

Professional Standards (The Law Society of South Australia Professional Standards Scheme) Notice 2017

Explanatory notes for SL 2017 No. 95

made under the

Professional Standards Act 2004

General Outline

Short title

Professional Standards (The Law Society of South Australia Professional Standards Scheme) Notice 2017.

Authorising law

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 (PSC) 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.

Section 14(1) of the *Professional Standards Act 2004* (Act) requires the Minister to give notice of the approval of an interstate scheme by the appropriate PSC for the jurisdiction in which the scheme was prepared. Under section 14(2), the notice is subordinate legislation.

Policy objectives and the reasons for them

The primary objective of this subordinate legislation is to give notice of the approval of the Law Society of South Australia Professional Standards Scheme (interstate scheme) by the South Australian Professional Standards Council (Council).

The interstate scheme limits the occupational liability of admitted and company members of the South Australian Law Society who have professional indemnity insurance which complies with the *Legal Practitioners Act 1981* (SA) for liability potentially limited by the scheme.

Achievement of policy objectives

The policy objectives are achieved by giving notice of the approval of the interstate scheme by the Council.

Because the current Law Society of South Australia Scheme will expire on 30 June 2017, the notice also repeals the Professional Standards (Law Society Professional Standards Scheme) Notice 2011 on 1 July 2017.

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 Adelaide Observer*, *The Brisbane Courier Mail*, *The Australian*, *The Sydney Morning Herald* and *the Daily Telegraph*, *The Canberra Times*, *The Melbourne Age*, *The NT News* and *The West Australian* on 9 November 2016.