**SPECIAL PURPOSE AUDIT REPORT AS AT: (INSERT DATE) - FINAL**

*Property Agents and Land Transaction Act* 2016 - Section 138 & *Property Agents and Land Transaction Regulations* 2017 - Regulations 30 – 37

The focus for this Final Audit is month end reconciliations and that appropriate authority was obtained to transfer trust monies from the Trust Account.

|  |  |  |
| --- | --- | --- |
|  | Property Agent’s Licence Name |  |
|  | Business Name |  |
|  | Name of Financial Institution |  |
|  | BSB |  |
|  | Trust Account Number |  |
|  | Account use (sales, property management, both, auctions) |  |
|  | Name of Auditor |  |
|  | Trading As |  |
|  | Address |  |
|  | Email Address |  |
|  | Contact Telephone |  |

I confirm that I am a member of the Australian Society of Certified Practicing Accountants (CPA Australia), the Institute of Chartered Accountants in Australia, or the Institute of Public Accountants in Australia.

**I report for the above-named trust account:**

|  |
| --- |
| THAT I have examined the accounting records of trust monies for the period to (insert start date to end date) required by Section 138 of the *Property Agents and Land Transactions Act* 2016 and Regulations 30 to 37 *Property Agents and Land Transactions Regulations 2017*.  THAT in carrying out the audit I –   1. have made such general test examinations as considered appropriate of the transactions recorded in the trust account; and 2. have checked each item on the attached Audit Check List which is an integral part of this audit report and noted those matters where the legislation is not being complied with; and 3. have performed the Audit in accordance with relevant Australian Auditing and Assurance Standards. |
|  |

|  |  |  |
| --- | --- | --- |
|  | **I \*have/\*have not** discussed the results of the Audit with the Managing Property Agent. | |
|  | THAT in my opinion - | |
|  | the trust account records **\*were\\*were not** properly drawn up and kept in accordance with the Act; and | |
|  | there **\*was/\*was not** a defect or irregularity in the trust account records; and | |
|  | the amount in the trust account, after being reconciled under Regulation 21 **\*was/\*was not** sufficient to meet all trust account liabilities during period; and | |
|  | I **\*obtained/\*did not obtain** all the information, documents, explanations, and assistance required to complete the audit; and | |
|  | the requirements of the Act and Regulations in respect of trust money and the keeping of trust accounts **\*have/\*have not** been complied with fully. | |
|  | Signed |  |
|  | Dated |  |

**\*cross/delete as required**

**Please note**

Regulation 35 provides that if the auditor finds that the requirements of the Act or Regulations in respect of trust money and the keeping of accounts have not been complied with fully, the auditor **must** specify in the audit report the matters that have not been complied with fully. Please note there is no materiality threshold.

Do not add non-compliance comments to the checklist but add detail of breaches in the area below.

|  |  |
| --- | --- |
|  | **Comment to non-compliance All adverse results to the checklist should be cross-referenced by number and the deficiency identified here** |
| reference number | **Comment to non-compliance** |
|  |  |
|  |  |
|  |  |
|  |  |

**Please attach a copy of the final monthly reconciliation sheet, together with a copy of the bank statement and other relevant supporting schedules to this report.**

**PROPERTY AGENTS BOARD**

**AUDIT CHECK LIST FOR THE PERIOD ENDED (INSERT DATE) - FINAL**

|  |  |  |
| --- | --- | --- |
|  | Property Agent’s Licence Name |  |
|  | Business Name |  |
|  | Name of Financial Institution |  |
|  | BSB |  |
|  | Trust Account Number |  |
|  | Account use (sales, property management, both, auction) |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **AUDITOR** | | | |
|  | Auditor’s Name |  | |
|  | Signed |  | Dated |

|  |  |  |
| --- | --- | --- |
| **CHECKLIST** | | Yes, No, or N/A |
|  | Did you (or your organisation) conduct the audit on this Trust Account in the last financial year? |  |
|  | I enquired as to whether a Board inspection or specific review of the trust accounting and other associated records was undertaken from the last audit to this audit. |  |
|  | If yes, was a copy of the Report provided to you? |  |
|  | Were any issues raised by the Board with the Property Agent (in writing) on last audit report? |  |
|  | If yes, were details provided by the Property Agent? |  |
|  | Were issues raised in the annual audit process and/or inspection/specific review been rectified? |  |
|  | If no, make comment on the Property Agent’s explanation as to why the matter(s) have not been rectified. Use the comment to non-compliance section on the Audit Report at point 20. |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **TRUST ACCOUNT SYSTEM USED** | | | |
|  | Did the property agent use a computer software package to process this trust account’s transactions? | |  |
|  | If yes, name the software package used (eg. Console, Rockend, Property Tree, HPS, etc). |  | |

|  |  |  |
| --- | --- | --- |
| **REGULATION 9 –TRUST ACCOUNT RECEIPTS TO BE ISSUED** | | |
|  | Does the Property Agent trust account receipt have the words “trust account” printed on it? |  |

|  |  |  |
| --- | --- | --- |
| **REGULATION 10 – FORM OF TRUST ACCOUNT RECEIPT** | | |
|  | What is the Property Agent’s name printed on the Trust Account Receipt? |  |
|  | What is the ABN or ACN printed on the Trust Account Receipt? |  |

|  |  |  |
| --- | --- | --- |
| **REGULATION 12 - TRUST ACCOUNT PAYMENTS** | | |
|  | Did the Property Agent make payment of trust money from the trust account by a trust account cheque? (if yes answer points 23,24 & 25) |  |
|  | Did the Property Agent make payment of trust money from the trust account by electronic transfer? (if yes answer points 26,27,28 &29) |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **REGULATION 13 - TRUST ACCOUNT CHEQUES (complete only if answered yes to point 21)** | | | |
|  | What is the Property Agent’s name printed on the Trust Account Cheque? |  | |
|  | What is the ABN or ACN printed on the Trust Account Cheque? |  | |
|  | Are the words “trust account” printed on the Trust Account Cheque? | |  |

|  |  |  |
| --- | --- | --- |
| **REGULATION 14 – PAYMENTS BY ELECTRONIC FUNDS TRANSFER (complete only if answered yes to point 22)** | | |
|  | Did the Property Agent make payments of trust money by electronic funds transfer? |  |
|  | If yes, did the Property Agent have written authorities from the persons on whose behalf payments are made by electronic funds transfer? |  |
|  | Are the individual transfers authorised by the person in charge of the business premises at which the payment is made or a person acting for an on behalf of the person in charge? |  |
|  | Is there more than one person required to authorise payment by EFT? |  |

|  |  |  |
| --- | --- | --- |
| **REGULATION 15 – TRUST ACCOUNT CASH BOOKS** | | |
|  | Did the Property Agent keep cash books in respect of the trust account? |  |
|  | Did the trust account cash book record the receipt and payment particulars in the order in which the money is received or paid? |  |

|  |  |  |
| --- | --- | --- |
| **REGULATION 21 - MONTHLY RECONCILIATIONS** | | |
|  | Has the Property Agent reconciled this trust account in each calendar month? |  |
|  | Did the property agent reconcile the trust account by:- | |
|  | calculating the balance of the trust account (Receipts and Payments) cash books (control account); and |  |
|  | matching the balance of the trust account cash books with the statements issued for the trust account by the approved financial institution (reconciliation to “bank statements”); and taking into account unpresented payments, deposits in transit and other adjustments; and |  |
|  | preparing a schedule of the property agent’s ledger accounts that:- |  |
|  | recorded the name of each client, property or transaction for whom the property agent holds trust money; and |  |
|  | stated the amount of money held in each ledger account; and |  |
|  | resulted in a total amount held in the trust account that is equal to the matched amount in paragraph (a) and (b) of Regulation 21(2) when the amounts in the schedule are tallied? |  |
|  | Did any ledger accounts schedule contain any overdrawn (DR) balances?  (Any debits effectively create a deficiency in the trust account. The deficiency would total all such debits at any given time.) |  |
|  | Were debit balances cleared/rectified promptly, ie at least within one month? |  |

|  |  |  |
| --- | --- | --- |
| **OTHER RECONCILING ISSUES** | | |
| Issues that consistently presents themselves during an inspection by the Board’s Inspector relates to monthly reconciliations.  In particular,   * the managing property agent is not checking that the opening balance agreed with the last month’s closing balance. * the managing property agent is not signing the correct version of the reconciliation sheet, normally the version after the EFT run and processing of any monthly adjustments. * that systems are allowing the bank statement amount to be adjusted, to allow the reconciliation to “balance”. | | |
|  | Did the opening balance of the monthly reconciliation trust a/c balance agree with the last month’s closing balance of the reconciliation for all months of this audit period? |  |
|  | If not, provide details - Use the comment to non-compliance section on the Audit Report at point 20. | |
|  | Was each component of the monthly reconciliation supported by schedules or computer printouts disclosing fully the individual transactions which total the amounts shown in the reconciliation? |  |
|  | Were adjustments for errors rectified within a few days of discovery in the reconciling procedures? |  |
|  | Have long outstanding or stale (15 months old) unpresented cheques been cleared? |  |
|  | Were the individual components of any buffer, suspense, holding or similar clearing accounts adequately identified and managed appropriately throughout the period? *A sub-listing of the contents of such clearing accounts is required on month end reconciliations if the system does not clearly identify each transaction by date received.* |  |
|  | Have all buffer, suspense, holding or similar clearing accounts been cleared? |  |

|  |  |  |
| --- | --- | --- |
| **REGULATION 22 – SCHEDULE OF INVESTED TRUST MONEY** | | |
|  | Did the property agent invest trust money under regulation 29? |  |
|  | If yes, did the property agent prepare a schedule of the invested trust money each time he or she reconciles the trust account under regulation 21? |  |
|  | If yes, has the invested trust money been transferred to another property agent or solicitor? |  |

|  |  |  |
| --- | --- | --- |
| **REGULATION 6 – SUPERVISION OF TRUST ACCOUNTS** | | |
|  | Was the monthly reconciliation record endorsed by the Property Agent with a signed and dated statement that the records are complete and accurate within 2 days of making the reconciliation? |  |
|  | Did the managing Property Agent signed and dated the relevant certification page? (that is, the certification page figures agree with the supporting schedules) |  |
|  | Is the preparer of the reconciliation different to the managing Property Agent? |  |
|  | As a matter of good practice did the preparer of the reconciliation also sign? |  |

|  |  |  |
| --- | --- | --- |
| **REVIEW OF RENTAL ARREARS, BOND DISBURSEMENT AND PORTFOLIO SIZE (leave blank if not applicable)** | | |
|  | Are rental collections processed through this trust account? |  |
|  | If yes, how often were the rental arrears reviewed? Daily? Weekly? Fortnightly? Other? Provide details. | |
|  | How many properties comprised the rental portfolio? (Approximate number) |  |
|  | Were residential bonds processed through this trust account? |  |
|  | If yes, were all the residential bonds received been paid to the Rental Deposit Authority within the 10 working days timeframe? |  |
|  | Was the rent-roll sold to another property agent?, if yes, provide the name: | |

|  |  |  |
| --- | --- | --- |
| **Account Balance, Closure and Trust Account Record Storage** | | |
|  | Is this trust account at a Zero ($0) balance? |  |
|  | Has this trust account been closed by the financial institution? |  |
|  | Has the Property Agent indicated where the trust account records will be stored? |  |