

# **Professional Standards (New South Wales Bar Association Scheme) Notice 2015**

Explanatory notes for SL 2015 No. 67

made under the

*Professional Standards Act 2004*

## **General Outline**

### **Short title**

Professional Standards (New South Wales Bar Association Scheme) Notice 2015.

### **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 'interstate scheme' by the appropriate Professional Standards Council for the jurisdiction in which the interstate scheme was prepared.

### **Policy objectives and the reasons for them**

All Australian states and territories have similar professional standards legislation, which is designed to reduce the cost of, and facilitate the obtaining of, professional indemnity insurance for members of an occupational association that has an approved scheme. Each jurisdiction's legislation provides for a Professional Standards Council to approve and monitor schemes. A consequence of a scheme being approved is that occupational liability is restricted to the amount of the monetary ceiling for the scheme.

If an interstate scheme operates, or indicates an intention to operate, as a scheme of Queensland, under section 14(1) of the Act the Minister must give notice of the appropriate council's approval of the interstate scheme. Under section 14(2), the notice is subordinate legislation.

The primary objective of this subordinate legislation is to give notice of the approval of the New South Wales Bar Association Scheme (the interstate scheme) by the New South Wales Professional Standards Council.

The interstate scheme is designed to limit the occupational liability of all members of the New South Wales Bar Association (the Association) who hold a current practising certificate issued by the Association and who have approved professional indemnity insurance.

## **Achievement of policy objectives**

The policy objectives are achieved by giving notice of the approval of the interstate scheme by the New South Wales Professional Standards Council.

The current New South Wales Bar Association Scheme will expire on 30 June 2015. The notice will repeal the Professional Standards (New South Wales Bar Association Scheme) Notice 2010 on 1 July 2015.

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

The notice is consistent with the policy objectives of the Act.

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

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

## **Benefits and costs of implementation**

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

## **Consistency with fundamental legislative principles**

The notice is consistent with fundamental legislative principles.

## **Consultation**

Notice of the interstate scheme was published in *The Australian*, *The Daily Telegraph*, *The Canberra Times*, *The Courier Mail*, *The Age*, *The Advertiser*, *The NT News* and *The West Australian* on 1 October 2014. Letters advising of the notification were also sent to 160 stakeholders.