

Australian Capital Territory

# Civil Law (Wrongs) South Australian Bar Association Professional Standards Scheme 2022 (No 1)

Disallowable instrument DI2022–110

made under the

**Civil Law (Wrongs) Act 2002, sch 4, s 4.10 (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 Act). Section 4.10, schedule 4 of the Act provides that the Minister 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 *South Australian Bar Association Professional Standards Scheme* (the Scheme).

The Scheme is intended to operate in New South Wales, the ACT, Northern Territory, Queensland, South Australia, Victoria, Western Australia and Tasmania. The South Australia Professional Standards Council submitted the Scheme to the ACT Minister in accordance with the requirements under the *Professional Standards Act 1994* (NSW) and the requirements under the ACT Act.

The Scheme commences on 1 July 2022 and will remain in force for five years (to 30 June 2027) unless the scheme is revoked, extended, or its operation ceases. It replaces an existing scheme (DI2017-56), which is due to expire on 30 June 2022.

The monetary ceiling in the Scheme ranges from a minimum of \$1,500,000 to \$10,000,000, based on the annual turnover of members. The Scheme confers a discretionary authority for the association, on application by a participating member,

to specify a higher cap than would otherwise apply under the Scheme in relation to that member in all cases or in any specified case or class of case.

The ACT Minister has given notice of the Council's approval of the Scheme and this instrument evidences the approval.