

Australian Capital Territory

Civil Law (Wrongs) Western Australian Bar Association Scheme 2014 (No 1)

Disallowable instrument DI2014–189

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 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 Western Australian Bar Association Scheme has been approved by the Western Australian Professional Standards Council. The Western Australian Professional Standards Council submitted the Scheme to the ACT Minister in accordance with the requirements under the Western Australian *Professional Standards Act 1997* and the requirements under the ACT Act.

Members of the Western Australian Bar work in multiple jurisdictions, particularly those members who are part of law practices with offices in other states.

The Scheme is to apply in Western Australia, New South Wales, Victoria, Queensland, South Australia, the Northern Territory and the 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 2019 unless the scheme is revoked or extended, or its operation ceases. The Scheme commences 1 July 2014.