

Australian Capital Territory

Civil Law (Wrongs) Victorian Bar Inc Scheme Amendment 2012 (No 1)

Disallowable instrument DI2012–20

made under the

Civil Law (Wrongs) Act 2002, section 4.10, schedule 4 (Approval of schemes by Minister) and section 4.11, schedule 4 (Amendment and revocation of schemes)

EXPLANATORY STATEMENT

Professional Standards Legislation (PSL) was developed on a national basis following the insurance crisis of 2002. PSL which has been passed by all States and Territories involves a trade-off whereby professionals have their negligence liability for economic loss capped in return for a commitment to higher standards of service delivery, monitored by a professional standards council operating on a national basis.

In 2004, the ACT passed its own PSL, which was incorporated as schedule 4 of the *Civil Law (Wrongs) Act 2002* (the ACT Act). Section 4.10, schedule 4 of the Act provides that the Minister may approve an interstate scheme submitted by the appropriate council for the jurisdiction in which the scheme was prepared.

The Victorian Bar Inc (Vic Bar) is an association of independent barristers based in Victorian providing legal representation and assistance to the community. The Vic Bar prepared the Victorian Bar Inc Scheme (the Vic Bar Scheme) for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.

The Scheme was approved by the ACT Minister and is the subject of the following disallowable instrument:

- *Civil Law (Wrongs) Victorian Bar Inc Scheme 2010 (No 1)* DI2010-72, notified on 10 May 2010.

Amendments to the Scheme have been submitted by the Victorian Professional Standards Council (the Victorian Council) to the ACT Minister in accordance with the requirements under section 13 *Victorian Professional Standards Act 2003* and the requirements under the ACT Act.

In summary the amendments add South Australia and Western Australia to the list of jurisdictions in which the Scheme operates.

The amendments to the Scheme submitted by the Victorian Council have been approved by the ACT Minister and this instrument evidences the approved amendments.

The amendments to the Scheme apply in the ACT on the day after notification of this instrument (despite anything in the amending instrument).

The Scheme will continue to remain in force for a period of 5 years from its original commencement (11 May 2010) unless the Scheme is revoked, extended, or its operation ceases pursuant to section 34 of the Victorian Act.