Australian Capital Territory

Civil Law (Wrongs) Association of Taxation and Management Accountants (ATMA) Scheme 2012 (No 1)

Disallowable instrument DI2012– 266

made under the

Civil Law (Wrongs) Act 2003, section 4.10, schedule 4 (Schemes are subject to disallowance)

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 must give notice of an interstate scheme submitted by the appropriate council for the jurisdiction in which the scheme was prepared.

The Association of Taxation and Management Accountants (ATMA) exists to promote the welfare and professional development of its members and to represent its members' special interest and needs. It has prepared the ATMA Scheme (the Scheme) for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.

The Scheme is intended to operate as a scheme of the ACT, New South Wales, the Northern Territory, Queensland, South Australia, Victoria, and Western Australia. The Victorian Professional Standards Council submitted the Scheme to the ACT Minister in accordance with the requirements under the Victorian *Professional Standards Act 2003* and the requirements under the ACT Act.

The ACT Minister has given notice of the Council's approval of the Scheme and this instrument evidences the approval. The Scheme will remain in force for a period of 5 years from commencement unless the Scheme is revoked or extended, or its operation ceases. The Scheme commences on 1 January 2013.