

South Australia

Legal Practitioners Variation Regulations 2017

under the *Legal Practitioners Act 1981*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Legal Practitioners Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 30 July 2017.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Legal Practitioners Regulations 2014*

4—Variation of regulation 6—Register of Disciplinary Action (section 89C of Act)

Regulation 6—after its present contents (now to be designated as subregulation (1)) insert:

- (2) For the purposes of section 89C(7a) of the Act, the Commissioner may cause an entry in the Register of Disciplinary Action to be removed from the Register—
 - (a) if the entry relates to the making of an order by the Supreme Court suspending a legal practitioner's practising certificate and the suspension ceases to operate; or
 - (b) if—
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- (i) the entry relates to information about other disciplinary action, other than an entry where part of the entry relates to prescribed information; and
 - (ii) at least 2 years have expired since—
 - (A) the recording of the entry; or
 - (B) the fulfilment of the order or requirement to which the entry relates,whichever occurs later.
- (3) In this regulation—

prescribed information means—

 - (a) information about an order removing the name of a legal practitioner from a roll of legal practitioners maintained under this Act or a corresponding law; or
 - (b) information about a refusal to issue or renew a legal practitioner's practising certificate; or
 - (c) information about an order suspending or cancelling a legal practitioner's practising certificate; or
 - (d) information about an order imposing a condition on a legal practitioner's practising certificate that has not been revoked or fulfilled; or
 - (e) without limiting paragraph (d), information about an order—
 - (i) requiring a legal practitioner to undertake training, education or counselling or to be supervised that has not been revoked or fulfilled; or
 - (ii) with respect to the examination of a legal practitioner's files and records by a person approved by the Commissioner at the intervals, and for the period, specified in the order if the period for which the order applies has not expired; or
 - (f) information about an order that a legal practitioner pay a fine.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 25 July 2017

No 202 of 2017

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