

SOUTH AUSTRALIAN BAR ASSOCIATION

Professional Standards Scheme

SUMMARY

The way in which the association is constituted and the occupational group which the association represents

1. The South Australian Bar Association (**the Bar**) is constituted as an incorporated body pursuant to the *Associations Incorporation Act 1985* (SA).
2. It represents South Australian legal practitioners practising exclusively as barristers.

The jurisdictions where it is intended the Scheme will apply

3. The Scheme is intended to apply in South Australia.
4. The Scheme is also intended to apply pursuant to section 14(1) of the *Professional Standards Act 2004* (SA) and the corresponding sections of the corresponding laws in New South Wales, Victoria, Queensland, Western Australia, the Australian Capital Territory and the Northern Territory.

The classes and types of members of the association to whom the Scheme applies

5. The scheme applies to all persons who:
 - 5.1 are or at the relevant time were Ordinary Members of the Bar;
 - 5.2 are or were at the relevant time not Exempted Members; and
 - 5.3 have professional indemnity insurance that complies with the Legal Practitioners Act in respect of a liability potentially limited by the Scheme.
6. The scheme also applies to all persons to whom the scheme applies by virtue of sections 18, 19, and 20 of the *Professional Standards Act 2004* (SA) and the corresponding sections of the corresponding laws.

The likely proportion of members of the association to whom the Scheme will apply

7. The Scheme is likely to apply (subject to exemptions) to over 95% of total members.

The types of work carried out by members of the association to whom the scheme will apply

8. The provision of counsel services, including appearing in courts and tribunals, providing opinions and settling legal documents.

The way in which liability is limited (insurance, business assets, combination)

9. Liability is limited by way of insurance policy under section 23 of the SA Act and the corresponding sections of the corresponding laws.
10. A scheme participant must be able to satisfy the court that the person has the benefit of an insurance policy insuring the person against the occupational liability to which the cause of action relates and the amount payable under the policy in respect of that occupational liability is not less than the amount of the Monetary Ceiling (normally \$1.5 million).

The different levels of limited liability for different members or circumstances

11. The Monetary Ceiling specified by the Scheme is \$1.5 million for all members who are scheme participants, except those in respect of whom a discretionary higher limit is fixed (see 13 below).

Whether the association may exempt members from the Scheme

12. Yes, on application by a member.

Whether the Scheme confers a discretionary authority on the association to specify a higher maximum amount of liability

13. Yes, on application by a member.

A summary of the associations membership requirements for persons to whom the Scheme applies

14. See 5 above.

A summary of the key strategies to be undertaken by the association in its five year risk management plan

15. Ensuring all Ordinary Members have been admitted as legal practitioners and thereby have obtained the academic and practical legal training requirements necessary to, and have been assessed as fit and proper persons to, practise law.

16. Ensuring all Ordinary Members complete at least 10 units of prescribed CPD activities annually, including a unit in each of Practical Legal Ethics, Practice Management and Business Skills, and Professional Skills.
17. Ensuring all scheme participants comply with the Barristers Rules and if they do not that they are appropriately disciplined.
18. Monitoring the investigatory and disciplinary regime operating under the *Legal Practitioners Act*.
19. Educating members concerning and facilitating members to adopt risk management strategies.
20. Ensuring all scheme participants hold professional indemnity insurance providing cover of \$2 million (inclusive of defence costs) for each and every claim.
21. Monitoring insurance standards, cost and availability.

Description of the management structure within the Bar for the management and administration of the Scheme

22. The Professional Standards Committee is responsible for the management and administration of the Scheme.
23. The New Membership, Member Services, Professional Development and Professional Responsibility Committees within the Bar report directly to the Professional Standards Committee in respect of the administration of the Scheme.

The website where the register of members to whom the Scheme will apply can be found

24. The Bar website at www.sabar.org.au.

The website of the Bar where further information about the Bar and its risk management strategies can be found

25. The Bar website at www.sabar.org.au.