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Professional Standards Act 2003

AUTHORISATION AND PUBLICATION PURSUANT TO SECTION 14

The Western Australian Bar Association Scheme

I, Robert Clark MP, Attorney-General, pursuant to section 14 of the **Professional Standards Act 2003** (the Act), authorise the publication of the Western Australian Bar Association Scheme (the Scheme) submitted to me by the Western Australian Professional Standards Council pursuant to the mutual recognition provisions of the Western Australian and Victorian professional standards legislation. The Scheme is published with this authorisation and commences on 1 July 2014.

Dated 17 April 2014

ROBERT CLARK MP
Attorney-General

Professional Standards Act 1997 (WA)

THE WESTERN AUSTRALIAN BAR ASSOCIATION SCHEME

PREAMBLE

Occupational Association

- A. The Western Australian Bar Association (Association) is an occupational association, constituted as an incorporated body under the **Associations Incorporation Act 1987** (WA).
- B. The Association represents independent barristers practising in Western Australia who are members of the Association.
- C. The Western Australian Bar Association Scheme (the Scheme) is a scheme under the **Professional Standards Act 1997** (WA) (the Act) prepared by the Association whose business address is: 16th Floor, Allendale Square, 77 St George's Terrace, Perth, WA 6000.
- D. The Scheme limits the occupational liability of Scheme Participants who provide services to the public.
- E. The approximate number of members eligible to be Scheme Participants is presently 195.
- F. The objectives of the Association are expressed in clause 2 of its Constitution and include:
 - (a) To promote the worthy traditions of the Western Australian Bar.
 - (b) To uphold the honour and promote the interests of the Bar.
 - (c) To promote fair and honourable practice by and amongst barristers.
 - (d) To confer and collaborate with and in matters relating to the practice of the law generally to act through the Law Society of Western Australia Incorporated (Law Society), and to that end, to enter into arrangements with that Law Society whereby Members of the Association can be provided with the benefits of membership of the Law Society.
 - (e) To join or affiliate with the Australian Bar Association (ABA) and the Law Council of Australia (LCA).
 - (f) To further legal education and study including by providing or arranging a Bar Readers' Course for barristers or persons aspiring to join the Bar and to provide continuing legal education to its Members or to other legal professionals.
 - (g) To encourage friendly relations and social and sporting activities among Members.
 - (h) To assist needy Members and ex-Members and dependents of Members, ex-Members and deceased Members.
 - (i) To provide funds and facilities for and to do all such things as are conducive or incidental to the attainment of the above objects or any of them.

SPECIAL

Nature of the Scheme

- G. The Scheme operates for the purpose of improving the occupational standards of professionals and others, and to protect the consumers of their services. It also limits the civil liability of persons to whom the Scheme applies.
- H. The liability limited by the Scheme includes, to the extent permitted by the Act, civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a Scheme Participant in acting in the performance of his or her occupation. However the Scheme does not apply to liability for damages arising from any matter to which the Act does not apply.
- I. The Scheme does not affect damages which are below the monetary ceiling specified in the Scheme for each Scheme Participant. The Scheme limits liability for damages to the monetary ceiling specified for that Scheme Participant provided that the person has insurance as required by s 34 of the Act.

Risk Management

- J. The Association has adopted strategies which cover requirements for admission as a member and continuing professional development in the areas of ethics and regulation of the profession; management; substantive law, practice and procedure, and evidence, advocacy, mediation and other barristers' skills.
- K. The complaints and disciplinary system operates pursuant to the requirements of the **Legal Profession Act 2008** (WA).
- L. The Association will report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them.

Standards of Insurance

- M. Scheme Participants are required to maintain current professional indemnity insurance policies that comply with the standards determined by the Association and to comply with regulations relating to professional indemnity insurance.
- N. The **Legal Profession Act 2008** (WA) and associated rules and regulations require (relevantly) that barristers have compulsory professional indemnity insurance. The Association reviews and determines such policies for the required standards for professional indemnity insurance cover.

Complaints and Discipline

- O. Scheme Participants are subject to a complaints and discipline system operating under the **Legal Profession Act 2008** (WA). All Scheme Participants must comply with the provisions of that Act, the Constitution and rules and regulations of the Association.

Scheme Administration

- P. The Scheme will be administered by the Association's Bar Council, the Professional Responsibility Committee, and the Association's staff.
Responsibility for administration of the Scheme and ensuring that it complies with the requirements of the Act and of the Professional Standards Council rests with the Association.

Duration of the Scheme

- Q. Subject to clause 44A of the Act, the Scheme commences on 1 July 2014 and will remain in force for five (5) years from its commencement.

THE WESTERN AUSTRALIAN BAR ASSOCIATION SCHEME**1. Occupational Association**

- 1.1 The Association is an occupational association, constituted as an incorporated body under the **Associations Incorporation Act 1987 (WA)**.
- 1.2 The Association represents independent barristers practising in Western Australia, who are members of the Association.
- 1.3 The Western Australian Bar Association Scheme (the Scheme) is a scheme under the **Professional Standards Act 1997 (WA)** (the Act) prepared by the Western Australian Bar Association (Association) whose business address is: 16th Floor, Allendale Square, 77 St George's Terrace, Perth, WA 6000.
- 1.4 Relevant definitions for the purposes of this Scheme (including the Preamble) are as follows:
 - (a) 'court' has the same meaning as it has in the Act,
 - (b) 'damages' has the same meaning as it has in the Act,
 - (c) 'occupational liability' has the same meaning as it has in the Act,
 - (d) 'Interstate Member' has the same meaning as in the Association's constitution, as amended from time to time,
 - (e) 'relevant time' refers to the time of the act or omission that gave rise to the cause of action for occupational liability, and
 - (f) 'Scheme Participant' means those persons specified in clause 2.1.

2. Persons to Whom the Scheme Applies

- 2.1 The Scheme applies to all persons who, at the relevant time:
 - 2.1.1 are members of the Association;
 - 2.1.2 are not exempted from participating in the Scheme under clause 2.2 or, if exempted, have had his/her exemption revoked in accordance with clause 2.3;
 - 2.1.3 have professional indemnity insurance in respect of a liability potentially limited by the Scheme of a kind which complies with the standards determined by the Association; and,
 - 2.1.4 by virtue of sections 31, 32, 33 and 33A of the Act, are covered by the Scheme, but does not apply to Interstate Members of the Association.
- 2.2 The Association may, upon application by a member, exempt a member from participation in the Scheme with effect from a date specified by the Association on or after the date on which the exemption is granted.
- 2.3 The Association may, upon application by a member, revoke an exemption of that person from participation in the Scheme with effect from a date specified by it.

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 \$500,000.
- 3.2 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, 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 Association,
 - (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 clause 3.3 of this Scheme,that person is not liable in damages in relation to that cause of action above the monetary ceiling specified in clause 3.3 of this Scheme.

- 3.3 The monetary ceiling (maximum amount of liability) is \$2 million.
- 3.4 The monetary ceiling referred to in clause 3.3 above may be higher for a particular Scheme Participant if the Association has, on application by a Scheme Participant, approved a higher maximum amount of liability.
- 3.5 Clause 3.2 does not limit the amount of damages to which a person to whom the Scheme applies is liable if the amount is less than the amount specified in clause 3.3 in relation to a person to whom the Scheme applies.
- 3.6 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.

4. Discretionary authority

The Association will have a discretionary authority, on application by a Scheme Participant, to approve a higher maximum amount of liability than would otherwise apply under the Scheme in relation to that Scheme Participant.

5. Commencement and Duration of the Scheme

5.1 Subject to:

- 5.1.1 section 27 of the Act, the Scheme commences in Western Australia on 1 July 2014; and
- 5.1.2 the corresponding law of a State or Territory, being a State or Territory referred to in clause 6, the Scheme commences in that State or Territory on 1 July 2014.

5.2 Subject to:

- 5.2.1 section 44A of the Act, the Scheme will remain in force in Western Australia for a period of 5 years from its commencement; and
- 5.2.2 the corresponding law of a State or Territory, being a State or Territory referred to in clause 6, the Scheme will remain in force in that State or Territory for a period of 5 years from its commencement.

6. Territorial application of the Scheme

The Scheme is intended to operate as a scheme of Western Australia, New South Wales, Queensland, South Australia, Victoria, the Australian Capital Territory and the Northern Territory.

Professional Standards Act 2003

AUTHORISATION AND PUBLICATION PURSUANT TO SECTION 14

The Victorian Bar Professional Standards Scheme

I, Robert Clark MP, Attorney-General, pursuant to section 14 of the **Professional Standards Act 2003** (the Act), authorise the publication of the Victorian Bar Professional Standards Scheme (the Scheme) submitted to me by the Victorian Professional Standards Council pursuant to section 13 of the Act. The Scheme is published with this authorisation and commences on 1 July 2014.

Dated 17 April 2014

ROBERT CLARK MP
Attorney-General

THE VICTORIAN BAR PROFESSIONAL STANDARDS SCHEME

A Scheme under the **Professional Standards Act 2003** (Vic)**PREAMBLE****Occupational Association**

- A. The Victorian Bar Inc ('the Victorian Bar') is an incorporated association constituted under the **Associations Incorporation Act 1981**;
- B. The occupational group represented by the Victorian Bar consists of barristers practising in Victoria;
- C. With effect from 1 July 2008, the Victorian Bar has had in operation the Victorian Bar Professional Standards Scheme under the **Professional Standards Act 2003** (Vic) ('the Act'). That Scheme expires on 30 June 2013, subject to any extension. The Victorian Bar has applied for an extension of 12 months of the period for which that Scheme is in force, that is to say, until 30 June 2014;
- D. By way of renewal, the Victorian Bar has applied for approval and gazettal of the Victorian Bar Professional Standards Scheme ('the Scheme') as a scheme under the **Professional Standards Act 2003** (Vic) ('the Act'). The Scheme has a specified commencement date of 1 July 2014;
- E. The Scheme applies to those persons referred to below in clause 3. The Scheme does not apply to all members of the Victorian Bar;
- F. The Scheme limits the occupational liability of Scheme members who provide services to the public;
- G. The approximate number of members eligible to apply to have the Scheme apply to them is 1,922;
- H. The objectives of the Victorian Bar are expressed in clause 3 of its Constitution and include:
 - (a) To maintain in the public interest a strong and independent Bar in the State of Victoria;
 - (b) To promote, foster and develop within the executive and legislative arms of the Government of Victoria and within the general community, an understanding and appreciation that a strong and independent Bar is indispensable to the rule of law and to the continuation of a democratic society;
 - (c) To improve the relationship between the Victorian Bar and the executive and legislative arms of the Government of Victoria without in any way diminishing the independence of the Victorian Bar and its members;
 - (d) To promote, maintain and improve the quality of the Victorian Bar;
 - (e) To seek to ensure that access to the courts is open to all members of the community;
 - (f) To arrange training for Bar Readers and regulate entry to membership of the Bar;
 - (g) To arrange and promote Continuing Professional Development;

- (h) To promote the resolution of disputes by mediation, arbitration and other appropriate methods of alternative dispute resolution;
- (i) To perform such functions as may be assigned, permitted, referred or delegated to the Victorian Bar by or under legislation regulating the legal profession or the practice of law;
- (j) To seek to ensure that as far as practicable chambers are available for counsel;
- (k) To seek to promote the welfare of members of the Victorian Bar;
- (l) To promote the rule of law including the proper administration of justice; and
- (m) Without limiting (l), to make recommendations with respect to legislation, law reform, rules of court and the business and procedure of courts.

Nature of the Scheme

- I. The Scheme operates for the purpose of improving the occupational standards of professionals and others, and to protect the consumers of their services. It also limits the civil liability of persons to whom the Scheme applies;
- J. The liability limited by the Scheme includes, to the extent permitted by the Act, civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of the Victorian Bar or to any person to whom this Scheme applies in acting in the performance of his or her occupation. However the Scheme does not apply to liability for damages arising from any matter to which the Act does not apply;
- K. The Scheme does not affect damages which are below the monetary ceiling specified in the Scheme for each member. The Scheme limits liability for damages to the monetary ceiling specified for that member provided that the person has insurance as required by s23 of the Act;

Risk Management

- L. The Victorian Bar has adopted strategies which cover requirements for professional entry to practice at the Bar and continuing professional development in the areas of ethics and regulation of the profession; management; substantive law, practice and procedure, and evidence, and advocacy, mediation and other barristers' skills;
- M. The complaints and disciplinary system operates pursuant to the requirements of the **Legal Profession Act 2004**;
- N. The Bar Association will report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them;

Standards of Insurance

- O. Scheme members are required to maintain current professional indemnity insurance policies required of barristers with a Victorian practising certificate and otherwise to comply with any regulations relating to professional indemnity insurance from time to time of the Victorian Bar Council;
- P. The Legal Services Board determines the statutory minimum level of professional indemnity insurance required to be taken out by barristers and also approves the professional indemnity insurance policy on offer from the Legal Practitioners Liability Committee;

Claims Monitoring

- Q. The Victorian Bar has established a relationship with the Legal Practitioners Liability Committee who provides cover for Scheme members which will ensure the Victorian Bar will be able to obtain and monitor claims data. The Victorian Bar will report annually on claims monitoring, tactics, performance measures and monitoring systems;

Complaints and Discipline

- R. Scheme members are subject to a complaints and discipline system operating under the **Legal Profession Act 2004**. All scheme members must comply with the provisions of that Act, the Constitution and rules and regulations of the Victorian Bar;

Scheme Administration

- S. Responsibility for administration of the Scheme and ensuring that it complies with the requirements of the **Professional Standards Act 2003** (Vic) and of the Professional Standards Council rests with the Victorian Bar

THE VICTORIAN BAR PROFESSIONAL STANDARDS SCHEME**1. Occupational Association**

- (1) The Victorian Bar Professional Standards Scheme is a scheme under the **Professional Standards Act 2003** (Vic) ('the Act') of the Victorian Bar whose registered address is 205 William Street Melbourne, Victoria.

2. Definitions

- (1) Unless the context otherwise requires –
'damages' has the meaning given it in section 4 of the Act;
'Scheme register' means the register of members to whom the Scheme applies maintained by the Victorian Bar Council;
'the Act' means the **Professional Standards Act 2003** (Vic) as amended from time to time.

3. Persons to whom the Scheme applies (participating members and other persons)

- (1) The Scheme applies;
- (a) to the class of persons within the Victorian Bar more particularly specified in sub-clause 3(2) of this Scheme document; and
- (b) to persons to whom the Scheme applies by virtue of sections 20, 21 and 22 of the Act.
- (2) The class of Scheme members referred to in sub-clause 3(1)(a) comprises all members of the Victorian Bar –
- (a) who hold a current practising certificate issued by the Victorian Legal Services Board or the Victorian Bar;
- (b) who are admitted to membership of the Scheme by resolution of the Victorian Bar Council; and
- (c) whose names remain on the Scheme register maintained by the Victorian Bar Council.
- (3) On application in writing by a member to whom the Scheme applies, the Victorian Bar may exempt the member from the Scheme.

4. Limitation of Liability

- (1) If a person to whom the Scheme applies and against whom a cause of action relating to occupational liability is brought, is able to satisfy the court that the person has the benefit of an insurance policy or more than one insurance policy –
- (a) that insures the person against that occupational liability; and
- (b) under which the amount payable in respect of the occupational liability relating to that cause of action is not less than the maximum amount of liability specified in the Scheme in relation to the class of person and the kind of work to which the cause of action relates at the time at which the act or omission giving rise to the cause of action occurred
- the person is not liable in damages in relation to that cause of action for anything done or omitted on or after the commencement of the Scheme for any amount above the monetary ceiling (a maximum amount of liability) subject to clause 4(2), of \$2 million.
- (2) If on application from time to time or at any time by a person to whom the Scheme applies, in all cases or any specified case or class of case, the Victorian Bar has specified pursuant to the conferral of discretionary authority in clause 5 of this Scheme document a higher maximum amount of liability than would otherwise apply under the Scheme in relation to the person, the monetary ceiling (maximum amount of liability) in relation to that person either in all cases or in any specified case or class of case (as the case may be) is that higher maximum amount of liability.

- (3) In this Scheme document –
- (a) ‘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; and
 - (b) a reference in clause 4(1) to the amount payable under an insurance policy in respect of occupational liability includes a reference to –
 - (i) defence costs payable in respect of a claim, or notification that may lead to a claim (other than reimbursement of the defendant for 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
 - (ii) the amount payable or in relation to the policy by way of excess.

- (4) If the provisions of section 23 of the Act are amended by any subsequent Act or Acts, the provisions of clause 4(1) above shall be taken to have been amended correspondingly and shall operate as so amended.

5. Discretionary authority

- (1) The Victorian Bar has a discretionary authority, on application from time to time or at any time by a person to whom the Scheme applies, to specify in relation to the person a higher maximum amount of liability than would otherwise apply under the scheme in relation to the person either in all cases or in any specified case or class of case.

6. Commencement of the Scheme

- (1) The Scheme is intended to commence on 1 July 2014 in Victoria, New South Wales, Queensland, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory.
- (2) If the Scheme or a notice relating to the Scheme is published in the gazette of any jurisdiction after 1 July 2014, the Scheme will commence in that jurisdiction on the date which is 2 months after the date of its publication in the Government Gazette of that jurisdiction.

7. Duration

- (1) It is intended for the Scheme to remain in force in Victoria for a period of 5 years from its commencement unless it is revoked, extended or otherwise ceases in accordance with section 34 of the Act.
- (2) It is intended for the Scheme to remain in force in New South Wales, Queensland, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory respectively until:
- (a) that period of 5 years from its commencement ends; or
 - (b) the Scheme’s operation in relation to any of those respective jurisdictions is terminated; or
 - (c) the Scheme ceases to have effect in Victoria; or
 - (d) the Scheme is disallowed under legislation of any of those respective jurisdictions.

8. Territorial application of the Scheme

- (1) The Scheme is intended to operate as a scheme of Victoria, New South Wales, Queensland, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory.
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Professional Standards Act 2003

AUTHORISATION AND PUBLICATION PURSUANT TO SECTION 14

The Law Society of Western Australia Scheme

I, Robert Clark MP, Attorney-General, pursuant to section 14 of the **Professional Standards Act 2003** (the Act), authorise the publication of the Law Society of Western Australia Scheme (the Scheme) submitted to me by the Western Australian Professional Standards Council pursuant to the mutual recognition provisions of the Western Australian and Victorian professional standards legislation. The Scheme is published with this authorisation and commences on 1 July 2014.

Dated 17 April 2014

ROBERT CLARK MP
Attorney-General

Professional Standards Act 1997 (WA)

THE LAW SOCIETY OF WESTERN AUSTRALIA SCHEME

PREAMBLE

- A. The Law Society of Western Australia ('Law Society WA') is a voluntary occupational association for legal practitioners in Western Australia.
- B. The Law Society WA has made an application to the Professional Standards Council ('PS Council') appointed under the **Professional Standards Act 1997 (WA)** ('Act'), for a scheme under the Act and this document comprises the scheme ('Scheme').
- C. The scheme has been prepared by the Law Society WA for the purpose of limiting Occupational Liability of Participating Members to the extent to which such liability may be limited under the Act.
- D. The Scheme is to apply to all Participating Members.
- E. The Law Society WA has furnished the PS 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 those strategies are intended to be implemented.
- F. The Scheme is intended to remain in force for a period of five (5) years from its commencement, subject to section 44A of the Act.
- G. The Scheme commences on 1 July 2014.
- H. The scheme is intended to apply in Western Australia, New South Wales, Victoria, Queensland and South Australia, Northern Territory and Australian Capital Territory.

THE LAW SOCIETY OF WESTERN AUSTRALIA SCHEME**1 Preparation of the Scheme**

- 1.1 The Scheme is a scheme under the **Professional Standards Act 1997 (WA)** prepared by the Law Society WA whose business address is Level 4, 160 St Georges Terrace, Perth, Western Australia.
- 1.2 Relevant definitions for the purpose of this Scheme are as follows:
 - 'Australian Practising Certificate' has the same meaning as it has in the **Legal Profession Act 2008 (WA)**.
 - 'Court' has the same meaning as it has in the Act.
 - 'Damages' has the same meaning as it has in the Act.
 - 'Financial Year' means a financial accounting period ending 30 June.
 - 'Occupational liability' has the same meaning as it has in the Act.
 - 'Participating Members' means those persons specified in clause 2.1 of the Scheme.
 - 'Principal' has the same meaning as in section 6(3) of the LP Act:

A principal of a law practice is an Australian legal practitioner who is –

- a sole practitioner (in the case of a law practice constituted by the practitioner); or
- a partner in the law practice (in the case of a law firm); or
- a legal practitioner director in the law practice (in the case of an incorporated legal practice); or
- a legal practitioner partner in the law practice (in the case of a multi disciplinary partnership).

‘Relevant Time’ refers to the time at which the act or omission occurs, not the time when the claim is brought.

‘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 Participating Members.

2 Persons to Whom the Scheme Applies

2.1 The Scheme applies to:

2.1.1 Incorporated Legal Practice members, and ordinary and life members of the Law Society who hold an Australian Practising Certificate who are not exempted under clause 3.2 of the Scheme;

2.1.2 All persons to whom, by virtue of sections 31, 32, 33 and 34A of the Act, the Scheme applies;

2.1.3 All persons to whom clause 2.1.1 applied at the Relevant Time but no longer applies;

2.1.4 All persons to whom clause 2.1.2 applied at the Relevant Time but no longer applies.

2.2 A person referred to in clause 2.1 may, on application by that person, be exempted by the Law Society WA from participation in the Scheme.

3 Limitation of liability

3.1 The Scheme only limits the Occupational Liability of a Participating Member for damages¹:

3.1.1 arising from a single 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 of the act or omission.

3.1.2 to the extent that those Damages exceed \$1.5 million for Participating Members in class 1 of the table in clause 3.3, or, as the case may be, \$5 million for Participating Members in class 2 and \$10 million for Participating Members in class 3.

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 that monetary ceiling.

¹ ‘Damages’ as defined in section 4 of the Act means –

- (a) damages awarded in respect of a claim or counter claim or claim 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 the defendant); and
- (c) any interest payable on the amount of those damages or costs.

- 3.3 The monetary ceiling (maximum amount of liability) applicable for the purpose of limitation of liability under the Scheme at the Relevant Time is to be determined according to the following table.

Tier	Description	Monetary ceiling (Maximum amount of liability)
1	Participating Members who were at the Relevant Time in a Law Practice that generated a total annual fee income for the financial year immediately preceding the Relevant Time up to and including \$5 million	\$1.5 million
2	Participating Members who were at the Relevant Time in a Law Practice that generated a total annual fee income for the financial year immediately preceding the Relevant Time of more than \$5 million and up to \$10 million	\$5 million
3	Participating Members who were at the Relevant Time in a Law Practice that generated a total annual fee income for the financial year immediately preceding the Relevant Time of more than \$10 million	\$10 million

4 Conferral of discretionary authority

- 4.1 The Law Society WA has discretionary authority, on application by a Participating Member, to specify in relation to a Participating Member, a higher maximum amount of liability (monetary ceiling) than would otherwise apply under the Scheme in relation to him or her either in all cases or any specified case or class of case.
- 4.2 If, in exercise of its discretion under clause 4.1 the Law Society of WA has specified a higher maximum amount of liability (monetary ceiling) than would otherwise apply under the Scheme in relation to a Participating Member, the maximum amount of liability (monetary ceiling) in relation to that Participating Member is that higher maximum amount.

5 Duration

- 5.1 Subject to section 44A of the Act, the Scheme will remain in force for a period of 5 years from the date of commencement. The date of the Scheme's commencement is 1 July 2014.

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