

2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Civil Law (Wrongs) (Proportionate Liability and Professional Standards) Amendment Bill 2004

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2003 226B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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(Attorney-General)

Civil Law (Wrongs) (Proportionate Liability and Professional Standards) Amendment Bill 2004

A Bill for

An Act to amend the *Civil Law (Wrongs) Act 2002*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

2003 226B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **1 Name of Act**

2 This Act is the *Civil Law (Wrongs) (Proportionate Liability and*
3 *Professional Standards) Amendment Act 2004.*

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be
10 fixed, for the commencement of different provisions (see Legislation
11 Act, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the
13 notification day, it automatically commences on the first day after that
14 period (see Legislation Act, s 79).

15 **3 Legislation amended**

16 This Act amends the *Civil Law (Wrongs) Act 2002.*

17 **4 New chapter 7A**

18 *insert*

19 **Chapter 7A Proportionate liability**

20 **107A Definitions for ch 7A**

21 In this chapter:

22 *apportionable claim*—see section 107B.

23 *concurrent wrongdoer*—see section 107D.

1 *defendant*, in a proceeding, includes anyone joined as a defendant
2 or other party in the proceeding (other than as a claimant), whether
3 joined under this chapter, under rules of court or otherwise.

4 **107B Application of ch 7A—apportionable claims**

5 (1) This chapter applies to apportionable claims.

6 (2) An *apportionable claim* is—

7 (a) a claim for economic loss or damage to property in an action
8 for damages (whether in tort, under contract or otherwise)
9 arising from a failure to take reasonable care; or

10 (b) a claim for economic loss or damage to property in an action
11 for damages under the *Fair Trading Act 1992*, section 46 for a
12 contravention of that Act, part 2 (Unfair practices).

13 (3) However, none of the following is an *apportionable claim*:

14 (a) a claim arising out of personal injury;

15 (b) a consumer claim;

16 (c) a claim prescribed under the regulations for this paragraph.

17 (4) Also, without limiting subsection (3), none of the following is an
18 *apportionable claim*:

19 (a) a claim under the *Discrimination Act 1991*;

20 (b) a claim to which the *Road Transport (General) Act 1999*,
21 part 10 (Compulsory vehicle insurance) applies;

22 (c) a claim under the *Workers Compensation Act 1951*.

23 (5) Regulations made for subsection (3) (c) may make provision in
24 relation to their application to claims arising from acts or omissions
25 that happened before the regulations were notified.

- 1 (6) For this chapter, there is a single apportionable claim in a
2 proceeding in relation to the same loss or damage even if the claim
3 for the loss or damage is based on more than 1 cause of action
4 (whether or not of the same or a different kind).

5 **107C Meaning of consumer claim for pt 7A**

- 6 (1) A *consumer claim* is a claim by an individual (the *claimant*)
7 relating to—

8 (a) goods or services acquired by the claimant from a defendant,
9 or the supply of goods or services to the claimant by a
10 defendant, for the claimant's personal, domestic or household
11 use or consumption; or

12 (b) personal financial advice supplied to the claimant by a
13 defendant.

- 14 (2) However, a claim relating to goods or services is not a consumer
15 claim if, in the course of business, the claimant holds himself or
16 herself out as acquiring the goods or services from the defendant for
17 the purpose of—

18 (a) resupplying them; or

19 (b) using them up or transforming them in or in relation to a
20 process of manufacture or production; or

21 (c) repairing or treating other goods or fixtures on land.

- 22 (3) In this section:

23 *acquire*—see the *Fair Trading Act 1992*, section 5 (1) and section 7.

24 *business*—see the *Fair Trading Act 1992*, section 5 (1).

25 *goods*—see the *Fair Trading Act 1992*, section 5 (1).

26 *resupply*—see the *Fair Trading Act 1992*, section 7 (1).

27 *services*—see the *Fair Trading Act 1992*, section 5 (1).

1 *supply*—see the *Fair Trading Act 1992*, section 5 (1) and
2 section 7 (1).

3 **107D Concurrent wrongdoers**

4 (1) For this chapter, a *concurrent wrongdoer*, for a claim, is 1 of 2 or
5 more people whose acts or omissions (or act or omission) caused,
6 independently of each other or jointly, the loss or damage the
7 subject of the claim.

8 (2) For this chapter, it does not matter that a concurrent wrongdoer is
9 insolvent, is being wound up or has ceased to exist or died.

10 **107E Certain wrongdoers not to have benefit of apportionment**

11 (1) This chapter does not limit the liability of a concurrent wrongdoer
12 (an *excluded concurrent wrongdoer*) in a proceeding involving an
13 apportionable claim if the concurrent wrongdoer intended to cause,
14 or fraudulently caused, the economic loss or damage to property the
15 subject of the claim.

16 (2) The liability of an excluded concurrent wrongdoer must be decided
17 in accordance with the legal rules (if any) that, apart from this
18 chapter, are relevant.

19 (3) The liability of any other concurrent wrongdoer is to be decided in
20 accordance with this chapter.

21 **107F Proportionate liability for apportionable claims**

22 (1) In a proceeding involving an apportionable claim—

23 (a) the liability of a defendant who is a concurrent wrongdoer for
24 the claim is limited to an amount reflecting the proportion of
25 the loss or damage claimed that the court considers just, having
26 regard to the extent of the defendant's responsibility for the
27 loss or damage; and

- 1 (b) the court must not give judgment against the defendant for
2 more than that amount.
- 3 (2) In apportioning responsibility between defendants in the
4 proceeding—
- 5 (a) the court must exclude the proportion of the loss or damage in
6 relation to which the claimant is contributorily negligent under
7 any relevant law; and
- 8 (b) the court may consider the comparative responsibility of any
9 concurrent wrongdoer who is not a party to the proceeding.
- 10 (3) If the proceeding involves an apportionable claim and a claim that is
11 not an apportionable claim—
- 12 (a) liability for the apportionable claim must be decided in
13 accordance with this chapter; and
- 14 (b) liability for the other claim must be decided in accordance with
15 the legal rules (if any) that, apart from this chapter, are
16 relevant.
- 17 (4) This chapter applies in a proceeding involving an apportionable
18 claim whether or not all concurrent wrongdoers are parties to the
19 proceeding.

20 **107G Defendant to tell claimant about concurrent wrongdoers**

- 21 (1) This section applies if—
- 22 (a) a defendant in a proceeding involving an apportionable claim
23 has reasonable grounds to believe that a particular person (the
24 *other person*) may be a concurrent wrongdoer for the claim;
25 and
- 26 (b) the defendant does not give the claimant, as soon as
27 practicable, written notice of the information the defendant has
28 about—

-
- 1 (i) the identity of the other person; and
2 (ii) the circumstances that may make the other person a
3 concurrent wrongdoer for the claim; and
4 (c) the claimant unnecessarily incurs costs in the proceeding
5 because the claimant did not know that the other person may
6 be a concurrent wrongdoer for the claim.
- 7 (2) The court hearing the proceeding may order that the defendant pay
8 all or any of the claimant's costs.
- 9 (3) The court may order that the costs to be paid by the defendant be
10 assessed on an indemnity basis or otherwise.

11 **107H Contribution not recoverable from defendant**

12 A defendant against whom judgment is given under this chapter as a
13 concurrent wrongdoer for an apportionable claim cannot be required
14 to—

- 15 (a) contribute to any damages or contribution recovered from
16 another concurrent wrongdoer for the claim (whether or not the
17 damages or contribution are recovered in the same proceeding
18 in which judgment is given against the defendant); or
19 (b) indemnify another concurrent wrongdoer for the claim.

20 **107I Subsequent proceeding by claimant**

- 21 (1) This chapter (or any other law) does not prevent a claimant for an
22 apportionable claim who has recovered judgment against a
23 concurrent wrongdoer for an apportionable part of any loss or
24 damage from bringing a subsequent proceeding against any other
25 concurrent wrongdoer for the loss or damage.

- 1 (2) However, in any subsequent proceeding the claimant cannot recover
2 an amount of damages that, having regard to any damages
3 previously recovered by the claimant for the loss or damage, would
4 result in the claimant receiving compensation for loss or damage
5 that is more than the loss or damage actually sustained by the
6 claimant.

7 **107J Joining non-party concurrent wrongdoer**

- 8 (1) In a proceeding involving an apportionable claim, the court may
9 give leave for any number of people to be joined as defendants.
- 10 (2) However, the court must not give leave for the joinder of anyone
11 who was a party to a previously concluded proceeding in relation to
12 the claim.

13 **107K Ch 7A does not affect certain other liability**

14 This chapter does not—

- 15 (a) prevent a person from being held vicariously liable for a
16 proportion of an apportionable claim for which someone else is
17 liable; or
- 18 (b) prevent a person from being held jointly and severally liable
19 for the damages awarded against someone else as agent of the
20 person; or
- 21 (c) prevent a partner from being held severally liable with another
22 partner for the proportion of an apportionable claim for which
23 the other partner is liable; or
- 24 (d) affect the operation of any other Act to the extent that the other
25 Act imposes several liability on anyone for what would
26 otherwise be an apportionable claim.

5 New section 222A

insert

222A Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

**6 Regulation-making power
Section 223**

omit

The Executive

substitute

- (1) The Executive

7 New section 223 (2)

insert

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

1 **8 New schedule 4**

2 *insert*

3 **Schedule 4 Professional standards**

4 **Part 4.1 Preliminary**

5 **1 Objects of sch 4**

6 The objects of this schedule are—

- 7 (a) to enable the creation of schemes to limit the civil liability of
8 professionals and others; and
- 9 (b) to facilitate the improvement of occupational standards of
10 professionals and others; and
- 11 (c) to protect consumers of the services provided by professionals
12 and others; and
- 13 (d) to establish a council to supervise the preparation and
14 application of schemes and to assist in the improvement of
15 occupational standards and protection of consumers.

16 **2 Definitions for sch 4**

17 In this schedule:

18 *business assets*, of a person, means the property of the person that is
19 used to perform the person's occupation and that can be taken in
20 proceedings to enforce a judgment of a court.

21 *council*—see section 36.

22 *court* includes a tribunal and an arbitrator.

1 **damages** means damages awarded in relation to a claim or
2 counterclaim or by way of set-off, and includes—

- 3 (a) interest payable on an amount awarded as damages; and
4 (b) legal costs and expenses ordered to be paid in relation to an
5 award of damages (other than legal costs and expenses
6 incurred in enforcing a judgment or incurred on an appeal
7 made by a defendant).

8 **judgment** includes—

- 9 (a) a judgment given by consent; and
10 (b) a decision of a tribunal; and
11 (c) an award of an arbitrator.

12 **occupational association** means a corporation—

- 13 (a) that represents the interests of people who are members of the
14 same occupational group; and
15 (b) the membership of which is limited mainly to members of the
16 occupational group.

17 **occupational group** includes a professional group and a trade group.

18 **occupational liability** means civil liability arising (in tort, contract
19 or otherwise) directly or vicariously from anything done or omitted
20 to be done by a member of an occupational association acting in the
21 performance of the member's occupation.

22 **scheme** means a scheme for limiting the occupational liability of
23 members of an occupational association.

- 1 **3 Application of sch 4**
- 2 (1) This schedule does not apply to liability for damages arising from
- 3 any of the following:
- 4 (a) personal injury to a person;
- 5 (b) anything done or omitted to be done by a lawyer in acting for a
- 6 client in a personal injury claim;
- 7 (c) a breach of trust;
- 8 (d) fraud or dishonesty.
- 9 (2) This schedule does not apply to liability that may be the subject of a
- 10 proceeding under the *Land Titles Act 1925*, part 16 (Civil rights and
- 11 remedies).

12 **Part 4.2 Limitation of liability**

13 **Division 4.2.1 Making, amendment and revocation of**

14 **schemes**

- 15 **4 Preparation of schemes and recommendation by council**
- 16 (1) An occupational association may prepare a scheme.
- 17 (2) The council may, on the application of an occupational association,
- 18 prepare a scheme.
- 19 (3) The council may, on the application of an occupational association,
- 20 recommend a scheme prepared under this section to the Minister for
- 21 approval.

1 **5 Public notification of schemes**

2 Before recommending a scheme, the council must publish a notice
3 in a daily newspaper circulating in the ACT—

- 4 (a) explaining the nature and significance of the scheme; and
5 (b) stating where a copy of the scheme can be obtained or
6 inspected; and
7 (c) inviting comments and submissions within a stated time, but at
8 least 21 days after the day the notice is published.

9 **6 Making of comments and submissions about schemes**

10 (1) Anyone may make a comment or submission to the council about a
11 scheme for which notice has been published under section 5.

12 (2) A comment or submission must be made within the period stated in
13 the notice or within any longer time the council allows.

14 **7 Consideration of comments, submissions etc**

15 (1) Before recommending a scheme in relation to an occupational
16 association, the council must consider the following:

- 17 (a) all comments and submissions made to it in accordance with
18 section 6;
19 (b) the position of people who may be affected by limiting the
20 occupational liability of members of the occupational
21 association;
22 (c) the nature and level of claims relating to occupational liability
23 made against members of the occupational association;
24 (d) the risk management strategies of the occupational association;
25 (e) how those strategies are intended to be implemented;

- 1 (f) the cost and availability of insurance against occupational
2 liability for members of the occupational association;
- 3 (g) the standards (mentioned in section 23) decided by the
4 occupational association in relation to insurance policies.
- 5 (h) the provisions in the proposed scheme for making and deciding
6 complaints, and imposing and enforcing disciplinary measures
7 against members of the occupational association.
- 8 (2) Subsection (1) does not limit the matters the council may consider.

9 **8 Public hearings**

- 10 (1) The council may conduct a public hearing about a scheme if the
11 council considers it appropriate.
- 12 (2) A public hearing may be conducted in the way the council decides.

13 **9 Submission of schemes to Minister**

14 The council may submit a scheme it recommends to the Minister for
15 approval.

16 **10 Approval of schemes by Minister**

- 17 (1) The Minister may, in writing, approve a scheme submitted by the
18 council.
- 19 (2) An approved scheme is a disallowable instrument.

20 *Note* A disallowable instrument must be notified, and presented to the
21 Legislative Assembly, under the Legislation Act.

22 **11 Commencement of schemes**

- 23 (1) A scheme approved by the Minister commences—
- 24 (a) on the date or time (after its notification day) provided for in
25 the approval; or

1 (b) if a date or time is not provided for in the approval— 2 months
2 after its notification day.

3 (2) This section is subject to any order of the Supreme Court under
4 section 12 (2).

5 **12 Challenges to scheme**

6 (1) A person who is, or is reasonably likely to be, affected by a scheme
7 approved by the Minister, may, at any time before the scheme
8 commences, apply to the Supreme Court for an order that the
9 scheme is void for noncompliance with this schedule.

10 (2) The Supreme Court may, on the making of the application or at any
11 time before the scheme commences, order that the commencement
12 of the scheme is stayed until further order of the court.

13 (3) The Supreme Court may, in relation to the application—

14 (a) make or decline to make an order that the scheme is void for
15 noncompliance with this schedule; or

16 (b) if the court has stayed the commencement of the scheme—
17 give directions about the things that must be done so that the
18 scheme may commence; or

19 (c) make any other order it considers appropriate.

20 **13 Review of schemes**

21 (1) The Minister may direct the council to review the operation of a
22 scheme.

23 (2) The council must comply with a direction under subsection (1), but
24 may on its own initiative review the operation of a scheme at any
25 time (whether before or after the scheme ceases to have effect).

26 (3) A review may, but need not, be conducted to decide whether a
27 scheme should be amended or revoked or whether a new scheme
28 should be made.

- 1 **14 Amendment and revocation of schemes**
- 2 (1) An occupational association may prepare an amendment or
3 revocation of a scheme that relates to its members.
- 4 (2) The council may, on the application of an occupational association,
5 prepare an amendment or revocation of a scheme that relates to the
6 members of the association.
- 7 (3) The Minister may direct the council to prepare an amendment or
8 revocation of a scheme.
- 9 (4) The council must comply with a direction but may on its own
10 initiative prepare an amendment or revocation of a scheme at any
11 time while the scheme remains in force.
- 12 (5) Sections 4 to 12 apply, with any necessary changes, to the
13 amendment or revocation of a scheme.

14 **Division 4.2.2 Content of schemes**

- 15 **15 People to whom scheme applies**
- 16 (1) A scheme may provide that it applies to—
- 17 (a) everyone within an occupational association; or
- 18 (b) a stated class or classes of people within an occupational
19 association.
- 20 (2) A scheme applying in relation to an occupational association may
21 provide that the occupational association may, on application by a
22 person, exempt the person from the scheme.
- 23 (3) A scheme ceases to apply to a person exempted under
24 subsection (2)—
- 25 (a) on the date the exemption is granted; or
- 26 (b) if the exemption provides for a later date—the later date.

- 1 (4) Subsection (2) does not apply to a person to whom a scheme applies
2 because of section 16.

3 **16 Other people to whom scheme applies**

- 4 (1) If a scheme applies to a person, the scheme also applies to—
5 (a) each partner of the person; and
6 (b) each employee of the person; and
7 (c) if the person is a corporation, each officer of the corporation;
8 and
9 (d) each person who is, under the regulations made for section 25
10 (Limitation of amount of damages), associated with the person.
11 (2) If the partner, employee or officer of the person is entitled to be a
12 member of the same occupational association as the person but is
13 not a member, the scheme does not apply to the partner, employee
14 or officer.
15 (3) In this section:
16 *officer*—
17 (a) in relation to a corporation within the meaning of the
18 Corporations Act—see the Corporations Act, section 82A
19 (Officers of bodies corporate and other entities); and
20 (b) in relation to any other corporation—means anyone (by
21 whatever name called) who is concerned in or takes part in the
22 management of the corporation.

23 **17 Limitation of liability by insurance arrangements**

24 A person to whom a scheme applies, and against whom a
25 proceeding relating to occupational liability is brought, is not liable
26 in damages in relation to the cause of action above the monetary

- 1 ceiling if the person can satisfy the court that the person has the
2 benefit of an insurance policy—
- 3 (a) insuring the person against the occupational liability; and
- 4 (b) under which the amount payable in relation to the occupational
5 liability relating to the cause of action (including any amount
6 payable by the person as an excess under or in relation to the
7 policy) is at least the monetary ceiling stated in the scheme in
8 relation to the class of person and the kind of work to which
9 the cause of action relates when the act or omission giving rise
10 to the cause of action happened.

11 **18 Limitation of liability by reference to amount of business**
12 **assets**

13 A person to whom a scheme applies, and against whom a
14 proceeding relating to occupational liability is brought, is not liable
15 in damages for the cause of action above the monetary ceiling if the
16 person can satisfy the court—

- 17 (a) that the person has business assets with a net current market
18 value of at least the monetary ceiling stated in the scheme in
19 relation to the class of person and the kind of work to which
20 the cause of action relates when the act or omission giving rise
21 to the cause of action happened; or
- 22 (b) that—
- 23 (i) the person has business assets and the benefit of an
24 insurance policy insuring the person against the
25 occupational liability; and
- 26 (ii) the net current market value of the assets and the amount
27 payable under the insurance policy in relation to the
28 occupational liability relating to the cause of action
29 (including any amount payable by the person as an excess
30 under or in relation to the policy), if combined, would

1 total an amount that is at least the monetary ceiling stated
2 in the scheme in relation to the class of person and the
3 kind of work to which the cause of action relates when
4 the act or omission giving rise to the cause of action
5 happened.

6 **19 Limitation of liability by multiple of charges**

7 (1) A person to whom a scheme applies, and against whom a
8 proceeding relating to occupational liability is brought, is not liable
9 in damages in relation to the cause of action above the limitation
10 amount if the person can satisfy the court—

11 (a) that the person has the benefit of an insurance policy—

12 (i) insuring the person against that occupational liability; and

13 (ii) under which the amount payable in relation to the
14 occupational liability relating to the cause of action
15 (including any amount payable by the person as an excess
16 under or in relation to the policy) is at least an amount
17 (the *limitation amount*), that is a reasonable charge for
18 the services provided by the person, or that the person
19 failed to provide, and to which the cause of action relates,
20 multiplied by the multiple stated in the scheme in relation
21 to the cause of action and the kind of work to which the
22 cause of action relates when the act or omission giving
23 rise to the cause of action happened; or

24 (b) that the person has business assets with a net current market
25 value of at least the limitation amount; or

26 (c) that—

27 (i) the person has business assets and the benefit of an
28 insurance policy insuring the person against the
29 occupational liability; and

- 1 (ii) the net current market value of the assets and the amount
2 payable under the insurance policy in relation to the
3 occupational liability relating to the cause of action
4 (including any amount payable by the person as an excess
5 under or in relation to the policy), if combined, would
6 total an amount that is at least the limitation amount.
- 7 (2) In deciding what is a reasonable charge for a provision mentioned in
8 subsection (1), the court must consider—
- 9 (a) the amount charged; and
- 10 (b) the amount that would ordinarily be charged in accordance
11 with a scale of charges (*a relevant scale*) accepted by the
12 occupational association of which the person is a member; or
- 13 (c) if there is not a relevant scale—the amount that a competent
14 person with the same qualifications and experience as the
15 person would be likely to charge in the same circumstances.
- 16 (3) This section does not limit an amount of damages for which a
17 person is liable if the amount is less than the amount stated for the
18 purpose in the scheme in relation to the class of person and the kind
19 of work concerned.

20 **20 Statement of different limits of liability**

- 21 (1) A scheme may provide for—
- 22 (a) the same maximum amount of liability for all cases to which
23 the scheme applies; or
- 24 (b) different maximum amounts of liability for different cases or
25 classes of case to which the scheme applies; or
- 26 (c) different maximum amounts of liability for the same class of
27 case to which the scheme applies for different purposes.

- 1 (2) A scheme may give an occupational association a discretionary
2 authority, on application by a person to whom the scheme applies, to
3 state in relation to the person a higher maximum amount of liability
4 than would otherwise apply under the scheme in relation to the
5 person, either in all cases, in any stated case or class of case, or for
6 different purposes.

7 **21 Combination of provisions under s 17, s 18 and s 19**

- 8 (1) This section applies if, in a scheme, provisions of the kind
9 mentioned in section 19, and provisions (the *additional provisions*)
10 of the kind mentioned in section 17 or section 18 (or both), apply to
11 a person at the same time in relation to the same occupation.
- 12 (2) The scheme must provide that the damages awarded against the
13 person are to be decided under section 19 but must not exceed the
14 monetary ceiling provided in relation to the person under the
15 additional provisions.

16 **22 Amount below which liability may not be limited**

- 17 (1) A scheme may affect the liability for damages arising from a single
18 cause of action only to the extent that the liability results in damages
19 exceeding an amount (at least \$500 000) decided by the council and
20 stated in the scheme.
- 21 (2) In making a decision, the council must consider—
- 22 (a) the number and amounts of claims made against people within
23 the occupational association concerned; and
- 24 (b) the need to adequately protect consumers.
- 25 (3) A council decision—
- 26 (a) takes effect when an amendment of the scheme giving effect to
27 the decision takes effect; and

1 (b) applies only to a cause of action that arises after the decision
2 takes effect.

3 **23 Insurance to be of required standard**

4 For a scheme, an insurance policy must comply with standards
5 decided by the occupational association whose members may be
6 insured under the policy.

7 **Division 4.2.3 Effect of schemes**

8 **24 Limit of occupational liability by schemes**

9 (1) To the extent provided under this schedule and the provisions of the
10 scheme, a scheme limits the occupational liability of a person in
11 relation to a cause of action based on an act or omission if the
12 scheme applied to the person when the act or omission happened.

13 (2) The limitation of liability applying to the cause of action is the
14 limitation provided under the scheme when the act or omission
15 happened.

16 (3) A limitation of liability that, under this section, applies in relation to
17 an act or omission applies to every cause of action based on the act
18 or omission, irrespective of when the cause of action arises or
19 proceedings are begun in relation to it, even if the scheme has been
20 amended or, under section 28 (Duration of scheme), has ceased to
21 be in force.

22 (4) A person to whom a scheme applies cannot choose not to be subject
23 to the scheme unless exempt under provisions included in the
24 scheme under section 15 (2) (People to whom scheme applies).

1 **25 Limitation of amount of damages**

- 2 (1) A limitation under a scheme of an amount of damages is a limitation
3 of the amount of damages that may be awarded for a single claim
4 and is not a limitation of the amount of damages that may be
5 awarded for all claims arising out of the same act or omission.
- 6 (2) Separate claims by 2 or more people who have a joint interest in a
7 cause of action based on the same act or omission are to be treated
8 as a single claim for this schedule.
- 9 (3) Two or more claims by the same person arising out of the same act
10 or omission against people who are associated are to be treated as a
11 single claim for this schedule.
- 12 (4) People are associated if they are—
- 13 (a) officers of the same corporation (within the meaning of
14 section 16); or
- 15 (b) partners, employees of the same employer or in the relationship
16 of employer and employee; or
- 17 (c) prescribed under the regulations for this subsection.

18 **26 Effect of scheme on other parties to proceedings**

19 A scheme does not limit the liability of a person who is a party to a
20 proceeding if the scheme does not apply to the person.

21 **27 Proceedings to which a scheme applies**

22 A scheme in force under this schedule applies to proceedings
23 relating to acts or omissions that happened after the commencement
24 of the scheme.

1 **28 Duration of scheme**

- 2 (1) A scheme remains in force for the period (not longer than 5 years)
3 decided by the council unless, before the end of the period
4 decided—
- 5 (a) it is revoked; or
6 (b) its operation is extended by notice under this section; or
7 (c) its operation ceases because of the operation of another Act.
- 8 (2) The Minister may, in writing, extend the period for which the
9 scheme is in force.
- 10 (3) An instrument under subsection (2) is a notifiable instrument.
- 11 *Note* A notifiable instrument must be notified under the Legislation Act.
- 12 (4) An instrument under subsection (2) is effective to extend the period
13 for which a scheme is in force only if it is notified under the
14 Legislation Act before the day the period ends.
- 15 (5) The period for which a scheme is in force may be extended only
16 once, and for not longer than 12 months.

17 **29 Notification of limitation of liability**

- 18 (1) A person commits an offence if—
- 19 (a) the person’s occupational liability is limited under this
20 schedule; and
- 21 (b) the person gives a document to a client or prospective client;
22 and
- 23 (c) the document promotes or advertises the person or the person’s
24 occupation; and

- 1 (d) the document does not carry a statement that the person's
2 liability is limited.
- 3 Maximum penalty: 50 penalty units.
- 4 (2) A person commits an offence if—
- 5 (a) the person's occupational liability is limited under this
6 schedule; and
- 7 (b) a client, or a prospective client, requests a copy of the scheme
8 limiting the person's occupational liability; and
- 9 (c) the person fails to give a copy of the scheme to the client or
10 prospective client.
- 11 Maximum penalty: 50 penalty units.
- 12 (3) An offence against this section is a strict liability offence.
- 13 (4) The regulations may prescribe a form of statement for this section.
- 14 (5) A person does not commit an offence against subsection (1) in
15 relation to a document if the document carries a statement in the
16 prescribed form.
- 17 (6) In this section:
- 18 *document* includes an item of official correspondence ordinarily
19 used by the person in the performance of the person's occupation
20 and a similar document, but does not include a business card.

21 **Part 4.3 Compulsory insurance**

22 **30 Occupational association may require members to insure**

- 23 (1) An occupational association may require its members to hold
24 insurance against occupational liability.

1 (2) A requirement under subsection (1) may be imposed as a condition
2 of membership or otherwise.

3 (3) The occupational association may set the standards with which the
4 insurance must comply.

5 **Example**

6 The occupational association may set the amount of the insurance.

7 *Note* An example is part of the Act, is not exhaustive and may extend, but
8 does not limit, the meaning of the provision in which it appears (see
9 Legislation Act, s 126 and s 132).

10 (4) The occupational association may set different standards of
11 insurance for different classes of members.

12 (5) The standards are in addition to other statutory requirements and
13 must not be inconsistent with them.

14 **31 Monitoring claims by occupational associations**

15 (1) An occupational association may establish a committee, or 2 or
16 more occupational associations may establish a common committee,
17 for monitoring and analysing claims made against members for
18 occupational liability.

19 (2) Not all committee members need to be members of the occupational
20 association or associations concerned.

21 **Example**

22 An insurer representative may be a committee member.

23 *Note* An example is part of the Act, is not exhaustive and may extend, but
24 does not limit, the meaning of the provision in which it appears (see
25 Legislation Act, s 126 and s 132).

26 (3) An occupational association may, through the committee or
27 otherwise, issue practice advice to its members to minimise claims
28 for occupational liability.

- 1 (4) A committee may ask an insurer to give it any information or a copy
2 of any document that the committee considers will assist it in
3 carrying out its function.

4 **Part 4.4 Risk management**

5 **32 Risk management strategies by occupational** 6 **associations**

- 7 (1) If an occupational association seeks the council's recommendation
8 for a scheme under section 4 (Preparation of schemes and
9 recommendation by council), it must give the council—
10 (a) a detailed list of the risk management strategies it intends to
11 implement for its members; and
12 (b) information about how it intends to implement the strategies.
13 (2) The method of implementation may be imposed as a condition of
14 membership or otherwise.
15 (3) The strategies are to apply in addition to, and must not be
16 inconsistent with, other statutory requirements.

17 **33 Reporting by occupational associations**

- 18 (1) An occupational association must give the council the information
19 the council asks for about the association's risk management
20 strategies.
21 (2) An occupational association must give an annual report to the
22 council about the implementation and monitoring of its risk
23 management strategies, the effect of the strategies and any changes
24 made or proposed to be made to them.

- 1 (3) The occupational association's annual report must include details of
2 any findings made, or conclusions drawn, by a committee
3 established by it (whether solely or jointly with other associations)
4 under section 31 (Monitoring claims by occupational associations).
- 5 (4) The occupational association's annual report must be incorporated
6 into the council's annual report in a form decided by the council.

7 **34 Compliance audits**

- 8 (1) An audit of the compliance of members (a *compliance audit*), or of
9 specified members or a specified class or classes of members, of an
10 occupational association with the association's risk management
11 strategies—
- 12 (a) may be conducted at any time by the council or the association;
13 or
- 14 (b) must be conducted by the association if the council requests it.
- 15 (2) If a compliance audit is conducted by the council—
- 16 (a) the occupational association must give, and ensure that its
17 members give, the council any information or a copy of any
18 document that the council reasonably asks for, relating to the
19 conduct of the audit; and
- 20 (b) the council must give a copy of a report of the audit to the
21 association.
- 22 (3) If the occupational association conducts a compliance audit, it must
23 give a copy of a report of the audit to the council.

1 **Part 4.5** **Complaints and disciplinary** 2 **matters**

3 **35** **Complaints and Discipline Code**

- 4 (1) A scheme may adopt the provisions of the model code set out in
5 schedule 5 with any changes recommended by the council.
- 6 (2) The changes may include provisions for the making and deciding of
7 complaints and the imposition and enforcement of disciplinary
8 measures against members of an occupational association, including
9 (but not limited to) the following:
- 10 (a) the establishment of committees for implementing the model
11 code or any of its provisions;
 - 12 (b) the procedure at committee meetings;
 - 13 (c) whether a committee may administer an oath;
 - 14 (d) the application or exclusion of the rules of, and practice
15 relating to, evidence;
 - 16 (e) the grounds on which a complaint may be made;
 - 17 (f) the verification of complaints by statutory declaration;
 - 18 (g) the suspension of members from membership or from practice;
 - 19 (h) the imposition of fines;
 - 20 (i) the making of appeals;
 - 21 (j) the exchange of information with other occupational
22 associations (within or outside the ACT).
- 23 (3) The provisions are in addition to other relevant statutory schemes
24 and must not be inconsistent with them.

1 **Part 4.6** **Professional standards council**

2 **Division 4.6.1** **Establishment and functions of**
3 **council**

4 **36** **The council**

- 5 (1) The Professional Standards Council (the *council*) is established.
- 6 (2) The council—
- 7 (a) is a corporation; and
- 8 (b) must have a seal.

9 **37** **Functions of council**

- 10 (1) The council has the following functions:
- 11 (a) to give advice to the Minister about—
- 12 (i) the approval of schemes, and their amendment and
13 revocation, by the Minister; and
- 14 (ii) the operation of this schedule; and
- 15 (iii) anything else relating to the occupational liability of
16 members of occupational associations;
- 17 (b) to give advice to occupational associations about policies of
18 insurance for part 4.2 (Limitation of liability);
- 19 (c) to encourage and assist in the improvement of occupational
20 standards of members of occupational associations;
- 21 (d) to encourage and assist in the development of self-regulation of
22 occupational associations, including giving advice and
23 assistance about the following:
- 24 (i) codes of ethics;

-
- 1 (ii) codes of practice;
- 2 (iii) quality management;
- 3 (iv) risk management;
- 4 (v) resolution of complaints by clients;
- 5 (vi) voluntary mediation services;
- 6 (vii) membership requirements;
- 7 (viii) discipline of members;
- 8 (ix) continuing occupational education;
- 9 (e) to monitor the occupational standards of members of
- 10 occupational groups;
- 11 (f) to monitor the compliance by an occupational association with
- 12 its risk management strategies;
- 13 (g) to publish advice and information about the matters mentioned
- 14 in this subsection;
- 15 (h) to conduct forums, approved by the Minister, on issues of
- 16 interest to members of occupational groups;
- 17 (i) to collect, analyse and provide the Minister with information
- 18 on issues and policies about the standards of occupational
- 19 groups;
- 20 (j) any other functions given to it under this schedule or any other
- 21 Territory law.
- 22 (2) The council is not authorised to give advice about occupational
- 23 standards prescribed under another Act or statutory instrument.
- 24 (3) Any advice given to the Minister by the council may be given with
- 25 or without a request of the Minister.

1 **Division 4.6.2 Membership of council**

2 **38 Membership of council**

3 The council is to consist of 11 people appointed by the Minister who
4 have the experience, skills and qualifications the Minister considers
5 appropriate to enable them to make a contribution to the work of the
6 council.

7 *Note 1* For the making of appointments (including acting appointments), see
8 Legislation Act, pt 19.3.

9 *Note 2* In particular, a person may be appointed for a particular provision of a
10 law (see Legislation Act, s 7 (3)) and an appointment may be made by
11 naming a person or nominating the occupant of a position (see s 207).

12 *Note 3* Certain Ministerial appointments require consultation with an Assembly
13 committee and are disallowable (see Legislation Act, div 19.3.3).

14 **39 Chairperson and deputy chairperson of council**

15 (1) Two of the members of the council are to be appointed as
16 chairperson and deputy chairperson of the council, respectively.

17 *Note 1* For the making of appointments (including acting appointments), see
18 Legislation Act, pt 19.3.

19 *Note 2* In particular, a person may be appointed for a particular provision of a
20 law (see Legislation Act, s 7 (3)) and an appointment may be made by
21 naming a person or nominating the occupant of a position (see s 207).

22 *Note 3* Certain Ministerial appointments require consultation with an Assembly
23 committee and are disallowable (see Legislation Act, div 19.3.3).

24 (2) The Minister may remove a member from the office of chairperson
25 or deputy chairperson of the council at any time.

26 (3) A person holding office as chairperson or deputy chairperson of the
27 council vacates the office if the person—

28 (a) is removed from the office by the Minister; or

1 (b) ceases to be a member.

2 *Note* A person's appointment also ends if the person resigns (see Legislation
3 Act, s 210).

4 **40 Deputies of members**

5 (1) The Minister may appoint a person to be the deputy of a member.

6 (2) In the absence of a member, the member's deputy—

7 (a) is, if available, to act in the place of the member; and

8 (b) while so acting, has all the functions of the member and is
9 taken to be a member.

10 (3) The deputy of a member who is chairperson or deputy chairperson
11 of the council does not (because of this section) have the member's
12 functions as chairperson or deputy chairperson.

13 (4) A person acting in the place of a member is entitled to be paid the
14 allowances decided by the Minister.

15 **41 Term of appointment**

16 A member is to be appointed for not longer than 3 years.

17 **42 Allowances of members**

18 A member is entitled to be paid the allowances decided by the
19 Minister.

20 **43 Vacancy in office of member**

21 (1) The office of a member becomes vacant if the member—

22 (a) dies; or

23 (b) completes a term of office and is not re-appointed; or

24 (c) is removed from office by the Minister; or

- 1 (d) is absent from 4 consecutive meetings of the council of which
2 reasonable notice has been given to the member personally or
3 in the ordinary course of post, except on leave granted by the
4 council or unless, before the end of 4 weeks after the day of the
5 last of those meetings, the member is excused by the council
6 for having been absent from those meetings; or
- 7 (e) becomes bankrupt, applies to take the benefit of any law for the
8 relief of bankrupt or insolvent debtors, compounds with
9 creditors or makes an assignment of remuneration for the
10 benefit of creditors; or
- 11 (f) is convicted in the ACT of an offence punishable by
12 imprisonment for 12 months or more or is convicted elsewhere
13 of an offence that, if committed in the ACT, would be an
14 offence so punishable.

15 *Note* A person's appointment also ends if the person resigns (see Legislation
16 Act, s 210).

- 17 (2) The Minister may remove a member from office for—
- 18 (a) incompetence or misbehaviour; or
- 19 (b) mental or physical incapacity to carry out the duties of office
20 satisfactorily.

21 **44 Filling of vacancy in office of member**

22 If the office of a member becomes vacant, a person may be
23 appointed to fill the vacancy.

24 **45 Personal liability of members etc**

- 25 (1) A member, a deputy of a member, or anyone acting under the
26 direction of the council, a member or a deputy member, is not
27 personally liable for anything done or omitted to be done honestly—
- 28 (a) in the exercise of a function under this schedule; or

- 1 (b) in the reasonable belief that the act or omission was in the
2 exercise of a function under this schedule.
- 3 (2) Any liability that, apart from subsection (1), would attach to a
4 person attaches instead to the council.

5 **Division 4.6.3 Procedure of council**

6 **46 General procedure for council**

- 7 (1) The procedure for the calling of meetings of the council and for the
8 conduct of business at those meetings is, subject to this schedule and
9 the regulations, to be as decided by the council.
- 10 (2) However, the chairperson of the council is to call the first meeting
11 of the council in the way the chairperson considers appropriate.
- 12 (3) Subsection (2) and this subsection expire 6 months after the day this
13 section commences.

14 **47 Quorum at council meetings**

15 The quorum for a meeting of the council is a majority of its
16 members for the time being.

17 **48 Presiding member at council meetings**

- 18 (1) The chairperson of the council or, in the absence of the chairperson,
19 the deputy chairperson of the council or, in the absence of both,
20 another member elected to chair the meeting by the members
21 present is to preside at a meeting of the council.
- 22 (2) The person presiding at any meeting of the council has a
23 deliberative vote and, if the votes are equal, has a second or casting
24 vote.

1 **49 Voting at council meetings**

2 A decision supported by a majority of the votes cast at a meeting of
3 the council at which a quorum is present is the decision of the
4 council.

5 **Division 4.6.4 Miscellaneous**

6 **50 Requirement to provide information**

7 (1) The council may, by written notice, require an occupational
8 association—

9 (a) whose members are subject to a scheme in force under this
10 schedule; or

11 (b) that seeks the council’s recommendation under section 4 for a
12 scheme, or an amendment or revocation of a scheme;

13 to give it the information it reasonably requires to exercise its
14 functions.

15 (2) An occupational association commits an offence if it does not
16 comply with a notice under this section.

17 Maximum penalty: 5 penalty units.

18 (3) An offence against this section is a strict liability offence.

19 **51 Referral of complaints**

20 (1) An occupational association may refer to the council any complaint
21 or other evidence received by it that a member or former member of
22 the association has committed an offence against section 29
23 (Notification of limitation of liability) or an offence against the
24 regulations.

- 1 (2) An occupational association must give information to the council
2 about—
- 3 (a) any complaint or other evidence covered by subsection (1) that
4 it did not refer to the council; and
- 5 (b) particulars of any action taken by it on the complaint or other
6 evidence and of the outcome of the action.
- 7 (3) An occupational association, member of an association's executive
8 body, or anyone acting under the direction of an association or its
9 executive body, is not personally liable for anything done or omitted
10 to be done honestly—
- 11 (a) in the exercise of a function under this section; or
- 12 (b) in the reasonable belief that the act or omission was in the
13 exercise of a function under this section.
- 14 (4) Any liability that, apart from subsection (3), would attach to a
15 person attaches instead to the occupational association.

16 **52 Council committees**

- 17 (1) The council may, with the Minister's approval, establish committees
18 to assist in the exercise of its functions.
- 19 (2) Committee members need not be members of the council.
- 20 (3) The procedure for calling committee meetings and for the conduct
21 of business at those meetings is to be decided by the council or
22 (subject to any decision of the council) by the committee.

23 **53 Use of government staff or facilities**

24 The council may, with the approval of the Minister, arrange for the
25 use of government staff or facilities.

1 **54 Engagement of consultants by council**

2 The council, or a committee established under section 52, may
3 engage consultants with suitable qualifications and experience,
4 either in an honorary capacity or for remuneration.

5 **55 Accountability of council to Minister**

- 6 (1) The council must exercise its functions subject to—
- 7 (a) the general direction and control of the Minister; and
- 8 (b) any specific written directions given by the Minister.
- 9 (2) Without limiting subsection (1) (b), a direction may require the
10 council to give the Minister information, or give access to
11 information, in its possession or control about anything stated in the
12 direction.

13 **56 Annual report of council**

- 14 (1) The council must prepare a report on the council's work and
15 activities during each financial year.
- 16 (2) The council must give the report for a financial year to the Minister
17 before 1 October in the next financial year.
- 18 (3) The Minister must present a copy of the annual report to the
19 Legislative Assembly within 6 sitting days after the day the Minister
20 receives it.

21 **Part 4.7 Miscellaneous**

22 **57 Characterisation of sch 4**

23 The provisions of this schedule are to be regarded as part of the
24 substantive law of the ACT.

- 1 **58** **No contracting out of sch 4**
- 2 This schedule applies to a person to whom a scheme in force under
3 this schedule applies despite any contract to the contrary, whether
4 the contract was made before, on or after the day the person became
5 a person to whom the scheme applies.
- 6 **59** **No limitation on other insurance**
- 7 This schedule does not limit the insurance arrangements a person
8 may make apart from those made for this schedule.
- 9 **60** **Review of sch 4**
- 10 (1) The Minister must review this schedule as soon as possible after the
11 end of its 5th year of operation.
- 12 (2) The review must examine whether the policy objectives of this
13 schedule remain valid and whether the terms of the schedule remain
14 appropriate for securing those objectives.
- 15 (3) A report of the outcome of the review is to be presented to the
16 Legislative Assembly within 12 months after the end of the 5 years.
- 17 (4) This section expires 7 years after the day it commences.

18 **9** **New schedule 5**

19 **Schedule 5** **Occupational associations—**
20 **model code**

21 **Model code**

- 22 **1** **Name of code**
- 23 This code is the Occupational Associations (Complaints and
24 Discipline) Code.

1 **2 Meaning of council**

2 In this code:

3 **council** means the Professional Standards Council established under
4 the *Civil Law (Wrongs) Act 2002*, schedule 4.

5 **3 What actions may be the subject of a complaint?**

- 6 (1) A complaint may be made that a member of the occupational
7 association has acted (or has failed to act) in such a way as to justify
8 the taking of disciplinary action against the member under this code.
- 9 (2) A complaint may be made and dealt with even though the person
10 about whom it is made has ceased to be a member.

11 **4 Who may make a complaint?**

12 Any person may make a complaint (including the occupational
13 association and the council).

14 **5 How is a complaint made?**

- 15 (1) A complaint may be made to the occupational association.
- 16 (2) The complaint must be in writing and contain the particulars of the
17 allegations on which it is founded.
- 18 (3) The occupational association must notify the council of each
19 complaint made to it (other than a complaint made by the council).

20 **6 What happens after a complaint is made?**

- 21 (1) The occupational association must consider a complaint as soon as
22 practicable after the complaint is made to it or notified to it by the
23 council.
- 24 (2) The association may do any 1 or more of the following:
- 25 (a) require the complainant to provide further particulars of the
26 complaint;

-
- 1 (b) carry out an investigation into the complaint;
- 2 (c) attempt to resolve the complaint by conciliation;
- 3 (d) decline to consider the complaint (because, for example, the
- 4 complaint is frivolous, vexatious, misconceived or lacking in
- 5 substance);
- 6 (e) conduct a hearing into the complaint.
- 7 *Note* An example is part of the Act, is not exhaustive and may extend, but
- 8 does not limit, the meaning of the provision in which it appears (see
- 9 Legislation Act, s 126 and s 132).
- 10 (3) The occupational association is bound by the rules of natural justice
- 11 in conducting a hearing into the complaint.

12 **7 What action may be taken after a hearing into a**

13 **complaint?**

- 14 (1) After an occupational association has conducted a hearing into a
- 15 complaint against a person, it may, if it finds the complaint
- 16 substantiated, do any 1 or more of the following:
- 17 (a) caution or reprimand the person;
- 18 (b) impose conditions relating to the carrying out of the person's
- 19 occupation;
- 20 (c) require the person to complete specified courses of training or
- 21 instruction;
- 22 (d) require the person to report about the carrying out of the
- 23 person's occupation at the times, in the way and to the people
- 24 specified by the association;
- 25 (e) order the person to obtain advice about the carrying out of the
- 26 person's occupation from the people specified by the
- 27 association;
- 28 (f) expel the person from membership of the association.

1 (2) If the association does not find the complaint substantiated, it must
2 dismiss the complaint.

3 (3) The association is not entitled to make an award of compensation.

4 **8 Notices of decisions**

5 (1) Within 30 days after the day a decision is made by an occupational
6 association about a complaint, the complainant and the person
7 against whom the complaint is made must be given a written
8 statement of the decision.

9 (2) The statement must include the reasons for the decision.

10 **9 What rights of representation do parties to a complaint
11 have?**

12 The complainant and the person about whom the complaint is made
13 are not entitled to legal representation during attempts to resolve the
14 complaint by conciliation but are entitled to legal representation
15 during a hearing into the complaint.

16 **10 How may occupational association's functions under
17 code be exercised?**

18 A function of an occupational association under this code may, in
19 accordance with a resolution of the association, be exercised by the
20 executive body of the association or by a person or people appointed
21 for the purpose by the executive body.

22 **11 Protection from liability**

23 (1) A member of the executive body of an occupational association, or
24 anyone acting in accordance with a resolution of the association, is
25 not personally liable for anything done or omitted to be done
26 honestly—

27 (a) in the exercise of a function under this schedule; or

- 1 (b) in the reasonable belief that the act or omission was in the
2 exercise of a function under this schedule.
- 3 (2) Any liability that, apart from subsection (1), would attach to a
4 person attaches instead to the council.

5 **10 Dictionary, new definitions**

6 *insert*

7 *apportionable claim*, for chapter 7A (Proportionate liability)—see
8 section 107B.

9 *business assets*, for schedule 4 (Professional standards)—see
10 schedule 4, section 2.

11 **11 Dictionary, definition of *claimant***

12 *substitute*

13 *claimant*—

14 (a) for chapter 5 (Personal injuries claims—pre-court
15 procedures)—see section 49; and

16 (b) for chapter 7A (Proportionate liability)—see section 107C.

17 **12 Dictionary, new definitions**

18 *concurrent wrongdoer*, for chapter 7A (Proportionate liability)—
19 see section 107D.

20 *consumer claim*, for chapter 7A (Proportionate liability)—see
21 section 107C.

22 *council*—

23 (a) for schedule 4 (Professional standards)—see schedule 4,
24 section 36; and

1 (b) for schedule 5 (Occupational associations—model code)—see
2 schedule 5, section 2.

3 **13 Dictionary, definition of *court*, paragraph (h)**

4 *substitute*

5 (h) for part 14.2 (Costs in damages claims if no reasonable
6 prospects of success)—see section 186; and

7 (i) for schedule 4 (Professional standards)—see schedule 4,
8 section 2.

9 **14 Dictionary, new definitions**

10 *damages*, for schedule 4 (Professional standards)—see schedule 4,
11 section 2.

12 *defendant*, for chapter 7A (Proportionate liability)—see
13 section 107A.

14 *judgment*, for schedule 4 (Professional standards)—see schedule 4,
15 section 2.

16 *occupational association*, for schedule 4 (Professional standards)—
17 see schedule 4, section 2.

18 *occupational group*, for schedule 4 (Professional standards)—see
19 schedule 4, section 2.

20 *occupational liability*, for schedule 4 (Professional standards)—see
21 schedule 4, section 2.

22 *scheme*, for schedule 4 (Professional standards)—see schedule 4,
23 section 2.

24

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2004.

2 Notification

Notified under the Legislation Act on 2004.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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