

The New South Wales Bar Association Scheme

Professional Standards Act 1994 (NSW)

1. Occupational Association

1.1 The New South Wales Bar Association Scheme (the scheme) is a scheme under the *Professional Standards Act 1994 (NSW)* (the Act) of the New South Wales Bar Association (the Bar Association) whose business address is Selborne Chambers, 174 Phillip Street Sydney. The Scheme only applies in New South Wales.

2. Persons to Whom the Scheme Applies (Participating Members & Other Persons)

2.1 The scheme applies to scheme members as defined in clause 2.2 of the scheme and persons defined in clause 2.3 of the scheme.

2.2 All members of the Bar Association who hold a NSW barrister's practising certificate issued by the Bar Association and who have professional indemnity insurance that complies with the standard approved by the NSW Attorney General under the *Legal Profession Act 2004 (NSW)*.

2.3 Persons to whom the scheme applies by virtue of sections 18, 19 and 20 of the Act.

3. Limitation of Liability

3.1 A scheme member or other person against whom a cause of action relating to occupational liability is brought, is not liable in damages in relation to that cause of action for anything done or omitted on or after the commencement of the scheme above a monetary ceiling (a maximum amount of liability) of \$1,000,000.

3.2 In the scheme 'occupational liability' has the same meaning as it has in the Act and excludes any liability which may not from time to time be limited pursuant to the Act.

3.3 The scheme member or other person must be able to satisfy the court that they have the benefit of:

3.3.1 an insurance policy insuring them against that occupational liability, and

3.3.2 an insurance policy under which the amount payable in respect of the occupational liability relating to that cause of action is not less than the maximum amount of liability specified in the scheme in relation to the scheme member or other person at the time at which the act or omission giving rise to the cause of action occurred.

4. Duration

4.1 The scheme will remain in force for a period of 5 years from its commencement unless it is revoked, extended or ceases in accordance with section 32 of the Act.