

Australian Capital Territory

Civil Law (Wrongs) Law Society of South Australia Scheme 2011 (No 1)

Disallowable instrument DI2011–293

made under the

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

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, 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 provides that the Minister may approve an interstate scheme submitted by the appropriate council for the jurisdiction in which the scheme was prepared.

The Law Society of South Australia is a voluntary association for legal practitioners. It has prepared the Law Society of South Australia Scheme (the Scheme) for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.

The Scheme is intended to operate as a scheme of South Australia, New South Wales, the ACT, the Northern Territory, Queensland, Victoria, and Western Australia. The South Australian Professional Standards Council (the South Australian Council) submitted the Scheme to the ACT Minister in accordance with the requirements under the South Australian *Professional Standards Act 2004* (the South Australian Act) and the requirements under the ACT Act.

The Scheme submitted by the South Australian Council has been approved by the ACT Minister and this instrument evidences the approved scheme. The Scheme will remain in force for a period of 5 years from commencement unless the Scheme is revoked, extended, or its operation ceases. The Scheme commences on the 1 January 2012.

A summary of the Scheme can be found in the Preamble to the Scheme (in the instrument).