

Australian Capital Territory

Civil Law (Wrongs) Australian Computer Society Limited Liability (NSW) Scheme Amendment 2011 (No 1)

Disallowable instrument DI2011–238

made under the

Civil Law (Wrongs) Act 2002, section 4.10, schedule 4 (Approval of schemes by Minister) and section 4.11, schedule 4 (Amendment and revocation of schemes)

EXPLANATORY STATEMENT

Professional Standards Legislation (PSL) was developed on a national basis following the insurance crisis of 2002. PSL, which has been passed by all States and Territories, involves a trade-off whereby professionals have their negligence liability for economic loss capped, in return for a commitment to higher standards of service delivery, and monitored by a professional standards council operating on a national basis.

In 2004, the ACT passed its own PSL, which was incorporated as Schedule 4 of the *Civil Law (Wrongs) Act 2002* (the ACT Act). Section 4.10, Schedule 4 of the ACT Act provides that the Minister may approve an interstate scheme submitted by the appropriate council for the jurisdiction in which the scheme was prepared.

The Australian Computer Society (ACS) is the recognised association for information and communication technology professionals. It is a national organisation and has representation in each State and Territory. ACS prepared the Australian Computer Society Limited Liability (NSW) Scheme (the Scheme) for the purposes of limiting occupational liability to the extent to which such liability may be limited under the ACT Act.

The Scheme was approved by the ACT Minister and is the subject of the following disallowable instrument:

- Civil Law (Wrongs) Australian Computer Society (NSW) Scheme 2009 (No 1) DI2009-268, notified on 23 December 2009.

Amendments to the Scheme have been submitted by the New South Wales Professional Standards Council (the NSW Council) to the ACT Minister in accordance with the requirements under the NSW *Professional Standards Act 1994* (the NSW Act) and the requirements under the ACT Act.

In summary the amendments:

- a. add South Australia and Western Australia to the list of jurisdictions in which the Scheme operates;
- b. change the title of the Scheme to better reflect the national character of the Scheme.

The amendments to the Scheme submitted by the NSW Council have been approved by the ACT Minister and this instrument evidences the approved amendments. The amendments to the Scheme apply in the ACT on the day after notification of this instrument (despite anything in the amending instrument).

The Scheme will continue to remain in force for a period of 5 years from its original commencement (1 January 2010) unless the Scheme is revoked, extended, or its operation ceases pursuant to section 32 of the NSW Act.