



Application for Designated Person Status (Schedule 2 clause 33 *Legal Practitioners Act 1981*)

The completed document must be submitted to ethicsandpractice@lawsocietysa.asn.au

Personal Information Collection Statement

The Law Society of South Australia (Society) collects Personal Information in accordance with the *Privacy Act 1988 (Cth)* (Privacy Act) and the Australian Privacy Principles (APPs) set out in the Privacy Act. If you would like to know more about how your Personal Information is collected, used, held, or disclosed, you may view a full copy of the Privacy Policy at <https://www.lawsocietysa.asn.au/privacy>, or contact us at privacy@lawsocietysa.asn.au. By completing and signing this form and providing it to the Society, you consent to the collection of your Personal Information and acknowledge its use by the Society in accordance with their Privacy Policy. If you do not provide us with the requested Personal Information, or if the Personal Information provided is incorrect or incomplete, we may not be able to provide you with the appropriate regulatory advice and support, which may cause you to be in breach of your statutory obligations.

Important Information

Only Designated Persons approved by the Law Society (the Society) in writing may externally examine South Australian law practice accounts and records.

To be approved as a Designated Person you must meet eligibility criteria and provide evidence as requested.

A Grant of Designated Person status is subject to an initial designation period of no more than 3 years. Persons with a designated status have a continuing obligation to maintain compliance with the Criteria under which they were granted Designated Person status and are required to comply with any reasonable request by the Society for information demonstrating that compliance. This includes, notifying the Society within 14 days of any change in circumstances that might be relevant to their Designated Person status including any acts of insolvency by or in relation to them, serious criminal convictions, disciplinary action, loss of ICAANZ/IPA/CPA membership and claims of professional negligence.

The Society may revoke a person's Designated Person status for any reason the Society considers justifies such a revocation. The Designated Person will be provided with the reasons for that view in writing and given the opportunity to provide further submissions before a final decision is made.

A person whose application for Designated Person status has been rejected or revoked may not apply again for Designated Person status until 12 months after the date on which the decision to reject or revoke was made.

If the Society forms a view that an applicant for Designated Person status may not be successful, the applicant will be provided with the reasons for that view in writing and given the opportunity to provide further submissions before a final decision is made.

Details of Designated Persons approved by the Society will be published on our website.

Processing Times

Subject to provision of all required documents and information:

Applicants satisfying eligibility criteria 1.1 and 1.1.1 will be processed within 7 days of receipt.

Applicants satisfying eligibility criteria 1.1 and 1.1.2, and 1.2, are required to be placed before the Ethics and Practice Committee for a resolution to be made regarding the grant of Designated Person status. The Ethics and Practice Committee meet each month. Applications of this nature have a longer processing time. We will notify you when your application is being placed before the Committee.



Eligibility Criteria

You must meet **either** Criteria 1.1 or Criteria 1.2

Criteria 1.1

Is a full member of the Institute of Chartered Accountants and New Zealand, the Institute of Public Accountants or has CPA status with CPA Australia Ltd. You must attach proof of current ICAANZ/IPA membership or proof of CPA status. **AND is either.**

Criteria 1.1.1

A Registered Company Auditor. You must provide your RCA number.

OR

Criteria 1.1.2

Is a person who satisfies the Society that their experience and training in carrying out external examinations of legal practitioner trust account demonstrates the level of competence required of an external examiner. This needs to reflect completion or substantial assistance in carrying out 5 external examinations of legal practitioners' trust accounts over the previous 3 financial years.

You must attach a Statutory Declaration with evidence to support this claim. You should provide the name of each law practice and the jurisdiction in which the law practice operated, and the relevant financial year to which each examination relates.

Criteria 1.2

Is not a member of the Institute of Chartered Accountants Australia, Institute of Public Accountants or a CPA but is a person of good character with qualifications and experience and can satisfy the Society of their ability to carry out external examinations of legal practitioner trust accounts with a high degree of competence notwithstanding the absence of membership status if 1.1.

You must attach a Statutory Declaration with evidence to support this claim. You should provide evidence of:

- The nature and age of any qualifications held.
- The number and degree of complexity of the external examinations performed, or in which you substantially assisted, in the past 5 years, including the name of each law practice and the jurisdiction in which the law practice operated, and the relevant financial year to which each examination corresponds.
- Any relevant memberships, training, further education, or practical experience acquired in the past 5 years.
- At least two professional references.
- Details of any criminal convictions, history of past insolvency, professional disciplinary findings, or claims of negligence.

The Society reserves the right to consider any other factors it considers relevant.



Personal Details

Your details will not be provided to third parties unless the Society is legally compelled to do so.

Full Name:

Home Address:

Suburb:

State:

Postcode:

Telephone Number:

Personal email address:

Work Details

Business Name:

Business Address:

Suburb:

State:

Postcode:

Telephone Number:

Work Email Address:

Confirmation of Eligibility

Confirm the Eligibility Criteria met by you in this application. You must meet either Criteria 1.1 or Criteria 1.2.

☐ **I meet the requirements of Criteria 1.1** above and provide the following documents with this application.

☐ Proof of current ICAANZ membership, IPA membership or CPA status; **and either**

☐ My Registered Company Auditor (RCA) number is: _____ **or,**

☐ Statutory Declaration meeting the requirements of Criteria 1.1.2 above.

☐ **I meet the requirements of Criteria 1.2** above and provide a Statutory Declaration meeting the requirements of Criteria 1.2 above.



The Law Society

OF SOUTH AUSTRALIA

The Voice of the Legal Profession

Form I

Declaration

I declare the information provided by me in this application is true and correct as at the date below and I undertake to notify the Society if my circumstances change such that I no longer satisfy the above criteria.

Signature of Applicant:

Date:

Please ensure all relevant documentation is submitted with your application. Email this completed document to ethicsandpractice@lawsocietysa.asn.au