



Criminal Law Duty Lawyer

Roster Notes

Arrival at Court

1. Duty lawyers must be clear about when court commences and be at court in good time (at least 30 minutes) before proceedings commence. Duty lawyers must allow time before attending court to see defendants in custody (watch-house) before going to court.

Providing the Service

2. Firms are authorised to provide duty lawyer services to adults and childrens' criminal court call-overs on the days nominated above.
3. Firms are to ensure only appropriately accredited (adult or children) duty lawyers are rostered to provide the required services.
4. Only employed practitioners of nominated firms are to be used to provide duty lawyer services. Firms are not to brief out rostered sessions to other practitioners or firms.
5. If a firm is unable to provide a duty lawyer service, as rostered above, the firm is to notify LAQ of their inability. LAQ may take the session in-house or ask the firm to find a backup duty lawyer from other rostered firms and notify the coordinator duty lawyer services of the change in the roster.

Children in Custody

6. If there is a child requiring duty lawyer assistance, but no accredited Childrens Court duty lawyer is available, an exception is made for a Magistrates Court (adults) duty lawyer to provide the service to children, whether in custody or otherwise, so that no child is left without legal representation. Any Magistrates Court duty lawyer providing this service to children will be able to submit a duty lawyer session report to claim payment for the service to children.

Agency Matters

7. Duty lawyers are not to represent defendants on agency matters unless there is a current grant of legal aid for the defendant. An agency request stating that an application for legal aid has been lodged is not sufficient to allow a duty lawyer to act as agent in accordance with the Bail Act. For further information regarding agency requests see: [Request for duty lawyers to act as agents](#).



Requests for Additional Duty Lawyer Service

8. Unless otherwise advised, duty lawyers are not authorised and will not be paid for providing duty lawyer services to any other call-overs. The only exception to this arrangement, is in respect to children and adults in custody when a duty lawyer may attend and claim payment however must advise the coordinator duty lawyer services by email to criminallaw.dutylawyer@legalaid.qld.gov.au.
9. If approached to provide additional duty lawyer services, to those nominated above, firms/practitioners are to inform the court they are not authorised to provide additional services and the court should contact the coordinator duty lawyer services on **07 3917 0404**.

Record Keeping

10. In addition to completing and lodging duty lawyer session reports, duty lawyers must complete Criminal law duty lawyer forms and record each client's instructions and their advice to clients. All instructions recorded and advice given must be legible and in full, abbreviations are not to be used. (refer to [Case Management Standards – Criminal Law - duty lawyer services](#) and to [Duty Lawyer services - guidelines](#))
11. Copies of duty lawyer session reports and duty lawyer forms are to be retained for a period of no less than seven (7) years.

Guidelines and Resources

12. Firms are to adhere to procedural guidelines and case management standards relating to the provision of duty lawyer services.
13. To assist duty lawyers a link to the duty lawyer handbook is provided here – [Criminal Law Duty Lawyer Handbook](#).

Questions, Comments, Concerns

14. General enquiries regarding the criminal law duty lawyer services provided by LAQ can be directed criminallaw.dutylawyer@legalaid.qld.gov.au or call **(07) 3917 0404**.

Acknowledgement of Country

Legal Aid Queensland acknowledges and respects the First Nations Custodians of the land where our offices stand, and where our duty lawyers work to help disadvantaged Queenslanders uphold their legal rights in our justice system. We pay respect to their Elders, lore, customs, and creation spirits. We recognise that these lands have always been places of ceremony, teaching, research, and learning, and we acknowledge the important role Aboriginal and Torres Strait Islander peoples play in our community and improving our legal system.