

The Law Society of South Australia

Professional Standards Scheme

SUMMARY

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

1. The Law Society of South Australia (**the Society**) is constituted as an incorporated body by the *Legal Practitioners Act 1981* (SA).
2. It represents South Australian legal practitioners.

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 Admitted Members or Company Members of the Society;
 - 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 about 70% of total members.

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

8. The provision of legal and associated services, including legal representation, advice, and drafting.

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 or \$10 million, depending on the case, for all members who are scheme participants, except those in respect of which a discretionary higher limit is fixed (see 13 below).

The higher of –

Description	Monetary ceiling
1. Participating Admitted Members or Company Members other than those in item 2 below.	\$1.5 million
2. Participating Admitted Members or Company Members who were as at the 30 June immediately preceding the Relevant Time in a Law Practice: <ol style="list-style-type: none"> (a) consisting of greater than 20 Admitted Members; or (b) which generated total annual fee income for the financial year ended on 30 June immediately preceding the Relevant Time greater than \$10 million. 	\$10 million

Whether the association may exempt members from the Scheme

12. Yes, on application by a member or members.

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 or members.

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 Admitted 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 Admitted 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 Society's Rules of Professional Conduct and Practice 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 Society for the management and administration of the Scheme

22. The PSRM Committee is responsible for the management and administration of the Scheme.
23. The Education, Claims, Professional Standards and Legal Practitioners Registry sections within the Society report directly to the PSRM Committee in respect of the administration of the Scheme.

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

24. The Society website at www.lawsocietysa.asn.au.

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

25. The Society website at www.lawsocietysa.asn.au.