

Professional Standards (Law Society of South Australia Professional Standards Scheme) Notice 2022

Explanatory notes for SL 2022 No. 1

Made under the

Professional Standards Act 2004

General Outline

Short title

Professional Standards (Law Society of South Australia Professional Standards Scheme) Notice 2022

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 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 primary objective of the *Professional Standards (Law Society of South Australia Professional Standards Scheme) Notice 2022* (the Notice) is to give notice of the approval of the Law Society of South Australia Professional Standards Scheme (the Scheme) by the PSC of South Australia (the Council).

The Scheme limits the liability of ‘admitted’ and ‘company’ members of the Law Society of South Australia (the Society), who are entitled to practise law and who hold professional indemnity insurance. Directors of ‘company’ members must also hold ‘admitted’ membership of the Society in an individual capacity.

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

The notice will allow the Scheme to have effect in Queensland. 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 accordance with the public notification requirements under the professional standards legislation, the Council published notices in *The Australian*, *The Mercury*, *The Advocate* and *The Examiner* inviting comment on the Scheme. The Council also wrote to interested stakeholders inviting comment on the Scheme and placed a survey for the Scheme on the New South Wales *Have Your Say* website. All submissions received during the public notification period were considered by the Council before approving the Scheme.

The Office of Best Practice Regulation has not been consulted because the Notice is excluded from regulatory impact analysis under *The Queensland Government Guide to Better Regulation*, as a regulatory proposal of a machinery nature.