

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:
I,
(insert full name of the legal practitioner)
being a legal practitioner associate of the abovementioned law practice advise that the following general trust account has been opened.
Signed
Date

Trust account details:
Name of Approved ADI
Branch location
BSB
Account Number
Date Opened
Name of Trust Account
(Note: 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Full name and address	Date authorised	Date withdrawn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Full name and address	Position of employment	Date authorised	Date withdrawn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

or GPO Box 1562, Canberra ACT 2601.

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.