

Australian Capital Territory

Civil Law (Wrongs) Professional Standards Council Appointment 2018 (No 3)

Notifiable instrument NI2018–50

made under the

Civil Law (Wrongs) Act 2002, s 4.38, schedule 4 (Membership of council), s 4.39, schedule 4 (Chairperson and deputy chairperson of council), and s 4.44 (Filling of vacancy in office of member)

EXPLANATORY STATEMENT

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 Professional Standards Councils will be comprised of 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 NSW Minister for Innovation and Better Regulation, the Hon Matthew Kean MP, appointed Mr Finch and Mr Lumsden to the New South Wales Professional Standards Council (NSW Council) for a short period until 31 March 2018. These appointments are to fill two vacant positions in the NSW Council for an interim period, following the early retirement of the former Chair, Mr Brian Rayment QC, and expiry of Mr Robert Beaton's appointment.

The instrument appoints Mr Finch as a member and chairperson, and Mr Lumsden as a member of the ACT Council from the day after notification until 31 March 2018.

Mr Finch and Mr Lumsden are not public servants as defined under the *Legislation Act 2001*. As required by the Legislation Act, the Standing Committee on Justice and Community Safety has been consulted on the appointment. The Committee has provided no comment on the appointments.