued Australian Auditing and Assurance Standards up to 30 June 2004, under the auspices of the Australian Accounting Research Foundation, a joint venture of CPA Australia and the Institute of Chartered Accountants in Australia.

AUASB means the Australian statutory body called the Auditing and Assurance Standards Board established under section 227A of the *Australian Securities and Investments Commission Act 2001*.

Auditor means a Member in Public Practice:

- who has been engaged to perform an **Audit Engagement** of another Member in Public Practice's compliance with this Standard; and
- holds a certificate of public practice of one of the Professional Bodies.

Business Day means a day that is not a Saturday, Sunday, public holiday or bank holiday.

Client means an individual, firm, entity or organisation to whom or to which Professional Services are provided by a Member in Public Practice in respect of **Engagements** of either a recurring or demand nature.

Client Bank Account means a Client's bank account held with a Financial Institution on which a Member in Public Practice, acting either solely or in conjunction with one or more people, holds a signing authority.

Client Monies means any Monies (in whatever form) coming into the control of a Member in Public Practice which is the property of a Client. "Control" means a situation where a Member, acting either solely or in conjunction with one or more people, can authorise the transacting of Client Monies. Client Monies exclude:

- a cheque made payable to someone other than the Client, received by a Member in Public Practice and forwarded promptly to the payee;
- Monies administered under any insolvency legislation for which a separate bank account is opened by a receiver, liquidator or similar person; or

- fees paid in advance for Professional Services agreed to be performed and clearly identified as such.

Code means APES 110 *Code of Ethics for Professional Accountants*.

Deals (or Dealing) with Client Monies means to hold, receive or disburse Client Monies.

Deficiency means a deficit or shortfall of Client Monies, as disclosed by Records maintained by a Member in Public Practice, or in the records of a Financial Institution at which ~~an~~the account is held. However, it does not include any deficiency which the Auditor is satisfied was caused solely by an error of a Financial Institution which has been subsequently rectified.

Engagement means an agreement, whether written or otherwise, between a Member in Public Practice and a Client relating to the provision of Professional Services by a Member in Public Practice. However, consultations with a prospective Client prior to such agreement are not part of an Engagement.

Financial Institution means a bank, building society, credit union or such other financial entity that is regulated by the Australian Prudential Regulation Authority (APRA) in accordance with the *Banking Act 1959*.

Firm means

- A sole practitioner, partnership, corporation or other entity of professional accountants;
- An entity that controls such parties through ownership, management or other means;
- An entity controlled by such parties through ownership, management or other means; or
- An Auditor-General's office or department.

Member means a member of a Professional Body that has adopted this Standard as applicable to their membership, as defined by that Professional Body.

Member in Business means a Member employed or engaged in an executive or non-executive capacity in such areas as commerce, industry, service, the public sector, education, the not for profit sector, regulatory bodies or professional bodies, or a Member contracted by such entities.

Member in Public Practice means a Member, irrespective of functional classification (e.g., ~~a~~Audit, tax or consulting) in a Firm that provides Professional Services. The term is also used to refer to a Firm of Members in Public Practice and means a practice entity as defined by the applicable Professional Body.

Monies means cash, foreign currency, any negotiable instrument and any security, the title to which is transferable by delivery (for example, bills of exchange and promissory notes), including delivery by electronic funds transfer.

Professional Bodies means the Institute of Chartered Accountants in Australia, CPA Australia and the National Institute of Accountants.

Professional Standards means all standards issued by Accounting Professional & Ethical Standards Board Limited and all professional and ethical requirements of the applicable Professional Body.

Professional Services means services requiring accountancy or related skills performed by a Member in Public Practice including accounting, auditing, taxation, management consulting and financial management services.

Reasonable Assurance Engagement means an Assurance Engagement where the Auditor's objective is a reduction in Assurance Engagement risk to an acceptably low level in the circumstances of the Assurance Engagement as the basis for a positive form of expression of the Auditor's conclusion. A reasonable Assurance Engagement is commonly referred to as an audit.

Records means documentation evidencing the ~~holding, receiving or disbursing of~~ Dealing with Client Monies via a Trust Account or a Client Bank Account, or otherwise ~~transacting~~ Dealing with ~~in~~ Client Monies in accordance with a Client's instructions.

Trust Account means an account opened by a Member in Public Practice with a Financial Institution which is kept for the sole purpose of ~~holding, receiving or disbursing~~ Dealing with Client Monies. A Trust Account can be in the form of:

- one or more accounts dealing with Monies of one Client; or
- one or more accounts dealing with Monies of multiple Clients.

Comment [eh1]: Addresses issue raised in *Seiwa Australia Pty Ltd v Beard [2009] NSWCA 240*

3 Fundamental responsibilities of Members in Public Practice

3.1 A Member in Public Practice who ~~holds, receives or disburses~~ Deals with Client Monies or acts ~~in the capacity of~~ as an Auditor shall comply with Section 100 *Introduction and Fundamental Principles* of the Code and relevant law.

3.2 A Member in Public Practice who ~~holds, receives or disburses~~ Deals with Client Monies or acts ~~in the capacity of~~ as an Auditor shall comply with Section 220 *Conflicts of Interest* and Section 280 *Objectivity – All Services* of the Code.

Public interest

3.3 In accordance with Section 100 *Introduction and Fundamental Principles* of the Code, a Member in Public Practice shall observe and comply with the Member's public interest obligations when the Member ~~provides Professional Services to a Client which comprise holding, receiving or disbursing~~ Deals with Client Monies or acts ~~in the capacity of~~ as an Auditor.

Professional competence and due care

3.4 A Member in Public Practice who ~~holds, receives or disburses~~ Deals with Client Monies or acts ~~in the capacity of~~ as an Auditor shall maintain professional competence and exercise due care in the performance of the Member's work in accordance with Section 130 *Professional Competence and Due Care* of the Code.

Confidentiality

3.5 In accordance with Section 140 *Confidentiality* of the Code, a Member in Public Practice who acquires confidential information in the course of professional work for a Client shall not use that information for any purpose other than the proper performance of the professional work for that Client.

Part A: Professional obligations of a Member in Public Practice who ~~provides Professional Services in respect of~~ Deals with Client Monies

4 General principles

- 4.1 A Member in Public Practice who ~~holds, receives or disburses~~ Deals with Client Monies shall comply with Section 270 *Custody of Client Assets* of the Code.
- 4.2 ~~Subject to paragraphs 4.11 and 4.12, A~~ Member in Public Practice shall ~~who holds, receives or disburses~~ Deal with Client Monies ~~shall transact Client Monies~~ in accordance with the Client's instructions.
- 4.3 It is preferable that a Client's instructions are in writing. Where a Client gives an oral instruction, a contemporaneous note should be made and kept on file by the Member in Public Practice recording the relevant details.
- 4.4 A Member in Public Practice shall be accountable for all Client Monies and keep Client Monies separate from all other Monies of the Member.
- 4.5 A Member in Public Practice shall implement appropriate internal controls and procedures in respect of the operation of a Trust Account and a Client Bank Account. The Member shall take all reasonable steps to ensure that those internal controls achieve the following objectives:
- Client Monies are ~~transacted dealt with~~ in accordance with the Client's instructions and this Standard;
 - A Trust Account is properly safeguarded and accounted for; and
 - A Client Bank Account is properly safeguarded against unauthorised access or use.
- 4.6 A Member in Public Practice shall not obtain any benefit from ~~holding, receiving or disbursing~~ Dealing with Client Monies, including benefits deriving from the deposit and/or investment of Client Monies, without prior written authority from the Client.
- 4.7 A Member in Public Practice shall bear any Financial Institution, statutory or other government charges in respect of a Trust Account.
- 4.8 A Member in Public Practice shall ~~only~~ **may** deposit the Member's own funds to a Trust Account:
- to meet any charges made to the Trust Account where the Financial Institution has made such charges to the Trust Account in error, instead of ~~to~~ the Member's general bank account; or
 - to meet a Financial Institution's prescribed minimum requirements for an ongoing account balance.
- 4.9 A Member in Public Practice may charge ~~professional~~ fees in respect of ~~holding, receiving or disbursing~~ Dealing with Client Monies.
- 4.10 A Member in Public Practice who is acting as a trustee or under a power of attorney shall comply with the Member's legal and fiduciary duties as trustee or attorney in respect of ~~Dealing with~~ Client Monies, and shall apply this Standard to the extent practicable.

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- 4.11 A Member in Public Practice shall not:
- a) receive or pay into a Trust Account or a Client Bank Account; or
 - b) disburse out of a Trust Account or a Client Bank Account
- any Monies if the Member believes on reasonable grounds that it was obtained from, or is to be used for, illegal activities or that holding, receiving or disbursing the Monies is otherwise unlawful.
- 4.12 ~~A Member in Public Practice w~~hen ~~holding, receiving or disbursing~~ Dealing with Client Monies in accordance with a Client's instructions, a Member in Public Practice shall not be involved in any ~~M~~oney laundering transactions or in the utilisation of the proceeds of crime or terrorist financing.

5 Opening a Trust Account

- 5.1 ~~Subject to paragraph 6.1, a~~ Member in Public Practice shall open a Trust Account at a Financial Institution to ~~transact~~ Deal with Client Monies, unless the Member can operate a Client Bank Account.
- 5.2 A Member in Public Practice shall document the process followed to establish the identity of a Client and the source of Client Monies prior to ~~agreeing to hold, receive or disburse~~ Dealing with Client Monies.
- 5.3 A Member in Public Practice shall ensure that a Trust Account is opened in the Member's or the Firm's name and includes the words "Trust Account" in its title. A Member shall open and maintain a separate Trust Account where a Client requests the establishment of a separate account.
- 5.4 Where a Member in Public Practice opens a Trust Account, the Member shall give a written notice to the Financial Institution that:
- (a) all Monies standing to the credit of that account ~~is~~are held by the Member as Client Monies and that the Financial Institution is not entitled to combine the account with any other account, or to exercise any right to set-off or counterclaim against Monies in that account in respect of any sum owed to the Financial Institution on any other account;
 - (b) any interest payable in respect of the account balance must be credited to that account; and
 - (c) the Financial Institution acknowledge in writing that it accepts the terms of the notice, and confirm its understanding that Monies held in a Trust Account are Client Monies and are the property of a Client.
- 5.5 A Member in Public Practice shall deposit Client Monies received to the credit of a Trust Account, within ~~3~~three Business Days of receipt.
- 5.6 A Member in Public Practice shall inform the Client in writing:
- (a) no later than at the time of initial deposit, the details of the Financial Institution at which the Client Monies are held; and
 - (b) within ~~40~~ten Business Days if there is a change to the existing Financial Institution arrangements where the Client Monies are held.

6 Client Bank Account

- 6.1 Subject to paragraphs 4.11 and 4.12. A Member in Public Practice shall only operate a Client Bank Account in accordance with the Client's written instructions.

7 ~~Transacting in~~ Dealing with Client Monies

- 7.1 Subject to paragraph 7.7, a Member in Public Practice shall only Deal with~~transact~~ Client Monies through a Trust Account or a Client Bank Account with the authority of the Client~~legal owner of the Monies~~, or otherwise by operation of the law.

Holding and receiving Client Monies

- 7.2 A Member in Public Practice shall only hold Client Monies in a Trust Account for the period necessary to enable the purpose for which the Client Monies were received to be discharged.
- 7.3 A Member in Public Practice receiving Client Monies where the payee is no longer a Client, or the intended recipient is unknown to the Member, shall return the Monies within ~~40~~ten Business Days to the drawer or sender as appropriate.
- 7.4 A Member in Public Practice shall comply with the relevant state legislation in respect of unclaimed Monies in circumstances when the Member is unable to disburse the Monies to the Client, payee, drawer or sender.
- 7.5 A Member in Public Practice shall record the following information for Client Monies received, or Monies received for deposit into a Client Bank Account:
- (a) the name of the person from whom Monies ~~were~~are received;
 - (b) the amount of Monies;
 - (c) the Client for whose benefit Monies ~~is~~are held;
 - (d) the purpose for which Monies ~~were~~are received or other description of the Monies;
 - (e) the date on which Monies ~~were~~are received;
 - (f) the form in which Monies ~~were~~are received; and
 - (g) in relation to Client Monies that ~~is~~are not capable of being deposited into a Financial Institution in accordance with paragraph 7.7, the location where the Monies are held.
- 7.6 A Member in Public Practice shall issue ~~an acknowledgement-completed receipt~~ to the Client within 21 Business Days or as otherwise agreed with the Client containing the details specified in paragraph 7.5 ~~stating to acknowledge~~ that the Member has deposited the Client Monies into a Trust Account or a Client Bank Account.
- 7.7 A Member in Public Practice who receives Client Monies in a form that is not capable of being deposited in a Financial Institution shall safeguard the Monies against unauthorised use, record ~~details~~details in an appropriate register, and issue ~~an acknowledgement-receipt~~ to the Client within 21 Business Days containing the details specified in paragraph 7.5.
- 7.8 Client Monies that are in a form that is not capable of being deposited into a Trust Account or a Client Bank Account may include Client assets such as promissory notes

or a coin collection. In such circumstances the requirements of paragraphs 4.1 and 7.7 apply.

Disbursement of Client Monies

- 7.9 A Member in Public Practice shall ~~ensure that~~ disburse Client Monies ~~are only disbursed from a Trust Account or Client Bank Account as required by law or otherwise based on the written instructions authority obtained from the Client, or as authorised by the operation of the law and that such withdrawals are transacted within 3~~ three Business Days of receipt of written instructions in respect of the disbursement or in accordance with the terms of Engagement.
- 7.10 Only A Member in Public Practice, or any persons authorised in accordance with paragraph ~~7.12~~ 8.4, shall operate the Member's Trust Account.
- 7.11 A Member in Public Practice shall ensure that the Member has appropriate documentation to transact electronic funds transfers from a Trust Account or a Client Bank Account.
- 7.12 In circumstances where a Member in Public Practice is not available to authorise Trust Account transactions in a timely manner, the Member shall delegate in writing the Member's authority to effect transactions to another Member in Public Practice or to two persons drawn from any of the following categories:
- (a) Solicitors holding a current practising certificate;
 - (b) Suitably competent ~~qualified~~ personnel of the Member's practice; or
 - (c) Financial Institution managers; ~~or~~
 - ~~(d) — A Member of another Professional Body in a multi-disciplinary practice.~~
- 7.13 A Member in Public Practice who wishes to ~~withdraw~~ disburse Monies from a Trust Account or a Client Bank Account relating to professional fees and/or expenses due from a Client, shall obtain the Client's written approval prior to such ~~withdrawal~~ disbursement.
- 7.14 A Member in Public Practice shall not make a disbursement to or on behalf of a Client from a Trust Account that exceeds the amount of funds standing to the credit of that Client.

8 ~~Documentation and quality control~~

- ~~8.1 — A Member in Public Practice shall comply with the requirements of APES 320 Quality Control for Firms.~~
- ~~8.28.1~~ 8.1 A Member in Public Practice shall maintain Records to appropriately document transactions in respect of Client Monies.
- ~~8.38.2~~ 8.2 A Member in Public Practice shall ensure that all interest earned on Client Monies ~~is~~ are credited to the relevant Client's account.
- ~~8.48.3~~ 8.3 A Member in Public Practice shall maintain documentation that:
- (a) enables transactions involving Client Monies to be audited;
 - (b) discloses the true position of Client Monies; and
 - (c) clearly identifies the transactions effected on behalf of each Client.

- 8.4 Subject to legislative requirements, a Member in Public Practice shall retain and ensure that all documentation in respect of Client Monies are accessible for at least seven years.
- 8.5 Subject to legislative requirements, a Member in Public Practice shall take all reasonable steps to ensure that the Client authorises the Member's Professional Body access to all documentation in respect of Client Monies for the purposes of an inspection, quality review or disciplinary proceedings of the applicable Professional Body.

- 8.6 A Member in Public Practice shall keep documentation in such a manner as to disclose clearly:
- (a) the details of all transactions involving Client Monies, including:
- (i) details of all Client Monies paid direct to the Client, or to a ~~nominated~~ third party ~~nominated by~~ nominated by on the Client's instructions;
 - (ii) details of all cheques received and endorsed by the Member for disbursement to the Client, or to a ~~nominated~~ third party ~~nominated by~~ nominated by on the Client's instructions;
 - (iii) details of all electronic funds transfers of Monies received, and of Monies transferred direct to the Client, or to a ~~nominated~~ third party ~~nominated by~~ nominated by on the Client's instructions;
 - (iv) details of any errors in transactions involving Client Monies;
- (b) the details of all interest earned on Client Monies and that the interest has been applied by the Member in accordance with paragraph 9.38.2;
- (c) the position of a Member's Trust Account or Client's Bank Account and the Client Monies therein; and
- (d) ~~a register of the signatories signing authorities~~ for each Client Bank Account ~~authorised by on which the Member has received the Client's authority to operate.~~ authorised by on which the Member has received the Client's authority to operate.
- 8.7 A Member in Public Practice shall reconcile the ~~T~~Trust ~~A~~Account Records to a Trust Account at least every 25 Business Days. The Member shall correct any differences or errors within 5~~five~~ Business Days.
- 8.8 A Member in Public Practice shall provide a statement containing details of the Member's application of Client Monies and any interest earned on Client Monies, either to the Client or to such other person as directed by the Client:
- (a) in respect of all transactions, at least annually;
 - (b) upon completion of the matter requiring the maintenance of the Trust Account or Client Bank Account;
 - (c) in respect of any transaction, upon written request from the Client; or
 - (d) when a Trust Account or Client Bank Account is closed or if the Member's authority to operate a Client Bank Account is revoked.
- 8.9 A Member in Public Practice shall issue the statements referred to in:
- (a) paragraph 9.98.8(a) within 60 Business Days;
 - (b) paragraphs 9.98.8(b) and 9.98.8(d) within 25 Business Days;
 - (c) paragraph 9.98.8(c) within 5~~five~~ Business Days.
- 8.10 In circumstances where a Client transacts business through a Financial Institution and receives statements directly from the Financial Institution, the Member in Public Practice shall provide details of transactions undertaken by the Member to the Client within 25 Business Days of completing the transaction or as otherwise agreed with the Client.
- 8.11 A Member in Public Practice who operates a Client Bank Account shall ensure, except when the Client also transacts business through the Client Bank Account and receives statements directly from the Financial Institution, that the records for the Client Bank Account are reconciled to the Financial Institution statements at least every 25 Business Days. The Member shall correct any difference or errors within 5~~five~~ Business Days of reconciling the Client Bank Account.

9 Audit of ~~the Professional Services provided by~~ a Member in Public Practice's ~~in respect of~~ compliance with this Standard ~~Client Monies~~

9.1 Subject to legislative requirements, a Member in Public Practice shall ensure that the ~~Professional Services provided by the Member's in respect of~~ compliance with the requirements of this Standard ~~Client Monies are~~ is audited annually within ~~3~~three months of the applicable year end.

9.2 A Member in Public Practice who ~~provides Professional Services in respect of~~ Deals with Client Monies shall appoint another Member in Public Practice to perform the compliance audit pursuant to the requirements of this Standard.

9.3 Paragraphs ~~4.4, 9.1 and 9.2~~ does not apply to a Member in Public Practice in circumstances where a Trust Account is audited in accordance with *Trust Accounts Act 1973* (Qld) or similar legislative requirements.

9.4 A Member in Public Practice whose ~~Professional Services in respect of~~ Dealings with Client Monies are audited shall bear the cost of the compliance audit.

9.5 A Member in Public Practice shall:

- (a) allow the Member's Professional Body or ~~the~~an Auditor of a Member's compliance with this Standard access to Records; and
- (b) assist the Member's Professional Body or ~~the~~an Auditor of a Member's compliance with this Standard in the performance of their duties.

9.6 A Member in Public Practice shall notify ~~the~~an Auditor of a Member's compliance with this Standard within ~~five~~5 Business Days of becoming aware of any Deficiency of Client Monies occurring in the Trust Account along with details of how the Member proposes to or has corrected the Deficiency.

9.7 A Member in Public Practice who intends to ~~change~~remove the existing Auditor, shall first obtain the approval of the applicable Professional Body to replace the existing Auditor providing explanations for the proposed change, as well as the existing Auditor's consent to resign, or the existing Auditor's reasons opposing the removal.

9.8 A Member in Public Practice shall appoint a new Auditor within ~~10~~ten Business Days of the resignation or removal of the existing Auditor.

9.9 Where a Member in Public Practice ceases public practice and:

- (a) another Member in Public Practice is willing to accept the transfer of obligations to transact Client Monies in accordance with this Standard, the Member ceasing public practice shall obtain the written consent of the Clients prior to the transfer. ~~The Member shall provide the applicable Professional Body an audit report prepared in accordance with this Standard for the period the Member was responsible for Client Monies which has not been subject to audit;~~ or
- (b) no other Member in Public Practice is willing to accept the transfer of obligations to transact Client Monies or written consent in accordance with paragraph ~~4.9(a)~~9.9(a) has not been obtained, the Member shall return Client Monies to the Client, ~~and provide the applicable Professional Body an audit report prepared in accordance with this Standard for the period the Member was responsible for Client Monies which has not been subject to audit.~~

9.10 Where the circumstances described in paragraph 9.9 are applicable, a Member in Public Practice shall engage an Auditor to audit the Member's compliance with

this Standard for the period where the Member was responsible for Client Monies which has not otherwise been subject to a compliance audit.

9.109.11 A Member in Public Practice shall ensure that their compliance with this Standard is ~~Professional Services provided by the Member in respect of Client Monies are~~ audited within ~~3~~three months of ceasing to ~~transact~~Deal with Client Monies.

Part B: Professional obligations of ~~the~~ Auditor of a Member in Public Practice's compliance with this Standard Client Monies

10 Professional obligations of ~~the~~ Auditor

10.1 Subject to any legal requirements, a Member in Public Practice who acts in the capacity of ~~the~~ Auditor shall perform the ~~a~~Audit in accordance with Auditing and Assurance Standards.

~~10.2~~ The Auditor shall prepare the Auditor's report in accordance with ~~Appendix 1 to this Standard~~Auditing and Assurance Standards and lodge the report with the applicable Professional Body within 15 Business Days of completion of the ~~a~~Audit Engagement.

~~10.3~~ Appendix 1 to this Standard contains an example of an Auditor's compliance audit report.

10.4 The Auditor shall comply with Section 290 *Independence – Assurance Engagements* of the Code.

10.5 The Auditor shall not undertake an ~~a~~Audit of ~~the Professional Services provided by another Member in Public Practice's compliance with this Standard in relation to Client Monies~~ in circumstances where a reasonable and informed third party having knowledge of all the relevant information, including safeguards applied would determine that the Member's independence is impaired as a result of a past, existing or proposed relationship.

10.6 The Auditor shall report any Deficiency of Client Monies to the applicable Professional Body of the Member who is subject to the compliance audit within ~~5~~five Business Days upon becoming aware of the Deficiency.

10.7 The Auditor shall report to the applicable Professional Body of the Member who is subject to the compliance audit within ~~10~~ten Business Days upon becoming aware of any material:

- (a) failure by a Member who is subject to the compliance audit to deposit or disburse any Client Monies within ~~3~~three Business Days of receipt of instructions ~~or~~and the funds becoming available;
- (b) uncorrected error reflected in a statement issued by a Financial Institution;
- (c) circumstances where Client Monies have not been transacted and/or maintained in accordance with this Standard.

10.8 Subject to legislative requirements, the Auditor shall retain the relevant working papers for a period of at least seven years.

Conformity with International Pronouncements

The International Ethics Standard Board for Accountants (IESBA) has not issued a pronouncement equivalent to APES 310.

Appendix 1

Example of an Independent Auditor's Compliance Audit Report

To [The applicable Professional Body]

Report on the compliance of ~~Client Monies of~~ [Member or Firm] with the requirements of APES 310

We have audited the compliance of [Member or Firm] with the requirements of APES 310 Dealing with Client Monies ~~and Related Audit Obligations~~ (APES 310) for the [year ended / /].

The Responsibility of [Member or Firm] for compliance with APES 310

[Member or Firm] is responsible for compliance with the requirements of APES 310. This responsibility includes establishing and maintaining internal controls relevant to compliance with the requirements of APES 310.

Auditor's Responsibility

Our responsibility is to express a conclusion on [Member or Firm]'s compliance with the requirements of APES 310, in all material respects based on our procedures. Our audit has been conducted in accordance with applicable Standards on Assurance Engagements ASAE 3100 *Compliance Engagements*, in order to state whether, in all material respects, [Member or Firm] has complied with the requirements of APES 310 for the [year ended / /]. Our procedures included examination, on a test basis, of evidence supporting [Member or Firm]'s compliance with APES 310 for the [year ended / /]. These procedures have been undertaken to form ~~an opinion~~ conclusion as to whether the anything has come to our attention which causes us to believe that [Member or Firm] has ~~not~~ complied in all material respects with the requirements of APES 310. ASAE 3100 also requires us to comply with the relevant ethical requirements of the Australian professional accounting bodies.

Limitations on Use

This compliance audit report has been prepared for [the applicable Professional Body] in accordance with APES 310. We disclaim any assumption of responsibility for any reliance on this report to any persons or users other than [the applicable Professional Body], or for any purpose other than that for which it is prepared.

Inherent Limitations

Because of the inherent limitations of any audit, it is possible that fraud, error or non compliance may occur and not be detected. An audit is not designed to detect all instances of non compliance with the requirements of APES 310, as an audit is not performed continuously throughout the [period] and the audit procedures performed in respect of compliance with APES 310 are undertaken on a test basis. The audit conclusion expressed in this report has been formed on the above basis.

Independence

In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

~~Audit Opinion~~Conclusion

(A) Unqualified

In our opinion, [Member or Firm] has complied, in all material respects, with the requirements of APES 310 for the [year ended / /].

OR

(B) Qualified

In our opinion, except for [provide details of exceptions], [Member or Firm] has complied, in all material respects, with the requirements of APES 310 for the [year ended / /].

Address

Member or Firm

Date