

# Notification of Opening a General Trust Account

Australian Capital Territory Legal Profession Regulation 2007 Section 50(1)

To:	The Law Society of the ACT, Level 4, 1 Farrell Place, Canberra ACT 2601
Re:	("the law practice")

To be completed by law practice:
<p>I,</p> <hr/> <p style="text-align: center; font-size: small;">(insert full name of the legal practitioner)</p> <p>being a legal practitioner associate of the abovementioned law practice advise that the following general trust account has been opened.</p>
Signed
Date

Trust account details:
Name of Approved ADI
Branch location
BSB
Account Number
Date Opened
Name of Trust Account
<b>(Note:</b> Must include the expression "law practice trust account" or "law practice trust a/c".)

**Note:** Regulation 50(1) of the Legal Profession Regulation 2007 requires a law practice to give written notice to the Society no later than **14 days** after establishing a general trust account.

## Authorised Australian Legal Practitioner

Full name and address	Date authorised	Date withdrawn

## Authorised Associates (to sign jointly)

Full name and address	Position of employment	Date authorised	Date withdrawn

**Note:** Regulation 50(2) of the *Legal Profession Regulation 2007* requires a law practice to notify the Society either before or not later than 14 days after authorising or terminating the authority of an associate of the practice or an Australian legal practitioner, to sign cheques drawn on a general trust account of the practice, or otherwise to effect, direct or give authority for the withdrawal of money from a general trust account of the practice. Refer to Regulation 41(3) of the *Legal Profession Regulation 2007* which specifies those who may sign singularly or jointly.

### Send completed forms to:

Trust Account Section, ACT Law Society  
by email to [trustaccounts@actlawsociety.asn.au](mailto:trustaccounts@actlawsociety.asn.au)

# Opening a General Trust Account

## 1. Do I need a trust account?

(s221 of the *Legal Profession Act 2006* and s37 of the *Legal Profession Regulation 2007*)

Establishing a general trust account — A law practice must establish a general trust account with an approved ADI (Authorised Deposit-taking Institution) if trust money is anticipated or received by the law practice.

## 2. Requirements of a general trust account

(s221 of the *Legal Profession Act 2006* and s37 of the *Legal Profession Regulation 2007*)

When a law practice opens a general trust account, the law practice must satisfy the following requirements:

- a) The general trust account must be established in the ACT with an approved ADI
- b) The account is to be maintained in the ACT; and
- c) The name of the account is to include:
  - The name of the law practice or the business name under which the law practice engages in legal practice;
  - The expression “law practice trust account” or “law practice trust a/c”. The repetition of the words “law practice” is not required if those words form part of the name or business name of the law practice.

## 3. Establishing a general trust account with approved ADI

The law firm must ensure that the ADI is aware of the requirements for a solicitor’s trust account and direct any account fees to the firm’s general office account.

## 4. Notification of opening a general trust account

(s50 of the *Legal Profession Regulation 2007*)

The law firm must give written notice to the Society, no later than 14 days after establishing a general trust account. The notification should include the name of the trust account, the name of the approved ADI and branch where the account is held, the account number (including BSB) and the date the account was established.

## 5. Notification of authorised associates

(s50(2) of the *Legal Profession Regulation 2007*)

A law practice must give written notice to the Society, no later than 14 days after authorising an associate of the law practice to withdraw money from a general trust account. See Regulation 41(3) which specifies those who may sign singularly or jointly.

Notification needs to include the name and address of the associate or practitioner.

## 6. Trust Account Receipts

(s38 of the *Legal Profession Regulation 2007*)

Please refer to the Regulations for the full list of requirements. Receipts must include the date the receipt is made out, and if different, the date of receipt of the money. Receipts must not be backdated.

## 7. Trust Account Cheques

(s41(2) of the *Legal Profession Regulation 2007*)

Ensure that trust account cheques are pre-printed payable “to order” and crossed “not negotiable”.

## 8. Deposit Records

(s39(4) of the *Legal Profession Regulation 2007*)

If deposit records are not generated by a computerised trust account system, arrangements are to be made that ensure that the ADI provides duplicate carbonised deposit slip books rather than the “butt style” deposit slips. Butt style deposit slips do not comply as the information relating to the drawer, bank, branch and the form of funds received is not recorded on the butt.

## 9. Trust account general information

Please note the following:

- Law practices may disburse funds via Electronic Funds Transfer in accordance with s42 of the *Legal Profession Regulation 2007*.
- All law practices are required to comply with the External Examination requirements. Notification of the appointed external examiner needs to be provided to the Society annually.

# Notification Authorising or Terminating Trust Account Signatories

Australian Capital Territory Legal Profession Regulation 2007 Section 50(2)

<b>To:</b>	The Law Society of the ACT, Level 4, 1 Farrell Place, Canberra ACT 2601
<b>Re:</b>	("the law practice")

To be completed by legal practitioner:
<p>I,</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p style="text-align: center; font-size: small;">(insert full name of the legal practitioner)</p> <p>being a legal practitioner associate of the above mentioned law practice advise that the following persons are authorised to sign trust account cheques or otherwise effect, direct or give authority for the withdrawal of money (EFT) from a general trust account of the law practice.</p>
Signed
Date

Trust account details:
BSB
Account Number

Note: Regulation 50(2) of the Legal Profession Regulation 2007 requires a law practice to notify the Society either before or not later than 14 days after authorising or terminating the authority of an associate of the practice or an Australian legal practitioner, to sign cheques drawn on a general trust account of the practice, or otherwise to effect, direct or give authority for the withdrawal of money from a general trust account of the practice. Refer to Regulation 41(3) of the Legal Profession Regulation 2007 which specifies those who may sign singularly or jointly.

**Send completed forms to:**  
 Trust Account Section, ACT Law Society  
 by email to [trustaccounts@actlawsociety.asn.au](mailto:trustaccounts@actlawsociety.asn.au)

## Authorised Australian Legal Practitioner

Full name and address	Date authorised	Date withdrawn

## Authorised Associates (to sign jointly)

Full name and address	Position of employment	Date authorised	Date withdrawn

# Notification of Trust Account Irregularity

This form should be used when trust money has been incorrectly deposited into the firm's office account

Australian Capital Territory *Legal Profession Act 2006* Section 228(1) and 231(1) and (2).

To:	The Law Society of the ACT, Level 4, 1 Farrell Place, Canberra ACT 2601
Re:	("the law practice")

Contact details:
Name of contact person in relation to this notification
Contact person phone number
Name of authorised person
Signature of authorised person
Date signed

Irregularity details:
Client name and reference
Amount involved
Date funds were deposited into the office account
Date the irregularity was discovered
Date the trust money was transferred to the trust account
Any additional information to explain the irregularity further

**Notes:**

Section 228(1) of the *Legal Profession Act 2006* states that a law practice must not mix trust money with other money.

Section 231 of the *Legal Profession Act 2006* states:

- (1) A legal practitioner commits an offence if -
  - a. The practitioner is an associate of a law practice; and
  - b. The practitioner becomes aware that there is an irregularity in any of the practice's trust accounts or trust ledger accounts; and
  - c. The practitioner fails, as soon as practicable after becoming aware of the irregularity, to give written notice of the irregularity to -
    - i. The law society council; and
    - ii. If a corresponding authority is responsible for the regulation of the accounts - the corresponding authority.
- (2) An Australian legal practitioner commits an offence if -
  - a. The practitioner believes, on reasonable grounds, that there is an irregularity in relation to the receipt, recording or disbursement of any trust money received by a law practice; and
  - b. The practitioner is not an associate of the practice; and
  - c. The practitioner fails, as soon practicable after forming the belief, to give written notice of it to -
    - i. The law society council; and
    - ii. If a corresponding authority is responsible for the regulation of the accounts - the corresponding authority.

**Send completed forms to:**

Trust Account Section, ACT Law Society  
by email to [trustaccounts@actlawsociety.asn.au](mailto:trustaccounts@actlawsociety.asn.au)

**Enquiries:**

Phone 02 6274 0333  
For more information visit [actlawsociety.asn.au](http://actlawsociety.asn.au)



# Appointment of External Examiner

Australian Capital Territory Legal Profession Regulation 2007 Section 66(2)

To:	The Law Society of the ACT, Level 4, 1 Farrell Place, Canberra ACT 2601
Re:	("the law practice")

## To be completed by law practice:

I,

---

(insert full name of the legal practitioner)

being a legal practitioner associate of the above mentioned firm confirm that

---

(insert full name of External Examiner)

has been appointed as the external examiner of the practice and advise that the date of appointment was

---

(insert date of appointment)

In accordance with section 240 of the Legal Profession Act 2006, I confirm that the person appointed has been designated by the Society as eligible for appointment as an external examiner for the ACT.

Signed
Date

Note: Regulation 66(2) of the Legal Profession Regulation 2007 requires a law practice to appoint an external examiner not later than 8 April in the trust accounting year; and give the law society council written notice each time it appoints an external examiner. Regulation 66(3) states that the notice given to the law society must not be later than one month after the appointment of the external examiner.

**Send completed forms to:**  
Trust Account Section, ACT Law Society  
by email to [trustaccounts@actlawsociety.asn.au](mailto:trustaccounts@actlawsociety.asn.au)



# Appointment of External Examiner (optional)

Australian Capital Territory *Legal Profession Regulation 2007* Section 66(2)

To:	The Law Society of the ACT, Level 4, 1 Farrell Place, Canberra ACT 2601
Re:	("the law practice")

## To be completed by External Examiner (optional):

I,

---

(insert full name of External Examiner)

of

---

(insert address)

practising as a member of the accounting firm

---

(insert name of accounting firm if applicable)

consent to act as an external examiner of the trust records of the abovementioned law practice.

Signed
Date

**Note:** Regulation 66(2) of the Legal Profession Regulation 2007 requires a law practice to appoint an external examiner not later than 8 April in the trust accounting year; and give the law society council written notice each time it appoints an external examiner. Regulation 66(3) states that the notice given to the law society must not be later than one month after the appointment of the external examiner.

**Send completed forms to:**  
Trust Account Section, ACT Law Society  
by email to [trustaccounts@actlawsociety.asn.au](mailto:trustaccounts@actlawsociety.asn.au)

# Notification Authorising or Terminating Trust Account Signatories

Australian Capital Territory Legal Profession Regulation 2007 Section 50(2)

<b>To:</b>	The Law Society of the ACT, Level 4, 1 Farrell Place, Canberra ACT 2601
<b>Re:</b>	("the law practice")

<b>To be completed by legal practitioner:</b>
<p>I,</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p style="text-align: center; font-size: small;">(insert full name of the legal practitioner)</p> <p>being a legal practitioner associate of the above mentioned law practice advise that the following persons are authorised to sign trust account cheques or otherwise effect, direct or give authority for the withdrawal of money (EFT) from a general trust account of the law practice.</p>
Signed
Date

<b>Trust account details:</b>
BSB
Account Number

Note: Regulation 50(2) of the Legal Profession Regulation 2007 requires a law practice to notify the Society either before or not later than 14 days after authorising or terminating the authority of an associate of the practice or an Australian legal practitioner, to sign cheques drawn on a general trust account of the practice, or otherwise to effect, direct or give authority for the withdrawal of money from a general trust account of the practice. Refer to Regulation 41(3) of the Legal Profession Regulation 2007 which specifies those who may sign singularly or jointly.

**Send completed forms to:**  
 Trust Account Section, ACT Law Society  
 by email to [trustaccounts@actlawsociety.asn.au](mailto:trustaccounts@actlawsociety.asn.au)

## Authorised Australian Legal Practitioner

Full name and address	Date authorised	Date withdrawn

## Authorised Associates (to sign jointly)

Full name and address	Position of employment	Date authorised	Date withdrawn



# Notification of Closing a General Trust Account

Australian Capital Territory *Legal Profession Regulation 2007* Section 79

To:	The Law Society of the ACT, Level 4, 1 Farrell Place, Canberra ACT 2601
Re:	("the law practice")

<b>To be completed by law practice:</b>
I,
(insert full name of the legal practitioner)
being a legal practitioner associate of the above mentioned law practice advise that the following general trust account has been closed.
Signed
Date

<b>Trust account details:</b>
Name of Approved ADI
Branch location
BSB
Account Number
Date Closed
Name of Trust Account
<b>(Note:</b> Refer to Section 79 of the <i>Legal Profession Regulation 2007</i> .)

**Note:** Regulation 79 of the *Legal Profession Regulation 2007* requires a law practice to give written notice to the Society no later than **14 days** after closing a general trust account.

**Send completed forms to:**  
Trust Account Section, ACT Law Society  
by email to [trustaccounts@actlawsociety.asn.au](mailto:trustaccounts@actlawsociety.asn.au)



# Closing a General Trust Account

## Section 79 of the *Legal Profession Regulation 2007*

(1) A law practice that holds trust money must give the law society council at least 14 days written notice of its intention—

- (a) to stop existing as a law practice; or
- (b) to stop engaging in legal practice in the ACT; or
- (c) to stop practising in a way that involves receiving trust money.

(2) Not later than 14 days after the day it stops holding trust money, a law practice that holds trust money must give the law society council—

- (a) written notice that it has stopped holding trust money; and
- (b) if the practice has not given a notice under subsection (1) within the previous 28 days, a notice that complies with that subsection.

## 1. Notification of intention to cease (only if ceasing to practice)

(s79(1) of the *Legal Profession Regulation 2007*)

A law practice must give at least 14 days written notice to the Society of its intention to:

- a. To stop existing as a law practice; or
- b. To stop engaging in legal practice in the ACT; or
- c. To stop practising in such a way that involves receiving trust money.

## 2. Distribution of trust monies

It is important to note that a law practice that ceases can only distribute trust moneys to the person entitled to those trust moneys or in accordance with the directions of that person.

A law practice's general trust account is not closed until all amounts held in the trust account have been accounted to the beneficiaries and all issued trust account cheques have been presented to the approved ADI (Authorised Deposit-taking Institution) account for payment, so that the approved ADI statement records a nil balance.

## 3. Closing a general trust account

Request the bank staff to formally close the trust account and obtain written confirmation from them that the general trust bank account has been closed. The written confirmation may be noted on the final trust account bank statement.

## 4. Notification of ceasing to hold trust money

(s79(2) of the *Legal Profession Regulation 2007*)

Not later than 14 days after the day the firm stops holding trust money, a law practice must give written notice to the Society that it has stopped holding trust money.

## 5. Final examination of trust records

(s244 of the *Legal Profession Act 2006*)

If a law practice stops being authorised to receive trust money or stops engaging in legal practice in the ACT, the law practice must appoint an external examiner to examine the practice's trust records for the period since an external examination was last conducted; and for each period after that, consisting of a completed period of 12 months or any remaining partly completed period, during which the practice continued to hold trust money.

The law practice is required to give the External Examiner's Report to the Society within 60 days after the end of the period to which the examination relates.

## 6. Trust account general information

It is recommended that in the presence of the external examiner that any unused trust account receipts and cheque forms are destroyed.

THE LAW SOCIETY OF THE AUSTRALIAN CAPITAL TERRITORY

CALCULATION OF STATUTORY DEPOSIT

As at 31 March 2023

LAW PRACTICE NAME: \_\_\_\_\_

TRUST BANK ACCOUNT(S)

Account Name: \_\_\_\_\_

Name of Bank: \_\_\_\_\_

Branch Location: \_\_\_\_\_

Account Number: \_\_\_\_\_

Lowest amount that stood to the credit of the general trust bank account **at any time** during the year ended 31/3/2023 as shown by the bank statement on that day:

\$

**Add** amount on deposit with the Law Society on 31/3/2023

\$

Aggregate:

\$ 0.00

Two-thirds ( $\frac{2}{3}$ ) of aggregate:

\$ 0.00

**Deduct** amount already on deposit with the Law Society on 31/3/2023:

\$ 0.00

BALANCE PAYABLE TO/ (REFUND DUE FROM)

THE LAW SOCIETY OF THE ACT:

\$ 0.00

Signature of Partner or Sole Practitioner

\_\_\_\_\_

Please print name of person signing:

\_\_\_\_\_

This form is also available in an Excel spreadsheet format on the Law Society's website. Entering figures into the green cells, will automatically calculate the final result.

<https://www.actlawsociety.asn.au/practising-law/trust-accounts/general-information>

Online payments can be made into the account: ACT Law Society SDA  
BSB 062-900 Account 2802-8847