

# **Professional Standards (South Australian Bar Association Inc Scheme) Notice 2017**

Explanatory notes for SL 2017 No. 96

made under the

*Professional Standards Act 2004*

## **General Outline**

### **Short title**

Professional Standards (South Australian Bar Association Inc 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 South Australian Bar Association Inc Scheme (interstate scheme) by the South Australian Professional Standards Council (Council).

The interstate scheme limits the occupational liability of ordinary members of the South Australian Bar Association 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 South Australian Bar Association Inc Scheme will expire on 30 June 2017, the notice also repeals the Professional Standards (South Australian Bar Association Inc 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**

In its process of assessment of the proposed interstate scheme, the Council published a notice of the interstate scheme in at least one daily newspaper in each state and territory on 1 March 2017. Additionally, over 200 targeted stakeholder letters were sent, advising of the proposed interstate scheme and its significance.