

# **Professional Standards (Law Society of Western Australia Professional Standards Scheme) Notice 2019**

Explanatory notes for SL 2019 No. 78

made under the

*Professional Standards Act 2004*

## **General Outline**

### **Short title**

*Professional Standards (Law Society of Western Australia Professional Standards Scheme) Notice 2019*

### **Authorising law**

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

### **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. 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 section 14(2), the notice is subordinate legislation.

The objective of the *Professional Standards (Law Society of Western Australia Professional Standards Scheme) Notice 2019* (the Notice) is to give notice of the approval of the Law Society of Western Australia Professional Standards Scheme (the Scheme) by the PSC of Western Australia (the Council).

The Scheme limits the occupational liability of ordinary members and life members of the Law Society of Western Australia who hold a current Australian practising

certificate, and all incorporated legal practice members, who have insurance not less than the applicable monetary ceiling in the Scheme.

### **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 Scheme was published in *The Australian*, *The Mercury*, *The Burnie Advocate* and *The Examiner* on 14 December 2018.