

Australian Capital Territory

Civil Law (Wrongs) Professional Standards Council Appointment 2012 (No 5)

Disallowable instrument DI2012–81

made under the

Civil Law (Wrongs) Act 2002, schedule 4, section 4.38 (Membership of council)

EXPLANATORY STATEMENT

All States and Territories have enacted legislation which enables the establishment of a national Professional Standards Council, which is made up of individual jurisdictional councils. The objects of the legislation are to constitute Professional Standards Councils, to enable the creation of schemes to limit the civil liability of professionals and others, to facilitate the improvement of occupational standards, and to protect consumers.

Section 4.36 of schedule 4 of the *Civil Law (Wrongs) Act 2002* provides for the establishment of the ACT Professional Standards Council (ACT Council). The ACT Council consists of eleven people appointed by the Minister who have the experience, skills and qualifications the Minister considers appropriate to enable them to make a contribution to the work of the ACT Council.

All States and Territories have agreed to appoint the same eleven members to their Professional Standards Councils. The Professional Standards Councils will comprise one member nominated by each of the States and Territories and the Commonwealth, with the exception of NSW and Victoria, which will nominate two.

The appointments of Mr Iain Summers on the ACT Council as a member for the Northern Territory, and of Mr Ronald Farrell as a member for Victoria, both expired on 31 December 2011.

The Northern Territory and Victoria have re-appointed Mr Summers and Mr Farrell to their Professional Standards Councils for terms expiring on 31 December 2014.

The instrument appoints Mr Summers and Mr Farrell as members to the ACT Council for a period commencing from the date of notification of the instrument and ending on 31 December 2014. These appointments ensure that the members nominated by the Northern Territory and Victoria are represented on the ACT Council.

Mr Summers and Mr Farrell are not public servants as defined under the *Legislation Act 2001*.

As required by the *Legislation Act 2001*, the Standing Committee on Justice and Community Safety has been consulted on the appointment. The Committee has provided no comment on the appointment.

The quorum for a meeting of the council is a majority of its members at the time (section 4.47, schedule 4 *Civil Law (Wrongs) Act 2002*), and therefore the vacancies of Mr Summers and Mr Farrell from 31 December 2011 until the commencement of this appointment did not affect the decisions of the ACT Council made during this time.