

Australian Capital Territory

Civil Law (Wrongs) Law Institute of Victoria Limited Scheme 2013 (No 1)

Disallowable instrument DI2013–48

made under the

Civil Law (Wrongs) Act 2002, 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 Attorney-General must give notice of an interstate scheme submitted by the appropriate council for the jurisdiction in which the scheme was prepared.

The Law Institute of Victoria Limited Scheme commenced in Victoria on 1 July 2010 and is in force until 30 June 2015. The Scheme was prescribed by the Commonwealth under the *Trade Practices Act 1974* (Cth) with effect from 1 July 2010 (and subsequently the *Competition and Consumer Act 2010* (Cth)), and from 1 November 2012, the *Australian Securities and Investments Commission Act 2001* (Cth) and the *Corporations Act 2001* (Cth).

Members of the Law Institute of Victoria work in multiple jurisdictions, particularly those members who are part of law practices with offices in other states, or those who are located on the border between jurisdictions.

The Scheme has been amended to provide for the mutual recognition of the scheme in Victoria, New South Wales, Queensland, South Australia, Western Australia, the Northern Territory and the ACT.

The Professional Standards Council of Victoria 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 until 30 June 2015 unless the scheme is revoked or extended, or its operation ceases. The Scheme commences two months after the instrument is notified.