

South Australia

Legal Practitioners (Foreign Lawyers) Variation Regulations 2020

under the *Legal Practitioners Act 1981*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Legal Practitioners Regulations 2014*

- 4 Revocation of regulation 11
 - 5 Insertion of new Part
Part 5A—Practice of foreign law
 - 11 Prescribed dispute resolution
 - 11A Fidelity Fund
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Legal Practitioners (Foreign Lawyers) Variation Regulations 2020*.

2—Commencement

These regulations come into operation on the day on which section 16 of the *Legal Practitioners (Foreign Lawyers and Other Matters) Amendment Act 2019* comes into operation.

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—Revocation of regulation 11

Regulation 11—delete the regulation

5—Insertion of new Part

After Part 5 insert:

Part 5A—Practice of foreign law

11—Prescribed dispute resolution

- (1) For the purposes of Schedule 1A clause 6(1)(b) of the Act, an arbitration proceeding is prescribed if, in the proceeding—
 - (a) the arbitrator is not required to apply the rules of evidence; and
 - (b) knowledge of Australian law is not essential.
- (2) For the purposes of Schedule 1A clause 6(1)(d) of the Act, all forms of dispute resolution, other than restricted dispute resolution, are prescribed.
- (3) In this regulation—

restricted dispute resolution means dispute resolution in which participation is restricted to a stated class of persons, that does not include Australian-registered foreign lawyers, under—

 - (a) the provisions of other legislation applying to the dispute resolution; or
 - (b) the requirements of a body responsible for the dispute resolution; or
 - (c) the provisions of a contract that provides for the dispute resolution.

11A—Fidelity Fund

Pursuant to Schedule 1A clause 15 of the Act, Part 4 Division 3 and Part 5 of the Act apply to Australian-registered foreign lawyers, and in so applying, apply with the following prescribed modifications:

- (a) section 57(3) applies as if the following were inserted after paragraph (f):

and

 - (g) 90% of the fee for the grant or renewal of registration of an Australian-registered foreign lawyer.
- (b) section 60(4) applies as if the following were inserted after paragraph (b):

or

 - (c) in respect of a fiduciary or professional default by an Australian-registered foreign lawyer.

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

with the advice and consent of the Executive Council
on 21 May 2020

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