

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 6 June.

16:27

 **PROFESSIONAL STANDARDS
AMENDMENT BILL**

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Professional Standards Amendment Bill 2007.

In my opinion, the Professional Standards Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Professional Standards Amendment Bill implements certain procedural and machinery amendments to the Professional Standards Act 2003 to enable the Victorian Professional Standards Council and the Victorian government to administer the legislation consistently with other jurisdictions.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The provisions in this bill do not raise any human rights issues.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not raise any human rights issues it does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise human rights issues.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Professional Standards Act 2003 was passed as part of the national tort law reforms with the specific objectives of improving professional service standards

and limiting the occupational liability of professionals in certain circumstances. The Victorian act is based on the NSW Professional Standards Act 1994. Similar legislation, based on the NSW act, is now in effect in all other states and territories. While jurisdictions have agreed to implement nationally consistent professional standards laws they are not necessarily uniform or model laws.

The administration of state and territory professional standards legislation on a national level is governed by the intergovernmental Professional Standards Agreement 2005. This agreement provides that jurisdictions will endeavour to maintain a nationally consistent framework for the administration of professional standards legislation by, amongst others, appointing the same council members to each of the state and territory professional standards councils, using a common secretariat to support each council and also providing for nationally consistent fees regulations.

This bill contains local amendments to the Victorian Professional Standards Act 2003 in order to better enable the Victorian council and the Victorian government to facilitate the commitments made under the Professional Standards Agreement and to make the Victorian act more consistent with professional standards legislation in other jurisdictions. The amendments are mainly procedural or machinery in nature. The key amendments in this bill are as follows.

A. Inserting sufficient heads of power to promulgate regulations

Currently, the fee structure for associations seeking to participate in capped liability schemes under the Victorian act is set out in schedule 4 of the act. The Standing Committee of Attorneys-General has agreed to implement nationally consistent fee regulations, based on the NSW regulations, in all jurisdictions. As a result, schedule 4 of the Victorian act will require replacement by regulations.

This schedule was included in the act on an interim basis in the expectation that replacement regulations would be made in future. However, while it is intended that much of the current schedule will be remade in the regulations, there are certain items in the schedule that cannot be remade in the form of regulation without first including sufficient supporting heads of power. Moreover, there are clauses in the NSW-based regulations that are not currently in schedule 4 which will require inclusion in the Victorian regulations. The current differences between schedule 4 and the NSW regulations are due to amendments being made by the New South Wales government to the New South Wales