

5 GEO. VI. No. 4, 1941. *Queensland Law Society, Etc., Act.*

SUPREME COURT.

- (1) *Queensland Law Society Acts Amendment Act of 1941* .. .. . 5 *Geo. VI. No. 4*
- (2) *Supreme Court Act Amendment Act of 1941* .. .. . 5 *Geo. VI. No. 11*

**An Act to Amend "The Queensland Law Society Acts, 1930 to 1939," in certain particulars.**

5 GEO. VI.  
No. 4.  
THE  
QUEENSLAND  
LAW SOCIETY  
ACTS  
AMENDMENT  
ACT OF  
1941.

[ASSENTED TO 16TH OCTOBER, 1941].

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Queensland Law Society Acts Amendment Act of 1941*," and shall be read as one with \*"*The Queensland Law Society Acts, 1930 to 1939*" (being †"*The Queensland Law Society Act Amendment Act of 1930*" as amended by ‡"*The Queensland Law Society Act Amendment Act of 1938*" and by §"*The Queensland Law Society Acts Amendment Act of 1939*" ) herein referred to as the Principal Act.

Short title  
and  
construction.

The Principal Act and this Act may collectively be cited as "*The Queensland Law Society Acts, 1930 to 1941*."

Collective  
title.

*Amendments of the Principal Act.*

2. In the first paragraph of subsection one of section sixteen of the Principal Act the words "entrusted to him or to his clerk or servant in the course of his practice, including any money or other property as aforesaid entrusted to him as a solicitor-trustee or conveyancer-trustee" are repealed and the words "entrusted to him or to his clerk or servant—

Amendment  
of s. 16.

- (i.) In the course of his practice; or
- (ii.) On account of any trust of which he is the sole or a joint trustee; or
- (iii.) On account of any trust of which he is the sole or a joint trustee and in respect of which he acts as a practising practitioner "

are inserted in lieu of such repealed words.

\* 21 G. 5 No. 46 and amending Acts. See v. 9, pp. 409 *et seq.*

† 21 G. 5 No. 46. See v. 9, p. 409.

‡ 2 G. 6 No. 6. See 1938 Sess. v., p. 17308.

§ 3 G. 6 No. 33. See 1939 Sess. v., p. 17799.

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*Queensland Law Society, Etc., Act. 5 GEO. VI. No. 4, 1941.*

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Amendments  
of s. 23.

**3.** Section twenty-three of the Principal Act is amended as follows :—

(a) The words “ or except for the purposes of any investigation referred to in subsection (5A) of this section or of any proceedings in a court of criminal jurisdiction ” are added to subsection four thereof.

(b) The following paragraphs are added to subsection (5A) thereof, namely :—

“ When any such report or part thereof has been so referred to an accountancy institute or organisation—

(i.) The accountant who furnished such report may, with the permission of the Council, give evidence regarding the examination to which such report relates ; and/or

(ii.) Any officer or member of the Council may, with the permission of the Council, give evidence of the contents of such report or such part thereof,

upon any such investigation as aforesaid made by such accountancy institute or organisation or by any properly constituted council or committee thereof.

Moreover the accountant who furnished such report may, with the permission of the Council, give all such evidence regarding the examination to which such report relates as is admissible in proceedings in any court of criminal jurisdiction.”

(c) The following new subsection, numbered (5c), is added thereto, namely :—

“ (5c.) The Society shall have an action for damages against an auditor guilty of neglect in relation to the audit of the accounts of any practitioner or firm of practitioners (whether a member or members of the Society or not) who or which, or any clerk or servant of whom or which, is guilty of stealing or fraudulent misappropriation similar to, and for the same amount (not exceeding the total amount applied from the Fund in the reimbursement of all persons who suffer loss through such stealing or fraudulent misappropriation) as, the action for damages which such practitioner or firm of practitioners would have had against such auditor had such practitioner or firm of practitioners not been so guilty.”