

# **Professional Standards (New South Wales Bar Association Scheme) Amendment Notice 2017**

Explanatory notes for SL 2017 No. 237

made under the

*Professional Standards Act 2004*

## **General Outline**

### **Short title**

*Professional Standards (New South Wales Bar Association Scheme) Amendment Notice 2017*

### **Authorising law**

Section 14 of the *Professional Standards Act 2004* (the Act).

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

Each state and territory in Australia has a 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. The professional standards legislation in each jurisdiction 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 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 subsection (2), the notice is subordinate legislation. Under subsection (5), a reference to an 'interstate scheme' includes a reference to an instrument amending an interstate scheme.

The primary objective of the *Professional Standards (New South Wales Bar Association Scheme) Amendment Notice 2017* (the Notice) is to give notice of the approval of an instrument amending the New South Wales (NSW) Bar Association Scheme (the Scheme) by the NSW PSC (the Council).

The amending instrument extends the operation of the Scheme to Tasmania and makes a number of drafting changes to: accommodate legislative changes affecting

the regulation of the legal profession in NSW; accommodate the possibility of a NSW barrister participating in another professional standards scheme with a higher monetary ceiling; and change the name of the Scheme to the 'New South Wales Bar Association Professional Standards Scheme'.

### **Achievement of policy objectives**

The policy objectives are achieved by giving notice of the approval of an instrument amending the Scheme by the Council.

### **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 instrument amending the Scheme was published in newspapers circulating throughout each state/territory. Letters advising of the proposed amendments were also sent to more than 200 stakeholders.