

Australian Capital Territory

Civil Law (Wrongs) The Australian Computer Society Professional Standards Scheme 2018

Disallowable instrument DI2018–301

made under the

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

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' occupational liability for negligence is limited in return for commitments to higher standards of service delivery and insurance. These standards are monitored by the ACT Professional Standards Council, which operates on a national basis as a part of the Professional Standards Councils.

In 2004, the ACT passed its own PSL, which was incorporated as schedule 4 of the *Civil Law (Wrongs) Act 2002* (the Act). Where an interstate scheme is intended to operate in the ACT, schedule 4, section 4.10 of the Act requires the Attorney-General to give notice that the scheme has been approved by the professional standards council for the jurisdiction in which the scheme was prepared. Notice of an interstate scheme is a pre-requisite to its operation by mutual recognition in the ACT and renders the scheme subject to disallowance in the ACT Legislative Assembly.

This instrument gives notice of the Professional Standards Council of New South Wales' approval of 'The Australian Computer Society Professional Standards Scheme' (the ACS Scheme). The ACS Scheme commences in the ACT on 1 January 2019 and will remain in force until 31 December 2023, unless the scheme is revoked, extended or its operation ceases.

The Australian Computer Society is an occupational association. The ACS Scheme applies to certified professional members of the ACS. The ACS Scheme limits a member's occupational liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding \$2 million. The ACS Scheme is intended to operate by mutual recognition in the ACT, the Northern Territory, Queensland, South Australia, Tasmania, Victoria and Western Australia.

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 ACS Scheme.