



Professional Standards Regulation 2004

under the

Professional Standards Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Professional Standards Act 1994*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to repeal and remake, with minor changes, the provisions of the *Professional Standards Regulation 1998*. That Regulation is to be repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation provides for fees and charges that are payable with reference to any scheme under section 7 of the Act. The fees and charges include an application fee and an annual fee, as well as a provision for charging interest on outstanding debts.

This Regulation is made under the *Professional Standards Act 1994*, including section 53 (the general regulation-making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Professional Standards Regulation 2004*.

2 Commencement

This Regulation commences on 1 September 2004.

Note. This Regulation replaces the *Professional Standards Regulation 1998* which is repealed on 1 September 2004 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

annual fee means the annual fee referred to in section 53 (2) (b) of the Act.

annual fee period, in relation to a scheme, means each period of 12 months beginning on the date on which the scheme commences and on each anniversary of that date.

the Act means the *Professional Standards Act 1994*.

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Clause 4 Professional Standards Regulation 2004

Part 2 Fees and charges

Part 2 Fees and charges

4 Application fee for approval relating to occupational liability schemes

- (1) An application by an occupational association for the approval of the Council of:
 - (a) a scheme prepared under section 7 of the Act, or
 - (b) an amendment to, or the revocation of, such a scheme,must be accompanied by a fee of \$5,000.
- (2) However, if the application is for the approval of the Council of a scheme prepared solely to replace a scheme that is to cease by effluxion of time to apply to the members of the relevant occupational association (and the application is made before the scheme so ceases to apply), the fee that must accompany the application is \$2,000.
- (3) Subclause (2) applies whether or not the scheme for which approval is sought differs in any way from the scheme that it is intended to replace.

5 Amount of annual fee

The annual fee to be paid to the Council by an occupational association any of whose members are subject to a scheme in force under the Act (being a scheme that applies to all persons within the association or to a specified class or classes of persons within the association) is \$35 for each person to whom the scheme applies who is a member of the association at any time during the relevant annual fee period.

6 Payment of annual fee

- (1) The annual fee must be paid not later than at the end of the first quarter of the annual fee period concerned.
- (2) If for any reason a scheme becomes applicable to an additional member of the occupational association during the annual fee period, the payment under clause 5 must be made in respect of the additional member at the end of the quarter in which the scheme became applicable to that member.

7 Interest on overdue annual fee

If any amount of the annual fee (including any payment required under clause 6 (2)) is not paid within 30 days after it is due, simple interest at the rate of 0.05% per day is payable to the Council on the outstanding balance until that balance is paid.

8 Remission of amounts payable

- (1) The Council may, if it considers that there are special reasons for doing so in a particular case, remit the whole or any part of any or all of the following:
 - (a) the application fee payable under clause 4 (1),
 - (b) the annual fee payable under clause 5,
 - (c) any interest payable under clause 7.
- (2) The Council may delegate any of its functions under subclause (1) to the Secretary of the Council.
- (3) The maximum amount that may be remitted by the Secretary of the Council under such a delegation in any particular case is \$250.

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Part 3 Miscellaneous

Part 3 Miscellaneous

9 Notification of limitation of liability

- (1) For the purposes of section 33 (3) of the Act, the following form of statement is prescribed:

“Liability limited by the [*insert name of relevant Scheme approved of by the Council*] Scheme, approved under the *Professional Standards Act 1994* (NSW).”

- (2) The statement must be printed in a size not less than the face measurement of Times New Roman typeface in 8 point.

10 Savings

Any act, matter or thing that, immediately before the repeal of the *Professional Standards Regulation 1998*, had effect under (or was done for the purposes of) that Regulation continues to have effect under (or is taken to have been done for the purposes of) this Regulation.

BY AUTHORITY