

Additional information

Notifications

You must immediately advise the OFT in writing if:

- an agent's accounts are not able to be properly audited
- you find an irregularity that should be brought to the OFT's attention
- an agent refuses access to their general account and related information, when requested
- you find a loss or deficiency of trust money.
- an agent has failed to comply with the Act.

Penalties

Auditors can be penalised if they don't comply with the Act. Penalties include:

- fines of up to 200 penalty units
- one year imprisonment
- being reported to ASIC and/or your professional accounting body for disciplinary action.

Legislation reference:

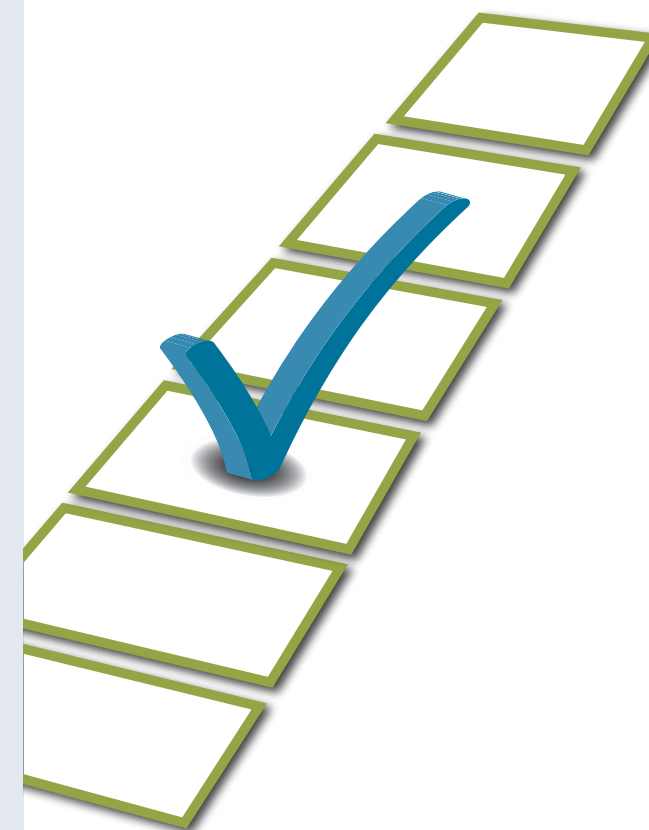
Sections 29–40 of the **Agents Financial Administration Act 2014**

Contact

More information about your responsibilities as an auditor can be found in our Trust account guide, on our website **www.qld.gov.au/fairtrading** or by emailing **financial.OFT@justice.qld.gov.au**

Office of Fair Trading
www.qld.gov.au/fairtrading
Phone: 13 QGOV (13 74 68)
Email: **Brisbane.OFT@justice.qld.gov.au**

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Auditor checklist

Agents Financial Administration Act 2014

Office of Fair Trading
www.qld.gov.au/fairtrading



Under the Agents Financial Administration Act 2014 (the Act) it is the auditor's role to examine and audit an agent's trust account records so that any irregularities or poor recordkeeping are detected and reported to the Office of Fair Trading (OFT).

Under the Act an agent includes real estate agents, residential letting agents, property and chattel auctioneers, motor dealers and collection agents. The audit process is generally determined by acceptable auditing practices. However, the Act also prescribes certain functions that must be carried out.

This checklist has been designed to help you comply with your obligations under the Act. The information outlined in this checklist is what an OFT inspector may ask to see during a compliance check. **Please note, this does not include all your obligations as an auditor of an agent's trust account.** More information can be found on our website at www.qld.gov.au/fairtrading

Lodgement of audit reports

Audit reports can be submitted electronically via the OFT's [online portal](#).

Audit reports

Auditors must provide agents with an original signed audit report for each audit period in accordance with section 40 of the Act.

Does your audit report:

Contain identifying information of the auditor (yourself) and the agent?

☐

State whether the agent has kept the accounts satisfactorily?

☐

State when each unannounced examination took place?

☐

State the results of the unannounced examinations?

☐

Provide details about any overdrawn trust accounts and creditor's ledgers?

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Provide details on any pre-drawn commissions and other unauthorised withdrawals?

☐

Anything else that should be reported?

☐

You can find specific details about your requirements in [section 40 of the Act](#) or in the sample audit report of the OFT's [Trust accounts guide](#).

Applying for an extension

Have you applied for an extension to the OFT in writing?

☐

If you wish to apply for an extension of an audit report's due date, you must do so in writing to the OFT before the audit report is due to be lodged. This application must indicate the additional time sought and state the reason the extension is needed.

Accepting an appointment

Have you supplied written notification of your appointment?

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Acceptance of an appointment must be sent in writing to the agent, stating the auditor's name and address. The agent must then supply this evidence to OFT within one month of the appointment.

Ending an appointment

Have you notified the OFT in writing?

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You must immediately notify the OFT in writing if you resign as auditor, or your appointment is ended by the agent. The reason for this action must also be stated.

General functions and obligations

Have you inspected and audited the agent's trust accounts?

☐

It is your role to examine and audit an agent's trust account records and report any irregularities to the OFT.

Have you made an audit report for the agent for the audit period?

☐

A licenced agent's first audit report will be due the last day of the eighth month after their licence was issued. A collection agent's first audit report will always end on 30 June. All subsequent audit periods will be 12 months long.

Have you made two unannounced examinations of the agent's trust account records?

☐

You must make two unannounced examinations if the agent is an agent for the whole of the audit period. If the agent is an agent for less than the whole audit period, but more than six months of the period, only one unannounced examination is required. Examinations must not be made within two months after the last day of the audit period or another unannounced examination.