

Professional Standards (Law Society of Western Australia Professional Standards Scheme) Notice 2024

Explanatory notes for SL 2024 No. 98

Made under the

Professional Standards Act 2004

General Outline

Short title

Professional Standards (Law Society of Western Australia Professional Standards Scheme) Notice 2024

Authorising law

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

Policy objectives and the reasons for them

The objective of the *Professional Standards (Law Society of Western Australia Professional Standards Scheme) Notice 2024* (the Notice) is to give notice of the approval of the Law Society of Western Australia Professional Standards Scheme (the Scheme) by the Professional Standards Council of Western Australia (the Council).

Section 14(1) of the Act requires the Minister to give notice of the approval of the Scheme by the Council. Under section 14(2), the notice is subordinate legislation.

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 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.

The Scheme limits the liability of participating members of Law Society of Western Australia (LSWA), including ordinary members and life members of the LSWA, who

hold an Australian practising certificate, are not a corporate legal practitioner or a government legal practitioner and are not exempted under the LSWA Scheme. The LSWA Scheme also applies to incorporated legal practice members that are not exempted. In addition, professional standards legislation provides for the circumstances where a scheme applies to officers, partners and employees of a person to whom a scheme applies.

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 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.