

Australian Capital Territory

# Civil Law (Wrongs) Australian Computer Society Professional Standards Scheme 2015 (No 1)

Disallowable instrument DI2015–330

made under the

**Civil Law (Wrongs) Act 2002, section 4.10, schedule 4 (Schemes are subject to disallowance)**

## EXPLANATORY STATEMENT

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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'). Section 4.10, schedule 4 of the Act provides that the Attorney-General must give notice of an interstate scheme submitted by the appropriate council for the jurisdiction in which the scheme was prepared.

This instrument gives notice of the ACT Professional Standards Council's endorsement of the *Australian Computer Society Professional Standards Scheme* (the Scheme). The Scheme commences on 1 January 2016 and will remain in force for two years, unless the scheme is revoked, extended or its operation ceases.

The Scheme limits the occupational liability of Certified Computer Professional members of the Australian Computer Society (ACS) to an amount of \$1.5 million. It also confers discretionary authority on the ACS, on application by a member, to approve a monetary ceiling up to a maximum of \$10 million.

To enliven their limited liability the Scheme requires Certified Computer Professional members to have the benefit of an insurance policy under which the amount payable in respect of their occupational liability is not less than the amount of their limited liability. The ACS also requires that members to whom the Scheme applies comply with relevant risk management strategies.

The Scheme has been developed in New South Wales under the *Professional Standards Act 1994* (NSW) by the ACS, which provides a national association for Australia's information and communications technology (ICT) profession. The Scheme is also intended to operate by mutual recognition in Victoria, Queensland, South Australia, Western Australia, the Northern Territory and the ACT.

All required processes under the *Professional Standards Act 1994* (NSW) and the Act, including the prescribed period of public notification and submission by the ACT Professional Standards Council to the ACT Attorney-General, were observed in the development of the Scheme.