

Queensland



# LEGAL PRACTITIONERS ACT AMENDMENT ACT 1968

**Reprinted as in force on 28 July 1994  
(includes amendments up to Act No. 32 of 1993)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 28 July 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- update references (Pt 4, Div 3)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**
- **further information about editorial changes made in the reprint, including—**
  - **Table of changed names and titles**
  - **Table of obsolete and redundant provisions**
  - **Table of corrected minor errors**
  - **Table of renumbered provisions.**

Queensland



**LEGAL PRACTITIONERS ACT  
AMENDMENT ACT 1968**

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# LEGAL PRACTITIONERS ACT AMENDMENT ACT 1968

[as amended by all amendments that commenced on or before 28 July 19942]

## **An Act to amend the *Legal Practitioners Acts 1881 to 1965* and for other purposes**

### **Short title**

1. This Act may be cited as the *Legal Practitioners Act Amendment Act 1968*<sup>3-8</sup>.

### **Meaning of terms**

4. In this Act—

“**Board**” means the Solicitors’ Board constituted under the Rules of Court.

“**Rules of Court**” means the *Solicitors’ Admission Rules 1968* or any rules for the time being in force relating to the admission of solicitors of the Supreme Court in substitution therefor or amendment thereof.

“**solicitor**” means solicitor of the Supreme Court.

“**Solicitors’ Board examinations**” means examinations conducted by the Board under and in accordance with the Rules of Court.

### **Construction**

5. The Rules of Court shall be read with and subject to the provisions of this Act.

**Solicitors' Board examinations**

6. Any person who satisfies the Board that—
- (a) the person possesses 1 of the educational qualifications that would be required of the person if he or she were seeking the consent of the Board to enter into articles of clerkship; or
  - (b) the person has passed the examination qualifying the person for promotion to the position of clerk of a Magistrates Court and mining registrar;

and who has paid the fee prescribed by Rules of Court for permission to pursue the Solicitors' Board examinations, may pursue the Solicitors' Board examinations by complying with the Rules of Court relating to those examinations.

**Qualifications for admission**

7.(1) Notwithstanding any Act or law or Rule of Court made under any Act or law, any person—

- (a) who is a British subject; and
- (b) who is of good fame; and
- (c) who is an officer within the meaning of this section and has—
  - (i) obtained at a University or at the Queensland Institute of Technology a degree in law approved by the Board; or
  - (ii) completed the Solicitors' Board examinations;and has completed a period of 10 years service as prescribed by subsection (2) or, in the case of a person who, before the commencement of the *Legal Practitioners Act Amendment Act 1977*, has commenced at a University a course leading to a degree in law, has completed a period of 5 years service as prescribed by that subsection; and
- (d) who has complied with the Rules of Court relating to—
  - (i) the sticking up, delivery and advertising of notices of intention to apply for admission;
  - (ii) the delivery of certificates of passing or, completion of, the

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- relevant examinations;
- (iii) the filing and delivery of affidavits relating to compliance with the Rules of Court;
- (iv) the payment of fees; and
- (e) who has filed in the Supreme Court office at Brisbane—
  - (i) an affidavit declaring the extent of his or her compliance with this Act;
  - (ii) a certificate or certificates referred to in subsection (5) providing evidence that the person has completed the service prescribed by this subsection and subsection (2);

shall be entitled to be admitted to practise as a solicitor.

(2) The period of service to be completed for the purposes of subsection (1)—

- (a) shall be served as a clerk (which term shall include any appointment of a higher grade than that of clerk) in 1 or more of the following offices—
  - (i) the Solicitor-General's office;
  - (ii) the Crown Solicitor's office;
  - (iii) the Public Defender's office;
  - (iv) any other division or other part of the department;
  - (iva) the chief office of the Department of Justice;
  - (v) the Parliamentary Counsel's Office;
  - (vi) a registry of the Supreme Court;
  - (vii) a registry of a District Court;
  - (viii) the Public Trust Office and any branch of the Public Trust Office;
  - (ix) an office of a clerk of a Magistrates Court;
  - (x) the office of the Director of Prosecutions;
  - (xi) the Legal Aid Commission;
- (b) may include service wholly before or wholly after, or partly

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before and partly after the passing of this Act;

- (c) need not be continuous service;
- (d) may if the Board directs include service in the Defence Force of the Commonwealth but not so as to reduce the period of actual service to less than 6 years in the case of a person required by subsection (1) to have completed a period of 10 years service and to less than 3 years in the case of a person required by that subsection to have completed a period of 5 years service.

(3) A person who is entitled to be admitted to practise as a solicitor pursuant to subsection (1) shall not be required to serve or have served under any articles of clerkship or to complete or have completed any period of practical training other than the period of service referred to in subsection (1).

(4) Service by any person in an office specified in subsection (2)(a) shall for the purposes of those rules of the Rules of Court relating to the conditional admission as solicitors in Queensland of persons admitted as solicitors outside Queensland, be and be deemed to be employment as a law clerk or legal officer in Queensland.

(5) For the purposes of this section, a certificate purporting to be signed by a chief executive or by the Director of Legal Aid under the *Legal Aid Act 1978* stating that a person referred to in the certificate has completed a period of service described in the certificate is evidence, and in the absence of evidence to the contrary, conclusive evidence of the matters stated.

(6) In this section—

“**officer**” means—

- (a) an officer within the meaning of the *Public Service Management and Employment Act 1988*; or
- (b) a member of the staff of the Legal Aid Commission.

### **Admission of certain solicitors as barristers**

**8.(1)** Any solicitor of good repute who—

- (a) is serving in any 1 of the following offices—
  - (i) the Solicitor-General’s office;

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- (ii) the Crown Solicitor's office;
  - (iii) the Public Defender's office;
  - (iv) the Parliamentary Counsel's Office;
  - (v) a registry of the Supreme Court;
  - (vi) the Public Trust Office and any branch of the Public Trust Office;
  - (vii) the office of the Director of Prosecutions;
  - (viii) the Legal Aid Commission;
  - (ix) any division or other part of the department of the Attorney-General that was before 23 October 1989 known as the Solicitor-General's Office or the Crown Solicitor's Office; or
- (b) is serving in or occupying the position of—
- (i) chief executive, Department of the Attorney-General; or
  - (ia) chief executive, Department of Justice; or
  - (ii) a Stipendiary Magistrate, as defined in the *Justices Act 1886*, other than an acting Stipendiary Magistrate; or
  - (iii) chief Land Court advocate, a Land Court advocate or an assistant Land Court advocate;

and who has completed a period of 5 years service as prescribed by subsection (2) shall upon motion at any sittings of the Full Court of Queensland at the solicitor's own request be called and admitted as a barrister-at-law without being required to pass any examination, and thereupon the solicitor's name shall be removed from the Roll of Solicitors.

(2) The period of service to be completed for the purposes of subsection (1) shall be served after admission as a solicitor in 1 or more of the following positions or capacities—

- (a) an officer performing official duties as a solicitor in 1 or more of the offices set forth in section 7(2);
- (b) a Stipendiary Magistrate;
- (c) a registrar, deputy registrar or taxing officer of the Supreme Court;

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- (d) a registrar of a District Court;
- (e) a clerk of a Magistrates Court;
- (f) chief Land Court advocate, a Land Court advocate or an assistant Land Court advocate.

**(3)** In calculating such period of service, service wholly before or wholly after or partly before and partly after the passing of this Act may be included.

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 28 July 1994. Future amendments of the Legal Practitioners Acts Amendment Act 1968 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 List of legislation

**Legal Practitioners Acts Amendment Act 1968 No. 45**

date of assent 19 December 1968

commenced on date of assent

as amended by—

**Legal Practitioners Acts Amendment Act 1974 No. 5**

date of assent 2 April 1974

commenced on date of assent

**Legal Practitioners Acts Amendment Act 1977 No. 28**

date of assent 21 April 1977

commenced on date of assent

**Director of Prosecutions Act 1984 No. 95 s 34(1), (2) (as amd by Act No. 25 of 1985, s 7)**

date of assent 6 December 1984

s 34(1), (2) commenced 17 January 1985 (proc pubd Gaz 19 January 1985 p 165)

**Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 Sch 1**

date of assent 14 November 1990

s 3 Sch 1 in relation to this Act commenced 25 September 1989 (see s 2(3))

**Legal Aid Act Amendment and Public Defence Act Repeal Act 1991 No. 3 Pt 4**

date of assent 6 March 1991

Pt 4 commenced 28 March 1991 (proc pubd Gaz 23 March 1991 p 1761)

**Statute Law (Miscellaneous Provisions) Act 1991 No. 97 s 3 Sch 2 (as amd by Act No. 68 of 1992, s 3 Sch 2 as from 17 December 1991 (see s 3 Sch 2))**

date of assent 17 December 1991

commenced on date of assent

**Supreme Court Legislation (Miscellaneous Provisions) Act 1993 No. 20 Pts 1, 5**

date of assent 28 May 1993

commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 1993 No. 32 s 3 Sch 1**

date of assent 3 June 1993

commenced on date of assent

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

### Construction of Act. Collective title

s 2 om 1993 No. 20 s 9

### Meaning of terms

s 4 def **“Director-General”** ins 1990 No. 80 s 3 Sch 1  
 amd 1991 No. 3 s 4.2  
 om R1 (see RA s 39)

### Qualifications for admission

s 7 amd 1974 No. 5 s 3; 1977 No. 28 s 3; 1984 No. 95 s 34(1)(a); 1990 No. 80 s 3 Sch 1; 1991 No. 3 s 4.3; 1991 No. 97 s 3 Sch 2; 1993 No. 32 s 3 Sch 1

### Admission of certain solicitors as barristers

s 8 amd 1974 No. 5 s 4; 1984 No. 95 s 34(1)(b); 1990 No. 80 s 3 Sch 1; 1991 No. 3 s 4.4; 1991 No. 97 s 3 Sch 2

### Transitional

s 9 om 1991 No. 97 s 3 Sch 2

**5 Table of changed names and titles**TABLE OF CHANGED NAMES AND TITLES  
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
Director-General (or a similar title)	chief executive	see Reprints Act 1992 s 29, example 27

**6 Table of obsolete and redundant provisions**TABLE OF OBSOLETE AND REDUNDANT PROVISIONS  
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references to Queensland implied	Acts Interpretation Act 1954 s 35
def "Director-General" (or a similar title)	Acts Interpretation Act 1954 s 36 def "chief executive" and ss 33(5B) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2)

**7 Table of corrected minor errors**TABLE OF CORRECTED MINOR ERRORS  
under the Reprints Act 1992 s 44

Provision	Description
7(2)(iv)	omit 'the', second mention

## **8 Table of renumbered provisions**

### TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 ss 43

Original	Renumbered as
8, 3rd sentence	8(3)