

Professional Standards Scheme now recognised in Tasmania

The Association's current professional standards scheme which generally limits liability for damages to \$1.5 million will now be recognised in Tasmania on and from 13 February 2018. This development means that the scheme is now recognized in every Australian jurisdiction.

Please note that except for NSW and WA where the particular exclusion was repealed, the scheme does not limit liability for damages in cases involving a lawyer acting for a client in a personal injury claim in all other Australian jurisdictions.

Please consult the relevant legislation in each state/territory to satisfy yourself of the exact cover to which you are entitled.

Persons covered by the scheme

In order to be covered by the scheme a barrister must:

1. be a member of the New South Wales Bar Association; AND
2. hold a NSW barristers practising certificate; AND
3. have approved professional indemnity insurance.

Reminder of members' obligations - Mandatory disclosure statement

Liability limited by a scheme approved under Professional Standards Legislation

All members covered by the scheme are reminded of their obligation to display the mandatory disclosure statement on **all** documentation sent to existing and prospective clients – including instructing solicitors. This ensures that the scheme can be relied upon to protect against unlimited liability. A person covered by a scheme who does not use the disclosure statement as required is guilty of an offence (refer s33(2) of the *Professional Standards Act 1994*).

Clause 9 of the *Professional Standards Regulation 2014* sets out the prescribed disclosure statement to be used, i.e. 'Liability limited by a scheme approved under Professional Standards Legislation'. The statement must be printed on a size not less than the face measurement of Times New Roman typeface in 8 point.

The Professional Standards Council published a guide on responsibilities of members to use the disclosure statement which can be viewed at:

(<https://www.psc.gov.au/sites/default/files/Disclosure%20factsheet.pdf>)

Please check to ensure you are using the correct disclosure statement on all documents as required.

Should you have any queries regarding the Scheme, please contact the Bar Association's Scheme Administrator and Senior Projects Lawyer, Ms Kim Kemp on ph 9232 4055, fax 9221 1149 or e-mail kkemp@nswbar.asn.au.