

Professional Standards Regulation 2004

[2004-470]



New South Wales

Status Information

Currency of version

Repealed version for 8 December 2006 to 31 August 2009 (accessed 19 July 2024 at 4:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2009.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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This Regulation replaces the *Professional Standards Regulation 1998* which is repealed on 1 September 2004 under section 10 (2) of the *Subordinate Legislation Act 1989*.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

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(2), (3) (Repealed)

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 \$50 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:

- (a) if the relevant scheme commences during the period of 3 months ending on 31 March in any year—not later than 31 March in each year, or
- (b) if the relevant scheme commences during the period of 3 months ending on 30 June in any year—not later than 30 June in each year, or
- (c) if the relevant scheme commences during the period of 3 months ending on 30 September in any year—not later than 30 September in each year, or
- (d) if the relevant scheme commences during the period of 3 months ending on 31 December in any year—not later than 31 January of each following year.

(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:

- (a) if the scheme becomes applicable to that member during the period of 3 months ending on 31 March—not later than 31 March, or
- (b) if the scheme becomes applicable to that member during the period of 3 months ending on 30 June—not later than 30 June, or
- (c) if the scheme becomes applicable to that member during the period of 3 months ending on 30 September—not later than 30 September, or
- (d) if the scheme becomes applicable to that member during the period of 3 months ending on 31 December—not later than 31 January of the following year.

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 and waiver of amounts payable

(1) The Council may, if it considers that there are special reasons for doing so in a

particular case, remit or waive 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 Executive Officer of the Council.
- (3) The maximum amount that may be remitted or waived by the Executive Officer of the Council under such a delegation in any particular case is \$250.

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:
- (a) until the first anniversary of the date of commencement of the *Professional Standards Amendment (Notification of Limitation of Liability) Regulation 2004*, either of the following:
 - Liability limited by [*insert name of relevant Scheme approved by the Council*] Scheme, approved under the *Professional Standards Act 1994* (NSW).
 - Liability limited by a scheme approved under Professional Standards Legislation.
 - (b) from the beginning of the first anniversary of that date:
 - Liability limited by a scheme approved under Professional Standards Legislation.
- (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.