Complaints system to be improved for South Australia’s Legal Profession Conduct Commissioner

June 22, 2016

The State Government has introduced proposed changes to the Legal Practitioners Act aimed at freeing up resources for the State’s legal profession watchdog to investigate complaints.

Attorney-General John Rau has introduced a bill to Parliament designed to better support the State’s Legal Profession Conduct Commissioner in investigating allegations of misconduct against members of the legal profession.

Under the proposed changes, there will be a three-year time limit for complaints, with the Commissioner retaining the discretion to investigate matters that fall outside of this time limit.

In addition, the Commissioner will no longer be required to investigate complaints from people who have been declared vexatious complainants by the Supreme Court.

Background

These amendments were developed in consultation with the Legal Professional Conduct Commissioner. The Commissioner’s office was established among substantial reforms passed in July 2014. The reforms abolished the Legal Practitioners Conduct Board and gave expanded and more flexible powers to the newly created Commissioner.

The amendments also clarify the ability of legal practitioners to work in partnership, ensuring law firms can work in partnership with either another legal practice or an individual lawyer.

Quotes attributable to Deputy Premier John Rau

By investigating complaints brought against members of the legal profession, the Commissioner has an important role to play in ensuring lawyers are held to the highest possible standard.

These changes will ensure the Commissioner isn’t tied up dealing with vexatious complainants, ensuring he or she can direct resources in the most appropriate manner.

Importantly, we’re ensuring the Commissioner has the discretion to investigate complaints that fall outside the three-year time limit where he or she feels it is appropriate.
The reforms will contribute to the public having trust in the integrity of the legal profession and justice system.