



Government Gazette

of the State of

New South Wales

Number 311–Other
Friday, 14 July 2023

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

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APPRENTICESHIP AND TRAINEESHIP ACT 2001 ORDER

I, Arline Dumazel, for the Commissioner for Vocational Training, in pursuance of section 5 of the *Apprenticeship and Traineeship Act 2001*, designate the Order cited below.

A. Dumazel

for the Commissioner for Vocational Training

Vocational Training Order

1. The name of the following apprenticeship vocation has been varied:

Old	New
Engineering – Electrical/Electronic Trade	Engineering – Electronic Trade

2. The following traineeship vocations are repealed:

- **Engineering – Jewellery Manufacture**
- **Engineering – Boating Services**
- **Engineering – Production Systems**

Commencement

3. This Order will take effect from the date of publication in the NSW Government Gazette.

PARLIAMENTARY REMUNERATION ACT 1989

PARLIAMENTARY REMUNERATION TRIBUNAL – ANNUAL DETERMINATION

ERRATUM

In the notice published in the NSW Government Gazette No 272, notice number n2023-1024 of 23 June 2023, contained the following errors.

Table 1, Group 1 on page 80 of the Parliamentary Remuneration Tribunal Annual Determination contained incorrect electoral name, delete St Ives and replace with Davidson.

Table 1 is amended, as set out hereunder:

Table 1: Electoral Groupings for the Legislative Assembly			
Group 1			
Auburn	East Hills	Macquarie Fields	Wakehurst
Balmain	Epping	Manly	Willoughby
Badgerys Creek	Fairfield	Maroubra	Newtown
Bankstown	Granville	Miranda	North Shore
Blacktown	Heffron	Mount Druitt	Oatley
Cabramatta	Holsworthy	Riverstone	Parramatta
Camden	Hornsby	Rockdale	Penrith
Campbelltown	Kellyville	Ryde	Pittwater
Canterbury	Kogarah	Davidson	Prospect
Castle Hill	Lane Cove	Strathfield	Wahroonga
Coogee	Leppington	Summer Hill	Winston Hills
Cronulla	Liverpool	Sydney	
Drummoyne	Londonderry	Vaucluse	
Group 2			
Blue Mountains	Heathcote	Shellharbour	Wallsend
Charlestown	Keira	Swansea	Wollondilly
Gosford	Lake Macquarie	Terrigal	Wollongong
Hawkesbury	Newcastle	The Entrance	Wyong
Group 3			
Ballina	Kiama	Port Macquarie	South Coast
Cessnock	Maitland	Port Stephens	Tweed
Coffs Harbour	Myall Lakes		
Group 4			
Albury	Clarence	Lismore	Tamworth
Bathurst	Dubbo	Orange	Wagga Wagga
Bega	Goulburn	Oxley	
Group 5	Cootamundra	Monaro	Upper Hunter
Group 6	Northern Tablelands		
Group 7	Murray	Group 8	Barwon

Table 2 on page 81 of the Parliamentary Remuneration Tribunal Annual Determination contained incorrect wording. Delete title Electoral Groupings for the Legislative Assembly and replace with Zones for Legislative Council, delete Group and replace with Zone, delete St Ives and replace with Davidson, delete duplication of Orange, Oxley and Port Macquarie in Zone 3.

Table 2 is amended as set out hereunder:

Table 2: Zones for Legislative Council			
Zone 1			
Auburn	East Hills	Macquarie Fields	Wakehurst
Balmain	Epping	Manly	Willoughby
Badgerys Creek	Fairfield	Maroubra	Newtown
Bankstown	Granville	Miranda	North Shore
Blacktown	Heffron	Mount Druitt	Oatley
Cabramatta	Holsworthy	Riverstone	Parramatta
Camden	Hornsby	Rockdale	Penrith
Campbelltown	Kellyville	Ryde	Pittwater
Canterbury	Kogarah	Davidson	Prospect
Castle Hill	Lane Cove	Strathfield	Wahroonga
Coogee	Leppington	Summer Hill	Winston Hills
Cronulla	Liverpool	Sydney	
Drummoyne	Londonderry	Vaucluse	
Zone 2			
Blue Mountains	Heathcote	Shellharbour	Wallsend
Charlestown	Keira	Swansea	Wollondilly
Gosford	Lake Macquarie	Terrigal	Wollongong
Hawkesbury	Newcastle	The Entrance	Wyong
Zone 3			
Albury	Cootamundra	Myall Lakes	Port Stephens
Ballina	Dubbo	Northern	South Coast
Barwon	Goulburn	Tablelands	
Bathurst	Lismore	Orange	Tamworth
Bega	Kiama	Oxley	Tweed
Cessnock	Maitland	Port Macquarie	Upper Hunter
Clarence	Monaro		Wagga Wagga
Coffs Harbour	Murray		

Clause 5 Additional Entitlements in the Nature of Allowances - 5.1 Summary, of the Parliamentary Remuneration Tribunal Annual Determination. Delete duplication of words at top of page 82, Base Allowance to be deleted.

Clause 5.3.3 Conditions, the following conditions apply to the Sydney Allowance, sub clause (viii) on page 89 of the Parliamentary Remuneration Tribunal Annual Determination is to be clarified. Delete the words “at the daily rate” and insert words “up to the daily maximum, upon substantiation”.

Clause 5.3.3 Conditions, subclause (viii) is amended, as set out hereunder:

- (viii) When in receipt of the annual allowance Members are required to certify halfway and at the end of the financial year the number of occasions they stayed in Sydney and that on each occasion the stay was for parliamentary business. Members who nominate to receive the annual allowance may also claim for additional overnight stays in excess of those specified in *Table 4: Sydney Allowance Daily Rates*, which will be paid, up to the daily maximum, upon substantiation.

Table 7 on page 96 of the Parliamentary Remuneration Tribunal Annual Determination contained incorrect electoral district. Delete St Ives electoral district number 74 and replace with Davidson.

Table 7 is amended as set out hereunder:

Table 7: Communications Allowance – Additional Allocation		
Electoral District	Predicated Number of Electors¹	Annual entitlement
1. Albury	59,935	\$92,300
2. Auburn	59,261	\$91,262
3. Badgerys Creek	60,090	\$92,539
4. Ballina	58,911	\$90,723
5. Balmain	58,973	\$90,818
6. Bankstown	59,270	\$91,276
7. Barwon	54,369	\$83,728
8. Bathurst	59,649	\$91,859
9. Bega	59,983	\$92,374
10. Blacktown	58,603	\$90,249
11. Blue Mountains	59,199	\$91,166
12. Cabramatta	61,310	\$94,417
13. Camden	61,586	\$94,842
14. Campbelltown	58,087	\$89,454
15. Canterbury	58,482	\$90,062

¹ The Tribunal has had regard to the predicted enrolment statistics contained in the Electoral Commissioner’s Report and the average increase in enrolled voters over the last 5 years, based on NSW Electoral Commission data.

Table 7: Communications Allowance – Additional Allocation

Electoral District	Predicated Number of Electors¹	Annual entitlement
16. Castle Hill	60,384	\$92,991
17. Cessnock	61,969	\$95,432
18. Charlestown	61,122	\$94,128
19. Clarence	57,366	\$88,344
20. Coffs Harbour	57,913	\$89,186
21. Coogee	59,734	\$91,990
22. Cootamundra	56,192	\$86,536
23. Cronulla	58,965	\$90,806
24. Drummoyne	58,979	\$90,828
25. Dubbo	58,222	\$89,662
26. East Hills	59,609	\$91,798
27. Epping	58,778	\$90,518
28. Fairfield	59,924	\$92,283
29. Gosford	58,346	\$89,853
30. Goulburn	57,664	\$88,803
31. Granville	62,300	\$95,942
32. Hawkesbury	60,880	\$93,755
33. Heathcote	58,370	\$89,890
34. Heffron	56,685	\$87,295
35. Holsworthy	57,965	\$89,266
36. Hornsby	60,387	\$92,996
37. Keira	57,573	\$88,662
38. Kellyville	58,712	\$90,416
39. Kiama	60,090	\$92,539
40. Kogarah	59,758	\$92,027
41. Lake Macquarie	58,938	\$90,765
42. Lane Cove	58,540	\$90,152
43. Leppington	60,372	\$92,973
44. Lismore	57,718	\$88,886
45. Liverpool	60,563	\$93,267
46. Londonderry	61,047	\$94,012
47. Macquarie Fields	59,428	\$91,519
48. Maitland	60,376	\$92,979
49. Manly	61,106	\$94,103
50. Maroubra	59,576	\$91,747
51. Miranda	59,723	\$91,973
52. Monaro	59,672	\$91,895
53. Mount Druitt	62,371	\$96,051
54. Murray	59,267	\$91,271
55. Myall Lakes	61,530	\$94,756
56. Newcastle	59,589	\$91,767
57. Newtown	59,913	\$92,266
58. North Shore	56,683	\$87,292
59. Northern Tablelands	58,203	\$89,633

Table 7: Communications Allowance – Additional Allocation		
Electoral District	Predicated Number of Electors¹	Annual entitlement
60. Oatley	57,503	\$88,555
61. Orange	58,111	\$89,491
62. Oxley	62,949	\$96,941
63. Parramatta	57,847	\$89,084
64. Penrith	59,675	\$91,900
65. Pittwater	56,058	\$86,329
66. Port Macquarie	61,080	\$94,063
67. Port Stephens	60,358	\$92,951
68. Prospect	58,834	\$90,604
69. Riverstone	62,675	\$96,520
70. Rockdale	56,909	\$87,640
71. Ryde	61,820	\$95,203
72. Shellharbour	60,775	\$93,594
73. South Coast	60,736	\$93,533
74. Davidson	60,009	\$92,414
75. Strathfield	58,733	\$90,449
76. Summer Hill	57,644	\$88,772
77. Swansea	61,099	\$94,092
78. Sydney	63,101	\$97,176
79. Tamworth	60,896	\$93,780
80. Terrigal	58,186	\$89,606
81. The Entrance	58,808	\$90,564
82. Tweed	57,655	\$88,789
83. Upper Hunter	62,396	\$96,090
84. Vacluse	59,418	\$91,504
85. Wagga Wagga	57,526	\$88,590
86. Wahroonga	59,223	\$91,203
87. Wakehurst	58,018	\$89,348
88. Wallsend	60,288	\$92,844
89. Willoughby	60,483	\$93,144
90. Winston Hills	61,390	\$94,541
91. Wollondilly	59,689	\$91,921
92. Wollongong	58,939	\$90,766
93. Wyong	56,921	\$87,658

The gazettal date remains 23 June 2023.

The Parliamentary Remuneration Tribunal



Hon A/Justice Schmidt AM
Parliamentary Remuneration Tribunal

The Hon Acting Justice M Schmidt

Motor Dealers and Repairers (Declaration of Declared Trade Show – Norco Primex Field Days 2024) Order 2024

under the

Motor Dealers and Repairers Regulation 2014

I, Anoulack Chanthivong, Minister for Better Regulation and Fair Trading, Minister for Industry and Trade, Minister for Innovation, Science and Technology, Minister for Building, Minister for Corrections in pursuance of clause 5A of the Motor Dealers and Repairers Regulation 2014, make the following Order.

Date: 10/07/2023

Anoulack Chanthivong MP

Minister for Better Regulation and Fair Trading
Minister for Industry and Trade
Minister for Innovation, Science and Technology,
Minister for Building
Minister for Corrections

Explanatory note

Under clause 5A of the Motor Dealers and Repairers Regulation 2014, the Minister for Better Regulation and Fair Trading, may, by order published in the Gazette, declare that a specified event, held at a place where a number of motor dealers, motor vehicle manufacturers or other industry participants display motor vehicles, is a declared trade show.

The object of this Order is to declare the Norco Primex Field Days 2024 to be held at the Richmond Valley Events Centre, Casino Drive, Casino, NSW 2470 to be a declared trade show for the period of 16 May 2024 to 18 May 2024 (inclusive). The effect of the Order is to exempt motor dealers whose ordinary place of business is outside NSW from the need to hold a NSW motor dealer's licence in order to offer or display a motor vehicle for sale at the Norco Primex Field Days 2024 trade show. To receive the benefit of the exemption, eligible persons will need to satisfy the conditions of this Order and the Regulation.

The exemption will have effect only for the duration of the trade show and applies to participation in the Norco Primex Field Days 2024 trade show only to the extent that it involves advising persons with respect to the quality, performance and characteristics of motor vehicles and making offers to, or receiving offers from, persons to enter into agreements for the sale of motor vehicles (other than second-hand motor vehicles).

1 Name of Order

This Order is the Motor Dealers and Repairers (Declaration of Declared Trade Show – Norco Primex Field Days 2024) Order 2024.

2 Commencement

This Order commences on the day on which it is published in the NSW Government Gazette.

3 Definitions

In this Order:

Eligible person has the same meaning given to it in clause 5A of the Regulation.

The **Norco Primex Field Days 2024** means the Norco Primex Field Days 2024 trade show held at Richmond Valley Events Centre, Casino Drive, Casino, NSW, 2470.

Second-hand motor vehicle has the same meaning given to it in the *Act*.

The Act means the *Motor Dealers and Repairers Act 2013*.

The Regulation means the Motor Dealers and Repairers Regulation 2014.

4 Declaration of Declared Trade Show

Norco Primex Field Days 2024 is declared to be a declared trade show for the period beginning at 12:01am on 16 May 2024 and ending at 11:59pm on 18 May 2024.

5 Conditions

An eligible person must comply with the following conditions and the Regulation in order to receive the benefit of the exemption conferred by this Order:

- a) when making offers to, or receiving offers from, persons to enter into agreements for the sale of motor vehicles (other than second-hand motor vehicles) an eligible person must advise those persons in writing:
 - i. that the sale will be effected in the jurisdiction where the eligible person's ordinary place of business is;
 - ii. that the sale will not be subject to the dealer obligations or consumer protections provided under the Act or the Regulation;
 - iii. that the sale will be subject to the relevant dealer obligations, if any, or consumer protections that apply in the jurisdiction where the eligible person's ordinary place of business is;
 - iv. consumer protection under the Australian Consumer Law extends across all state and territory boundaries;
 - v. where the pick-up location would be for the vehicle if a sale is effected; and
 - vi. where the location would be for servicing and repair work for the vehicle if a sale is effected;
 - vii. of information regarding extended warranties including matters such as the location of servicing and repair work for these warranties.

- b) display a sign at the stall or other place of business operated by the eligible person at the declared trade show that:
 - i. uses language and a format, and is in a position, that makes the sign easy to read by any person approaching the stall or place, and
 - ii. includes the registered business name, or company name, address and inter-State or Territory licence name or number (if applicable) of the business ordinarily operated by the eligible person, and
 - iii. identifies the eligible person as a person who ordinarily operates an interstate or Territory business, and
 - iv. states that the contract of sale must be signed outside of New South Wales.

GEOGRAPHICAL NAMES ACT 1966

Notice of amendment to Address Locality Boundaries in City of Parramatta Local Government Area

PURSUANT to the provisions of Section 10 of the *Geographical Names Act 1966*, the Geographical Names Board hereby notifies that it has amended the existing address locality boundaries of Sydney Olympic Park and Wentworth Point as shown on map GNB 3483-5.

The position and extent for these features is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au

NARELLE UNDERWOOD
Chair

Geographical Names Board
346 Panorama Ave
BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the *Geographical Names Act 1966*, the Geographical Names Board has this day assigned the names listed hereunder as geographical names in the Wollondilly Local Government Area.

Dam Builders Reserve for a reserve located on the corner of Fifth Street, Third Street, and Second Street, in the suburb of Warragamba.

Rotolactor Park for a reserve located on 31 Rotolactor Parade, in the suburb of Menangle.

The position and extent for these features is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au

NARELLE UNDERWOOD
Chair

Geographical Names Board
346 Panorama Ave
BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the *Geographical Names Act 1966*, the Geographical Names Board has this day assigned the name listed hereunder as a geographical name.

Elsie Crisp Memorial Park for a reserve located at 16/74-82 Tyson Street, South Grafton, Clarence Valley Local Government Area (LGA).

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au

NARELLE UNDERWOOD
Chair

Geographical Names Board
346 Panorama Ave
BATHURST NSW 2795



Anti-Discrimination
New South Wales

Anti-Discrimination Act 1977

EXEMPTION ORDER

Under the provisions of section 126 of the *Anti-Discrimination Act 1977* (NSW), an exemption is given from sections 8 and 51 of the *Anti-Discrimination Act 1977* (NSW) to Shellharbour City Council to designate, advertise and recruit a Library Programs Officer position for an Aboriginal and/or Torres Strait Islander person only.

This exemption will remain in force for 10 years.

Date: 12 July 2023

Jackie Lyne
Manager, Governance & Advice
Delegate of the President
Anti-Discrimination NSW

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **GENHEALTH INCORPORATED – Y3059227** became registered under the Corporations Act 2001 as **HEALTH VOYAGE LIMITED - ACN 665 916 227** a company limited by guarantee, on 21 March 2023, 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
13 July 2023

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **THE AUSTRALIAN AND NEW ZEALAND SOCIETY OF PALLIATIVE MEDICINE INCORPORATED – Y2055147** became registered under the Corporations Act 2001 as **AUSTRALIAN AND NEW ZEALAND SOCIETY OF PALLIATIVE MEDICINE LIMITED - ACN 639 357 305** a company limited by guarantee, on 21 March 2023, 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
13 July 2023

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration pursuant to Section 74

TAKE NOTICE that the registration of the following associations is cancelled by this notice pursuant to section 74 of the Associations Incorporation Act 2009.

CANTERBURY & DISTRICT HISTORICAL SOCIETY INC	Y0558615
CHILDREN'S CRICKET CHARITY INCORPORATED	INC1601197
GERRINGONG COMMUNITY SERVICES ASSOCIATION INCORPORATED	INC9881659
LADIES PROBUS CLUB OF LEETON INC	Y1823621
LITHGOW COMMUNITY HOUSING INCORPORATED	INC9874390
MEADOWBANK CHINESE NEIGHBOURHOOD CENTER INCORPORATED	INC9888151
MURWILLUMBAH PUNJABI ASSOCIATION INCORPORATED	INC1801293
NATIONAL SENIORS AUSTRALIA FAIRFIELD-LIVERPOOL BRANCH INCORPORATED	INC9878154
NEW LIFE TEEN CHALLENGE DEVELOPMENT PROGRAM (NLTCDP) INCORPORATED	INC9889122
NEW SOUTH WALES PORCELAIN ARTISTS ASSOCIATION INCORPORATED	INC9874302
ONE PASSIONFRUIT PROJECT INCORPORATED	INC1300217
PREGNANCY CARE COFFS HARBOUR INCORPORATED	INC9889395
ROTARY CLUB OF NORTH ROCKS INCORPORATED	Y2139432
SHELLHARBOUR TOURIST & VISITORS ASSOCIATION INC	Y1498010
ST IVES EVENING GARDEN CLUB INCORPORATED	INC9877218
THE WINGECARRIBEE FAMILY SUPPORT SERVICE INCORPORATED	Y0897440
V HELP ASSOCIATION INCORPORATED	INC1300264

Cancellation is effective as at the date of gazettal.

Dated this 13th day of July 2023.

Diane Duggan
Delegate of the Commissioner
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **AUSTRALIAN FESTIVALS ASSOCIATION INC – INC1801756** became registered under the Corporations Act 2001 as **AUSTRALIAN FESTIVAL ASSOCIATION LTD - ACN 631 192 562** a company limited by guarantee, on 19 June 2023, 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
13 July 2023

CRIMINAL PROCEDURE ACT 1986; CRIMINAL PROCEDURE REGULATION 2017

ORDER

Approved traffic courses for the Traffic Offender Intervention Program

Clause 104 of the Criminal Procedure Regulation permits the approval of a course of study or training as an approved traffic course for the purpose of the Traffic Offender Intervention Program (TOIP). Clause 104 further stipulates that this order must be published in the Gazette.

I, Anne Campbell, with the advice of the TOIP Application Review Committee, approve the following courses as approved traffic courses for the purpose of the Traffic Offender Intervention Program:

- (i) Oxley Traffic Offenders Intervention Program, delivered by Oxley Community Transport Services Inc, for a period of three years from 12 July 2023.



Anne Campbell

Deputy Secretary, NSW Department of Communities and Justice

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **THE AUSTRALIAN CHICKEN MEAT FEDERATION INCORPORATED – Y2602538** became registered under the Corporations Act 2001 as **AUSTRALIAN CHICKEN MEAT FEDERATION LTD - ACN 668 888 266** a company limited by guarantee, on 19 June 2023, 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
13 July 2023

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **AUSTRALIA'S WILDLIFE ARK INCORPORATED – INC9896128** became registered under the Corporations Act 2001 as **AUSTRALIAN WILDLIFE ARK LIMITED - ACN 665 776 205** a company limited by guarantee, on 15 June 2023, 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
13 July 2023



Anti-Discrimination Act 1977

EXEMPTION ORDER

Under the provisions of section 126 of the *Anti-Discrimination Act 1977* (NSW), an exemption is given from sections 8, 25 and 51 of the *Anti-Discrimination Act 1977* (NSW) to NBN Co Limited to:

- designate, advertise and recruit Aboriginal and Torres Strait Islander people only for the role of Customer Field Technician Trainee,
- designate, advertise and recruit women only for the role of Customer Field Technician Trainee in pursuance of its target to reach 70% women recruits in CFT Trainee roles and 40% women in leadership positions, and in support of its intention to increase the representation of women in Field-based roles to closer to 50%.

This exemption will remain in force for 5 years.

Date: 12 July 2023

A handwritten signature in black ink, appearing to read "Jackie Lyne".

Jackie Lyne
Manager, Governance & Advice
Delegate of the President
Anti-Discrimination NSW

Professional Standards Act 1994
Notification pursuant to section 13

Pursuant to section 32(2) of the *Professional Standards Act 1994*, I hereby extend the period for which Australian Computer Society Professional Standards Scheme is in force in New South Wales to 31 December 2024.

ANOULACK CHANTHIVONG, MP
Minister for Better Regulation and Fair Trading, Minister for Industry and Trade,
Minister for Innovation, Science and Technology, Minister for Building,
Minister for Corrections

THE AUSTRALIAN COMPUTER SOCIETY PROFESSIONAL STANDARDS SCHEME

Professional Standards Act 1994 (NSW)

PREAMBLE

- A. The Australian Computer Society Inc (ACS) is an occupational association.
- B. The ACS has made an application to the Professional Standards Council, appointed under the *Professional Standards Act 1994 (NSW)* (the Act), for the approval of a scheme under the Act as set out in this document.
- C. The scheme is prepared by the ACS for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The scheme propounded by the ACS is to apply to all Certified Professional Members of the ACS.
- E. The ACS 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.
- F. The scheme is intended to commence in New South Wales on 1 January 2019 and 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 the applicable legislation of the relevant jurisdiction.
- G. Unless otherwise defined in this scheme, terms used in the scheme have the meaning given in the Act.
- H. The scheme is intended to apply in all states and territories of Australia.

THE AUSTRALIAN COMPUTER SOCIETY PROFESSIONAL STANDARDS SCHEME

1 Occupational association

- 1.1 The Australian Computer Society Professional Standards Scheme (the scheme) is a scheme under the Act prepared by the Australian Computer Society Inc (ACS) whose national office address is Tower One, International Towers, 100 Barangaroo Ave, Sydney, NSW, 2000.

2 Persons to Whom the Scheme Applies

- 2.1 The scheme will apply to ACS members who are Certified Professional Members. A Certified Professional Member is defined as a member of ACS with a current 'Certified Professional' certification from ACS. A list of Members participating in the ACS Professional Standards Scheme will be published on the ACS web site.
- 2.2 A person referred to in clause 2.1 may, on application, be exempted from participation in the scheme by the ACS with effect from the date specified by the ACS.

3 Jurisdiction

- 3.1 The scheme applies in New South Wales in accordance with the Act.

3.2 In addition to New South Wales, the scheme is intended to operate in the Australian Capital Territory, the Northern Territory, Queensland, South Australia, Tasmania, Victoria, and Western Australia, in accordance with the professional standards legislation of those states and territories.

4 Limitation of liability

4.1 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 \$2,000,000.

4.2 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.

4.3 If a person, who was at the time of the act or omission giving rise to occupational liability, a person to whom the scheme applied and against whom a proceeding relating to occupational liability is brought, is able to satisfy the court that such person has the benefit of an insurance policy:

- (a) of a kind which complies with the standards determined by the ACS;
- (b) insuring such person against that occupational liability; and
- (c) under which the amount payable in respect of that occupational liability is not less than the monetary ceiling specified in this scheme,

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

4.4 The monetary ceiling is \$2.0 million.

4.5 Clause 4.3 only affects liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding the amount of damages specified in clause 4.1.

4.6 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 corresponding 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.

5 Discretionary authority

5.1 This scheme confers on the ACS a discretionary authority to specify, on application by a person to whom the scheme applies, in relation to that person, a higher maximum amount of liability not exceeding \$10 million, in relation to that person either in all cases or in any specified case or class of case.

6 Duration

6.1 This scheme will commence in New South Wales, the Northern Territory, Tasmania, Western Australia, Victoria and Queensland on 1 January 2019.

6.2 In the Australian Capital Territory and in South Australia, the scheme will commence:

- (a) on the date provided for in the Minister's notice in relation to the scheme, 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.

6.3 This scheme will be in force in New South Wales for five years from the date of commencement in that jurisdiction.

6.4 For any other jurisdiction, the scheme will be in force for:

- (a) 5 years from the date of commencement in that jurisdiction; or
- (b) 5 years from the date of commencement in New South Wales;

whichever period ends first.

6.5 Clauses 6.3 and 6.4 are subject to the provisions of each jurisdiction applicable to the revocation, extension or cessation of schemes.

Professional Standards Act 1994

Notification pursuant to section 13

Pursuant to section 32(2) of the *Professional Standards Act 1994*, I hereby extend the period for which The Law Society of New South Wales Professional Standards Scheme is in force in New South Wales to 21 November 2024.

ANOULACK CHANTHIVONG, MP

Minister for Better Regulation and Fair Trading, Minister for Industry and Trade,
Minister for Innovation, Science and Technology, Minister for Building,
Minister for Corrections

**THE LAW SOCIETY OF NEW SOUTH WALES
PROFESSIONAL STANDARDS SCHEME**

PREAMBLE

Occupational Association

- A. The Law Society of New South Wales (“the Law Society”) is a voluntary occupational association for local legal practitioners in New South Wales.
- B. The occupational group, for the purposes of this Scheme, represented by the Law Society consists of legal practitioners with a principal place of practice in New South Wales who hold Australian practising certificates issued by the Council of the Law Society (“the Law Society Council”).

Nature of Scheme

- C. The Law Society has made an application to the Professional Standards Council (“the Council”), appointed under the *Professional Standards Act 1994* (NSW) (“the Act”), for approval of a scheme under the Act and this document comprises the scheme (“the Scheme”).
- D. The Scheme is intended to operate under the Act, which has the purpose of improving occupational standards of professional persons and to protect consumers of their services.
- E. The Scheme has been prepared by the Law Society for the purposes of limiting occupational liability of Participating Members who provide services to the public to the extent to which such liability may be limited under the Act.
- F. 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 s.21 of the Act.
- G. The Scheme is to apply to all Participating Members.

Risk Management

- H. The Law Society has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its Participating Members and the means by which these strategies are intended to be implemented.
- I. The Law Society will report annually to the Council on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made to them.

Insurance

- J. Participating Members are required to maintain current professional indemnity insurance with an approved insurer, as required of legal practitioners who hold an Australian practising certificate issued by the Law Society Council under the *legal profession legislation* (as defined in s.3A of the *Legal Profession Uniform Law Application Act 2014* (NSW) (“the Application Act”).

Complaints and Discipline

- K. Participating Members are subject to a complaints and discipline process regime operating under the *legal profession legislation*. All Participating Members must comply with the provisions of the Memorandum and Articles of Association of the Law Society (“the Constitution”) and the *legal profession legislation*.
- L. Responsibility for the administration of the Scheme and ensuring that it complies with the requirements of the Act and of the Council rests with the Law Society Council.

Commencement and Duration

- M. The Scheme is intended to commence in New South Wales on 22 November 2018.
- N. The Scheme is intended to remain in force for a period of five (5) years from its commencement, subject to s.32 of the Act.

Jurisdiction

- O. The Scheme is intended to apply in all jurisdictions within Australia.

THE LAW SOCIETY OF NEW SOUTH WALES PROFESSIONAL STANDARDS SCHEME

1. Occupational Association

1.1 This Scheme is a scheme under the Act prepared by and for the Law Society, whose business address is 170 Phillip Street, Sydney New South Wales.

1.2 Relevant definitions for the purpose of this Scheme are as follows:

“Australian legal practitioner” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;

“Australian practising certificate” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;

“Corporate Legal Practitioner” has the same meaning as it has in s.6 of the Legal Profession Uniform Law and who has their principal place of practice in New South Wales;

“Corresponding laws” means the *Professional Standards Act 2003* (Vic), the *Professional Standards Act 2004* (Qld), the *Professional Standards Act 2004* (SA), the *Professional Standards Act 1997* (WA), the *Professional Standards Act 2005* (Tas), the *Professional Standards Act* (NT), and the *Civil Law*

(Wrongs) Act 2002 (ACT), as applicable;

“Court” has the same meaning as it has in the Act;

“damages” has the same meaning as it has in the Act;

“Exempted Member” means a Full Member or an Incorporated Legal Practice Member who is, or was, at the Relevant Time, exempted by the Law Society Council from participation in the Scheme pursuant to clause 3.3;

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

“Full Member” means a person within the category of Solicitor Member and Life Member of The Law Society as contemplated in the Constitution (as amended from time to time);

“Government Legal Practitioner” has the same meaning as it has in s.6 of the Legal Profession Uniform Law and who has their principal place of practice in New South Wales;

“Incorporated Legal Practice” means an incorporated legal practice as defined in s.6 of the Legal Profession Uniform Law that is a member of the Law Society;

“Incorporated Legal Practice Member” means an Incorporated Legal Practice specified in the Register of the Law Society as an Incorporated Legal Practice Member and in which all legal practitioner directors and employed legal practitioners are individually recorded as Full Members on the Register of the Law Society;

“Law Practice” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;

“legal profession legislation” has the same meaning as set out in s.3A of the Application Act;

“the Legal Profession Uniform Law” means the *Legal Profession Uniform Law (NSW) (2014)* set out in Schedule 1 to the *Legal Profession Uniform Law Application Act 2014* of Victoria, which applies as a law of New South Wales pursuant to section 4 of the Application Act as amended;

“legal services” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;

“local legal practitioner” has the same meaning as it has in s.3 of the Application Act;

“Occupational Liability” has the same meaning as it has in the Act;¹

“Participating Members” means those persons specified in clause 3.1 of the Scheme;

“person” means an individual or a body corporate;

¹ Section 5(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. Section 5(2) of the Act also provides that the Act does not apply to liability which may be the subject of proceedings under Part 14 of the Real Property Act 1900.

“Principal” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;

“Relevant Time” refers to a cause of action founded on an act or omission, specifically to the time of that act or omission occurring; and

“Total annual fee income” means the amount charged during a financial year for services provided by or on behalf of a Law Practice some of whose members are members of the Law Society to whom the Scheme applies.

2. Jurisdiction

- 2.1 The Scheme applies in New South Wales in accordance with the Act.
- 2.2 In addition to New South Wales, the Scheme is intended to operate in Victoria, Queensland, South Australia, Western Australia, Tasmania, the Northern Territory and the Australian Capital Territory in accordance with the professional standards legislation of those states and territories and subject to the requirements of that legislation (‘the corresponding laws’), so that references to a provision of the Act, the application of the Scheme to a liability, the limit of a liability under the Act or what constitutes Occupational Liability are intended to pick up the relevant provisions of the corresponding laws, applied mutatis mutandis, to the extent that is necessary for the application of the Scheme in any of those jurisdictions as an interstate scheme.
- 2.3 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 corresponding 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.

3. Persons to whom the Scheme applies

3.1 The Scheme applies to:

- 3.1.1 Full Members who hold a current Australian Practising Certificate who are not excluded or exempted under clauses 3.2 or 3.3 of the Scheme;
- 3.1.2 Incorporated Legal Practice Members who are not exempted under clause 3.3 of the Scheme;
- 3.1.3 all persons to whom the scheme applies, by virtue of ss.18, 19, 20 or 20A of the Act²

² Sections 18 and 19 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 that person, and if the Scheme applies to a person, the Scheme also applies to each employee of that 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 20 provides that the Scheme also applies to other persons prescribed by the regulations for the purposes of section 29 (4) as being associated with persons to whom a scheme applies. Section 20A extends the limitation of liability of persons to whom the Scheme applies by virtue of sections 18 to 20.

- 3.1.4 all persons to whom clause 3.1.1 applied at the Relevant Time but no longer applies;
- 3.1.5 all persons to whom clause 3.1.2 applied at the Relevant Time but no longer applies.
- 3.2 A person referred to in clause 3.1 does not include a person who is a corporate legal practitioner or a government legal practitioner.
- 3.3 A person referred to in clause 3.1 may, on application, be exempted from participation in the Scheme by the Law Society Council with effect from the date specified by the Law Society. This clause does not apply to persons to whom the Scheme applies by virtue of ss. 18, 19, 20 or 20A of the Act.
- 3.4 The Law Society Council may, upon application by an Exempted Member, revoke an exemption of that person from participation in the Scheme with effect from the date specified by the Law Society Council.

4. Limitation of liability

- 4.1 The Scheme³ limits the Occupational Liability of a Participating Member for damages;
 - 4.1.1 arising from a single cause of action founded on an act or omission in relation to the provision of legal services; and
 - 4.1.2 to the extent those damages exceed the amounts specified in the table in clause 4.4.
- 4.2 If a Participating Member against whom a proceeding relating to Occupational Liability is brought is able to satisfy the Court that –
 - 4.2.1 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
 - 4.2.2 the amount payable⁴ 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 4.4 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 that monetary ceiling.

3 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.

4 Section 4(1A) of the Act provides that a reference in the Act “to the amount payable under an insurance policy in respect of an occupational liability includes a reference to –

- (a) defence costs payable in respect of a claim, or notification that may lead to a claim (other than reimbursement of the defendant for the time spent in relation to the claim), but only if those costs are payable out of the one sum insured under the policy in respect of the occupational liability; and
- (b) the amount payable under or in relation to the policy by way of excess.”

However, see also section 26A of the Act and its note, which has the effect that section 4 (1A) does not reduce the cap on the liability of the Participating Member to the client.

- 4.3 For the purposes of section 26 of the Act, the Scheme only affects a liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding the applicable monetary ceiling set out in clause 4.4 below.
- 4.4 The monetary ceiling (maximum amount of liability) applicable for the purposes of limitation of liability under the Scheme at the Relevant Time is to be determined according to the following table -

Class	Description	Monetary ceiling (Maximum amount of liability)
1	Participating Members who were at the Relevant Time in a Law Practice consisting of up to and including 20 Principals and where the Law Practice generates total annual fee income for the financial year at the Relevant Time up to and including \$10m.	\$1.5 million
2	(a) Participating Members who were at the Relevant Time in a Law Practice consisting of more than 20 Principals; or (b) Participating Members who were at the Relevant Time in a Law Practice where the Law Practice generates total annual fee income for the financial year at the Relevant Time greater than \$10m.	\$10 million

5. Conferral of discretionary authority

- 5.1 The Law Society Council 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 If, in the exercise of discretion under clause 5.1, the Law Society Council has specified a higher maximum amount of liability than would otherwise apply under the Scheme in relation to a Participating Member, after satisfying itself that there is evidence of top up Professional Indemnity Insurance commensurate with the higher maximum amount of liability sought, then the maximum amount of liability in relation to that Participating Member is that higher maximum amount.

6. Duration

- 6.1 This Scheme will commence in New South Wales, Victoria, Queensland, Western Australia, Tasmania, and the Northern Territory on 22 November 2018.
- 6.2 In the Australian Capital Territory and in South Australia, the Scheme will commence:
- 6.2.1 on the date provided for in the Minister's notice in relation to the Scheme, if a date is provided; or

- 6.2.2 on the first day two months after the day on which notice was given, in any other case.
- 6.3 This Scheme will be in force for five years from its commencement in New South Wales.
- 6.4 For any other jurisdiction, the Scheme will be in force for:
 - 6.4.1 five years from the date of commencement in that jurisdiction; or
 - 6.4.2 five years from the date of commencement in New South Wales;whichever period ends first.
- 6.5 Clauses 6.3 and 6.4 are subject to the provisions of each jurisdiction applicable to the revocation, extension or cessation of Schemes.