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| LAW PRACTICE CHECKLIST  1 July 2018 to 30 June 2019  **The Law Practice Checklist for:** Click here to enter text. |
| **Insert name of Law Practice**  **Completed on:** Click here to enter text. |
| **Insert Date**  **Completed by:** Click here to enter text. |
| **Insert name of person completing the checklist**  **Position in Law Practice:** Click here to enter text. |

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| Index | Content |
| Division 1 | Trust Money  This division addresses questions of the regulations which are common to trust money and trust records. |
| Division 2 | General Trust Account |
| Division 3 | Controlled Money |
| Division 4 | Transit Money |
| Division 5 | Trust Money Subject to a Specific Power |
| Division 6 | Register of Powers and Estates in Relation to Trust Money |
| Division 7 | Register of Investments |
| Division 8 | Reporting Certain Irregularities |

Note: Divisions 2 to 8 includes a question which allows the person completing the checklist to indicate that the whole division is not applicable (N/A). It is not necessary to tick each N/A box in the division. If, for example, the law practice has not received, disbursed of held controlled money then tick the “N/A” box and move to the next direction.

**DIVISION 1 TRUST MONEY**

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| **Section** | **1.** | **KEEPING OF TRUST RECORDS** | | | | |
| Objective: | To ensure the law practice has maintained records in accordance with the Regulations and has complied with the requirements of the Act and Regulations during the period covered by the examination. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 15 | 1.1 | **Are all required monthly Trust Records printed within 15 business days after the named month?** |  |  |  |  |
| 46(2) | 1.2 | **Are Trust Records retained for seven years?** |  |  |  |  |

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| **Section** | **2.** | **COMPUTERISED ACCOUNTING SYSTEMS** | | | | |
| Objective: | To ensure the law practice computer system complies with the requirements of the Regulation. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
|  | 2.1 | **Are Trust Records maintained by means of a computer system?**  **If YES, provide name and version.** |  |  |  |  |
|  | 2.2 | **Is a record kept of all changes (by creation, amendment or deletion) to:** | | | | |
| 16(1)(a) |  | * client name? |  |  |  |  |
| 16(1)(b) |  | * client address? |  |  |  |  |
| 16(1)(c) |  | * matter reference? |  |  |  |  |
| 16(1)(d) |  | * matter description? |  |  |  |  |
| 16(1)(e) |  | * ledger account number (if different from matter reference)? |  |  |  |  |
| 16(2) | 2.3 | **Is the record of all changes kept by the law practice?** |  |  |  |  |
| 17(1) | 2.4 | **Does the program accept an entry of a transaction resulting in a debit balance to any ledger account?** |  |  |  |  |
| 17(1) | 2.5 | **Is a report of any debit balance entries produced?** |  |  |  |  |
| 17(2)(a) | 2.6 | **Does the program allow the deletion of a trust ledger if:** | | | | |
| 17(2)(a) |  | * there is a balance on the ledger? |  |  |  |  |
| 17(2)(b) |  | * there are unpresented cheques relating to the ledger? |  |  |  |  |
| 17(2)(b) | 2.7 | **Are copies of deleted ledgers retained in permanent form?** |  |  |  |  |
| 17(3) | 2.8 | **Are the entries in records produced in permanent form in chronological sequence?** |  |  |  |  |
| 17(4) | 2.9 | **Are pages of printed reports numbered sequentially?** |  |  |  |  |
| 17(5) | 2.10 | **Are entries already recorded capable of being amended otherwise than by a separate transaction being recorded?** |  |  |  |  |
| 18(a) | 2.11 | **Is a back-up copy of all records made at least once each month?** |  |  |  |  |
| 18(c) | 2.12 | **Is the most recent back-up copy kept in a separate location so that any incident that may adversely affect the records would not also affect the back-up copy?** |  |  |  |  |

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| **Section** | **3.** | **TRUST ACCOUNT STATEMENTS – TRUST MONEY** | | | | |
| Objective: | To ensure that Trust Account Statements are sent for all Trust Money Received.  NOTE: the provisions of regulation 40 relating to the furnishing of Trust Account Statements do not apply to a sophisticated client to the extent to which the client directs the law practice not to provide Trust Account Statements. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
|  | 3.1 | **Are Trust Account Statements issued as soon as practicable after:** | | | | |
| 40(6)(a) |  | * completion of each matter? |  |  |  |  |
| 40(6)(b) |  | * a reasonable request from the person on whose behalf the money is held? |  |  |  |  |
| 40(6) | 3.2 | **Are Trust Account Statements sent out after 30 June each year? ) if NO, must answer 3.3** |  |  |  |  |
|  | 3.3 | **If statements were not sent for certain accounts;** | | | | |
| 40(7)(a) |  | * were the accounts opened for less than six months? |  |  |  |  |
| 40(7)(b) |  | * was the balance of the ledger account or record zero and no transaction has taken place within the previous 12 months? |  |  |  |  |
| 40(7)(c) |  | * has a trust account statement been furnished within the previous 12 months and there have been no subsequent transactions affecting the ledger account or record? |  |  |  |  |
|  | 3.4 | **Do Trust Account Statements disclose?** | | | | |
| 40(5)(a) |  | * the same detail as required by regulations 29,38 and 43? |  |  |  |  |
| 40(5)(b) |  | * the remaining balance (if any)? |  |  |  |  |
| 40(8) | 3.5 | **Are copies of Trust Account Statements retained?** |  |  |  |  |

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| **Section** | **4.** | **WITHDRAWING MONEY FOR LEGAL COSTS** | | | | |
| Objective: | To ensure the law practice is complying with the procedures in regard to the withdrawal of money for legal costs from a trust account or controlled money account.  NOTE: This regulation prescribes, for the purpose of clause 22(1)(b) of Schedule 2 of the Act, the procedure for the withdrawal of trust money held in a general trust account of controlled money account of a law practice for payment of legal costs owing to the practice by the person for whom the trust money was paid into the account. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 45(3) | 4.1 | **Have withdrawals from the general trust account or controlled money account been in accordance with either clause 45(3) or 45(4) i.e. withdrawals were made:** |  |  |  |  |
|  |  | in accordance with a costs agreement that complies with the legislation under which it was made and that authorised the withdrawal **and only** after the practice gave or sent to the person a request for payment referring to the proposed withdrawal; or a written notice of withdrawal; **OR** |  |  |  |  |
|  |  | In accordance with instructions that were received by the law practice and that authorised the withdrawal **and only** after the practice gave or sent to the person a request for payment referring to the proposed withdrawal; or a written notice of withdrawal (If instructions given in writing must be kept as a permanent record; or if not given in writing, must be confirmed in writing either before, or not later than 5 business days after the withdrawal and a copy kept as a permanent record); **OR** |  |  |  |  |
|  |  | It was owed to the practice by way of reimbursement of money already paid by the practice on behalf of the person **and only** after the practice gave or sent to the person a request for payment referring to the proposed withdrawal; or a written notice of withdrawal; and ensured the payment from office was debited; **OR** |  |  |  |  |
| 45(4) |  | After the practice gave the person a bill relating to the money, and if:  (i) the person did not object to the withdrawal of the money within 7 days after being given the bill; or  (ii) the person did object within 7 days after being given the bill but has not applied for a review of the legal costs under the Act within 60 days after being given the bill; or  (iii) the money otherwise becomes legally payable. |  |  |  |  |

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| **Section** | **5.** | **NOTIFICATION OF AUTHORISED SIGNATORIES & WITHDRAWING TRUST MONEY** | | | | |
| Objective: | To ensure control of payments by authorised persons only  NOTE: Notification of principals who hold local practising certificates is not required. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 24(3) & 25(2) | 5.1 | **Have person(s) other than principals of the law practice who hold local practising certificates been authorised to sign trust cheques, sign controlled money withdrawals or effect electronic funds transfers from the general trust account or controlled money account?** |  |  |  |  |
|  | 5.2 | **Were the authorised person(s):** | | | | |
| 24(3)(b)(i) & 25(2)(b)(i) |  | * an authorised legal practitioner associate, **or** |  |  |  |  |
| 24(3)(b)(ii) & 25(2)(b)(ii) |  | * an authorised legal practitioner who holds a practising certificate that does not prohibit the receipt of trust money, **or** |  |  |  |  |
| 24(3)(b)(iii) & 25(2)(b)(iii) |  | * two or more authorised associates jointly? |  |  |  |  |
|  | 5.3 | **Did the person(s) above, and/or the authorised principal, before signing a cheque or effecting, directing or authorising an electronic funds transfer;** | | | | |
| 24(4)(a) & 25(3)(a) |  | * see a written direction, given by the person on whose behalf the trust money is held, authorising the disbursement? ; **or** |  |  |  |  |
| 25(4)(b) & 25(3)(b) |  | * if the money was disbursed in accordance with a verbal direction given by the person on whose behalf the trust money is held – make a contemporaneous written record of the direction or see a contemporaneous written record of the direction made by the person to whom the direction was given? |  |  |  |  |
|  | 5.4 | **Has the law practice given written notice to the Law Society of South Australia of the:** | | | | |
|  |  | * appointment of an authorised signatory? |  |  |  |  |
|  |  | * termination of an authorised signatory? |  |  |  |  |
|  |  | * authorised signatories as at 31 March? |  |  |  |  |
| **Division 2 (GENERAL TRUST ACCOUNT)** | | | | | | |
| **Section** | **1.** | **GENERAL TRUST ACCOUNTS** | | | | |
| Objective: | To ensure a law practice that receives trust money that is required to be deposited into a general trust account maintains a general trust account in this jurisdiction, and that the general trust account is established and maintained in accordance with the Regulations. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| Clause 13  Schedule 2 of the Act | 1. | **Has general trust money been received, held or disbursed during the applicable period?** |  |  |  |  |
| 19(2)(a) | 1.1 | **For a trust account opened on or after 1 July 2014:** | | | | |
| 19(2)(b) | 1.2 | * is it established with an ADI in this jurisdiction? |  |  |  |  |
| 19(2)(c)(i) | 1.3 | * does the name of the account include the name of the law practice or the business name under which the law practice engages in legal practice? |  |  |  |  |
| 19(2)(c)(ii) | 1.4 | * does the name of the account include the expression “law practice trust account” or “law practice trust A/C”? |  |  |  |  |
| 19(2)(d) | 1.5 | **Is the account of a kind that is approved by the Law Society of South Australia?** |  |  |  |  |
|  | 1.6 | **Has the law practice notified the Law Society of South Australia within 14 days of:** | | | | |
| 33(1) |  | * opening a general trust account? |  |  |  |  |
| 33(4) |  | * closing a general trust account? |  |  |  |  |

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| **Section** | **2.** | **TRUST ACCOUNT RECEIPTS** | | | | |
| Objective: | To ensure a general trust account receipt is issued promptly in respect of general trust money received; and the receipt records sufficient information to enable the receipt of the money to be properly recorded in the cashbook and trust ledger. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 20(2) | 2.1 | **Are trust receipts made out for money that is required to be paid into the general trust account?** |  |  |  | **Click here to enter text.** |
| 20(4) | 2.2 | **Are trust receipts in duplicate?**  NOTE: The receipt, containing the required particulars, must be made out in duplicate, whether by way of making a carbon copy or otherwise, unless at the time the receipt is made out, those particulars are recorded by computer program in the trust account receipts cash book. |  |  |  | **Click here to enter text.** |
| 20(7) | 2.3 | **Are the receipts:** | | | | |
|  |  | * consecutively numbered? |  |  |  | **Click here to enter text.** |
|  |  | * issued in consecutive sequence? |  |  |  | **Click here to enter text.** |
| 20(5)(g) | 2.4 | **Do the original and duplicate receipts include:** | | | | |
|  |  | * law practice name, or the business name under with the law practice engages in legal practice? |  |  |  | **Click here to enter text.** |
|  |  | * expression “Trust Account” or “Trust A/C”? |  |  |  | **Click here to enter text.** |
|  | 2.5 | **Do the receipts include?** | | | | |
| 20(5)(a) | 2.6 | * date the receipt is made out? |  |  |  | **Click here to enter text.** |
| 20(5)(a) |  | * and if the date the receipt is made out is difference, the date of the receipt of the money? |  |  |  | **Click here to enter text.** |
| 20(5)(b) |  | * amount of money received? |  |  |  | **Click here to enter text.** |
| 20(5)(c) |  | * form in which the money is received? |  |  |  | **Click here to enter text.** |
| 20(5)(d) |  | * name of the person from whom the money is received? |  |  |  | **Click here to enter text.** |
| 20(5)(e) |  | * name of the client? |  |  |  | **Click here to enter text.** |
|  |  | * matter description? |  |  |  | **Click here to enter text.** |
|  |  | * matter reference? |  |  |  | **Click here to enter text.** |
| 20(5)(f) |  | * purpose for which the money was received? |  |  |  | **Click here to enter text.** |
| 20(5)(h) |  | * name of the person who made out the receipt? |  |  |  | **Click here to enter text.** |
| 20(5)(i) |  | * number of the receipt? |  |  |  | **Click here to enter text.** |
| 20(8) | 2.7 | **Does the law practice retain:** | | | | |
|  |  | * original of any cancelled receipt? |  |  |  | **Click here to enter text.** |
|  |  | * original of any receipt not delivered? |  |  |  | **Click here to enter text.** |

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| **Section** | **3.** | **DEPOSITS** | | | | |
| Objective: | To confirm each deposit record is made out in duplicate, that completed deposit records are securely retained and the general trust money received has been promptly deposited. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| Clause 12 Schedule 2 of the Act | 3.1 | **Is money deposited as soon as practicable after it is received?** |  |  |  | **Click here to enter text.** |
| 21(1) & 21(2) | 3.2 | **Is a deposit record produced to the ADI at the time of making the deposit?**  NOTE: an ADI deposit record is not required in the case of money paid into the general trust account by direct deposit, but is required for deposits made directly by Agents of the law practice. |  |  |  | **Click here to enter text.** |
| 21(3) | 3.3 | **Do deposit records include particulars of the following:** | | | | |
| 21(3)(a) |  | * date of deposit? |  |  |  | **Click here to enter text.** |
| 21(3)(b) |  | * amount of deposit? |  |  |  | **Click here to enter text.** |
| 21(3)(c) |  | * form of deposit and the amounts of cheques, notes and coins? |  |  |  | **Click here to enter text.** |
| 21(3)(d) |  | **AND for each cheque received:** | | | | |
| 21(3)(d)(i) |  | * name of drawer? |  |  |  | **Click here to enter text.** |
| 21(3)(d)(ii) |  | * name of ADI? |  |  |  | **Click here to enter text.** |
| 21(3)(d)(ii) |  | * branch or BSB number? |  |  |  | **Click here to enter text.** |
| 21(3)(d)(iii) |  | * amount? |  |  |  | **Click here to enter text.** |
| 21(4) | 3.4 | **Is the deposit record made out in duplicate?** |  |  |  | **Click here to enter text.** |
| 21(5) | 3.5 | **Is the duplicate deposit record retained?** |  |  |  | **Click here to enter text.** |

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| **Section** | **4.** | **TRUST PAYMENTS** | | | | |
| Objective: | To ensure sufficient information has been recorded on the relevant cheque butt, or cheque requisition, or other initiating disbursement document to enable details of disbursements to be properly recorded in the cashbook and trust ledger and verified. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
|  | 4A | **TRUST CHEQUES** | | | | |
|  | 4A.1 | Have all funds drawn from the trust account been by way of: | | | | |
| 24(1) |  | * trust cheque? |  |  |  | **Click here to enter text.** |
| 25(1) |  | * electronic funds transfer? |  |  |  | **Click here to enter text.** |
|  | 4A.2 | **Do cheques include:** | | | | |
| 24(2)(a) |  | * a direction to pay to the order of a person and not to bearer or cash? |  |  |  | **Click here to enter text.** |
| 24(2)(b) |  | * a crossing and the words “NOT NEGOTIABLE” |  |  |  | **Click here to enter text.** |
| 24(2)(c)(i)(c) |  | * law practice or business name under which the law practice engages in legal practice? |  |  |  | **Click here to enter text.** |
| 24(2)(c)(ii)(d) |  | * expression “law practice trust account” or “law practice trust a/c” (only applies to accounts opened after 1 July 2014) |  |  |  | **Click here to enter text.** |

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| **Section** | **4.** | **TRUST PAYMENTS** | | | | |
| Objective: | To ensure sufficient information has been recorded on the relevant cheque butt, or cheque requisition, or other initiating disbursement document to enable details of disbursements to be properly recorded in the cashbook and ledger, and verified. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 24(6) & 24(7) | 4A.3 | **Is a written record of the payment by cheque retained by the law practice?**  NOTE: a written record of the required particulars (which may be in the form of a cheque butt) must be kept of each payment made by cheque, whether by making a carbon copy or otherwise, unless at the time the cheque is issued, those particulars are recorded by computer program in the trust account payments cash book, BUT if at the time the cheque is issued, the required particulars are recorded by a computer program in the trust account payments cash book, a written record must be kept that is sufficient to enable the accuracy of the particulars in the computer program to be verified. |  |  |  | **Click here to enter text.** |
| 24(8) | 4A.4 | **Do the written records include:** | | | | |
| 24(8)(a) |  | * date of issue? |  |  |  | **Click here to enter text.** |
| 24(8)(a) |  | * cheque Number? |  |  |  | **Click here to enter text.** |
| 24(8)(b) |  | * amount? |  |  |  | **Click here to enter text.** |
| 24(8)(c) |  | * name of the person to whom the payment is made? |  |  |  | **Click here to enter text.** |
|  |  | **OR** in the case of a cheque made payable to an ADI, do the written records record: | | | | |
| 24(8)(c) |  | * name of the ADI? |  |  |  | **Click here to enter text.** |
| 24(8)(c) |  | * name of the person receiving the benefit of the payment? |  |  |  | **Click here to enter text.** |
| 24(8)(d) |  | * name of the person on whose behalf the payment was made? |  |  |  | **Click here to enter text.** |
| 24(8)(d) |  | * matter reference? |  |  |  | **Click here to enter text.** |
| 24(8)(e) |  | * details clearly identifying the ledger account to be debited? |  |  |  | **Click here to enter text.** |
| 24(8)(f) |  | * purpose of the payment? |  |  |  | **Click here to enter text.** |
| 24(8)(g) |  | * name of the person or persons effecting, directing or authorising the payment? |  |  |  | **Click here to enter text.** |
| 24(9) | 4A.5 | **Are written records relating to payments by cheque kept in the order in which the cheque were issued?** |  |  |  | **Click here to enter text.** |
|  | 4B | **ELECTRONIC FUNDS TRANSFERS** | | | | |
| 25(5) | 4B.1 | **Is a written record kept evidencing the Electronic Funds Transfer?** |  |  |  | **Click here to enter text.** |
|  | 4B.2 | **Do the records kept evidencing an electronic funds transfer include:** | | | | |
| 25(7)(a) |  | * date of transaction? |  |  |  | **Click here to enter text.** |
|  |  | * number of the transaction? |  |  |  | **Click here to enter text.** |
| 25(7)(b) |  | * amount transferred? |  |  |  | **Click here to enter text.** |
| 25(7)(c) |  | * name of the account to which the amount was transferred? |  |  |  | **Click here to enter text.** |
|  |  | * number and BSB of the account to which the amount was transferred? |  |  |  | **Click here to enter text.** |
|  |  | * name of the person to whom the payment was made? |  |  |  | **Click here to enter text.** |
| 25(7)(d) |  | **OR,** in the case of a payment made to an ADI: | | | | |
|  |  | * name or BSB number of the ADI? |  |  |  | **Click here to enter text.** |
|  |  | * the name of the person receiving the benefit of the payment? |  |  |  | **Click here to enter text.** |
| 25(7)(e) |  | * details identifying the name of the person on whose behalf the payment was made? |  |  |  | **Click here to enter text.** |
|  |  | * matter reference? |  |  |  | **Click here to enter text.** |
| 25(7)(f) |  | * details clearly identifying the ledger account to be debited? |  |  |  | **Click here to enter text.** |
| 25(7)(g) |  | * purpose for which the payment was made? |  |  |  | **Click here to enter text.** |
| 25(7)(h) |  | * name of the person or persons effecting, directing or authorising the payment? |  |  |  | **Click here to enter text.** |
| 25(8) | 4B.3 | **Are written confirmations of electronic funds transfer payments made retained by the law practice?** |  |  |  | **Click here to enter text.** |
| 25(9) | 4B.4 | **Are written records of payments by electronic funds transfer kept in the order in which the transfers were effected?** |  |  |  | **Click here to enter text.** |

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| **Section** | **5.** | **TRUST ACCOUNT RECEIPTS AND PAYMENTS CASH BOOK** | | | | |
| Objective: |  | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
|  | 5A | **TRUST ACCOUNT RECEIPTS AND PAYMENTS BOOK GENERAL** | | | | |
|  |  | Is a combined trust account receipts and payments cash book kept? OR |  |  |  | **Click here to enter text.** |
|  |  | Is a separate trust account receipts cash book and payments cash book kept? |  |  |  | **Click here to enter text.** |
|  |  | * If separate cash books are kept, are they totalled for each month? |  |  |  | **Click here to enter text.** |
|  | 5B | **TRUST ACCOUNT RECEIPTS CASH BOOK** | | | | |
| 27(1) | 5B.1 | Are the following particulars recorded in the Trust Account Receipts Cash Book for each receipt of trust money: | | | | |
| 27(1)(a) |  | * date a receipt was made out for the money? and |  |  |  | **Click here to enter text.** |
|  |  | * if the date a receipt was made out for the money is different, the date the money was received. |  |  |  | **Click here to enter text.** |
| 27(1)(b) |  | * receipt number? |  |  |  | **Click here to enter text.** |
| 27(1)(c) |  | * amount of money received? |  |  |  | **Click here to enter text.** |
| 27(1)(d) |  | * form in which the money was received? |  |  |  | **Click here to enter text.** |
| 27(1)(e) |  | * name of the person from whom the money was received? |  |  |  | **Click here to enter text.** |
| 27(1)(f) |  | * name of the client in respect of whom the money was received? |  |  |  | **Click here to enter text.** |
|  |  | * matter description? |  |  |  | **Click here to enter text.** |
|  |  | * matter reference? |  |  |  | **Click here to enter text.** |
| 27(1)(g) |  | * particulars sufficient to identify the purpose of the receipt? |  |  |  | **Click here to enter text.** |
|  |  | * ledger account to be credited? |  |  |  | **Click here to enter text.** |
| 27(2) |  | * date of each deposit? |  |  |  | **Click here to enter text.** |
|  |  | * amount of each deposit? |  |  |  | **Click here to enter text.** |
| 27(3) |  | **Are receipts recorded in the order in which they are made out?** |  |  |  | **Click here to enter text.** |
| 27(4) |  | **Have particulars of receipts been recorded within 5 business days of the receipt being made out?** |  |  |  | **Click here to enter text.** |
|  | 5C. | TRUST ACCOUNT PAYMENTS CASH BOOK | | | | |
| 28(1) | 5C.1 | **Are the following particulars recorded in the Trust Account Payments Cash Book for each payment of trust money by cheque:** | | | | |
| 28(1)(a) |  | * date of the cheque? |  |  |  | **Click here to enter text.** |
|  |  | * number of the cheque? |  |  |  | **Click here to enter text.** |
| 28(1)(b) |  | * amount ordered to be paid by the cheque? |  |  |  | **Click here to enter text.** |
| 28(1)(c) |  | * name of the person to whom the payment is to be made? |  |  |  | **Click here to enter text.** |
|  |  | **OR**, in the case of a payment to an ADI: | | | | |
|  |  | * name or BSB number of the ADI? |  |  |  | **Click here to enter text.** |
|  |  | * name of the person receiving the benefit of the payment? |  |  |  | **Click here to enter text.** |
| 28(1)(d) |  | * name of the person on whose behalf the payment was made? |  |  |  | **Click here to enter text.** |
|  |  | * matter reference? |  |  |  | **Click here to enter text.** |
| 28(1)(e) |  | * details clearly identifying the ledger account to be debited? |  |  |  | **Click here to enter text.** |
| 28(1)(f) |  | * particulars sufficient to identify the purpose of the payment? |  |  |  | **Click here to enter text.** |
|  | 5C.2 | **For payments made by electronic funds transfer, are the following recorded:** | | | | |
| 28(2)(a) |  | * date of the transaction? |  |  |  | **Click here to enter text.** |
|  |  | * number of the transaction? |  |  |  | **Click here to enter text.** |
| 28(2)(b) |  | * amount transferred? |  |  |  | **Click here to enter text.** |
| 28(2)(c) |  | * name and number of the account to which the amount was transferred, and |  |  |  | **Click here to enter text.** |
|  |  | * relevant BSB number? |  |  |  | **Click here to enter text.** |
| 28(2)(d) |  | * name of the person to whom the payment was made? |  |  |  | **Click here to enter text.** |
|  |  | **OR**, in the case of a payment to an ADI: | | | | |
|  |  | * name or BSB number of the ADI? |  |  |  | **Click here to enter text.** |
|  |  | * name of the person receiving the benefit of the payment? |  |  |  | **Click here to enter text.** |
| 28(2)(e) |  | * details identifying the name of the person on whose behalf the payment was made? |  |  |  | **Click here to enter text.** |
|  |  | * matter reference? |  |  |  | **Click here to enter text.** |
| 28(2)(f) |  | * ledger account to be debited? |  |  |  | **Click here to enter text.** |
| 28(2)(g) |  | * purpose for which the payment was made? |  |  |  | **Click here to enter text.** |
| 28(3) | 5D.3 | **Are payments recorded in the order in which they are made?** |  |  |  | **Click here to enter text.** |
| 28(4) | 5D.4 | **Have particulars of payments been recorded within 5 business days of the payment being made?** |  |  |  | **Click here to enter text.** |

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| **Section** | **6.** | **RECONCILIATION OF GENERAL TRUST ACCOUNT** | | | | |
| Objective: | To ensure the trust records of each general trust account are reconciled within 15 business days of the end of each month and errors and deficiencies are identified and rectified. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 31(1) | 6A.1 | **Have reconciliation statements been prepared for each month?** |  |  |  | **Click here to enter text.** |
| 31(2) | 6A.2 | **Do the reconciliation statements disclose the month to which they refer?** |  |  |  | **Click here to enter text.** |
| 31(2)(a)(i) |  | **Do the reconciliation statements accurately reflect the reconciliation of the balance(s) of the general trust (ADI) account(s) with the balance(s) of the cash book(s)?** |  |  |  | **Click here to enter text.** |
| 31(2)(b)(ii) |  | **Is the date that each reconciliation statement was prepared shown?** |  |  |  | **Click here to enter text.** |
| 31(3) | 6A.3 | **Are reconciliation statements prepared within 15 business days after the end of each month?** |  |  |  | **Click here to enter text.** |
| 31(4) | 6A.4 | **Are reconciliation statements retained?** |  |  |  | **Click here to enter text.** |
|  | 6A.5 | **Have all outstanding deposits been promptly deposited?** |  |  |  | **Click here to enter text.** |
|  | 6A.6 | **Are there any stale cheques (over 15 months old) recorded on the June unpresented cheque list?** |  |  |  | **Click here to enter text.** |
|  | 6A.7 | **Are the additions of the reconciliation correct?** |  |  |  | **Click here to enter text.** |
|  | 6A.8 | **Have all reconciling and unreconciled items been reviewed?** |  |  |  | **Click here to enter text.** |
| 31(2)(b) | 6B.1 | **Have trust trial balances been prepared for each month?** |  |  |  | **Click here to enter text.** |
| 31(2)(b) | 6B.2 | **Do the trust trial balances disclose:** | | | | |
| 31(2) |  | * month to which they refer? |  |  |  | **Click here to enter text.** |
| 31(2)(b) |  | * date of preparation? |  |  |  | **Click here to enter text.** |
|  |  | * ledger account name? |  |  |  | **Click here to enter text.** |
|  |  | * reference number or identification? |  |  |  | **Click here to enter text.** |
|  |  | * balance of each account at month end? |  |  |  | **Click here to enter text.** |
|  |  | * short description of matter? |  |  |  | **Click here to enter text.** |
|  |  | * total of all balances at month end? |  |  |  | **Click here to enter text.** |
| 31(2)(b) | 6B.3 | **Was comparison between the total of the trial balance and the reconciled cash book balance as at the same date?** |  |  |  | **Click here to enter text.** |
| 31(3) | 6B.4 | **Is the date of preparation within 15 business days of the end of the month to which the trust trial balance relates?** |  |  |  | **Click here to enter text.** |
| 31(4) | 6B.5 | **Are trial balance statements retained?** |  |  |  | **Click here to enter text.** |
|  | 6B.6 | **Have any discrepancies in item 6B.3 above been satisfactorily noted, explained and subsequently adjusted?** |  |  |  | **Click here to enter text.** |
|  | 6B.7 | **Have all debit balances (excluding the Law Practice’s Combined Trust Account if applicable) listed on any trust trial balance statement been rectified as soon as practicable after the time when the debit balance should have become apparent?** |  |  |  | **Click here to enter text.** |
|  | 6B.8 | **Are details of the ledger accounts concerned, the duration of the debit balances and the method of restoration (if applicable), outlined in Part B Item 3 of the Law Practice Declaration and Trust Money Statement?** |  |  |  | **Click here to enter text.** |

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| **Section** | **7.** | **TRUST JOURNAL** | | | | |
| Objective: | To ensure no transfers are made without the use of the trust journal and appropriate authority; and the required details are recorded for each trust journal. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 30(2) | 7.1 | **Have the journal transfers been authorised in writing – by an authorised principal; or authorised legal practitioner associate; or authorised legal practitioner who holds a practising certificate that does not prohibit the receipt of the trust money; or by 2 or more authorised associates jointly?** |  |  |  | **Click here to enter text.** |
|  | 7.2 | **Are the following particulars recorded for each journal?** | | | | |
| 30(5)(a) |  | * date of the transfer? |  |  |  | **Click here to enter text.** |
| 30(5)(b) |  | * trust ledger account from which the money is transferred from? |  |  |  | **Click here to enter text.** |
| 30(5)(c) |  | * trust ledger account to which the money is transferred to? |  |  |  | **Click here to enter text.** |
| 30(5)(d) |  | * amount transferred? |  |  |  | **Click here to enter text.** |
| 30(5)(e) |  | * purpose of the transfer? |  |  |  | **Click here to enter text.** |
|  |  | * matter reference? |  |  |  | **Click here to enter text.** |
|  |  | * matter description? |  |  |  | **Click here to enter text.** |
| 30(6) | 7.3 | **Are journal pages or entries consecutively numbered?** |  |  |  | **Click here to enter text.** |
| 30(7) | 7.4 | **Are particulars of the authorisation for each transfer kept?** |  |  |  | **Click here to enter text.** |

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| **Section** | **8.** | **TRUST LEDGER ACCOUNTS** | | | | | | | |
| Objective: | To ensure trust ledger accounts have been properly kept and details of the money received, disbursed and transferred are recorded in a trust ledger account kept for each person on whose behalf money is held. | | | | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | | **No** | | **N/A** | **Comments** | |
| 29(1) | 8A.1 | **Is a separate ledger account opened for each matter for which trust money has been received?** |  | |  | |  | **Click here to enter text.** | |
|  | 8A.2 | Does each ledger account include in the title: | | | | | | | |
| 29(2)(a) |  | * name of the person? |  | |  | |  | **Click here to enter text.** | |
| 29(2)(b) |  | * person’s address? |  | |  | |  | **Click here to enter text.** | |
| 29(2)(c) |  | * matter description? |  | |  | |  | **Click here to enter text.** | |
|  |  | * matter reference? |  | |  | |  | **Click here to enter text.** | |
| 29(3) | 8A.3 | **Are details of any changes to the title of a trust ledger recorded?** |  | |  | |  | **Click here to enter text.** | |
|  | 8A.4 | **Are the following particulars recorded in the trust ledger account for receipts, payments or journal transfers:** | | | | | | | |
| 29 |  | * date the receipt was made out; and date payment voucher or journal transfer was made? |  | |  | |  | **Click here to enter text.** | |
| 29(4)(a) |  | * for receipts, if the date of the receipt is different to the date the money was received, is the date the money was received also recorded? |  | |  | |  | **Click here to enter text.** | |
| 29 |  | * receipt, cheque, EFT of journal transfer reference number? |  | |  | |  | **Click here to enter text.** | |
| 29 |  | * amount received, paid or transferred? |  | |  | |  | **Click here to enter text.** | |
| 29 |  | * name of the person the money was received from, paid to or transferred to or from? |  | |  | |  | **Click here to enter text.** | |
| 29 |  | * reason the money was received paid or transferred? |  | |  | |  | **Click here to enter text.** | |
|  |  | NOTE: the above question represents an amalgamation of regulations 29(4), 29(5), 29(6) and 29(7) | | | | | | | |
|  | 8A.5 | **Additionally for cheques drawn to an ADI, does the trust account ledger disclose:** | | | | | | | |
| 29(5)(c) |  | * name of BSB number of the ADI? | |  |  |  | | | **Click here to enter text.** |
|  |  | * name of the person receiving the benefit of the payment | |  |  |  | | | **Click here to enter text.** |
|  |  | **For electronic funds transfer payments, do the trust account ledgers disclose**: | | | | | | | |
| 29(6)(c) |  | * name and number of the account to which the amount was transferred and the relevant BSB number? | |  |  |  | | | **Click here to enter text.** |
| 29(6)(d) |  | * name of the person to whom the money was transferred? | |  |  |  | | | **Click here to enter text.** |
| 29(8) | 8A.6 | **Are transactions recorded in the order in which they occur?** | |  |  |  | | | **Click here to enter text.** |
| 29(9) | 8A.7 | **Have particulars in respect of a receipt, payment or transfer been recorded within 5 business days of the receipt being made out, and any payment made or the transfer effected**? | |  |  |  | | | **Click here to enter text.** |
| 29(10) | 8A.8 | **Is a trust ledger account balance recorded after each receipt, payment or transfer?** | |  |  |  | | | **Click here to enter text.** |

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| **Section** | **8B.** | **TRUST LEDGER ACCOUNT IN NAME OF LAW PRACTICE OF LEGAL PRACTITIONER ASSOCIATE’S** | | | | |
| Objective: | To ensure trust money is not mixed with non-trust money and proper legal service provision. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 32(1) | 8B.1 | **Does the trust ledger contain an account in the name of:** | | | | |
|  |  | * the law practice? |  |  |  | **Click here to enter text.** |
|  |  | * an associate of the law practice? |  |  |  | **Click here to enter text.** |
|  | 8B.2 | **If YES, is the use restricted to:** | | | | |
| 32(2)(a) |  | * a control account for transferring legal costs? |  |  |  | **Click here to enter text.** |
| 32(2)(b) |  | * matter(s) in respect of which the legal practitioner associate has a personal and beneficial interest as a vendor, purchaser, lessor, lessee or in another similar capacity? |  |  |  | **Click here to enter text.** |
| 32(3) | 8B.3 | **If a control account is used, have the funds been withdrawn within 1 month of being transferred to the account?** |  |  |  | **Click here to enter text.** |
| 32(4) | 8B.4 | **If there is an account where the legal practitioner associate had a personal and beneficial interest, have funds been withdrawn at the conclusion of the matter(s)?** |  |  |  | **Click here to enter text.** |

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| **DIVISION 3 CONTROLLED MONEY** | | | | | | |
| **Section** | **1.** | **CONTROLLED MONEY** | | | | |
| Objective: | To ensure a law practice which received controlled money deposits the money into a controlled money account as directed.  Controlled Money means: trust money received by a law practice with a written direction to deposit the money in an account (other than a general trust account) over which the practice has or will have exclusive control.  Controlled Money Account means: an account maintained by a law practice with an ADI for the purpose of holding controlled money received by the practice. | | | | | |
| **Clause** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| Clause 15  Schedule 2 of the Act | 1.1 | **Has controlled money been received, held or disbursed during the applicable period?**  **If NO, go to DIVISION 4** |  |  |  | **Click here to enter text.** |
|  | 1.2 | If the controlled money account was opened after 1 July 2014 does the name of the controlled money account include: | | | | |
| 34(1)(a) |  | * name of the law practice concerned? |  |  |  | **Click here to enter text.** |
| 34(1)(b) |  | * expression “controlled money account” or the abbreviation “CMA” or “CMA A/C”? |  |  |  | **Click here to enter text.** |
|  |  | **and such particulars:** | | | | |
| 34(1)(c) |  | * to identify the purpose of the account? |  |  |  | **Click here to enter text.** |
|  |  | * to distinguish the account from any other account maintained by the law practice? |  |  |  | **Click here to enter text.** |
| 34(2) | 1.3 | **For controlled money accounts opened after 1 July 2014 have written directions been obtained to open the account?** |  |  |  | **Click here to enter text.** |

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| **Section** | **2.** | **CONTROLLED MONEY RECEIPT** | | | | |
| Objective: | To ensure a controlled money account receipt is issued promptly in respect of controlled money received; and the receipt records sufficient information to enable the receipt of the money to be properly recorded in the controlled money records. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 35(2) | 2.1 | **Does the law practice maintain a single controlled money receipt system for the receipt of controlled money for all of its controlled money accounts?** |  |  |  | **Click here to enter text.** |
| 35(4) & 35(11) | 2.2 | **Is a controlled money receipt made out as soon as practicable for the receipt of controlled money excluding interest received into the controlled money account?** |  |  |  | **Click here to enter text.** |
| 35(5) | 2.3 | **Are the controlled money receipts in duplicate?**  NOTE: The receipt, containing the required particulars, must be made out in duplicate, whether by way of making a carbon copy or otherwise, unless at the time the receipt is made out, those particulars are recorded by computer program in the controlled money record. |  |  |  | **Click here to enter text.** |
|  | 2.4 | **Do the receipts include:** | | |  | |
| 35(6)(h) |  | * name of the law practice, or the business name under which the law practice engages in legal practice? |  |  |  | **Click here to enter text.** |
|  |  | * expression “controlled money receipt”? |  |  |  | **Click here to enter text.** |
|  | 2.5 | **Do the receipts include the following required particulars:** | | | | |
| 35(6)(a) |  | * date the receipt is made out? |  |  |  | **Click here to enter text.** |
|  |  | * AND, if the date the receipt is made out is different to the actual date the funds were received, the date the funds were received? |  |  |  | **Click here to enter text.** |
| 35(6)(b) |  | * amount of money received? |  |  |  | **Click here to enter text.** |
| 35(6)(c) |  | * form in which the money was received? |  |  |  | **Click here to enter text.** |
| 35(6)(d) |  | * name of the person from whom the money was received? |  |  |  | **Click here to enter text.** |
| 35(6)(e) |  | * details clearly identifying the name of the person on whose behalf the money was received? |  |  |  | **Click here to enter text.** |
|  |  | * matter description? |  |  |  | **Click here to enter text.** |
|  |  | * matter reference? |  |  |  | **Click here to enter text.** |
| 35(6)(f) |  | * particulars sufficient to identify the purpose of the receipt? |  |  |  | **Click here to enter text.** |
| 35(6)(g) |  | * name of and other details identifying the controlled money account to be credited? |  |  |  | **Click here to enter text.** |
| 35(6)(i) |  | * name of the person who made out the receipt? |  |  |  | **Click here to enter text.** |
| 35(6)(j) |  | * number of the receipt? |  |  |  | **Click here to enter text.** |
| 35(9) | 2.6 | **Are controlled money receipts:** | | | | |
|  |  | * consecutively numbered? |  |  |  | **Click here to enter text.** |
|  |  | * Issued in consecutive sequence? |  |  |  | **Click here to enter text.** |
| 35(10) | 2.7 | **Is the original of any receipt that is cancelled or not delivered retained?** |  |  |  | **Click here to enter text.** |

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| **Section** | **3.** | **CONTROLLED MONEY WITHDRAWAL** | | | | |
| Objective: | To ensure all withdrawals of controlled money are carried out in accordance with the regulation and proper direction; and written records disclosing the required particulars are kept for each withdrawal of controlled money. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 37(2) | 3.1 | **Is a written record kept of each withdrawal?** |  |  |  | **Click here to enter text.** |
|  | 3.2 | **Does the written record contain the following required particulars:** | | | | |
| 37(4)(a) |  | * date of the transaction? |  |  |  | **Click here to enter text.** |
|  |  | * number of the transaction? |  |  |  | **Click here to enter text.** |
| 37(4)(b) |  | * amount withdrawn? |  |  |  | **Click here to enter text.** |
| 37(4)(c) |  | In the case of a transfer made by electronic funds transfer: | | | | |
|  |  | * name of the account to which the amount was transferred? |  |  |  | **Click here to enter text.** |
|  |  | * relevant BSB number? |  |  |  | **Click here to enter text.** |
| 37(4)(d) |  | * name of the person to whom the payment is to be made? |  |  |  | **Click here to enter text.** |
|  |  | **OR**, in the case of a payment to and ADI: | | | | |
|  |  | * name or BSB number of the ADI? |  |  |  | **Click here to enter text.** |
|  |  | * name of the person receiving the benefit of the payment? |  |  |  | **Click here to enter text.** |
| 37(4)(e) |  | **AND**, details identifying: | | | | |
|  |  | * name of the person on whose behalf the payment was made? |  |  |  | **Click here to enter text.** |
|  |  | * matter reference? |  |  |  | **Click here to enter text.** |
| 37(4)(f) |  | * purpose for which the payment was made? |  |  |  | **Click here to enter text.** |
| 37(4)(g) |  | * name of the person or persons effecting, directing or authorising the withdrawal? |  |  |  | **Click here to enter text.** |
| 37(5) | 3.3 | **Are the records filed in the order in which the payments are recorded?** |  |  |  | **Click here to enter text.** |
| Clause 16 Schedule 2 of the Act | 3.4 | **Are all controlled money withdrawals made by either:** | | | | |
| Clause 16(1) |  | * cheque? |  |  |  | **Click here to enter text.** |
| Clause 16(1) |  | * electronic funds transfer? |  |  |  | **Click here to enter text.** |

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| **Section** | **4.** | **REGISTER OF CONTROLLED MONEY** | | | | |
| Objective: | To ensure all records relating to controlled money accounts are properly kept in the controlled money register. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 38(1) | 4. | **Does the law practice maintain a register of controlled money?** |  |  |  | **Click here to enter text.** |
| 38(2) | 4.1 | **Does the controlled money register consist of the records of controlled money movements?** |  |  |  | **Click here to enter text.** |
|  | 4.2 | **Does the header of the record of controlled money movements contain:** | | | | |
| 38(3)(a) |  | * name of the person on whose behalf the controlled money is held? |  |  |  | **Click here to enter text.** |
| 38(3)(b) |  | * person’s address? |  |  |  | **Click here to enter text.** |
| 38(3)(c) |  | * matter description? |  |  |  | **Click here to enter text.** |
| 38(3)(d) |  | * details of any changes to the name, address or matter description? |  |  |  | **Click here to enter text.** |
|  | 4.3 | **Do the transactions in the controlled money movements records disclose:** | | | | |
| 38(4)(a) |  | * date the controlled money was received? |  |  |  | **Click here to enter text.** |
| 38(4)(b) |  | * number of the controlled money receipt? |  |  |  | **Click here to enter text.** |
| 38(4)(c) |  | * date deposited to the controlled money account? |  |  |  | **Click here to enter text.** |
| 38(4)(d) |  | * name of the controlled money account? |  |  |  | **Click here to enter text.** |
| 38(4)(e) |  | * amount deposited? |  |  |  | **Click here to enter text.** |
| 38(4)(f) |  | * details of the deposit sufficient to identify the deposit? |  |  |  | **Click here to enter text.** |
| 38(4)(g) |  | * interest received? |  |  |  | **Click here to enter text.** |
| 38(4)(h) |  | * details of any payments including the particulars required to be recorded under regulation 37(4)? |  |  |  | **Click here to enter text.** |
| 38(7) | 4.4 | **Does the law practice retain all supporting information relating to controlled money?** |  |  |  | **Click here to enter text.** |

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| **Section** | **5.** | **CONTROLLED MONEY LISTING OF ACCOUNTS** | | | | |
| Objective: | To ensure listings of controlled money are prepared within 15 business days of each month end. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 38(8) | 5.1 | **Have controlled money listings of accounts been prepared at the end of each month?** |  |  |  | **Click here to enter text.** |
| 38(8)(b) | 5.2 | **Do the controlled money listings show a date of preparation?** |  |  |  | **Click here to enter text.** |
| 38(8) | 5.3 | **Have they been prepared within 15 business days of each month end?** |  |  |  | **Click here to enter text.** |
|  | 5.4 | **Do the controlled money listings contain:** | | | | |
|  |  | * name of each controlled money account? |  |  |  | **Click here to enter text.** |
|  |  | * number of each controlled money account? |  |  |  | **Click here to enter text.** |
|  |  | * balance of each account? |  |  |  | **Click here to enter text.** |
|  |  | * name of the person on whose behalf the controlled money was held? |  |  |  | **Click here to enter text.** |
|  |  | * matter description? |  |  |  | **Click here to enter text.** |

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| **DIVISION 4 TRANSIT MONEY** | | | | | | |
| **Section** | **1.** | **TRANSIT MONEY** | | | | |
| Objective: | To ensure law practice maintains proper records regarding transit money. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| Clause 17  Schedule 2 of the Act | 1.1 | **Has the law practice received Transit Money during the applicable period? If NO, go to DIVISION 5**  **Note 1: If Transit money is received in cash, it must be deposited to the general trust account in accordance with Clause 19(4) of Schedule 2 of the Act.**  **Note 2: The Ethics and Practice Unit advises that for settlement money which is not retained, settlement sheets, settlement statements, settlement directions and settlement instructions should be retained in the matter file in order to comply with the Transit Money provision of the legislation. Where cheques come into more permanent possession of the law practice, then a photocopy of the cheque should be taken, and the required details including the purpose for the receipt be appended to it. The record should be retained in the matter file.** |  |  |  | **Click here to enter text.** |
| 39 | 1.2 | **Does the law practice record and maintain records for transit money that disclose:** | | | | |
|  |  | * brief particulars sufficient to identify the relevant transaction? |  |  |  | **Click here to enter text.** |
|  |  | * purpose for which the money was received? |  |  |  | **Click here to enter text.** |

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| **DIVISION 5 TRUST MONEY SUBJECT TO SPECIFIC POWER** | | | | | | |
| **Section** | **1.** | **TRUST MONEY SUBJECT TO SPECIFIC POWER** | | | | |
| Objective: | To ensure the law practice maintains proper records regarding power money. | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| Clause 1(3) & 18  Schedule 2 of the Act | 1.1 | **Has the law practice or an associate of the law practice been given a power to deal with trust money (whether alone or jointly with another person, other than in a private and personal capacity) during the applicable period? If NO, go to Division 6.** |  |  |  | **Click here to enter text.** |
|  | 1.2 | **Does the law practice keep;** | | | | |
| 43(2)(a) |  | * a record of all dealings with the money to which the practice or associate is a party? |  |  |  | **Click here to enter text.** |
| 43(2)(b) |  | * all supporting information in relation to the dealings? |  |  |  | **Click here to enter text.** |

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| **DIVISION 6 REGISTER OF POWERS AND ESTATES IN RELATION TO TRUST MONEY** | | | | | | | |
| **Section** | **1.** | **TRUST MONEY SUBJECT TO SPECIFIC POWER** | | | | | |
| Objective: | To ensure the law practice maintains proper records regarding power money. | | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | | **No** | **N/A** | **Comments** |
| 44(1) | 1.1 | **Has the law practice or an associate of the law practice:**   1. **acted, or** 2. **is entitled to act,**   **alone or jointly with the law practice or one or more associates of the practice, in relation to trust money?**  **If NO, to both go to DIVISION 7** |  | |  |  | **Click here to enter text.** |
|  | 1.2 | **Does the law practice or associate act jointly with one or more persons who are not associates of the practice?** |  |  | |  | **Click here to enter text.** |
| 44(1) | 1.3 | **Does the law practice maintain a register of powers and estates?** |  | |  |  | **Click here to enter text.** |
|  | 1.4 | **Does the register record:** | | | | | |
| 44(3)(a) |  | * name of donor? |  | |  |  | **Click here to enter text.** |
|  |  | * address of donor? |  | |  |  | **Click here to enter text.** |
|  |  | * date of each power? |  | |  |  | **Click here to enter text.** |
| 44(3)(b) | 1.5 | **Does the register record:** | | | | | |
|  |  | * name of each deceased? |  | |  |  | **Click here to enter text.** |
|  |  | * date of death of the deceased in respect of each estate of which the law practice or associate is executor or administrator? |  | |  |  | **Click here to enter text.** |

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| **DIVISION 7 REGISTER OF INVESTMENTS** | | | | | | |
| **Section** | **1.** | **REGISTER OF INVESTMENTS** | | | | |
| Objective: | To ensure the law practice maintains proper records regarding investments | | | | | |
| **Regulation(s)** | **Item** |  | **Yes** | **No** | **N/A** | **Comments** |
| 42(1) | 1.1 | **Does the law practice maintain a register of investments? If NO, go to DIVISION 8** |  |  |  | **Click here to enter text.** |
|  | 1.2 | **Does the register record:** | | | | |
| 42(2)(a) |  | * name in which the investment is held? |  |  |  | **Click here to enter text.** |
| 42(2)(b) |  | * name of the person on whose behalf the investment is made? |  |  |  | **Click here to enter text.** |
| 42(2)(c) |  | * person’s address? |  |  |  | **Click here to enter text.** |
| 42(2)(d) |  | * particulars sufficient to identify the investment? |  |  |  | **Click here to enter text.** |
| 42(2)(e) |  | amount invested? |  |  |  | **Click here to enter text.** |
| 42(2)(f) |  | * date the investment was made? |  |  |  | **Click here to enter text.** |
| 42(2)(g) |  | * particulars sufficient to identify the source of the investment, including, for example:   a reference to the relevant trust ledger, and  a reference to the written authority to make the investment, and  the number of the cheque for the amount to be invested? |  |  |  | **Click here to enter text.** |
| 42(2)(h) |  | * details of any documents evidencing the investment? |  |  |  | **Click here to enter text.** |
| 42(2)(i) |  | * details of any interest received from the investment or credited directly to the investment? |  |  |  | **Click here to enter text.** |
| 42(2)(j) |  | * details of the repayment of the investment and any interest, on maturity or otherwise? |  |  |  | **Click here to enter text.** |

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| **DIVISION 8 REPORTING CERTAIN IRREGULARITIES** | | | | | | | |
| **Section** | **1.** | **REPORTING IRREGULARITIES** | | | | | |
| Objective: | To ensure the law practice complies with the requirement to report irregularities | | | | | | |
| **Clause** | **Item** |  | **Yes** | | **No** | **N/A** | **Comments** |
| Clause 24  Schedule 2 of the Act | 1.1 | As soon as practicable after a legal practitioner associate of a law practice becomes aware that there is an irregularity in any of the practice’s trust accounts or trust ledger accounts, the associate must give written notice of the irregularity to –   1. the Society; and 2. if a corresponding authority is responsible for the regulation of the accounts concerned – the corresponding authority. |  | |  |  |  |
|  | 1.2 | **Did you report any irregularity to the Society?** |  |  | |  | **Click here to enter text.** |
|  | 1.3 | **Did any irregularity occur during the period that was not reported? If YES, explain in detail** |  | |  |  | **Click here to enter text.** |