

Australian Capital Territory

Civil Law (Wrongs) Law Institute of Victoria Limited Professional Standards Scheme 2022 (No 1)

Disallowable instrument DI2022–108

made under the

Civil Law (Wrongs) Act 2002, sch 4, s 4.10 (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.

This instrument gives notice of the ACT Professional Standards Council's endorsement of the *Law Institute of Victoria Limited Professional Standards Scheme* (the Scheme).

The Scheme is intended to operate in New South Wales, the ACT, Northern Territory, Queensland, South Australia, Victoria, Western Australia and Tasmania. The Victorian Professional Standards Council submitted the Scheme to the ACT Minister in accordance with the requirements under the *Professional Standards Act 1994* (NSW) and the requirements under the ACT Act.

The Scheme commences on 1 July 2022 and will remain in force for five years (to 30 June 2027) unless the scheme is revoked, extended, or its operation ceases. It replaces an existing scheme (DI2016-16), which is due to expire on 30 June 2022.

The monetary cap of the Scheme ranges from a minimum of \$1,500,000 to \$10,000,000, based on the number of principals in the scheme participant's law practice or incorporated legal practice, and its annual turnover. The Scheme provides a

discretionary authority for the association to approve a higher limit of liability on application by a Scheme Participant.

The ACT Minister has given notice of the Council's approval of the Scheme and this instrument evidences the approval.