

EXTERNAL EXAMINER CHECKLIST 2025



THE LAW SOCIETY
OF NEW SOUTH WALES

PRACTITIONER DETAILS

Law Practice Name and Practice ID:	
Completion date:	Completed by:

Legal Profession Uniform Law (NSW) (Uniform Law)– Legal Profession Uniform General Rules 2015 (Uniform Rules)

Index	Content			
Section 1	Trust Money	Yes	No	N/A
Section 2	General Trust Account	Yes	No	N/A
Section 3	Controlled Money	Yes	No	N/A
Section 4	Transit Money	Yes	No	N/A
Section 5	Trust Money Subject to a Specific Power	Yes	No	N/A
Section 6	Register of Powers and Estates	Yes	No	N/A
Section 7	Written Direction Money	Yes	No	N/A
Section 8	Investment of Trust Money	Yes	No	N/A
Section 9	Matter Files and Registers	Yes	No	N/A

RECORDS FOR REVIEW

The following is a list of records we recommend reviewing during the external examination. This list is not exhaustive, and additional records may need to be reviewed. The External Examiner must assess all relevant trust records to ensure a thorough examination before completing and submitting the external examination report.

Record Type	No. of records sampled	
Bank reconciliation statement (all months)		<input type="checkbox"/> N/A
Bank statements		<input type="checkbox"/> N/A
Trial Balance Statements		<input type="checkbox"/> N/A
Outstanding deposits		<input type="checkbox"/> N/A
Deposit Records		<input type="checkbox"/> N/A
Files and/or records relating to trust transactions (Receipts)		<input type="checkbox"/> N/A
Files and/or records relating to trust transactions (Payments)		<input type="checkbox"/> N/A
Records of authorities to withdraw by electronic funds transfer (EFT)		<input type="checkbox"/> N/A
Bills of costs		<input type="checkbox"/> N/A
Cheques		<input type="checkbox"/> N/A
Journal transfers		<input type="checkbox"/> N/A
Ledger Accounts		<input type="checkbox"/> N/A
Receipts cash book		<input type="checkbox"/> N/A
Payments cash book		<input type="checkbox"/> N/A

INTRODUCTION

The purpose of the External Examiner Checklist (Checklist) is to:

- Guide the law practice and the external examiner through the examination of the various forms of trust records maintained by the law practice during the trust year 1 April to 31 March; and
- Assist in the assessment of compliance with the Legal Profession Uniform Law (NSW) (Uniform Law) and the Legal Profession Uniform General Rules 2015 (Uniform Rules)¹.

The objective of the Checklist is to assist the examiner to form an opinion, amongst other things, as to whether:

- any information recorded in the law practice's Law Practice Confirmation and Statement of Trust Money is not true;
- any overdrawing of trust money was restored, and appropriate action promptly taken;
- the trust records for the various types of trust money have been properly kept in accordance with the provisions of Uniform Law and Uniform Rules;
- all necessary trust records were produced to the examiner as requested for the purpose of the examination and that the records were kept in a way that enables the records to be conveniently and properly externally examined; and
- the trust records have been kept in a way that at all times discloses the true position in relation to trust money received by the law practice.

The External Examiner's Report is required to be completed by a person who is registered as a designated person with the designated local regulatory authority.

- Confirm that the information submitted in the law practice's Confirmation and Statement of Trust Money (commonly known as Part A and Part B) is correct.
- Confirm whether the trust records for all types of trust money have been properly maintained in accordance with the provisions of the Uniform Law and the Legal Profession Uniform General Rules 2015 (Uniform General Rules)
- Detail any observed breaches of the Uniform law and Uniform General Rules.

The examiner should apply professional judgement together with the various standards prescribed by the professional bodies which cover the individual circumstances of each examination. It is necessary to conduct appropriate examination, sampling techniques and enquiries to form an opinion as to whether the accounting records have been maintained in accordance with the Uniform Law and the Uniform Rules. For any breaches you are unable to identify in the Trust Lodgement Portal (TLP), use the text box to provide the particulars of the breach observed.

The use of the Checklist is not mandatory, however if used it is recommended that the examiner retains a copy along with relevant supporting documentation.

For further information, you can contact the Chief Trust Account Investigator or the Trust Accounts Department at trust@lawsociety.com.au or (02) 9926 0333.

SECTION 1: TRUST MONEY

1.1 KEEPING OF TRUST RECORDS

Objective is to ensure the law practice has maintained records in accordance with the requirements of the Legal Profession Uniform Law (NSW) (Uniform Law) and the Legal Profession Uniform General Rules 2015 (Uniform Rules) during the period covered by the examination

Legislation	Question	Yes	No	N/A	Comments
S147(2)(b)	Do trust accounting records at all times disclose the true position in relation to trust money received on behalf of any person?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)(b)	Are trust records kept in a way that enables them to be conveniently and properly investigated or externally examined?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)(d)	Are trust records retained for seven years?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

1.2 COMPUTERISED ACCOUNTING SYSTEMS

Objective is to ensure that the law practice's computerised accounting system complies with the requirements of the Rules.

Legislation	Question	Yes	No	N/A	Comments
38(1)	Are trust records maintained by means of a computerised accounting system? If "No", please go to next section – "Trust Account Statements-Trust Money"	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	Has the software been certified by the Law Society? If "Yes", please go to next section – "Trust Account Statements-Trust Money"	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
38(2)	Does the software used by the law practice maintain and keep, in printed form or in readable and printable form, the following copies of trust records:				
	(a) a copy of the trust account receipts and payments cash books as at the end of each named month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	(b) a copy of the reconciliation statements as at the end of each named month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	(c) a copy of lists of trust account ledgers and their balances (i.e. trial balance statements) as at the end of each named month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d) a copy of lists of controlled money accounts and their balances (i.e. controlled money listings) as at the end of each named month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A		
38(3)	Does the law practice:				
	(a) print a paper copy of trust ledger accounts, the register of controlled money and the trust account transfer journal before they are deleted from the system?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	(b) Are the copies of trust records as at the end of each named month referred to under Subrule 38(2) prepared within 15 working days after the named month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c) Does the law practice ensure that copies of trust records prepared under Subrule 38(2) cannot be modified afterwards (except as provided by Rule 40 – refer to Rule 40 in this Section of the Checklist)?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A		
39	Does the computerised accounting system maintain all changes (by creation, amendment or deletion) to:				
	(2)(a) client name?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	(2)(b) client address?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	(2)(c) matter reference?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	(2)(d) matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(2)(e) ledger account number or other descriptor (if different from matter reference)?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A		

Legislation	Question	Yes	No	N/A	Comments
39(2)	Are the record of changes (to Rule 39(2)(a) to (e)) kept by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
40(2)(a)	Does the system record a transaction which results in an overdrawn ledger whilst producing an overdrawn ledger report of all such transactions in chronological order? If not, does the system refuse to accept a transaction that will result in an overdrawn ledger?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
40(2)(b)	Is the system not capable of deleting a trust ledger account unless:				
(i)-1	the balance on the trust ledger is zero? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(i)-2	all outstanding cheques (that relate to the trust ledger) have been presented?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(ii)	Are copies of deleted ledgers retained in permanent form?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
40(2)(c)	Do the entries in records produced in a permanent form appear in chronological sequence?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
40(2)	Is each page of each printed or printable record:				
(d)-1	numbered sequentially? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)-2	printed or printable in such a way that no page can be extracted?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
40(2)(e)	Is the system not capable of amending the particulars of a transaction already recorded otherwise than by a transaction separately recorded that makes the amendment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
40(2)(f)	Are fields requiring input compulsory?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
41(2)(a)	Is a back-up copy of all computerised records made at least once each month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
41(2)(b)	Is each back-up copy kept by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
41(2)(c)	Is a complete set of back-up copies kept in a separate location so that any incident that may adversely affect the records would not also affect the back-up copy?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

1.3 TRUST ACCOUNT STATEMENTS

Objective is to ensure that trust account statements are given for all trust money (other than transit money and written direction money)

Legislation	Question	Yes	No	N/A	Comments
52(4)	Are trust account statements given as soon as practicable after:				
(a)	completion of each matter?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	a reasonable request from the person on whose behalf the money is held or controlled?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	Were trust account statements given as soon as practicable after 30 June?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
52(5)	If "No" to Rule 52(4)(c) above: was the balance of each ledger account zero with no transaction since the last statement was issued?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
52(3)	Do trust account statements disclose:				
(a)	the same detail as required by Rule 47 for general trust money, by Rule 55 for power money, or by Rule 64 for controlled money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the remaining balance (if any) of the money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
52(7)	Are copies of trust account statements retained by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

1.4 WITHDRAWING TRUST MONEY FOR LEGAL COSTS

Objective is to ensure the law practice is complying with the procedures regarding the withdrawal of money for legal costs.

Legislation	Question	Yes	No	N/A	Comments
42	<p>When the law practice withdraws trust money from the general trust account or controlled money account, has it done so in accordance with one of the below methods:</p> <p>given the person a bill for the money referring to the proposed withdrawal, and:</p> <p>(a) 7 business days have passed after the person was given the bill without objection to the amount, or</p> <p>(b) if the person objects to the amount within the 7 business day period but has not referred the matter to the Law Society of New South Wales for costs assessment, and 30 days have passed since the later of:</p> <p>(i) the date on which the person was given the bill,</p> <p>(ii) the date on which the person was given an itemised bill following a request under S187, or</p> <p>(c) if the money otherwise becomes legally payable.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
(3)		Yes	No	N/A	
(4)	<p>(a) withdrawn the trust money in accordance with received authorising instructions, and</p> <p>(b) given the person:</p> <p>(i) a request for payment, referring to the proposed withdrawal, or</p> <p>(ii) a written notice of withdrawal before effecting the withdrawal.</p> <p>Note: In relation to the instructions (See Rule 42(7));(a) If the authorisation referred to above only authorises the withdrawal of part of the money:</p> <p>(i) the law practice may withdraw that portion of the money only, and</p> <p>(ii) if the law practice has given the person a bill relating to the money then it is taken that the person is objecting to the remaining part of the bill and subrule</p> <p>(3) (b) (i) and (ii) apply</p> <p>(b) instructions authorising withdrawal -</p> <p>(i) if given in writing, must be kept as a permanent record, or</p> <p>(ii) if not given in writing, must be confirmed in writing either before, or not later than 5 working days after, effecting the withdrawal, and a copy must be kept as a permanent record.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
(5)	<p>(a) if the law practice has paid money on behalf of the person and the money is owed to reimburse the law practice, and</p> <p>(b) if the law practice gives the person:</p> <p>(i) a request for payment, referring to the proposed withdrawal, or</p> <p>(ii) a written notice of withdrawal before effecting the withdrawal.</p> <p>Note: Money is taken to have been paid by the law practice on behalf of the person when the relevant account of the law practice has been debited. (See Rule 42(8)).</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
(6)	<p>Where the person is a commercial or government client:</p> <p>the law practice has given the person a bill specifying the amount payable and referring to the proposed withdrawal, and</p> <p>(a) the money is withdrawn in accordance with a costs agreement, and</p> <p>(b) the costs agreement authorising the withdrawal is valid, and</p> <p>(c) the law practice issues the bill before effecting the withdrawal.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

1.5 AUTHORISED SIGNATORIES

The objective is ensure that only authorised persons sign trust cheques, sign controlled money withdrawals or effect electronic funds transfers from the general trust account or controlled money account.

Legislation	Question	Yes	No	N/A	Comments
43(2)	<p>Have the payments from the general trust account and controlled money accounts been effected by an authorised person?</p> <p>Note: Authorised persons pursuant to Rule 43(2) for general trust accounts, and Rule 63(2) for controlled money accounts are:</p> <p>(a) an authorised principal of the law practice, or</p> <p>(b) if such a principal is not available:</p> <p>(i) an authorised legal practitioner associate; or</p> <p>(ii) an authorised Australian legal practitioner who holds an Australian practicing certificate authorising the receipt of trust money; or</p> <p>(iii) two or more authorised associates jointly.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
43(2)	Have persons other than the principal been authorised as signatories to the general trust account/s or controlled money account/s?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
43(2)	Were the authorised persons as set out in Rule 43(2) for the general trust account?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
63(2)	Were the authorised persons as set out in Rule 63(2) for the controlled money account/s?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Has the law practice listed the authorised signatories to the general trust account on of the Statement of Trust Money (Part B) titled "General Trust Money"?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

SECTION 2: GENERAL TRUST ACCOUNT

2.1 GENERAL TRUST ACCOUNT

Objective is to ensure that a law trust money maintains a general trust account in this jurisdiction, and that the general trust account is established and maintained in accordance with the Rules.

Legislation	Question	Yes	No	N/A	Comments
S147(1) & (2)	Have all trust records that have been requested been supplied for review?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
35(1)(a)	Is the general trust account established with an authorised ADI in this jurisdiction?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
35(1)(b)	For general trust accounts opened on or after 1 October 2005:				
	• does the name of the account include the name of the law practice or its trading name?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	• does the name of the account include the expression "law practice trust account" or "practice trust a/c"?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
50 (1) (3)	Has the law practice notified the Law Society of New South Wales within 14 days of the:				
	opening of a general trust account?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	closing of a general trust account?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

2.2 TRUST ACCOUNT RECEIPTS

Objective is to ensure that receipts are issued promptly when trust money is received and that the receipt contains all required information for recording in the cash book and trust ledger account.

Legislation	Question	Yes	No	N/A	Comments
36(1)	Are trust receipts made out for money that is required to be paid into a general trust account?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
36(1)	Are trust receipts made out as soon as practicable:				
(a)	after trust money is received? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	after the law practice is notified of a direct deposit from the authorised ADI?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
36(3)	Are the trust receipts made out in duplicate, unless a computerised accounting system is used?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
36(4)	Are trust receipts given, on request, to the person from whom the trust money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
36(5)	Are the receipts:				
	• consecutively numbered?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• issued in consecutive sequence?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
36(2)(h)	Do the original and duplicate receipts include:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the law practice name or the trading name? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the expression "Trust Account" or "Trust A/c"?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
36(2)	Do the receipts include:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)-1	the date the receipt is made out?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)-2	the date of the receipt of the money (if different)?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the number of the receipt?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	the amount of money received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	the form in which the money is received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	the name of the person from whom the money is received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(f)-1	the name of the client?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(f)-2	the matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(f)-3	the matter reference?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(g)	the reason for which the money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(i)	the name of the person who made out the receipt?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
36(6)	Does the law practice retain the original of any cancelled receipt?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

2.3 DEPOSITS

Objective is to confirm that each deposit record is made out in duplicate, that completed deposit records are securely retained and that trust money received has been promptly deposited

Legislation	Question	Yes	No	N/A	Comments
S137	Is trust money deposited to the general trust account as soon as practicable after it is received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
37(1)	Is a deposit record produced to the authorised ADI at the time of making the deposit? Note: This is not required where money is paid by direct deposit.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
37(2)	Do deposit records include particulars of the following:				
(a)	the date of the deposit?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the amount of the deposit?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	whether the deposit consists of cheques or cash (and the amount of each)? for each cheque received:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)(i)	the name of the drawer?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)(ii)-1	the name of the ADI? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)(ii)-2	the branch or BSB number?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)(iii)	the amount of the cheque?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
37(3)	Is the deposit record made out in duplicate?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
37(4)	Is the duplicate deposit record retained?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

2.4 TRUST ACCOUNT PAYMENTS

Objective is to ensure that sufficient information has been recorded on the relevant payment document to enable details of payments to be properly recorded in the trust account payments cash book and trust ledger account.

Legislation	Question	Yes	No	N/A	Comments
S144(1)	Have all funds withdrawn from the general trust account been by way of trust cheque or electronic funds transfer? Note: payments made via BPAY or Pay ID are considered electronic funds transfers.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
43(1)	Do trust cheques include:				
(a)	a direction to pay to the order of a specified person or persons and not to bearer or cash?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	a "not negotiable" crossing?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)(i)	the law practice name or the practice trading name?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)(ii)	the expression "law practice trust account" or "law practice trust a/c"? (only applicable to accounts opened after 1 October 2005)	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
43(3)	Is a written record of the payment retained by the law practice? Note: This does not apply where the particulars are recorded by a computerised accounting system at the time of transaction and kept in a way that allows the accuracy of the particulars to be verified.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
43(4)	Do the written records for payments by cheque or electronic funds transfer include:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)-1	the date of issue of the cheque or electronic funds transfer?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)-2	the number of the cheque or electronic funds transfer?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)-1	details clearly identifying the name of the person on whose behalf the payment was made? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)-2	the matter reference?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)-3	in the case of a payment to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(f)	details identifying the ledger account to be debited?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(g)	the reason for the payment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	In the case of a cheque made payable to an ADI:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the ADI or BSB number?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the person receiving the benefit of the payment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	In the case of a payment by electronic funds transfer:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the account to which the amount was transferred?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the number and BSB number of the account to which the amount was transferred?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
43(5)	Are written records relating to payments by cheque and electronic funds transfer kept in the order in which the cheques or transfers were issued or effected?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

2.5 TRUST ACCOUNT RECEIPTS AND PAYMENTS CASH BOOK

To ensure that the trust account receipts and payments cash books have been properly kept.

Legislation	Question	Yes	No	N/A	Comments
48(2)-1	Has the trust account receipts cash book been totalled for each month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(2)-2	Has the trust account payments cash book been totalled for each month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(2)-3	Are the additions of the trust account receipts and payments cash books correct?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
44	Are the following particulars recorded in the trust account receipts cash book for each receipt of trust money:				
(1)(a)-1	the date a receipt was made out for the money? and,	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(a)-2	the date of receipt of the money (if different)?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(b)	the receipt number?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(c)	the amount of money received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(d)	the form in which the money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(e)	the name of the person from whom the money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(f)-1	the name of the client in respect of whom the money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(f)-2	the matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(f)-3	the matter reference?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(g)	particulars sufficient to identify the reason for the receipt?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(1)(h)	details identifying the ledger account to be credited?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(2)-1	the date of each deposit?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(2)-2	the amount of each deposit?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
44(3)	Are receipts recorded in the trust account receipts cash book:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• in the order in which they are made out?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• within 5 working days of the receipt being made out?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
45(1)	Are the following particulars recorded in the trust account payments cash book for each payment of trust money by cheque or electronic funds transfer:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)	• the date of the cheque or electronic funds transfer?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the number of the cheque or electronic funds transfer?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the amount ordered to be paid or transferred? in the case of a cheque:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	• the name of the person to whom the payment is to be made? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• in the case of a cheque made payable to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	in the case of an electronic funds transfer:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)(i)	the name and number of the account to which the amount was transferred and the relevant BSB number?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(ii)	the name of the person to whom the payment was made? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(ii)	in the case of a payment to an ADI, the name or BSB number of the ADI and the name of the person receiving the benefit of the payment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

Legislation	Question	Yes	No	N/A	Comments
	in the case of a payment by cheque or electronic funds transfer:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	the name of the person on whose behalf the payment was made?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	the matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	the appropriate ledger reference?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(f)	particulars sufficient to identify the reason for the payment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
45(2)(a)	Are payments by cheque or electronic funds transfer recorded in the order in which they are made?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
45(2)(b)	Are particulars of each payment recorded in the trust account payments cash book within 5 working days of the day the payment was made?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

2.6 RECONCILIATION OF GENERAL TRUST ACCOUNT

To ensure that the records of each general trust account are reconciled within 15 working days of the end of each month and that errors and deficiencies are identified.

Legislation	Question	Yes	No	N/A	Comments
Trust Authorised ADI (AADI) Reconciliation Statements					
48(2)(a)	Have AADI reconciliation statements been prepared for each general trust account as at the end of each named month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(2)(a)(i)	Do the reconciliation statements reconcile with the balance of the practice's trust cash book as at the end of each month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(2)(a)(ii)	Does each statement have a preparation date?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(2)	Do the reconciliation statements show the relevant month end?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(3)	Are the reconciliation statements prepared within 15 working days after the end of each month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-1	Are the reconciliation statements retained?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-2	Does the AADI statement balance as at the end of each named month agree with the AADI statement balance shown on the reconciliation statement?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-3	Are the additions of the reconciliation statements correct?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-4	Have all outstanding deposits been reviewed?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-5	Have all outstanding deposits been promptly deposited?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-6	Have all debit and credit adjusting items been reviewed?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-7	Does the reconciliation statement reconcile with the balance of the practice's trust cash book?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-9	Have all reconciling items, including outstanding deposits and any adjustments, been reviewed?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-8	Are there any stale cheques (over 15 months old) recorded in the 31 March unrepresented cheques listing?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-10	Has the AADI balance as at 31 March been confirmed with the AADI?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	Was the general trust account closed prior to 31 March?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-11	Has the date of closure been confirmed with the AADI?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

Legislation	Question	Yes	No	N/A	Comments
Trust Trial Balance Statements					
Note: The Law Society of New South Wales advises that trust ledger accounts with a zero balance at the end of the relevant month do not have to be included in the trust trial balance statement.					
48(2)(b)(ii)-1	Have trust trial balance statements been prepared as at the end of each named month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(2)(b)	Do the trust trial balance statements disclose:				
(b)	the relevant month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(iii)	the date of preparation?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(ii)-2	the ledger account name?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(ii)-3	the reference number or identification?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(ii)-4	the balance of each trust ledger account at month end?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(ii)-5	a short description of the matter?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(i)-1	the total of all trust ledger account balances at month end?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(i)-2	the comparison between the total of the trial balance statement and the reconciled cash book balance as at the same date?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(3)	Is the date of preparation within 15 working days of the end of the relevant month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)	For manual records, are the additions on the trial balance statement correct?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(5)	Are trial balance statements retained?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(2)(b)(i)	For manual records, have any variances between the total of the trial balance statement and the trust cash book balance been satisfactorily noted, explained and subsequently adjusted?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
48(4)-7	Does the recorded Statutory Deposit ledger balance as at 31 March agree with documents provided by the authorised ADI record and/or has the Statutory Deposit balance been confirmed with the authorised ADI?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)	Have satisfactory explanations been provided for any dormant balances listed? Note: If not, please provide details in the Breaches section of the External Examiner Report titled "Breaches".	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-1	Are there any overdrawn ledgers listed? If so, have those overdrafts as at 31 March since been cleared?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-2	Were any overdrafts or deficiencies identified from a review of the month end trust trial balance statements over the applicable period?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	If "No", please go to the next section: Trust Journal If "Yes", please continue below:				
S148-3	Did the law practice answer "Yes" to the question "Did you have any overdrawn ledgers?" in the "General Trust Money" section of the Statement of Trust Money (Part B): Did you submit a notification under S.154 of the Uniform Law of a trust account irregularity or suspected irregularity?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-4	Were all overdrafts or deficiencies rectified as soon as practicable after the time when the issue should have become apparent? If not, please provide details in the Breaches section of the External Examiner Report titled "Breaches".	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-5	Did the law practice take the appropriate action to rectify the overdrafts or deficiencies? If not, please provide details in the "Breaches" section of the External Examiner Report.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S154(1)	Did the law practice report each overdraw or deficiency to the Law Society's Trust Accounts Department in writing as soon as practicable after it became aware of the irregularity? If so, please review the correspondence, including the written response from the Trust Accounts Department.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

2.7 TRUST JOURNAL

Objective is to ensure that there are no transfers without the use of the trust journal and the required details are recorded for each trust journal transfer.

Legislation	Question	Yes	No	N/A	Comments
46(2)	Has the law practice completed any transfers to another trust ledger account by journal entry? If "No", please skip to the next section: Trust Ledger Accounts If "Yes", please continue below:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
46(1)(a)	Have the journal transfers been authorised in writing by an authorised principal of the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
46(1)	If the authorised principal was not available, was the journal transfer authorised by:				
(a)(i)	an authorised legal practitioner associate of the law practice? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)(ii)	an authorised Australian legal practitioner who holds an Australian practising certificate authorising the receipt of trust money? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)(iii)	two or more authorised associates jointly? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
46(1)(b)	in writing by an external intervener for the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
46(3)	Are the following particulars recorded in the trust account transfer journal for each journal transfer:				
(a)	the date of the transfer?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the trust ledger account from which the money is transferred? including:				
	• the appropriate ledger reference? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the person on whose behalf the transfer was made? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	the trust ledger account to which the money is transferred? including:				
	• the appropriate ledger reference? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the person on whose behalf the transfer was made? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	the amount transferred?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	the reason for the transfer?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
46(4)	Are journal pages or entries consecutively numbered?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
46(5)	Are the particulars of the authorisation for each transfer kept?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

2.8 TRUST LEDGER ACCOUNTS

Objective is to ensure that the trust ledger accounts have been properly kept and details of money received, disbursed and transferred are recorded in a trust ledger account kept for each matter.

Legislation	Question	Yes	No	N/A	Comments
47(1)	Is a separate ledger account opened for each matter for which trust money has been received by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
47(2)	Does each ledger account include in the title:				
(a)	the name of the person for or on behalf of whom the trust money was paid?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the person's address?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
47(3)	Are the following particulars recorded in the trust ledger account for all transactions:				
(a)	the date of the transaction (i.e. the receipt, payment or journal transfer)?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the appropriate reference number and transaction type?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	the reason for the transaction?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	the amount of money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)(i)	Are the following particulars recorded in the trust ledger account if the transaction is a receipt:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the provider of the money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the date of the receipt and the date the funds were received (if different)?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
47(3)(e)(ii)	Are the following particulars recorded in the trust ledger account if the transaction is a payment by cheque:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the payee? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• in the case of a cheque made payable to an ADI: the name of the person receiving the benefit of the payment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
47(3)(e)(iii)	Are the following particulars recorded in the trust ledger account if the transaction is a payment by electronic funds transfer:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the appropriate ledger reference? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the person on whose behalf the transfer was made? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
47(4)	Are transactions recorded in the trust ledger account:				
(a)	in the order in which the transactions occur?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	within 5 working days of the day the receipt was made out, the payment was made, or the transfer was effected?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
47(5)	Is a ledger balance shown after each receipt, payment or transfer of trust money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	In respect of any debit balances or deficiencies identified from the review of the trust ledger accounts: If none were identified, please skip to the question on dormant balances: S147(2)(a)				
S148-1	Have all overdrawn ledgers or deficiencies been rectified as soon as practicable after the time when the issue should have become apparent? If not, please provide details in the "Breaches" section of the External Examiner Report .	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-2	Did the law practice take the appropriate action in rectifying the deficiencies? If not, please provide details in the "Breaches" section of the External Examiner Report.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S154(1)	Did the law practice report each occurrence to the Law Society's Trust Account Department in writing as soon as practicable after it became aware of the irregularity? If so, please review the correspondence, including the written response from the Trust Accounts Department.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

Legislation	Question	Yes	No	N/A	Comments
S147(2)(a)	Have satisfactory explanations been provided for any dormant balances? If not, please provide details in the "Breaches" section of the External Examiner Report.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)	Has the accuracy of records in the cash books and the ledgers been confirmed by comparison with source records?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S138(1) & (2)	Were payments from trust ledger accounts in accordance with the direction of the person on whose behalf the money was held? If not, were the payments subject to a court order or authorised by law?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-1	Was the authorised ADI account balance overdrawn during the applicable period without reasonable excuse? If so:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S154-1	Was it reported in writing to the Law Society's Trust Accounts Department?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
Trust Ledger Account in Name of Law Practice or Legal Practitioner Associate					
49(1)	Does the law practice maintain a trust ledger account in the name of:				
1	the law practice, or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
2	an associate of the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
49(2)	Is the use of the trust ledger account restricted to:				
(a)	use as a clearing account i.e. an account in the law practice's name for the purpose of collecting money due for legal costs from other ledgers in the trust account?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	an account in a legal practitioner associate's name where the associate has a personal and beneficial interest as a vendor, purchaser, lessor, lessee or in another similar capacity?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
49(3)	If a "clearing account" is used, have the funds been withdrawn within 1 month of being transferred to the trust ledger account?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
49(4)	If there is an account where a legal practitioner associate had a personal and beneficial interest, have the funds been withdrawn from the trust account if the matter has concluded?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
49(2)(a) & (b)	Were there any other trust ledger accounts noted that need further review, such as ledger accounts headed suspense, miscellaneous or in the name of the law practice? Were satisfactory explanations for such accounts received? If not, please review the trust ledger account and the transactions.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

2.9 STATUTORY DEPOSIT

To ensure the calculation for the statutory deposit has been completed by the law practice for each quarter and deposited the required statutory deposit amount in the Statutory Deposit Account, either as calculated by the law practice or determined on request by the Law Society of NSW Trust Accounts Department.

Note: Legislation reference is the Legal Profession Uniform Law Application Act 2014 ("AA") and the Legal Profession Uniform Law Application Regulation 2015 ("AR").

Legislation	Question	Yes	No	N/A	Comments
S137	Does the law practice currently maintain a general trust account?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
AA - S46 AR - C19, C110(1) & (2)	Did the law practice conduct the statutory deposit calculation on time for each quarter?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
AR - C111(1)	Did the law practice deposit the required amount in the Statutory Deposit Account on time for each quarter?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	If the law practice had a statutory deposit, have you confirmed this amount with the authorised ADI?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

SECTION 3 CONTROLLED MONEY

3.1 CONTROLLED MONEY

Objective is to ensure a law practice that receives controlled money deposits the money in a controlled money account as directed. "Controlled money" means money received or held by a law practice in respect of which the law practice has 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. (S128(1) of the Uniform Law). "Controlled money account" means an account maintained by a law practice with an ADI for the holding of controlled money received by the law practice. (S128(1) of the Uniform Law)

Legislation	Question	Yes	No	N/A	Comments
61	Does the name of the controlled money account include:				
(a)	the name of the law practice concerned?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the expression "controlled money account" or the abbreviation "CMA" or "CMA/c"?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	particulars to identify:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the purpose of the account? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• to distinguish the account from any other account maintained by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
62(1)	Are all controlled money receipts maintained in a single system for all accounts?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
62(2)	Is a controlled money receipt made out as soon as possible? Note: this does not include interest received into the controlled money account – see Rule 62(8)	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
62(3)	Does the law practice give the person from whom the controlled money was received a copy of the receipt upon request?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
62(4)	Are the controlled money receipts in duplicate? Note: The receipt must be made out in duplicate, unless the receipt is recorded by a computerised accounting system.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
62(4)	Do the receipts include:				
(h)	• the name of the law practice, or practice trading name? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the expression "controlled money receipt"?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
62(4)	Do the receipts include all of the following particulars:				
(a)	• the date the receipt is made out?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the date of receipt of the money (if different)?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the amount of money received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	the form in which the money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	the name of the person from whom the money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	• details clearly identifying the name of the person on whose behalf the money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the matter reference?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(f)	particulars sufficient to identify the reason for the receipt?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(g)	the name and other details identifying the controlled money account to be credited?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(i)	the number of the receipt?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
62(5)	If the controlled money account to be credited has not been established by the time the receipt is made out, does the duplicate receipt include the name of, and other details clearly identifying, the account when established?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
62(6)	Are controlled money receipts:				
	• consecutively numbered? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• issued in consecutive sequence?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

Legislation	Question	Yes	No	N/A	Comments
62(7)	Is the original of any receipt that is cancelled or not delivered kept by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S139(1)	Have (external) written directions been obtained to open the controlled money accounts?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

3.2 CONTROLLED MONEY WITHDRAWAL

Objective is to ensure that all withdrawals of controlled money are carried out in accordance with the Rules and that a written record disclosing the required particulars is kept for each withdrawal of controlled money.

Legislation	Question	Yes	No	N/A	Comments
63(1)	Are all controlled money withdrawals made by either:				
1	cheque? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
2	electronic funds transfer? Note: payments made via BPAY or Pay ID are considered electronic funds transfers.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
63(2)	Are all controlled money withdrawals effected by, under the direction of or with the authority of:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)	an authorised principal of the law practice? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	if such a principal is not available:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(i)	an authorised legal practitioner associate? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(ii)	when an authorised practitioner referred to in subparagraph (i) is not available - an authorised Australian legal practitioner who holds an Australian practising certificate authorising the receipt of trust money? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)(iii)	when the authorised practitioners referred to in subparagraph (i) or (ii) are both not available - two or more authorised associates of the law practice jointly?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
63(3) & (4)	Is a written record kept of each withdrawal? Note: If particulars are recorded by a computerised accounting system, a written record must be kept to enable the accuracy of the computerised record to be verified.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
63(5)	Does the written record contain the following particulars:				
(a)	• the date?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the number of the transaction?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the amount withdrawn?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	for a withdrawal made by cheque:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the person to whom payment is to be made?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• or if the cheque is made payable to an ADI:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	for a withdrawal made by electronic funds transfer:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the receiving account name? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the receiving account number? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the relevant BSB number?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	details clearly identifying:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the person on whose behalf the payment was made? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the matter reference?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(f)	the reason for which the payment was made?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(g)	the person or persons effecting, directing or authorising the withdrawal?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
63(6)	• Are the written records filed in the same order as the withdrawals are made?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• Are the written records recorded separately for each controlled money account?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

3.3 REGISTER OF CONTROLLED MONEY

Objective is to ensure that all records relating to controlled money accounts are properly kept in the controlled money register

Legislation	Question	Yes	No	N/A	Comments
64(4)	Do the transactions in the controlled money register disclose:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)	the date the controlled money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the number of the receipt?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	the date the money was deposited in the controlled money account?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	the name of and other details clearly identifying the controlled money account?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	the amount of controlled money deposited?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(f)	details of the deposit sufficient to identify the deposit?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(g)	interest received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(h)	details of any payments from the controlled money account, including the particulars required to be recorded under Rule 63(5)?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
64(5)	Are particulars of receipts and payments entered into the register as soon as practicable after the receipt or payment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
64(6)	Is the interest and other income received in respect of controlled money entered in the register as soon as practicable after the law practice is notified of its receipt?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
64(7)	Does the law practice retain all supporting information (including ADI statements and notifications of interest received) relating to controlled money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S139	Subject to a court order or as authorised by law, did the law practice hold the controlled money and not disburse it except in accordance with:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(3)(a)	the written direction relating to the controlled money;	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	or				
(3)(b)	a later written direction given by the person on whose behalf the controlled money was held.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S139(1) to (5) & S147(2)	Has the accuracy of the records in all controlled money accounts been confirmed by comparison with source records (including the statements provided by the ADI)?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

3.4 CONTROLLED MONEY LISTING OF ACCOUNTS

Objective is to ensure that listings of controlled money are prepared within 15 working days of each month end for the period under review.

Legislation	Question	Yes	No	N/A	Comments
64(8)-1	Have controlled money listings of accounts been prepared for each month?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
64(8)(b)	Do the controlled money lists show a date of preparation?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
64(8)-2	Have they been prepared within 15 working days of month end?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
64(8)(a)	Do the controlled money listings contain:				
(i)	• the name of each controlled money account in the register?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the number of the controlled money account in the register?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the balance of each controlled money account in the register?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(ii)	the name of the person on whose behalf each controlled money account is/was held?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(iii)	a short matter description?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148	Were there any overdrawn accounts identified from a review of the controlled money records over the applicable period? If "No", please skip to the next section: Transit Money If "Yes", please continue below :	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-2	Have all overdrawn controlled money accounts been rectified as soon as practicable after the overdraw should have become apparent? If not, please provide details in External Examiner Report under "Breaches"	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-3	Did the law practice take the appropriate action in rectifying the controlled money account overdraw? If not, please provide details in External Examiner Report under "Breaches"	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S154(1)	Did the law practice report each controlled money account overdraw to the Law Society's Trust Account Department in writing as soon as practicable after it became aware of the irregularity? If so, please review the correspondence, including the written response from the Trust Accounts Department.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

SECTION 4 - TRANSIT MONEY

4.1 TRANSIT MONEY

Objective is to ascertain if the law practice has received transit money and has retained the appropriate records.

Legislation	Question	Yes	No	N/A	Comments
S140(1)	Does the name of the controlled money account include:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• as required by the instructions related to the money within the period (if any) specified in the instructions?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• or else as soon as practicable after it is received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S140(2)	Does the law practice record and keep details of transit money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S140(2)	Do the records include:				
	• brief particulars sufficient to identify the relevant transaction?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the purpose for which the money was received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

SECTION 5 - TRUST MONEY SUBJECT TO A SPECIFIC POWER

5.1 TRUST MONEY SUBJECT TO SPECIFIC POWER

Objective is to ascertain if the law practice has been given a power or authority to deal with trust money (whether alone or jointly with another person) and has accounted for the money and kept appropriate records of all dealings (excluding power money pursuant to an electronic lodgement network operator's settlement scheme (such as PEXA)).

Legislation	Question	Yes	No	N/A	Comments
S141(1)	Has the law practice dealt with the power money only in accordance with that power? Note: If power money is received in cash, under Section 143(1) it must be deposited to the general trust account before being dealt with in accordance with the power.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S141(2)	Does the law practice keep:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
55(2)(a)	a record of all dealings with the money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
55(2)(b)	all supporting information in relation to the dealings?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-1	Were there any deficiencies identified from a review of the records kept for trust money subject to specific power, including any indication that the trust money was not dealt with in accordance with the power?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-2	Was each deficiency restored promptly?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S148-3	Did the law practice provide a satisfactory explanation for each deficiency?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S154(1)	Did the law practice report each deficiency to the Law Society's Trust Account Department in writing as soon as practicable after it became aware of the irregularity? If so, please review the correspondence, including the written response from the Trust Accounts Department.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

SECTION 6 - REGISTER OF POWERS AND ESTATES

6.1 REGISTER OF POWERS AND ESTATES

Objective is to ascertain if the law practice or an associate of the law practice has maintained the appropriate records, that is a Register of Powers & Estates, because it has acted or is entitled to act, alone or jointly with the law practice or one or more associates of the practice, in relation to trust money.

Legislation	Question	Yes	No	N/A	Comments
60(1)	A law practice must maintain a Register of Powers and Estates if: the law practice or an associate of the law practice has acted, or been entitled to act alone or jointly with the law practice or one or more associates of the practice, in relation to trust money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
60(2)	Have all qualifying powers under Rule 60(1) been entered into the Register of Powers and Estates? Note: this is not a requirement where the law practice or an associate is also required to act jointly with one or more persons who are not associates of the law practice.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
60(3)(a)	Does the register record particulars sufficient to identify each power including:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the donor? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the address of the donor? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the date of each power?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
60(3)(b)	Does the register record particulars sufficient to:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• identify each estate where the law practice or an associate is the executor or administrator? Including:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the name of the deceased? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the date of death of the deceased?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

SECTION 7 - WRITTEN DIRECTION MONEY

7.1 TRUST MONEY SUBJECT TO WRITTEN DIRECTION

Objective is to ascertain whether or not the law practice has received a written direction to deal with trust money (other than cash) in a particular way.

Legislation	Question	Yes	No	N/A	Comments
S142(1)	Has the law practice complied with that direction:				
1	within the specified period? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
2	otherwise, as soon as practicable after it is received?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S142(2)	Has the law practice kept the written direction?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

SECTION 8 - INVESTMENT OF TRUST MONEY

8.1 REGISTER OF INVESTMENTS

Objective is to ascertain if the law practice has received instructions to invest trust money for or on behalf of clients and has maintained the appropriate register of investments of trust money.

Legislation	Question	Yes	No	N/A	Comments
59(1)	Does the law practice keep a register of investments?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
59(1)	Does the register record:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)	the name in which the investment is held?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the name of the person on whose behalf the investment is made?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	the person's address?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	particulars sufficient to identify the investment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	the amount invested?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(f)	the date the investment was made?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(g)	particulars sufficient to identify the source of the investment? including, for example: a reference to the relevant trust ledger account (if applicable)? and a reference to the written authority to make the investment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(h)	details of any documents evidencing the investment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(i)	details of any interest received from the investment or credited directly to the investment?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(j)	details of the repayment of the investment and any interest?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

SECTION 9 – MATTER FILES AND REGISTER

9.1 OPENING AND MAINTAINING MATTERS FILES

Objective is to ascertain whether or not the law practice has received a written direction to deal with trust money (other than cash) in a particular way.

Legislation	Question	Yes	No	N/A	Comments
91E(1)	Does the law practice open a file for each instructed matter?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
91E(2)	Is the file opened as soon as practicable after the law practice receives the instructions?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
91E(3)	Does the file contain or have endorsed on it:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
93(2)(a)	the full name and address of the person? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
93(2)(b)	the date of receipt of the instructions? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
93(2)(c)	a short description of the legal services? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
93(2)(d)	an identifier? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
91E(3)(b)	the client contact details?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
Register of Files Opened					
93(1)	Does the law practice maintain a register of files opened?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
93(2)	Does the register of files record, for each matter:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)	the full name and address of the person? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the date of receipt of the instructions? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	a short description of the legal services which the law practice has agreed to provide? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	an identifier? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(e)	the location of any regulated property relating to the matter (as defined in Section 6 of the Uniform Law)? being:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• trust money received, receivable or held by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• trust property received, receivable or held by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• interest, dividends or other income or anything else derived from or acquired with trust money or property?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• any trust documents or records	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• any computer hardware or software, or other device, that maintains trust records?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• client files?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
93(2A)	If, for the purposes of Subrule 93(2)(e), the regulated property is a document that is stored on a server accessible from multiple locations, is the location of the document recorded as the law practice's principal place of business?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95A(1)	Is the register of files:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)	in the English language? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	legible? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	kept in a single document or in any other manner that enables a single document to be compiled? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	always kept at the premises of the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95A(2)(a)	Is the known information entered as soon as practicable after the file is opened?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95A(2)(b)	When information becomes known to the law practice after the file is opened - is this updated as soon as practicable?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

9.2 REGISTER OF SAFE CUSTODY DOCUMENTS

Objective is to ensure that the law practice is opening and maintaining appropriate registers.

Legislation	Question	Yes	No	N/A	Comments
94(1)	Does the law practice maintain a register of safe custody documents?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
94(2)	Does the register of safe custody documents disclose:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)	the full name and address of the person who gave the instructions?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	a short description of the item?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	the date of receipt of the item by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	the identifier of the safe custody packet in which the item is held by the law practice?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95A(1)	Is the register of safe custody documents:				
(a)	in the English language?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	legible?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	kept in a single document or in a way that a single document can be compiled?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	kept at the premises of the law practice at all times?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95A(2)(a)	Is all known information entered as soon as practicable after the file is opened?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95A(2)(b)	When information becomes known to the law practice after the file is opened - is this updated as soon as practicable?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

9.3 REGISTER OF FINANCIAL INTERESTS

Objective is to ensure that the law practice is opening and maintaining appropriate registers.

Legislation	Question	Yes	No	N/A	Comments
	<p>Has a legal practitioner associate had a financial interest in any company, partnership, or other entity that deals with trust money received by the associate or the law practice?</p> <p>If "No", please skip to the next section: Mortgage Money</p> <p>If "Yes", please continue below:</p> <p>Note: this rule does not apply if the company is listed on the Australian Stock Exchange or is a shelf company.</p>	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95(1)	Does the law practice maintain a register of financial interests?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95(2)	Does the register of financial interests, in respect of each legal practitioner associate of the law practice, record the following	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)	the full name and address of the associate? and	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	the name and other identifying particulars of any company, partnership, or other entity, in which the associate has a financial interest?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95A(1)	Is the register of financial interests:				
(a)	in the English language?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	legible?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(c)	kept in a single document or in a way that a single document can be compiled?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(d)	kept at the premises of the law practice at all times?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95A(2)(a)	Is all known information entered as soon as practicable after the file is opened?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
95A(2)(b)	When information becomes known to the law practice after the file is opened - is this updated as soon as practicable?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

9.4 MORTGAGE MONEY

Objective is to ensure that the law practice is not negotiating the making of or variation of a mortgage.

Legislation	Question	Yes	No	N/A	Comments
129(2)(b)	Note: Section 129(2)(b) of the Uniform Law provides that money entrusted to or held by a law practice for or in connection with – a managed investment scheme; or mortgage financing; undertaken by the law practice is not trust money	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
258(4)	Note: Section 258(4) of the Uniform Law provides that the law practice is not prohibited from negotiating the making of or acting in respect of a mortgage: under which the lender is a financial institution, or under which the lender or contributors nominate the borrower, but only if the borrower is not a person introduced to the lender or contributors by the law practice who acts for the lender or contributors, or by an associate of the law practice, or an agent of the law practice, or a person engaged by the law practice for the purpose of introducing the borrower to the lender or contributors	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S258(4)	Is there evidence of the law practice negotiating the making of or acting in respect of a mortgage (including a variation of a mortgage)? If so:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(a)	Is the lender a financial institution?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
(b)	Is the borrower a person introduced to the lender or contributors by:	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• the law practice who acts for the lender or contributors? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• an associate of the law practice? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• an agent of the law practice? or	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
	• a person engaged by the law practice for the purpose of introducing the borrower to the lender or contributor	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

9.5 BORROWING FROM CLIENTS OR FORMER CLIENTS

The Objective is to ensure that no solicitor or associate of the law practice has borrowed money from a client, or, in certain circumstances, from a former client. See Rule 12.3 of the Legal Profession Uniform Law Australian Solicitors Conduct Rules 2015 for more detail on the circumstances where borrowing may be allowed.

Legislation	Question	Yes	No	N/A	Comments
12.3	Is there any evidence of a solicitor or an associate borrowing money from a client, or from a former client who continues to rely on the advice of the law practice in relation to investment of money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

9.6 GENERAL OVERVIEW OF MATTER FILES AND TRUST RECORDS

The Objective is to provide an overview of the examination in respect of matter files and trust records.

Legislation	Question	Yes	No	N/A	Comments
	Are the matter files selected, a representative sample of both open files and those matter files closed during the relevant period?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)	Has the accuracy of records in the cash books and the ledgers been confirmed by comparison with source records?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S138(1) & (2)	Were payments from the trust ledger accounts authorised by the client, court order or law?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)-2	Has the accuracy of controlled money records been confirmed by comparison with source records?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S139(1)	Have (external) written directions been obtained to open any controlled money accounts?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S139(3)	Were withdrawals from any controlled money accounts made in accordance with (external) written directions?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)-3	Has the accuracy of power money records been confirmed by comparison with source records? Note: power money pursuant to an electronic lodgement network operator's settlement scheme (such as PEXA) is not relevant for this section.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	

Legislation	Question	Yes	No	N/A	Comments
S141(1)	Was there any indication that power money was not dealt in accordance with that power?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)-4	Has the accuracy of investment money records been confirmed by comparison with source records?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S137, S139 & S147(2)	Is there any evidence that trust money has been received and not dealt with through the appropriate records?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S146	Is there any evidence of intermixing trust money?	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)-5	Does the volume of breaches identified warrant an adverse opinion of the records in respect of one or more of the types of trust money or one or more of the registers reviewed? If so, please answer "No" to the relevant question in the External Examiner's Report asking if the records have been maintained in accordance with the Uniform Law and Rules and explain your reasons for the adverse opinion in the External Examiner Report under "Breaches".	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	
S147(2)-6	Did you encounter issues or delays in completing your examination due to the conduct of the law practice? If so, please provide further details in TLP on the Breaches page or, alternatively, on the Declaration page if you prefer not to share them with the law practice.	<input type="radio"/> Yes	<input type="radio"/> No	<input type="radio"/> N/A	