Australian Capital Territory

Civil Law (Wrongs) Australian Property Institute Valuers Limited Professional Standards Scheme 2026

Disallowable instrument DI2026-186

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'). Schedule 4, section 4.10 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. 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 ACT Professional Standards Council's endorsement of the Australian Property Institute Valuers Limited Professional Standards Scheme (the Scheme). The Scheme commences on 1 September 2026 and will remain in force for five years until 31 August 2031, unless the scheme is revoked, extended, or its operation ceases.

It replaces an existing scheme – *Civil Law (Wrongs) Australian Property Institute Valuers Limited Scheme 2021 (No 1)* [DI2021-213], which is due to expire on 31 August 2026.

The Scheme applies to all members of the Australian Property Institute Valuers Limited (APIV). The Scheme limits the occupational liability of APIV members up to monetary ceilings between $1 million to $10 million depending on the category of valuation services and the assessed value of the property. The Scheme also confers discretionary authority on the APIV, on application by a member, to approve a monetary ceiling up to a maximum of $20 million.

The Scheme has been developed in Victoria under *the Professional Standards Act 2003* (Vic) by the APIV, a special purpose company established by the Australian Property Institute (API) to limit occupational liability of API members who undertake valuations of real property. The Scheme is also intended to operate by mutual recognition in New South Wales, the ACT, the Northern Territory, Queensland, South Australia, Tasmania and Western Australia.

All required processes under the *Professional Standards Act 2003* (Vic) 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.

Human rights implications

As noted above, when an interstate professional standards scheme has been approved by the appropriate council for the jurisdiction in which the scheme was prepared, the Attorney-General is required under schedule 4, section 4.10 of the *Civil Law (Wrongs) Act 2002* to give notice of the scheme.

The instrument engages the right to work (section 27B, *Human Rights Act 2004*).

The scheme is intended to promote high standards of service delivery and insurance for professionals and limit the occupational liability of a person to whom it applies.