

# Civil Law (Wrongs) Professional Standards Council Appointment Amendment 2010 (No 1)

Disallowable instrument DI2010 – 172

## EXPLANATORY STATEMENT

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All States and Territories have enacted legislation which enables the establishment of a national Professional Standards Council, which is made up of individual jurisdictional councils. The objects of the legislation are to constitute Professional Standards Councils, to enable the creation of schemes to limit the civil liability of professionals and others, to facilitate the improvement of occupational standards, and to protect consumers.

Section 4.36 of Schedule 4 of the *Civil Law (Wrongs) Act 2002* provides for the establishment of the ACT Professional Standards Council (ACT Council). The ACT Council consists of eleven people appointed by the Minister who have the experience, skills and qualifications the Minister considers appropriate to enable them to make a contribution to the work of the ACT Council.

All States and Territories have agreed to appoint the same eleven members to their Professional Standards Councils (the Councils). The Councils will comprise one member nominated by each of the States and Territories and the Commonwealth, with the exception of NSW and Victoria, which will nominate two.

The Civil Law (Wrongs) Professional Standards Council Appointment 2009 (No 1) (DI2009-29) evidences the appointment of nine members, and one deputy member to the ACT Council. One of the members appointed, Mr Steven Cole (Western Australian nominee) resigned as a member effective from 31 December 2009.

This instrument amends DI2009-29 to remove the reference to the appointment of Mr Steven Cole as his appointment has now ended (by signed notice of resignation to the Attorney General dated 1 December 2009 (section 210 *Legislation Act 2001*). The reference to Mr Cole's appointment as deputy chairperson of the council has also been removed, to recognise that he has vacated the office upon resignation. Ms Esther Alter, already appointed as a member, will replace Mr Cole as the deputy chairperson of the council.

This instrument also appoints the new Western Australian nominee, Mr Hugh Plaistowe, to the ACT Council, commencing on the day after notification of this instrument and ending on 31 December 2012.

Mr Hugh Plaistowe is not a public servant as defined under the *Legislation Act 2001*. As previously identified on her appointment as a member, Ms Alter is not a public servant as defined under the *Legislation Act 2001*.

As required by the *Legislation Act 2001*, the Standing Committee on Justice and Community Safety has been consulted on the appointments. The Committee has provided no comment on the appointments.

The quorum for a meeting of the council is a majority of its members (section 4.47, Schedule 4 *Civil Law (Wrongs) Act 2002*), and therefore the vacancy of Mr Cole from 31 December 2009 until this appointment did not affect the decisions of the ACT Council made during this time.