



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG403B Maintain trust accounts

Revision Number: 1

BSBLEG403B Maintain trust accounts

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required to maintain trust monies related to specific files, under instruction of a legal practitioner. A range of legislation, rules, regulations and codes of practice may apply to this unit at the time of endorsement, depending on job roles and jurisdictions.
------------------------	--

Application of the Unit

Application of the unit	This unit applies to individuals who apply a broad knowledge of administration tasks in providing support in a legal context. Its application in the workplace will be determined by the job role of the individual and the legislation, rules, regulations and codes of practice relevant to different jurisdictions.
--------------------------------	---

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
-----------------------------	--

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
---	--

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Check that trust funds are adequate	1.1. Check relevant sources for information regarding disbursements and costs 1.2. Calculate and reconcile estimated disbursements and costs with available trust funds 1.3. Notify instructing legal practitioner where there are inadequate available funds 1.4. Notify client that further funds are required, where necessary, according to organisation's policies and procedures
2. Draw cheques against trust account	2.1. Complete appropriate requisition form 2.2. Gain authorisation from instructing legal practitioner according to organisation's policies and procedures 2.3. Inspect cheques for accuracy and correct account source 2.4. Organise instructing legal practitioner to verify and sign cheques 2.5. Keep accurate records of all file-related disbursements and costs
3. Prepare documentation upon completion of legal matter	3.1. Collate relevant information and documentation from file 3.2. Reconcile monies remaining in trust account 3.3. Promptly investigate discrepancies or irregularities and take appropriate follow-up action

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- communication skills to:
 - follow and interpret instructions
 - provide clear and specific instructions about information required
- literacy skills to:
 - follow complex legal procedures
 - proofread documents to ensure accuracy and consistency of information
- numeracy skills to perform banking transaction calculations and reconciliations
- problem-solving skills to resolve discrepancies with accounts
- organisational skills to select and apply the procedures and strategies needed to perform a range of tasks within designated timelines

Required knowledge

- scope of own job role
- legal terminology in relation to trust accounting
- relevant Australian Taxation Office regulations, current legislation governing trust accounts, and legal processes
- required documentation for trust account transactions and security, confidentiality and privacy requirements
- statutory charges, taxes and other fees applicable to institutions
- accepted codes of practice relevant to the workplace, including those relating to:
 - privacy and confidentiality
 - use of company property
 - duty of care
 - ethical behaviour
 - non-discriminatory practice
 - conflict of interest
 - compliance with reasonable direction

Evidence Guide

EVIDENCE GUIDE

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Evidence of the ability to:

- comply with organisation's trust accounting procedures, and legislative and regulatory requirements
- demonstrate honesty, integrity and accuracy in calculations and reconciliations
- prepare accurate and compliant documentation
- apply knowledge of codes of practice
- resolve or appropriately refer discrepancies and irregularities.

Context of and specific resources for assessment

Assessment must ensure access to:

- an actual workplace or simulated environment
- workplace manuals and reference materials, such as company policies, procedural manuals and checklists
- list of relevant sources of documentation and sample forms
- background information on courts, their jurisdiction and behavioural requirements
- appropriate technology, such as computers with relevant software
- appropriate texts and people with expert knowledge, such as legal practitioners
- appropriate legislation and regulations relevant to common legal matters.

Method of assessment

The following assessment methods are appropriate for this unit:

- analysis of responses to case studies and scenarios
- direct questioning combined with review of portfolios of evidence and third-party workplace reports of on-the-job performance by the candidate
- review of completed requisition form
- review of records of file-related disbursements and costs
- evaluation of reconciled trust account monies
- oral or written questioning to assess knowledge of trust accounting principles and practices, within the limits of own responsibilities.

Guidance information for

Holistic assessment with other units relevant to the industry sector,

EVIDENCE GUIDE**assessment**

workplace and job role is recommended.

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

Relevant sources of information may include:

- bank statements
- cheques
- credit notes
- delivery dockets
- deposit books
- information from open file
- invoices and receipts
- monies received into the trust account
- petty cash book
- petty cash vouchers
- purchase requisitions and orders
- transactions on the trust account.

Disbursements may include:

- cost of duty stamps
- court costs
- filing fees
- photocopying
- postage
- telephone charges.

Organisation's policies and procedures may include:

- accessing accounting system
- bank procedures and policies
- following up discrepancies and irregularities
- handling monies
- information sources
- keeping records of disbursements
- legal bookkeeping
- liaising with financial institutions
- notifying client when further funds are required
- recording information
- reporting to state law society/institute as required by law
- security, confidentiality and privacy procedures
- specific arrangements with banks as they apply to trust accounts

RANGE STATEMENT

- | | |
|--|--|
| | <ul style="list-style-type: none">• verifying and authorising information. |
|--|--|

c

Unit Sector(s)

Unit sector	
--------------------	--

Competency field

Competency field	Administration - legal administration
-------------------------	---------------------------------------

Co-requisite units

Co-requisite units		