



# *Government Gazette*

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## **Professional Standards Act 1994**

Notification pursuant to section 13

Pursuant to section 13 of the *Professional Standards Act 1994*, I authorise the publication of *The Australian Property Institute Valuers Limited Professional Standards Scheme*. This scheme will commence on 1 September 2021.

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

*Professional Standards Act 2003 (Vic)*

**THE AUSTRALIAN PROPERTY INSTITUTE VALUERS  
LIMITED PROFESSIONAL STANDARDS SCHEME**

**PREAMBLE**

- A. The Australian Property Institute Valuers Limited (APIV) is an occupational association.
- B. The APIV has made an application to the Professional Standards Council (PSC), established by the Professional Standards Act 2003 (Vic) (the Act), for approval of a scheme under the Act.
- C. The Scheme is prepared by the APIV for the purposes of limiting Occupational Liability to the extent to which such liability may be limited under the Act.
- D. The APIV has furnished the PSC with a detailed list of the risk management strategies, currently in place and intended to be implemented, in respect of its Members and the means by which those strategies are intended to be implemented.
- E. The APIV has furnished the PSC with APIV Insurance Standards with which Participating Members must comply for purposes of this Scheme.
- F. F. The Scheme is intended to remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended pursuant to Section 34 of the Act.
- G. The Scheme is intended to operate in Victoria. This Scheme is also intended to operate in the Australian Capital Territory, New South Wales, the Northern Territory of Australia, Queensland, South Australia, Tasmania and Western Australia by way of mutual recognition under the Professional Standards Legislation.
- H. Section 12GNA(2) of *Australian Securities and Investments Commission Act 2001* (Cth); section 137(2) of *Competition and Consumer Act 2010* (Cth); and section 1044B(2) of *Corporations Act 2001* (Cth) provide for limited liability where a professional standards scheme is prescribed in the relevant regulation. The Scheme does not apply to limit any liability under a Commonwealth law unless it has been prescribed by the Commonwealth.

## **THE AUSTRALIAN PROPERTY INSTITUTE VALUERS LIMITED PROFESSIONAL STANDARDS SCHEME**

### **1. Occupational association**

- 1.1. The Scheme is a scheme under the Act prepared by the APIV whose registered address is:

Level 3, 60-62 York Street

Sydney NSW 2000

- 1.2. The Scheme is intended to operate in Victoria, the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania and Western Australia.
- 1.3. The Scheme is intended to limit Occupational Liability by insurance arrangements pursuant to Section 23 of the Act. The relevant insurance arrangements are the APIV Insurance Standards.

### **2. Persons to Whom the Scheme Applies<sup>i</sup>**

- 2.1. The Scheme applies to:
- 2.1.1 all Members who are natural persons and who hold the API certification of Certified Practising Valuer, Certified Practising Valuer (Plant & Machinery) or Residential Property Valuer; and
- 2.1.2 all Corporate Members.
- 2.2. This Scheme also applies to all persons who were Participating Members at the time of any act or omission giving rise to Occupational Liability.<sup>ii</sup>
- 2.3. The APIV may, on application by a person referred to in clause 2.1, exempt that person from the Scheme from the date on which the exemption is granted or a later date specified in the exemption. This clause does not apply to a person to whom the Scheme applies by operation of Sections 20, 21 or 22 of the Act.
- 2.4 All Participating Members are required to hold or have the benefit of a Professional Indemnity Insurance Policy against Occupational Liability that complies with the APIV Insurance Standards and the insurance requirements set out in Clause 3.2, unless exempted by the APIV.

### **3. Limitation of Liability**

- 3.1. This Scheme only affects the liability for Damages arising from a single cause of action to the extent to which the liability results in Damages exceeding \$1,000,000.

32. If a person, who or which was, at the time of the act or omission giving rise to Occupational Liability, a Participating Member and against whom a proceeding relating to Occupational Liability is brought, is able to satisfy the court that:
- 3.2.1 the person has the benefit of an insurance policy insuring such person against the Occupational Liability to which the cause of action relates, and
- 3.2.2 under which the amount payable in respect of that Occupational Liability is not less than the Monetary Ceiling relating to the class of person and the kind of Occupational Services to which the cause of action relates, that person is not liable in Damages in relation to that cause of action above the Monetary Ceiling specified in this Scheme.
33. For the purposes of the Scheme, an insurance policy must be a policy of a kind which complies with the APIV Insurance Standards.
34. The Monetary Ceiling (maximum amount of liability) for the purpose of limitation of liability under this Scheme is to be determined according to the following table:

| Category   | Assessed Value ("AV")        | Monetary Ceiling          |
|--|------------------------------|---------------------------|
| <b>Category 1 Services</b><br>Real Property Valuation Services | \$0 to \$3,500,000           | \$1,000,000 (fixed)       |
|  | \$3,500,001 to \$7,500,000   | AV x 33%                  |
|  | \$7,500,001 to \$100,000,000 | \$2,000,000 + (AV x 7.5%) |
|  | \$100,000,001 or greater     | \$10,000,000 (fixed)      |
| Category   | Category Description         | Monetary Ceiling          |
| <b>Category 2 Services</b>                                     | Low Risk Valuation Services  | \$1,000,000 (fixed)       |
| <b>Category 3 Services</b>                                     | Plant & Machinery Valuations | \$1,000,000 (fixed)       |
| <b>Category 4 Services</b>                                     | Other Occupational Services  | \$1,000,000 (fixed)       |

35. For the avoidance of doubt, the applicable limitation of liability in respect of a Claim is the Monetary Ceiling as in force at the time at which the act or omission giving rise to the cause of action concerned occurred.
36. Where a person, who at the time of the acts or omissions referred to in clauses 3.6.1 and 3.6.2 was a Participating Member, incurs an Occupational Liability as a result of:
- 3.6.1 an act or omission by that person in the performance of Category 1 Services; and
- 3.6.2 an act or omission by that person in the performance of:

- (a) Category 2 Services;
- (b) Category 3 Services;
- (c) Category 4 Services; or
- (d) any combination of Category 2 Services, Category 3 Services and/or Category 4 Services;

such person's Occupational Liability under this Scheme for Damages in excess of the amount specified in clause 3.1 will be determined in accordance with those provisions of the Scheme relating to Category 1 Services only, as set out in the table at clause 3.3.

3.7. Clause 3.2 only affects liability for Damages arising from a single cause of action to the extent to which the liability in Damages exceeds such amount as is specified in Clause 3.1.

3.8. This Scheme limits the Occupational Liability in respect of a cause of action founded on an act or omission occurring during the period when the Scheme was in force of any person to whom the Scheme applied at the time the act or omission occurred.

3.9. Where a person who at the time of the acts or omissions referred to in this clause was a Participating Member, in respect of a single cause of action, incurs an Occupational Liability as a result of:

3.9.1 an act or omission in the performance of a Category 1 Service; and

3.9.2 an act or omission in the performance of one or more other Category 1 Service;

the Monetary Ceiling shall be calculated by reference to the highest Assessed Value.

3.10. Where, in respect of a Government Valuation, a person who was a Participating Member:

3.10.1 expressly extends reliance in respect of such Government Valuation to a Non-Government Entity; and

3.10.2 incurs a liability to such Non-Government Entity as a result of an act or omission by that Participating Member in the performance of the Government Valuation;

the relevant Occupational Service, for the purpose of calculating the applicable Monetary Ceiling in respect of such liability to the Non-Government Entity in accordance with clause 3.4 (only), will be deemed to be a Category 1 Service.

#### 4. Conferral of discretionary authority

- 4.1. Pursuant to section 26 of the Act, this Scheme confers on the APIV a discretionary authority to specify, on application by a Participating Member, a higher monetary ceiling (maximum amount of liability) not exceeding \$20 million, in relation to the Participating Member either in all cases or in any specified case or class of case.

#### 5. Definitions

- 5.1. Relevant definitions for the purposes of the Scheme are as follows:

**“Act”** means the *Professional Standards Act 2003 (Vic)*.

**“API”** means the Australian Property Institute Ltd ACN 608 309 128.

**“APIV”** means the Australian Property Institute Valuers Limited ACN 143 638 975.

**“APIV Insurance Standards”** means the insurance standards approved by the APIV and presented to, and considered by, the Professional Standards Councils in connection with the Councils’ approval of the Scheme (subject to any amendment to such Insurance Standards as are subsequently approved by the APIV and presented to the Councils and approved or endorsed by the Councils in writing).

**“Assessed Value”** means an express statement of professional opinion by a person who is or was a Participating Member as to the value of any right, interest or benefit related to the ownership, occupation or use of real property or plant, machinery or equipment. Where a valuation states a range of values, rather than a single value, the Assessed Value shall be deemed to be the mid-point value in such range.

**“Category 1 Services”** means the Valuation of Real Property in Australia excluding any Low Risk Valuation Services.

**“Category 2 Services”** means the provision of Low Risk Valuation Services in Australia.

**“Category 3 Services”** means the provision of Plant & Machinery Valuation Services in Australia.

**“Category 4 Services”** means the provision of Other Occupational Services in Australia.

**“Corporate Member”** means a corporation which has been admitted as a Member pursuant to the eligibility criteria prescribed by the APIV Constitution.

**“Damages”** has the meaning given in Section 4 of the Act.

**“Expert Determination”** means any Valuation of Real Property undertaken for the purpose of making a determination acting as an expert pursuant to an agreement or deed where all relevant parties have agreed to indemnify, release or hold the valuer harmless in respect of any liability in connection with the valuation. An Expert Determination can be binding or non-binding.

**“Expert Evidence Valuation”** means any Valuation of Real Property undertaken for the purpose of providing expert evidence in relation to a proceeding before a court or tribunal where the expert’s primary duty is to the court or tribunal (excluding a Valuation of Real Property undertaken for Resumption purposes).

**“Financial Reporting Valuation”** means any Valuation of Real Property undertaken for the purpose of the preparation and issue of financial reports by any entity in the general course of the entity’s operations. It excludes special purpose financial reports prepared in respect of a specific transaction including any sale, merger, takeover or fundraising.

**“Government Valuation”** means any valuation prepared on instructions from any:

- (a) Government in Australia (including Federal, State or Territory and Local government);
- (b) Government department; or
- (c) Government agency; or
- (d) Government statutory or non-statutory body or authority.

**“Insurance Valuation”** means any assessment of the cost of replacement of destructible improvements to real property undertaken for the purpose of advising on the insurable value of such property in connection with the entry into, or proposed entry into, a contract of insurance.

**“Low Risk Valuation Services”** means any:

- (a) Valuation of Real Property undertaken in the capacity as an arbitrator;
- (b) Valuation of Real Property undertaken for the purpose of asset means testing;
- (c) Expert Determination;
- (d) Expert Evidence Valuation;
- (e) Financial Reporting Valuation;
- (f) Government Valuation;
- (g) Insurance Valuation;



- (h) assessment of any unit entitlement in respect of any subdivision, strata title, company title (or similar) property;
- (i) Valuation of Real Property undertaken for the purpose of determining a rate, tax, duty or levy that applies in respect of the property including but not limited to any council rates, Good & Services Tax or stamp duty; or
- (j) Valuation of Real Property undertaken for Resumption purposes.

**“Member”** means a member of the APIV.

**“Monetary Ceiling”** means the applicable monetary ceiling specified in clause 3.3 of the Scheme.

**“Non-Government Entity”** means a person or entity which is not a government entity of the type identified in the definition of Government Valuation at clause 5.1 (including, for the avoidance of doubt, any joint venture or partnership between one or more Government Entity(s) with one or more Non-Government Entity(s)).

**“Occupation”** means the occupational vocation carried out by Participating Members by application of the qualifications, training, skills, practices, disciplines, specialisations, standards, guidelines and experience of Certified Practising Valuers, Certified Practising Valuers (Plant & Machinery) and/or Residential Property Valuers.

**“Occupational Liability”** has the meaning given in Section 4 of the Act.

**“Occupational Services”** means any Category 1 Services, the Category 2 Services, the Category 3 Services and the Category 4 Services provided by a Participating Member in the performance of the Occupation.

**“Other Occupational Services”** means any Occupational Services provided by a Participating Member in the performance of the Occupation other than any:

- (a) Category 1 Services;
- (b) Category 2 Services;
- (c) Category 3 Services.

**“Participating Member”** means a Member to whom the Scheme applies pursuant to clause 2.1 and who has not been granted an exemption pursuant to clause 2.3.

**“Plant & Machinery Valuation Services”** means any valuation of any right, interest or benefit related to the ownership, possession or use of plant, machinery or equipment expressed as an Assessed Value.

**“Professional Indemnity Insurance Policy”** means a policy of insurance that

provides cover for the Participating Member in compliance with the APIV Insurance Standards.

**“Professional Standards Legislation”** means:

- (a) the Act;
- (b) *Professional Standards Act 1994* (NSW);
- (c) *Professional Standards Act 2004* (Qld);
- (d) *Professional Standards Act 2004* (SA);
- (e) *Professional Standards Act 2005* (Tas);
- (f) *Professional Standards Act 1997* (WA);
- (g) *Professional Standards Act 2004* (NT); and
- (h) *Civil Law (Wrongs) Act 2002* (ACT).

**“Real Property Valuation Services”** means the Valuation of Real Property but excluding any Low Risk Valuation Services.

**“Resumption”** means compulsory acquisition of land (including compulsory acquisition or appropriation of Crown land) under the provision of any Act of the Commonwealth or of a State or Territory authorising compulsory acquisition or appropriation of land.

**“Scheme”** means The Australian Property Institute Valuers Limited Professional Standards Scheme set out in this document.

**“Valuation of Real Property”** means any valuation of any right, interest or benefit related to the ownership, occupation or use of real property including land and all things that are a natural part of the land as well as any improvements to the land (but excluding plant, machinery and equipment) expressed as an Assessed Value.

## 6. Duration and commencement

6.1 The Scheme is intended to commence on the following day:

6.1.1 in Victoria, New South Wales, the Northern Territory, Queensland, Tasmania and Western Australia on 1 September 2021;

6.1.2 in the Australian Capital Territory and South Australia:

- (a) on the date provided in the relevant Minister’s notice in relation to the amendments, if a date is provided; or
- (b) on the first day two months after the day on which notice was given, in any other case.

- 6.2 This Scheme will be in force in Victoria for five (5) years from the date of commencement in that jurisdiction, unless:
- 6.2.1 it is revoked or ceases in accordance with the Act; or
  - 6.2.2 it is extended in accordance with the Act.
- 6.3 For any other jurisdiction, the Scheme will be in force for:
- 6.3.1 five (5) years from the date of commencement in that jurisdiction; or
  - 6.3.2 five (5) years from the date of commencement in Victoria;
- whichever period ends first
- 6.4 The Scheme will cease to operate in a jurisdiction referred to in clause 6.3 if it is revoked or ceases in accordance with the Professional Standards Legislation of that jurisdiction.

## 7. Other schemes

- 7.1 Notwithstanding anything to the contrary contained in this Scheme, if in particular circumstances giving rise to Occupational Liability, the liability of any person who is subject to this Scheme should be capped by both this Scheme and also by any other scheme under Professional Standards Legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

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<sup>i</sup> Sections 20 and 21 of the Act provide that if the scheme applies to a body corporate, the scheme also applies to each officer of the body corporate and if the scheme applies to a person, the scheme also applies to each partner of the person, and if the scheme applies to a person the scheme also applies to each employee of the person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. Section 22 provides that the scheme may also apply to other persons as specified in that section.

<sup>ii</sup> For the purposes of the operation of the Scheme in Victoria, "Occupational Liability" has the same meaning as it has in the Act and excludes any liability which may not from time to time be limited pursuant to the Act. Similarly, for the purposes of the operation of the Scheme in other jurisdictions in which it applies, "Occupational Liability" has the same meaning as it has in the corresponding legislation of those jurisdictions and excludes any liability which may not from time to time be limited pursuant to that legislation.

Occupational liability is defined in s4(1) of the Act to mean 'civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted to be done by a member of an occupational association acting in the performance of his or her occupation'. However, s5(1) of the Act provides that the Act does not apply to liability for damages arising from the death of or personal injury to a person, a breach of trust or fraud or dishonesty. [Note: All jurisdictions other than NSW and WA exclude a lawyer acting in a personal injury matter.] Section 5(2) of the Act also provides that the Act does not apply to liability which may be the subject of proceedings under Section 110 of the *Transfer of Land Act* (Vic).

**Professional Standards Act 1994**

Notification pursuant to section 13

Pursuant to section 13 of the *Professional Standards Act 1994*, I authorise the publication of *The Australian Institute of Building Surveyors Professional Standards Scheme*. This scheme will commence on 1 July 2021.

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

# **Professional Standards Act 1994 (NSW)**

## **The Australian Institute of Building Surveyors Professional Standards Scheme**

### **PREAMBLE**

A. The Australian Institute of Building Surveyors Limited (AIBS) is an occupational association.

B. The AIBS has made an application to the Professional Standards Council, appointed under the Professional Standards Act 1994 (NSW) (the Act), for approval of a scheme under the Act. This document constitutes the scheme (the Scheme)

C. The Scheme is prepared by the AIBS for the purposes of improving the quality of expertise within the profession and limiting Occupational Liability to the extent to which such liability may be limited under the Act.

D. The Scheme is to apply to all Practising Members of the AIBS.

E. The AIBS has furnished the Councils with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.

F. The Scheme is intended to commence on 01 July 2021 and remain in force for five (5) years from its commencement subject to s32 of the Act.

G. The Scheme is intended to apply in New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, Australian Capital Territory, and The Northern Territory and to be prescribed for the purposes of applicable Commonwealth legislation to limit liability for misleading and deceptive conduct in accordance with that legislation..

### **THE AUSTRALIAN INSTITUTE OF BUILDING SURVEYORS PROFESSIONAL STANDARDS SCHEME**

#### **1. Occupational association**

1.1 The Scheme is a scheme under the Act prepared by the AIBS whose business address is: Level 5, 828 Pacific Highway, Gordon, NSW, 2072.

#### **2. Persons to Whom the Scheme Applies**

2.1 The Scheme applies to:

2.1.1 all Practising Members (including a Body Corporate Member) as defined in the AIBS Membership Policy.

2.1.2 all persons to whom clause 2.1.1 applied at the time of any act or omission giving rise to a cause of action.

2.2 Upon application by a person referred to in clause 2.1, AIBS may exempt the person from the Scheme from the date on which the exemption is granted or a later date specified in the exemption. This clause does not apply to a person to whom the Scheme applies by operation of section 18, 19 or 20 of the Act.

#### **3. Limitation of liability**

3.1 The Scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding the limits specified in the table in clause 3.4 below.

3.2 If a person to whom the Scheme applies and against whom a proceeding relating to Occupational Liability is brought is able to satisfy the court that:

3.2.1 the person has the benefit of an insurance policy insuring such person against that Occupational Liability, and

3.2.2 the amount payable in respect of that Occupational Liability is not less than the monetary ceiling specified in clause 3.4 below,

the person is not liable in damages in relation to that cause of action above the monetary ceiling.

3.3 For the purposes of the Scheme, an insurance policy must be a policy of a kind which complies with the AIBS Insurance Standards.

3.4 The monetary ceiling is as set out in the following table:

| Building Levels | Category   | Liability limit |
|-----------------|--|-----------------|
| Level 1         | Unlimited (all buildings)                        | \$2 million     |
| Level 2         | Limited (less than 2000M2 and 3 storeys or less) | \$1 million     |

3.5 The Scheme limits the Occupational Liability in respect of a cause of action founded on an act or omission occurring during the period when the Scheme was in force of any person to whom the Scheme applied at the time the act or omission occurred.

3.6 Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this Scheme is capped both by this Scheme and also by any other Scheme under professional standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

#### **4. Conferral of discretionary authority**

The Scheme confers on AIBS a discretionary authority to specify, on application by a person to whom the Scheme applies, in relation to that person, a higher monetary ceiling (maximum amount of liability) not exceeding \$10 million, in all cases or in any specified case or class of case.

#### **5. Commencement**

The Scheme is intended to commence on the following day:

(a) in New South Wales, the Northern Territory, Queensland, Tasmania, Victoria and Western Australia on 1 July 2021;

(b) in South Australia and the Australian Capital Territory:

(i) on the date provided for in the Minister's notice, if a date is provided; or

(ii) on the first day two months after the day on which notice was given, in any other case.

#### **6. Duration**

6.1 The Scheme will be in force for a period of 5 years from the date of commencement unless it is revoked or otherwise ends, or it is extended, in accordance with the Act.

6.2 The Scheme will cease to operate in any jurisdiction other than New South Wales if it is revoked or otherwise ends in accordance with the corresponding law (as defined in the Act) of that jurisdiction.

## 7. Definitions

“Accredited Members” means a person who has been issued a certificate of accreditation under the National Accreditation Scheme.

“Act” means the Professional Standards Act 1994 (NSW).

“AIBS” means The Australian Institute of Building Surveyors Limited.

“AIBS Insurance Standards” means the insurance standards approved by AIBS from time to time.

“AIBS Membership Policy” means the membership policy effective as at 1 January 2021 (Doc Ref: P006, Version 003/01-Jan-21).

“Body Corporate Member” means a body corporate or other entity which is accredited by AIBS as an Accredited Member.

“Level 1” means building surveying functions for all other classes of buildings (as defined by the Building Code of Australia).

“Level 2” means building surveying functions for Class 1 and Class 10 buildings not exceeding a rise in storeys of 3 (as defined by the Building Code of Australia) unless legislated otherwise.

“National Accreditation Scheme” means the scheme administered by AIBS under which AIBS accredits building surveying professionals to practice.

“Occupational Liability” has the same meaning as in the Act.

“Practising Member” means a Practising Member (including a Body Corporate Member) as defined in the AIBS Membership Policy.

## **Professional Standards Act 1994**

Notification pursuant to section 13

Pursuant to section 13 of the Professional Standards Act 1994, I authorise the publication of *The Strata Community Association (NSW) Limited Professional Standards Scheme*. This scheme will commence on 1 July 2021.

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation



# THE STRATA COMMUNITY ASSOCIATION (NSW) LIMITED PROFESSIONAL STANDARDS SCHEME

*Professional Standards Act 1994 (NSW)*

## PREAMBLE

- A. The Strata Community Association (NSW) Limited (“**SCA NSW**”) is an occupational association.
- B. SCA NSW has made an application to the Professional Standards Council, constituted by the *Professional Standards Act 1994 (NSW)* (“**the Act**”) for a scheme under the Act.
- C. The Scheme is prepared by SCA NSW for the purpose of limiting the Occupational Liability of members of the Scheme to the extent to which such liability may be limited under the Act.
- D. The Scheme is intended to operate under the Act. The objects of the Act include facilitating the improvement of occupational standards of professionals and protecting the consumers of the services provided by professionals.
- E. The Scheme does not affect damages which are below the monetary ceiling specified in the Scheme for each Participating Member. The Scheme limits liability for damages to the monetary ceiling specified for that member provided that that Participating Member has insurance as required under section 21 of the Act.
- F. The Scheme propounded by SCA NSW is to apply to all Participating Members referred to in clause 2 of the Scheme.
- G. SCA NSW has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- H. The Scheme is intended to remain in force for a period of five (5) years from its commencement unless it is revoked, extended or ceases in accordance with section 32 of the Act.

# THE STRATA COMMUNITY ASSOCIATION (NSW) LIMITED PROFESSIONAL STANDARDS SCHEME

## 1. Occupational Association

- 1.1. The SCA NSW Professional Standards Scheme (the "**Scheme**") is a scheme under the Act prepared by SCA NSW, whose business address is Suite 102, Level 1, 845 Pacific Highway, Chatswood NSW 2067
- 1.2. Clause 8 provides definitions for certain terms used throughout the Scheme.

## 2. Persons to Whom the Scheme Applies

- 2.1. This Scheme applies to:
  - a) All Professional Strata Manager Members of SCA NSW that have met and at the relevant time were current holders of one or more of the Member Certifications:
    - i. Licensee in Charge Professional Strata Manager (LPSM)
    - ii. Professional Strata Manager (Licensed) (PSM)
    - iii. Associate Professional Strata Manager (APSM)
    - iv. Professional Strata Practice Principal (PSMP)
  - b) All Professional Strata Practice Members of SCA NSW
  - c) All persons to whom the Scheme applies by virtue of the Act, including sections 18, 19, 20 or 20A of the Act (collectively "Participating Members" and each a "Participating Member").
- 2.2. No Participating Member to whom the Scheme applies may choose not to be subject to the Scheme, provided that SCA NSW may, on application by a Participating Member, exempt the Participating Member from the Scheme if SCA NSW is satisfied that he or she would suffer financial hardship in obtaining professional indemnity insurance to the levels set out in clause 3 below.
- 2.3. All Participating Members referred to in clause 2.1 of the Scheme are subject to disciplinary measures under the Constitution and By-Laws of SCA NSW, and are also subject to the professional indemnity requirements set out in the Professional Standards Handbook of the SCA NSW, and are also subject to the professional indemnity insurance requirements under the *Property and Stock Agents Act 2002* (NSW).

### **3. Limitation of Liability**

- 3.1. This Scheme limits the Occupational Liability of a Participating Member for damages;<sup>1</sup> arising from a single cause of action to the extent to which the Liability results in damages exceeding \$750,000.
- 3.2. If a Participating Member against whom a proceeding relating to Occupational Liability is brought is able to satisfy the Court that –
- 3.2.1. the Participating Member has the benefit of an insurance policy or policies insuring him or her against the Occupational Liability to which the cause of action relates; and
- 3.2.2. the amount payable under the policy or policies in respect of that Occupational Liability is not less than the amount of the monetary ceiling (maximum amount of liability) specified in clause 3.3 as applying to such Participating Member to which the cause of action relates –
- the Participating Member is not liable for damages in relation to that cause of action above the amount of the monetary ceiling specified in clause 3.3.
- 3.3. The monetary ceiling (maximum amount of liability) required for the purposes of the limitation of liability under the Scheme is \$750,000.
- 3.4. Nothing in this Scheme is intended to increase, or has the effect of increasing a Participating Member's liability for damages to a person beyond the amount that, other than for the existence of this Scheme, the Participating Member would be liable in law.
- 3.5. In accordance with section 28 of the Act, this Scheme limits the Occupational Liability, in respect of a cause of action founded on an act or omission occurring during the period when the Scheme was in force, of a person to whom the Scheme applied at the time when the act or omission occurred.
- 3.6. Notwithstanding anything to the contrary contained in this Scheme, if in particular circumstances giving rise to Occupational Liability, the liability of any Participating Member should be capped both by this Scheme and also by any other scheme under Professional Standards legislation (whether of this jurisdiction or under the law of any

<sup>1</sup> Damages as defined in section 4 of the Act means:

- (a) damages awarded in respect of a claim or counter-claim or by way of set-off; and
- (b) costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by a defendant); and
- (c) any interest payable on the amount of those damages or costs.

other Australian State or Territory) and, if the amount of such caps should differ, then the cap which is higher shall be the applicable cap.

#### **4. Insurance**

- 4.1. Participating Members are required to maintain current professional indemnity insurance with an approved insurer, as required of Strata Managers under the *Property and Stock Agents Act 2002* (NSW) (“the Application Act”).

#### **5. Conferral of discretionary authority**

- 5.1. The SCA NSW has discretionary authority, on application by a Participating Member, to specify in relation to the Participating Member, a higher maximum amount of liability than would otherwise apply under the Scheme in relation to him or her either in all cases or in any specified case or class of case.
- 5.2. The SCA NSW must not exercise its power in clause 5.1 unless the Participating Member has satisfied the SCA NSW that the Participating Member is able to access professional indemnity insurance coverage that is commensurate with the higher maximum amount of liability.

#### **6. Jurisdiction**

- 6.1. This Scheme applies in New South Wales in accordance with the Act.

#### **7. Commencement date and duration**

- 7.1. This Scheme will commence on 1 July 2021 (“the commencement date”) in New South Wales.
- 7.2. This Scheme will be in force for five (5) years from its commencement in New South Wales.
- 7.3. Clause 7.2 is subject to the provisions of the Act applicable to the revocation, extension or cessation of Schemes.

#### **8. Definitions**

- 8.1. In this Scheme, the following words and phrases have the following meanings:

“**By-Laws**” means the By-Laws of SCA NSW as amended from time to time.

**“Member Certification”** means a certification demonstrating that the member has met the professional status criteria determined by the Board of the SCA NSW.

**“Financial Year”** means a financial accounting period commencing on 1 July and ending 30 June;

**“Insurance Policy”** means an insurance policy that complies with the *Property and Stock Agents Act 2002* (NSW).

**“Occupational Liability”** has the same meaning as is ascribed to that term in the Act.<sup>2</sup>

**“Participating Member”** has the meaning set out in clause 2.1.

**“Relevant Time”** means, in respect of a liability potentially limited by the Scheme, the period from the time(s) of the act(s) or omission(s) giving rise to the liability until the date that is seven years after the last such act or omission took place.

**“Strata Management Practice”** means the activities of a member including those who provide Strata Management Services Licensed by NSW Fair Trading.

<sup>2</sup> Occupational liability is defined in section 4 of the Act to mean "civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of an occupational association acting in the performance of his or her occupation".



Fair  
Trading

## **CO-OPERATIVES NATIONAL LAW (NSW)**

Section 601AA(4) of the Corporations Act 2001 as applied by  
section 453 of the Co-operatives National Law (NSW)

### **NOTICE OF PROPOSED DEREGISTRATION - Voluntary**

#### **CO-OPERATIVE DETAILS**

Co-operative: EcoMerino Co-op Limited  
Co-operative Number: NSWC32679

#### **NOTICE**

The Registrar has received an application to deregister the Co-operative under section 601AA of the *Corporations Act 2001* as applied by section 453 of the *Co-Operatives National Law (NSW)*.

The Registrar may deregister the Co-operative when two months have passed since publication of this Notice in the NSW Government Gazette

Dated this 18th day of May 2021 at Bathurst.

Robyne Lunney  
Manager, Regulatory Services, Registry & Accreditation  
DELEGATE OF THE REGISTRAR OF CO-OPERATIVES

**Office of the Minister for Police  
SYDNEY, NSW**

**18 May 2021**

**MURDER**

**ONE MILLION DOLLAR (\$1,000,000) REWARD**

**On the 5 November 1994, Ms Revelle Sabine Balmain, aged 22 years, went missing from the Kingsford area and has not been seen since. A coronial inquest held in 1998 determined that Ms Balmain had been murdered by person/s unknown.**

**Notice is hereby given that a reward of up to one million dollars (\$1,000,000) will be paid by the Government of New South Wales for information leading to the arrest and conviction of the person or persons responsible for the suspected murder of Revelle Balmain.**

**The allocation of this reward will be at the sole discretion of the Commissioner of Police.**

**The urgent assistance and co-operation of the public is especially sought in the matter. Any information, which will be treated as confidential, may be given at any time of the day or night at any Police Station or by telephone -**

**Police Headquarters telephone (02) 9281 0000  
or Crime Stoppers on 1800 333 000**

**THE HON. DAVID ELLIOTT  
Minister for Police and Emergency Services**

## Associations Incorporation Act 2009

NOTICE UNDER SECTION 509(1) OF THE CORPORATIONS ACT 2001 AS  
APPLIED BY SECTION 64 OF THE ASSOCIATIONS INCORPORATION  
ACT 2009

Notice is hereby given that the Incorporated Association mentioned below will  
be deregistered when three months have passed after 29 March 2021.

SINGLETON ARCHERY SOCIETY INCORPORATED

INC9889973

Dated this 18th day of May 2021

A handwritten signature in black ink, appearing to read 'R Lunney', written in a cursive style.

R Lunney  
Delegate of the Secretary  
& Manager, Regulatory Services, Registry &  
Accreditation





Fair  
Trading

## **CO-OPERATIVES NATIONAL LAW (NSW)**

Section 601AA(4) of the Corporations Act 2001 as applied by  
section 453 of the Co-operatives National Law (NSW)

### **NOTICE OF PROPOSED DEREGISTRATION - Voluntary**

#### **CO-OPERATIVE DETAILS**

Co-operative: Anjicare Co-operative Limited  
Co-operative Number: NSWC32670

#### **NOTICE**

The Registrar has received an application to deregister the Co-operative under section 601AA of the *Corporations Act 2001* as applied by section 453 of the *Co-Operatives National Law (NSW)*.

The Registrar may deregister the Co-operative when two months have passed since publication of this notice in the NSW Government Gazette

Dated this 18th day of May 2021 at Bathurst.

Robyne Lunney  
Manager, Regulatory Services, Registry & Accreditation  
DELEGATE OF THE REGISTRAR OF CO-OPERATIVES

## ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **AUSTRALIAN PEOPLE FOR HEALTH, EDUCATION AND DEVELOPMENT ABROAD INC Y1103419** became registered under the Corporations Act 2001 as **AUSTRALIAN PEOPLE FOR HEALTH, EDUCATION AND DEVELOPMENT ABROAD LIMITED ACN 095 293 879**, a company limited by guarantee, on 19 April 2021, and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Terri McArthur  
Delegate of the Commissioner,  
NSW Fair Trading  
20 May 2021

## **INDUSTRIAL RELATIONS ACT 1996**

### **Industrial Relations Commission of New South Wales Appointment of Commissioner**

Notice is hereby given, under section 148 of the *Industrial Relations Act 1996*, with advice of the Executive Council, her Excellency the Governor, has approved the appointment of the following person as Commissioner of the Industrial Relations Commission of New South Wales, commencing on 30 August 2021:

Christopher Andrew Muir

12 May 2021

Mark Speakman  
Attorney General

## **ASSOCIATIONS INCORPORATION ACT 2009**

Cancellation of registration pursuant to section 80

TAKE NOTICE that **THE TED NOFFS FOUNDATION INC Y1005516** became registered under the Corporations Act 2001 as **TED NOFFS FOUNDATION LIMITED ACN 607 796 350**, a company limited by guarantee, on 12 April 2021, and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Terri McArthur  
Delegate of the Commissioner,  
NSW Fair Trading  
20 May 2021

## **INDUSTRIAL RELATIONS ACT 1996**

### **Industrial Relations Commission of New South Wales Reappointment of Commissioner**

Notice is hereby given, under section 148 of the *Industrial Relations Act 1996*, with advice of the Executive Council, her Excellency the Governor, has approved the reappointment of the following person as Commissioner of the Industrial Relations Commission of New South Wales, commencing on 22 October 2021:

Daniel David O'Sullivan

12 May 2021

Don Harwin

Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs,  
and the Arts

## **INDUSTRIAL RELATIONS ACT 1996**

### **Industrial Relations Commission of New South Wales Appointment of Commissioner**

Notice is hereby given, under section 148 of the *Industrial Relations Act 1996*, with advice of the Executive Council, her Excellency the Governor, has approved the appointment of the following person as Commissioner of the Industrial Relations Commission of New South Wales, commencing on 27 July 2021 and ending on 26 July 2022 :

John Vincent Murphy

12 May 2021

Don Harwin

Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts