

Please Note: All questions and schedules must be completed or marked NOT APPLICABLE. Failure to do so will result in the report being returned.

Introduction

The External Examiner's Report (hereinafter referred to as 'Form 5') contains three schedules:

- Schedule 1 Breaches of Legislation
 - Schedule 2 Law Practice Declaration and Trust Money Statement (QLS Form 4 (LPR))
 - Part A Law Practice Declaration
 - Part B Trust Money Statement
 - Schedule 3 Certificate regarding EFT payments **only** (not OSR/PEXA DD's)
- All law practices with an office in Queensland are required to complete Part A, irrespective of whether they have received, or held, trust money.

Prescribed form

Form 5 is a prescribed form the approval of which has been notified in the *Queensland Government Gazette*.

As a prescribed form, the only changes that are permissible are changes to the lightly shaded areas (appears as blue shading when viewed on a computer screen) of the form to complete the form.

Lodgement

The completed External Examiner Report (QLS Form 5 (LPR)), along with the Law Practice Declaration and Trust Money Statement (QLS Form 4 (LPR)), are to be lodged with the Society by **31 May** of the respective year.

External examiner's report

The period covered by this report is:

From: _____ (dd/mm/yy)

(ie. 01/04 or commencement of TA)

To: _____ (dd/mm/yy)

(ie. 31/03 or completion of TA)

Name of law practice

Address of law practice

Postcode

Scope

The procedures to be adopted by the External Examiner to complete this report are to be sufficient to enable the External Examiner to form an opinion in accordance with the relevant Act and Regulations regulating the maintenance of trust records and the receipting and disbursement of trust money by the law practice.

Opinion 1

I have conducted an examination of the trust records of the law practice based on appropriate examinations and sample techniques for the period ended _____ / _____ / _____.

Opinion 2

I have received and examined the Law Practice Declaration and Trust Money Statement (Schedule 2 of this Report) provided to me by the law practice in accordance with s61 of the *Legal Profession Regulation 2007*. Subject to the following exceptions,* nothing has come to my attention that the information recorded in the law practice's Part B Trust Money Statement is not true:

***Attach additional details if space is insufficient.**

Opinion 3

After reviewing the breaches noted in Schedule 1 of this report and based on the results of my examination, I am of the opinion that the trust records for the:

	Have	Have not	Not applicable
General Trust Accounts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Controlled Money Accounts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trust money subject to specific power	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Written Direction Money Accounts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Register of Investments of Trust Money Accounts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transit money	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

been properly kept in accordance with the provisions of the *Legal Profession Act 2007* and *Legal Profession Regulation 2007*.

If any of the answers in the above box are 'HAVE NOT' please provide details at Opinion 7 of this report.

Opinion 4

Subject to any exceptions noted in Opinion 7 of this report, I am of the opinion that all necessary trust records were produced to me as requested for the purpose of the external examination and that the records were kept in a way that enables the records to be conveniently externally examined.

5. Overdrawn Trust ledgers report

In respect to items 3, 4, 8 and 11 of Part B of the Trust Money Statement I am of the opinion that the overdraw was restored promptly except as detailed below.*

Type of Account (Trust Ledger Account, General Trust ADI Account, Controlled Money Account, Register of Investments of Trust Money or Approved ADI Trust Account). <i>If ledger provide matter number.</i>	Date of overdraw	Amount \$	Date rectified	Reason for overdraw

*Attach additional details if space is insufficient.

Opinion 6

In my opinion the law practice has breached the *Legal Profession Act 2007* and *Legal Profession Regulation 2007* regulating the maintenance of trust records and the receipting and disbursement of trust money by the law practice as detailed in Schedule 1, Breaches of Legislation.

Opinion 7

In my opinion the following information,* which has not been included in any of the attached Schedules needs to be drawn to the attention of Queensland Law Society Incorporated.

*Attach additional details if space is insufficient.

Opinion 8

I acknowledge that Queensland Law Society Incorporated will rely on the information contained in this External Examiner's Report. I disclaim any assumption of responsibility for any reliance on this External Examiner's Report to any person other than Queensland Law Society Incorporated, or for any purpose other than that for which it was prepared.

Opinion 9

I confirm that I am a member of and hold a practising certificate issued by:

- CPA Australia
- CA ANZ
- IPA
- Registered Company Auditor in public practice

Signed

Dated

Full Name

Accounting Practice Name

Postal Address

Postcode

Facsimile Number

Email Address

Privacy

Queensland Law Society ('the Society') is authorised to collect your personal information under the *Legal Profession Act 2007* and the *Legal Profession Regulation 2007*, and may use the personal information you have provided in this form for a number of purposes including carrying out the Society's statutory obligations and duties.

The information may be provided to various organisations, such as the Legal Services Commission and corresponding interstate and overseas authorities, in accordance with the *Legal Profession Act 2007*. It may also be provided to the person or entity with whom the external examiner is registered or a member or, as appropriate, to the Chief Executive, Department of Justice and Attorney-General.

If you do not wish your details to be used for any one or more of the above purposes, you should advise the Professional Standards section of the Society, GPO Box 1785, Brisbane Qld 4001 in writing.

Further details about the Society's Privacy Statement, Plan and Code of Practice and the collection of personal information may be found on the Society's website, qls.com.au.

Schedule 3: External Examiner Certificate

Certificate from External Examiner as to whether law practice has complied with Queensland Law Society's Electronic Funds Transfers guidelines for trust account operations ('the guidelines')

I, _____, the external examiner of the law practice, _____, certify that:

1. The law practice appears to have complied with the guidelines in respect of all EFT trust payments noted during the external examination: yes no
If **yes** go to Item 2. If **no** please provide details as follows:

Name of trust account payment made from	Date of payment	EFT payment ref no	Amount	Details of non-compliance

2. The following EFT trust payments were noted during the external examination and appear to have been made in accordance with the guidelines (list no more than 5 EFT trust payments; if less than 5 were noted, list all that were noted):

Name of trust account payment made from	Date of payment	EFT payment ref no	Amount	Payee

Signature

Name of external examiner

Date