



Queensland

# Professional Standards (Law Institute of Victoria Limited Scheme) Notice 2013

## Explanatory Notes for SL 2013 No. 88

made under the

*Professional Standards Act 2004*

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## General outline

### Short title

*Professional Standards (Law Institute of Victoria Limited Scheme) Notice 2013.*

### Authorising law

Section 14(1) of the *Professional Standards Act 2004 (the Act)* provides for the Minister to give notice of the approval of an instrument amending a scheme to make it an interstate scheme by the appropriate Professional Standards Council for the jurisdiction in which the scheme was prepared.

### Policy objectives and the reasons for them

The primary objective is to give notice of the approval by the Professional Standards Council of Victoria of an instrument amending the Law Institute of Victoria Limited Scheme to make it an interstate scheme.

Under the Act, an interstate scheme is a scheme prepared under the corresponding law of another jurisdiction and that operates, or indicates an intention to operate, as a scheme of Queensland.

### **Achievement of policy objectives**

The subordinate legislation achieves its objectives by giving notice of the approval by the Professional Standards Council of Victoria of the instrument amending the Law Institute of Victoria Limited Scheme.

The Law Institute of Victoria Limited Scheme, as amended, will apply to participating members, including:

- full members of the Law Institute of Victoria (as defined in the institute's constitution) who hold a current Australian practising certificate;
- incorporated legal practices; and
- officers, partners, employees and other associates (as may be prescribed by regulation) of persons to whom the scheme applies, as set out in sections 20 to 22 of the *Professional Standards Act 2003* (Victoria).

### **Consistency with policy objectives of authorising law**

The notice is consistent with the main objects of the *Act*.

### **Inconsistency with policy objectives of other legislation**

The notice is not inconsistent with the policy objectives of other legislation.

### **Alternative ways of achieving policy**

There is no alternative way of achieving the policy as the Act provides that the Minister must give notice of approval of an instrument amending a scheme to make it an interstate scheme and that notice is subordinate legislation.

### **Benefits and costs of implementation**

There are no costs associated with the implementation of this notice.

### **Consistency with fundamental legislative principles**

The notice is consistent with fundamental legislative principles.

## Consultation

As required under section 9 of the *Professional Standards Act 2003* (Victoria), notice of the proposed amendment to the scheme was published nationally in *The Australian* and in daily newspapers circulating through all jurisdictions in which the scheme will apply, with a 28 day period provided for public submissions.

The Office of Best Practice Regulation was consulted in relation to the proposed notice and confirmed that a Regulatory Impact Statement is not required.

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## ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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