

Proposed Standard: APES 310 Client Monies

[Supersedes APES 310 Dealing with Client Monies issued in July 2013]

Prepared and issued by
Accounting Professional & Ethical Standards Board Limited

EXPOSURE DRAFT 01/16
ISSUED: May 2016

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Commenting on this Exposure Draft

This Exposure Draft, APES 310 *Client Monies* was developed and approved by the Accounting Professional & Ethical Standards Board Limited (APESB).

The proposals in this Exposure Draft may be modified in light of comments received before being issued in final form. **Comments are requested by 22 July 2016.**

Comments should be addressed to:

The Chairman
Accounting Professional & Ethical Standards Board Limited
Level 7, 600 Bourke Street
MELBOURNE VIC 3000
AUSTRALIA

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.

Respondents are asked to submit their comments electronically through the APESB website, using the link www.apesb.org.au/apesb-exposure-drafts-open-for-comment.

Please submit comments in both a PDF and Word file. All comments will be considered a matter of public record and will ultimately be posted on the website www.apesb.org.au.

APESB prefers that comments are submitted via its website. However, if there are practical difficulties, comments can also be sent to sub@apesb.org.au or mailed to the address noted above.

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 **22 July 2016** by contacting:

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Reasons for issuing Exposure Draft 01/16

Accounting Professional & Ethical Standards Board Limited (APESB) proposes to revise the existing APES 310 *Dealing with Client Monies* issued in July 2013. The proposed revisions have been developed to primarily address matters raised by stakeholders on the APESB Issues Register.

Key requirements and guidance in ED 01/16

The key proposed revisions to the standard address:

- Addition of the objectives of APES 310 (paragraph 1.1) in accordance with APESB revised drafting approach;
- The following definitions have been revised or added: Assurance Engagement, Auditing and Assurance Standards, Deals (or Dealing) with Client Monies, Engagement, Independence, Member in Public Practice, Professional Activity, Professional Bodies, Professional Services and Records;
- Clarification of a Member in Public Practice's professional obligations when accessing Client Bank Accounts (paragraph 4.5);
- Clarifying the time frame for depositing Client Monies (paragraph 6.2);
- How to deal with unclaimed monies below legislative thresholds (paragraph 6.6);
- A Member in Public Practice's obligations relating to the provision of an annual statement to the Client containing details of application of Monies (paragraphs 7.7 and 7.8);
- Clarifying the audit obligations of the Member in Public Practice and specifying the circumstances in which a review Engagement may be performed to provide assurance in respect of a Member's compliance (paragraph 8.1 and 8.3); and
- Guidance on obtaining the Client's authority and addition of an example authority letter to be provided to Clients (Appendix 2).

Respondents should not rely on this summary of differences to determine what changes, if any, are required to their current practices, policies or methodologies. Respondents should read the entire Exposure Draft to determine the significance of its proposals.

Proposed operative date

It is intended that this Standard will be operative for Engagements commencing on or after 1 January 2017 with early adoption permitted.

APES 310 Client Monies

[Supersedes APES 310 Dealing with Client Monies issued in July 2013]

ISSUED: xxx 2016

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1. Scope and application

1.1 The objectives of APES 310 *Client Monies* are to specify a Member in Public Practice's professional and ethical obligations when the Member either:

(a) Deals with Client Monies in terms of:

- holding and receiving Client Monies;
- disbursement of Client Monies;
- documentation; and
- obtaining assurance of a Member's compliance; or

(b) Acts as an Auditor of Client Monies in terms of:

- compliance with Independence requirements;
- performing an applicable Assurance Engagement; and
- reporting obligations to the applicable Professional Body.

4.1.2 Accounting Professional & Ethical Standards Board Limited (APESB) issues APES 310 *Client Monies (the Standard)*, which is effective for Engagements commencing on or after 01 January 2017 and supersedes APES 310 *Dealing with Client Monies* issued in July 2013. Earlier adoption of this Standard is permitted.

4.2.3 APES 310 sets the standards for Members in Public Practice who Deal with Client Monies or who act as an Auditor of Client Monies. The mandatory requirements of this Standard are in **bold-type**, preceded or followed by discussion or explanations in normal type. APES 310 should be read in conjunction with other professional duties of Members and any legal obligations that may apply.

1.4 Members in Public Practice in Australia shall follow the mandatory requirements of APES 310 when they Deal with Client Monies or when they act as an Auditor of Client Monies.

1.5 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.

1.6 This Standard does not apply where a Member in Public Practice is acting as a trustee or under a power of attorney, as in these circumstances the Member is not acting in a Client relationship. When acting in the capacity of an attorney or a trustee, the Member is required to comply with the obligations specified in the relevant trust deed or the power of attorney.

1.7 This Standard does not apply in circumstances where a Member in Public Practice has no responsibility or authority to transact Client Monies and is only preparing or arranging banking transactions for subsequent Client approval.

1.8 Members in Public Practice shall be familiar with relevant Professional Standards and guidance notes when providing Professional Services. All Members shall comply with the fundamental principles outlined in the Code.

1.9 The Standard is not intended to detract from any responsibilities which may be imposed by law or regulation.

1.10 All references to Professional Standards, guidance notes and legislation are references to those provisions as amended from time to time.

1.11 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.

1.12 In this Standard, unless otherwise specified, words in the singular include the plural and vice versa, words of one gender include another gender, and words referring to persons include corporations or organisations, whether incorporated or not.

2. Definitions

For the purpose of this Standard:

Applicable Year-End Date means a date, which once determined cannot be changed without the approval of the applicable Professional Body. The Applicable Year-End Date must occur within 12 months of the month-end following the Member in Public Practice opening a Trust Account or the Member obtaining the authority to operate a Client Bank Account.

~~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*.

Auditing and Assurance Standards means ~~;~~ the AUASB standards, as described in ASA 100 Preamble to AUASB Standards, ASA 101 Preamble to Australian Auditing 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.~~

Auditor of Client Monies means a Member in Public Practice who:

- (a) has been engaged to perform an ~~audit~~ ~~a~~ **Assurance engagement** ~~Engagement~~ of another Member in Public Practice's compliance with this Standard; and
- (b) holds a certificate of public practice of one of the Professional Bodies.

Assurance Engagement means an Engagement in which a Member in Public Practice aims to obtain sufficient appropriate evidence in order to express a conclusion designed to enhance the degree of confidence of the intended users other than the responsible party about the subject matter information (that is, the outcome of the measurement or evaluation of an underlying subject matter against criteria).

This includes an Engagement in accordance with the Framework for Assurance Engagements issued by the AUASB or in accordance with specific relevant standards, such as International Standards on Auditing, for Assurance Engagements.

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 Activities** 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 for 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 or any of the Member's Personnel which are the property of a Client and includes Monies to which the Member or the Member's Personnel have no present entitlement. "Control" means where a Member or any of the Member's Personnel, acting either solely or in conjunction with one or more people, can authorise the transacting of Client Monies.

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

Deals (or Dealing) with Client Monies means to hold, receive or disburse Client Monies by any means ~~which includes~~ **esing** cash, cheques or electronic fund transfers.

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 account is held.

However, it does not include any Deficiency which the Auditor of Client Monies 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 an 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) A sole practitioner, partnership, corporation or other entity of professional accountants;
- (b) An entity that controls such parties through ownership, management or other means;
- (c) An entity controlled by such parties through ownership, management or other means; or
- (d) An Auditor-General's office or department.

Independence is:

- (a) Independence of mind – the state of mind that permits the expression of a conclusion without being affected by influences that compromise professional judgement, thereby allowing an individual to act with integrity, and exercise objectivity and professional scepticism.
- (b) Independence in appearance – the avoidance of facts and circumstances that are so significant that a reasonable and informed third party would be likely to conclude, weighing all the specific facts and circumstances, that a Firm's, or a member of the Engagement team's, integrity, objectivity or professional scepticism has been compromised.

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 Public Practice means a Member, irrespective of functional classification (e.g. audit, tax or consulting) in a Firm that provides Professional Services. This term is also used to refer to a Firm of Members in Public Practice and means a practice entity and a participant in that 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.

Personnel for the purposes of this standard means employees, officers, directors, contractors or agents.

Professional Activity means an activity requiring accountancy or related skills undertaken by a Member, including accounting, auditing, taxation, management consulting and financial management.

Professional Bodies means Chartered Accountants Australia and New Zealand, CPA Australia and the Institute of Public Accountants.

Professional Services means Professional Activities performed for Clients.

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

Records means [hardcopy and/or electronic](#) documentation evidencing the Dealing with Client Monies via a Trust Account or a Client Bank Account, or otherwise Dealing with Client Monies in accordance with a Client's instructions.

Terms of Engagement means the terms and conditions that are agreed between the Client and the Member in Public Practice for the Engagement.

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

- (a) one or more accounts Dealing with Monies of one Client; or
- (b) one or more accounts Dealing with Monies of multiple Clients.

3. Fundamental responsibilities of Members in Public Practice

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

3.2 A Member in Public Practice who Deals with Client Monies or acts as an Auditor of Client Monies 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 Deals with Client Monies or acts as an Auditor of Client Monies.

Professional competence and due care

3.4 A Member in Public Practice who Deals with Client Monies or acts as an Auditor of Client Monies 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 the Member's 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 Deals with Client Monies

4. General principles

4.1 A Member in Public Practice who Deals with Client Monies shall comply with Section 270 *Custody of Client Assets* of the Code.

4.2 Subject to paragraphs 4.12, 4.13 and 6.9, a Member in Public Practice shall only Deal with Client Monies through a Client Bank Account or a Trust Account and only in accordance with the Client's instructions.

4.3 The Client's instructions referred to in paragraph 4.2 should be in writing. To address risks associated with instructions including those received by email or other electronic means, the Member in Public Practice should develop administrative protocols that address matters including but not limited to:

- The authenticity of the instructions;
- Acceptable timeframes for execution of instructions; and

- Contingency procedures to be followed when the Member is not available to authorise transactions on behalf of the Client.

[A form of an authority letter is set out in Appendix 2.](#)

- 4.4 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.
- 4.5 A Member in Public Practice ~~who is authorised to Deal with Client Monies under paragraph 4.2~~ shall comply with access controls specified by ~~of~~ the relevant Financial Institution when Dealing with Client Monies. The Member shall not use another person's or the Client's login to access or transact Client Monies.
- 4.6 A Member in Public Practice shall be accountable for all Client Monies and keep Client Monies separate from all other Monies of the Member.
- 4.7 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:
- a) Client Monies are dealt with in accordance with the Client's instructions and the requirements of this Standard;
 - b) ~~a~~A Trust Account is properly safeguarded and accounted for; and
 - c) ~~a~~A Client Bank Account is properly safeguarded against unauthorised access or use.
- 4.8 Subject to paragraph 4.9, a Member in Public Practice shall not obtain any benefit from Dealing with Client Monies, including benefits deriving from the deposit and/or investment of Client Monies, without prior written authority from the Client.
- 4.9 A Member in Public Practice shall only charge professional fees in respect of Dealing with Client Monies in accordance with Section 240 *Fees and Other Types of Remuneration* of the Code.
- 4.10 A Member in Public Practice shall bear any Financial Institution, statutory or other government charges in respect of a Trust Account.
- 4.11 A Member in Public Practice shall only deposit the Member's own funds to a Trust Account:
- (a) 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
 - (b) to meet a Financial Institution's prescribed minimum requirements for an ongoing account balance.
- 4.12 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 they were obtained from, or are to be used for, illegal activities or that Dealing with the Monies is otherwise unlawful.
- 4.13 When Dealing with Client Monies, a Member in Public Practice shall not be involved in any money laundering transactions or in the utilisation of the proceeds of crime or terrorist financing.

5. Opening a Trust Account

- 5.1 A Member in Public Practice who Deals with Client Monies shall open a Trust Account at a Financial Institution in the name of the Member or the Member's Firm and include the term "Trust Account" in its title, unless the Member has been authorised to operate a Client Bank Account.
- 5.2 Paragraph 5.1 does not apply where a Member in Public Practice who does not wish to Deal ~~in~~ with Client Monies receives Client Monies and dispatches them within 5 ~~Business~~ Days to the Client, drawer or sender as appropriate.
- 5.3 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 Dealing with Client Monies.
- 5.4 A Member in Public Practice shall not open a Trust Account with a Financial Institution unless its terms and conditions relating to Trust Accounts require that:
- (a) all Monies standing to the credit of that account 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; and
 - (b) any interest payable in respect of the account balance is credited to that account.
- 5.5 A Member in Public Practice shall retain a copy of the terms and conditions of the Financial Institution relating to a Trust Account as part of the Member's Records and, where requested, provide a copy to the Client within 10 Business Days of that request.
- 5.6 A Member in Public Practice shall inform the Client in writing:
- (a) no later than at the time of initial deposit into a Trust Account, the details of the Financial Institution at which the Client Monies are to be held; and
 - (b) within 10 Business Days if there is a change to the existing Financial Institution arrangements, ~~within 10 Business Days~~ where the Client Monies are held.

6. Dealing with Client Monies

Holding and receiving Client Monies

- 6.1 Subject to paragraph 6.9, a Member in Public Practice shall deposit Client Monies into a Financial Institution within 3 Business Days of receipt.
- 6.2 The 3 Business Days period referred to in paragraph 6.1 commences once the Member in Public Practice is reasonably able to identify the individual Client to whom the funds belong.
~~The 3 Business Days period referred to in paragraph 6.1 commences once the Member in Public Practice identifies the individual Client to whom the funds belong.~~
- 6.3 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.
- 6.4 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 10 Business Days to the drawer or sender as appropriate.
- 6.5 Where a Member in Public Practice is unable to disburse Client Monies to the Client, payee, drawer or sender, the Member shall comply with relevant legislation in respect of unclaimed Monies.

- 6.6 Where the amount of unclaimed monies falls below thresholds of relevant legislation, the Member in Public Practice should donate these funds to a charity as defined in the *Charities Act 2013*.
- 6.7 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 or entity from whom Monies were received;
 - (b) the amount of Monies;
 - (c) the Client for whose benefit Monies are held;
 - (d) the purpose for which Monies were received or other description of the Monies;
 - (e) the date on which Monies were received;
 - (f) the form in which Monies were received; and
 - (g) in relation to Client Monies of a kind referred to in paragraph 6.7, the location where the Monies are held.
- 6.8 A Member in Public Practice shall issue an acknowledgement to the Client within 21 Business Days or as otherwise agreed with the Client containing the details specified in paragraph 6.9-7 and stating that the Member has deposited the Client Monies into a Trust Account or a Client Bank Account.
- 6.9 A Member in Public Practice who receives Client Monies that are not capable of being deposited into a Financial Institution shall safeguard the Monies against unauthorised use, record details in an appropriate register, and issue an acknowledgement to the Client within 21 Business Days containing the details specified in paragraph 6.7.
- 6.10 Client Monies that are not capable of being deposited into a Trust Account or a Client Bank Account may include promissory notes or a coin collection. In such circumstances the requirements of paragraphs 4.1 and 6.9 apply.

Disbursement of Client Monies

- 6.11** Where any interest is earned on a Trust Account, the Member in Public Practice shall allocate interest on a reasonable basis to the credit of ~~the~~ each relevant Client.
- 6.12** A Member in Public Practice shall disburse Client Monies within 3 Business Days of receipt of instructions in respect of the disbursement or in accordance with the Terms of Engagement.
- 6.13 Only a Member in Public Practice, or any persons authorised in accordance with paragraph 6.15, shall operate the Member's Trust Account.
- 6.14 A Member in Public Practice shall ensure that the Member has appropriate Records to support ~~disbursements including cheques or transacting electronic funds transfers~~ from a Trust Account or a Client Bank Account.
- 6.15 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:
- (a) another Member in Public Practice;
 - (b) a solicitor holding a current practising certificate;
 - (c) a suitably competent person employed by the Member; or
 - (d) a manager of a branch of a Financial Institution.
- 6.16 A Member in Public Practice who wishes to 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 disbursement.

6.17 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.

7. Documentation

7.1 A Member in Public Practice shall maintain Records to appropriately document transactions in respect of Client Monies.

7.2 A Member in Public Practice shall retain Records that:

- (a) enable transactions involving Client Monies to be audited;
- (b) disclose the financial position of Client Monies; and
- (c) clearly identify the transactions made on behalf of each Client.

7.3 Subject to legislative requirements, a Member in Public Practice shall retain and ensure that all documentation in respect of Client Monies is accessible for at least 7 years.

7.4 Subject to legislative requirements, a Member in Public Practice shall take reasonable steps to ensure that the Client authorises the Member's Professional Body to have access to the Member's Records in respect of Client Monies for the purposes of an inspection, quality review or disciplinary proceedings of the applicable Professional Body.

7.5 A Member in Public Practice shall keep Records 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 third party nominated by the Client;
 - (ii) details of all cheques received and endorsed by the Member for disbursement to the Client, or to a third party nominated by the Client;
 - (iii) details of all electronic funds transfers of Monies received, and of Monies transferred direct to the Client, or to a third party nominated by the Client; and
 - (iv) details of any errors in transactions involving Client Monies;
- (b) the details and basis of calculation of all interest earned on Client Monies held in a Trust Account and that the interest has been applied by the Member in accordance with paragraph 6.911;
- (c) the financial position of a Member's Trust Account and Client's Bank Account and the Client Monies therein; and
- (d) the signatories for each Client Bank Account ~~authorised by the Client when the Member in Public Practice is also an authorised signatory.~~

7.6 A Member in Public Practice shall reconcile the Trust Account Records to the Trust Account at least every 25 Business Days. The Member shall correct any differences or errors within 5 Business Days.

7.7 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 any~~ other person as directed by the Client:

- (a) upon completion of the matter requiring the maintenance of the Trust Account or Client Bank Account;
- (b) in respect of any transaction, upon written request from the Client;
- (c) when a Trust Account or Client Bank Account is closed or if the Member's authority to operate a Client Bank Account is revoked; or
- (d) in respect of all transactions, at least annually unless the Member has communicated in writing:

(i) communicated in writing to the Client the details of the transactions on a regular periodic basis during the year; and

~~(ii)~~ agreed with the Client to an alternative reporting period.

7.8 A Member in Public Practice shall issue the statements referred to in:

- (a) paragraphs 7.7 (a) and 7.7 (c) within 25 Business Days;
- (b) paragraph 7.7 (b) within 5 Business Days; and
- (c) paragraph 7.7 (d) within 30 Business Days of the Applicable Year-End Date or if the circumstances described in paragraphs 7.7 (d)(i) & (ii) apply then an alternative reporting period not exceeding 90 Business Days of the Applicable Year-End Date.

7.9 Where the responsibility to prepare a reconciliation of the Client Bank Account does not rest with the Member in Public Practice, the Member shall provide the Client with a record of transactions undertaken on the Client Bank Account by the Member within 25 Business Days of the end of each month or as otherwise agreed with the Client.

7.10 A Member in Public Practice who operates a Client Bank Account and has the responsibility to reconcile the Client Bank Account shall ensure that the Member's Records for the Client Bank Account are reconciled to the Financial Institution statements at least every 25 Business Days or as otherwise agreed with the Client. The Member shall take action to correct any difference or error identified during the reconciliation within 5 Business Days of such identification.

7.11 The resolution of differences or errors referred to in paragraph 7.10 may require the Member in Public Practice to obtain additional information from the Client, their Financial Institutions or other parties.

7.12 Subsequent to the Member in Public Practice taking action in accordance with paragraph 7.10 with the relevant parties, the Member shall take corrective action within 5 Business Days of receipt of the outstanding information.

8. Obtaining assurance Audit of a Member in Public Practice's compliance with this Standard

8.1 Subject to paragraph 8.3, A Member in Public Practice who Deals with Client Monies shall appoint another Member in Public Practice as Auditor of Client Monies and shall ensure that the Member's compliance with the requirements of this Standard is audited subject to an annual audit annually Assurance Engagement within 3 months of the Applicable Year-End Date.

8.2 The scope of the audit Assurance Engagement required under paragraph 8.1 is reduced to the extent that an audit Assurance Engagement undertaken under legislation covers some of the subject matter required by this Standard. Where the scope of the audit Assurance Engagement undertaken under legislation covers all of the subject matter required by this Standard, the Member in Public Practice is not required to appoint another Member in Public Practice as Auditor of Client Monies.

8.3 Where a Member in Public Practice who is Dealing with Client Monies:

(a) does not have to maintain a Trust Account to comply with this Standard; and

(b) can only co-authorise transactions in a Client Bank Account in conjunction with the Client, then the Member may engage an Auditor of Client Monies to perform a review Engagement to comply with paragraph 8.1.

8.4 Where the scope of the subject matter of the audit Assurance Engagement performed in accordance with legislation does not extend to all of the subject matter of an audit Assurance Engagement required by this Standard, the Member in Public Practice shall ensure that the Member in Public Practice appointed pursuant to paragraph 8.1 performs

- an ~~audit~~ **applicable Assurance Engagement** of the subject matter that is not covered by the legislative audit.
- 8.5 A Member in Public Practice whose compliance with this Standard is ~~audited~~ **subject to an applicable Assurance Engagement** shall bear the cost of the ~~Engagement~~ **audit**
- 8.6 A Member in Public Practice shall:
- (a) obtain the Client's authorisation prior to releasing the Client's information to the Auditor of Client Monies or to the Member's Professional Body;
 - (b) allow the Member's Professional Body or the Auditor of Client Monies access to the Member's Records; and
 - (c) assist the Member's Professional Body or the Auditor of Client Monies in the performance of their duties.
- 8.7 Client authorisation required in accordance with paragraph 8.6 ~~5~~(a) may be incorporated in the Terms of Engagement. The Member in Public Practice should explain the purpose of authorisation in accordance with paragraph 8.6 ~~6~~(c) with reference to protection of the Client's interests and quality of the Professional Service offered by the Member. Where the Member in Public Practice has obtained authorisation verbally, the Member should document the verbal authorisation. Where the Client refuses to authorise the release of its information, the Member should disclose this to the Auditor of Client Monies and consider obtaining advice from the Member's Professional Body in respect of ensuring compliance with this Standard and the Code.
- 8.8 A Member in Public Practice shall notify the applicable Professional Body and the Auditor of Client Monies within 5 Business Days of becoming aware of any Deficiency of Client Monies occurring in the Trust Account or the Client Bank Account along with details of corrective action taken by the Member.
- 8.9 A Member in Public Practice who proposes to change the existing Auditor of Client Monies, shall first obtain the approval of the applicable Professional Body.
- 8.10 A Member in Public Practice shall appoint a replacement Auditor of Client Monies within 10 Business Days of the resignation or removal of the existing Auditor of Client Monies.
- 8.11 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 Client prior to the transfer; 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 8.11 (a) has not been obtained, the Member or their legal representative shall return Client Monies to the Client.
- 8.12 Where the circumstances described in paragraph 8.11 are applicable, a Member in Public Practice shall engage an Auditor of Client Monies to **perform an applicable Assurance ~~audit~~ Engagement of** 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 audit ~~or review~~.
- 8.13 A Member in Public Practice shall ensure that the Member's compliance with this Standard is **subject to an applicable Assurance Engagement** ~~audited or reviewed~~ within 3 months of ceasing to Deal with Client Monies.

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

9. Professional obligations of an Auditor of Client Monies

- 9.1 An Auditor of Client Monies shall comply with Section 291 *Independence – Other Assurance Engagements* of the Code.
- 9.2 An Auditor of Client Monies shall not undertake an ~~audit~~Assurance Engagement of another Member in Public Practice's compliance with this Standard in circumstances where a reasonable and informed third party having knowledge of all relevant information, including safeguards applied, would determine that the ~~I~~ndependence of the Auditor of Client Monies is impaired as a result of a past, existing or proposed relationship.
- 9.3 Subject to any legal requirements, a Member in Public Practice who acts as an Auditor of Client Monies shall perform ~~the an applicable Assurance Engagement audit~~ in accordance with Auditing and Assurance Standards.
- 9.4 An Auditor of Client Monies shall prepare the auditor's report in accordance with Auditing and Assurance Standards. If the report contains a modified opinion, the Auditor of Client Monies shall lodge the report with the applicable Professional Body within 15 Business Days of completion of the ~~audit~~applicable Assurance Engagement.
- 9.5 Appendix 1 to this Standard contains an example of an audit report.
- 9.6 An Auditor of Client Monies shall report any Deficiency of Client Monies to the Member's Professional Body within 5 Business Days upon becoming aware of the Deficiency.
- 9.7 An Auditor of Client Monies shall report to the Member's Professional Body within 10 Business Days of becoming aware of any material:
- (a) failure by a Member to comply with paragraphs 6.1 or 6.12 of this Standard;
 - (b) uncorrected error reflected in a statement issued by a Financial Institution; or
 - (c) circumstances where Client Monies have not been transacted or maintained in accordance with this Standard.
- 9.8 Subject to legislative requirements, an Auditor of Client Monies shall retain relevant working papers for a period of at least 7 years.
- 9.9 A Member in Public Practice who wishes to resign from the position of Auditor of Client Monies shall first obtain the written approval of the applicable Professional Body.

Conformity with International Pronouncements

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

Example of an audit report¹

To [The applicable Professional Body]

Report on the compliance 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~~ (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. Our audit has been conducted in accordance with applicable Standards on Assurance Engagements including ASAE 3100 *Compliance Engagements* and with APES 310, 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. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our conclusion. ASAE 3100 also requires us to comply with the relevant ethical requirements, including independence requirements of APES 110 *Code of Ethics for Professional Accountants*.

Limitations on Use

This 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 are undertaken on a test basis. The 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 APES 110 *Code of Ethics for Professional Accountants*.

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

¹ This example audit report should be amended as appropriate, such as where the audit is subject to legislative requirements or in respect of a review engagement

**TRUST ACCOUNT
SAMPLE AUTHORITY LETTER**

Paragraph 4.2 of APES 310 *Client Monies* requires that Client Monies be dealt with by a Member in Public Practice only through a Trust Account or Client Bank Account, and only in accordance with a Client's instructions. Paragraph 4.3 states that it is preferable that those instructions be in writing. The following is an example of a Trust Account authority letter for Members in Public Practice to submit to Clients.

[To be completed by the Client]

I/We [name of Client] of [address of Client] hereby authorise [Member's name or Firm's name] of [address] to pay immediately any Client Monies received by [them/him/her] on my account in respect to the Engagement referred to below into a Trust Account operated by [them/him/her] with [name and address of the Financial Institution where the Trust Bank Account is held].

(Describe the nature of the Engagement to be performed by the Member in Public Practice).

I/We further authorise [Member's name or Firm's name] in consideration of the completion of the Engagement and after being notified in writing of the amount of such fee for the work involved in the Engagement referred to above, to deduct from the Client Monies so held the amount of the account rendered and to:

- (a) forward the balance of the account to me/us;
- (b) invest the same with for the period, or
- (c) other (specify).

I/We acknowledge that any interest earned on a Trust Account operated by [Member's name or Firm's name] will be allocated on a reasonable basis to my account.

I/We acknowledge that where [Member's name or Firm's name] is unable to disburse Client Monies to my account, the drawer or sender, the Member will disburse these funds in accordance with the relevant legislation [and APES 310 Client Monies](#) in respect of unclaimed Monies.

I/We acknowledge that the records maintained by [Member's name or firm's name] in relation to your Dealing with Client Monies are subject to an annual audit, and authorise the duly appointed auditor to access those records.

I/We further authorise the[name of Member's Professional Body] to access the records held by [Member's name or firm's name] for the purposes of any inspection, quality review or disciplinary proceedings by[name of Member's Professional Body].

This authority is strictly limited to the Engagement referred to in the body of this document.

Signed by the *Client* _____

Date _____

Summary of revisions to the previous APES 310 (Issued [July 2013](#) ~~December 2010~~)

APES 310 *Dealing with Client Monies* originally issued in December 2010 [and revised in July 2013](#) has been revised by APESB in [July 2013](#) ~~2016~~. A summary of the revisions is given in the table below.

[Table to be updated with final Exposure Draft]

Table of revisions*

Paragraph affected	How affected
1.1	Amended
1.5 - Paragraph 4.10 in existing APES 310 relocated and amended	Amended
2 - Definition of Professional Bodies	Amended
2 - Definition of Terms of Engagement	Added
4.3	Added
4.4 - Paragraph 4.3 in existing APES 310 relocated and amended	Amended
4.7 - Paragraph 4.6 in existing APES 310 relocated and amended	Amended
4.10 in existing APES 310 (refer to revised Paragraph 1.5)	Deleted
5.4	Deleted
6.9 - Paragraph 7.2 in existing APES 310 relocated and amended	Added
6.10 – Paragraph 6.9 in existing APES 310 relocated and amended	Amended
6.11 - Paragraph 6.10 in existing APES 310 relocated and amended	Amended
7.2 in existing APES 310 (refer to revised Paragraph 6.9)	Deleted
7.5 - Paragraph 7.6 in existing APES 310 relocated and amended	Amended
7.7 - Paragraph 7.8 in existing APES 310 relocated and amended	Amended
7.8 - Paragraph 7.9 in existing APES 310 relocated and amended	Amended
7.9 - Paragraph 7.10 in existing APES 310 relocated and amended	Amended
7.10 - Paragraph 7.11 in existing APES 310 relocated and amended	Amended
7.11	Added
7.12	Added
8.1 and 8.2 in existing APES 310 (refer to revised Paragraph 8.1)	Merged
8.2 - Paragraph 8.3 in existing APES 310 relocated and amended	Amended
8.3	Added
8.5 (c)	Added
8.6	Added
8.7 - Paragraph 8.6 in existing APES 310 relocated and amended	Amended
8.10 - Paragraph 8.9 in existing APES 310 relocated and amended	Amended
8.11 - Paragraph 8.10 in existing APES 310 relocated and amended	Amended
9.7(a)	Amended

*Refer to *Technical Update 2016/X*