

Professional Standards (The Law Society of New South Wales Professional Standards Scheme) Notice 2018

Explanatory notes for SL 2018 No.181

made under the

Professional Standards Act 2004

General Outline

Short title

Professional Standards (The Law Society of New South Wales Professional Standards Scheme) Notice 2018

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 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 *Professional Standards Act 2004* (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 section 14(2), the notice is subordinate legislation.

The objective of the *Professional Standards (The Law Society of New South Wales Professional Standards Scheme) Notice 2018* (the Notice) is to give notice of the approval of the Law Society of New South Wales Professional Standards Scheme (the Scheme) by the PSC of New South Wales (the Council).

The Scheme will apply to solicitor members and life members of the Law Society of New South Wales who hold a current Australian practising certificate and incorporated legal practice members (unless otherwise excluded or exempted).

Achievement of policy objectives

The policy objectives are achieved by giving notice of the approval of 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 interstate scheme was published in newspapers circulating throughout each state/territory.