

Professional Standards (Victorian Bar Professional Standards Scheme) Notice 2014

Explanatory Notes for SL 2014 No. 52

made under the

Professional Standards Act 2004

General outline

Short title

Professional Standards (Victorian Bar Professional Standards Scheme) Notice 2014.

Authorising law

Section 14(1) of the *Professional Standards Act 2004* (the Act) provides for the Minister to give notice of the approval of an 'interstate scheme' under the Act by the appropriate Professional Standards Council for the jurisdiction in which the interstate scheme was prepared.

Policy objectives and the reasons for them

All Australian States and Territories have similar professional standards legislation, which is designed to reduce the cost of, and facilitate the obtaining of professional indemnity insurance for members of an occupational association that has an approved scheme. Each jurisdiction's legislation provides for a Professional Standards Council to approve and monitor schemes. A consequence of a scheme being approved is that occupational liability is restricted to the amount of the monetary ceiling for the scheme.

If an interstate scheme operates, or indicates an intention to operate, as a scheme of Queensland, under section 14 of the Act the Minister must give notice of the appropriate council's approval of the interstate scheme and the notice is subordinate legislation.

The primary objective of this subordinate legislation is to give notice of the approval by the Victorian Professional Standards Council of the Victorian Bar Professional Standards Scheme (the interstate scheme).

The interstate scheme is designed to limit the occupational liability of members of the Victorian Bar Association who hold a current practising certificate, are admitted to membership of the scheme by resolution of the Victorian Bar Council and whose names remain on the scheme register maintained by the Victorian Bar Council.

Achievement of policy objectives

The policy objectives are achieved by giving notice of the approval of the interstate scheme by the Victorian Professional Standards Council.

The current Victorian Bar Scheme will expire on 30 June 2014. The notice will repeal the *Professional Standards (Victorian Bar Professional Standards Scheme) Notice 2010* on 1 July 2014.

Consistency with policy objectives of authorising law

The notice is consistent with the main objects of the Act.

Inconsistency with policy objectives of other legislation

The notice is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy

There is no alternative way of achieving the policy.

Benefits and costs of implementation

There are no costs associated with the implementation of this notice.

Consistency with fundamental legislative principles

The notice is consistent with fundamental legislative principles.

Consultation

Notice of the interstate scheme was published in *The Australian*, *The Courier-Mail*, *The Sydney Morning Herald*, *The Daily Telegraph*, *The Age*, *The Advertiser*, *The NT News*, *The Canberra Times* and *The West Australian* on 18 October 2013.

The Office of Best Practice Regulation was consulted in relation to the proposed notice and confirmed that a Regulatory Impact Statement is not required.