

South Australia

Professional Standards Regulations 2021

under the *Professional Standards Act 2004*

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1—Short title

These regulations may be cited as the *Professional Standards Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Professional Standards Act 2004*;

professional standards legislation means the Act or a law of another State that is similar in effect to the Act.

4—Fees

- (1) The fees fixed by Schedule 1 are payable to the Council.
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- (2) An occupational association whose members are subject to a scheme in force under the Act must pay the annual fee in respect of each member of the association—
 - (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.
- (3) However, if at any time a scheme in force under the Act becomes applicable to an additional member of an occupational association, the association must pay the annual fee in respect of the additional member—
 - (a) if the scheme becomes applicable to the member during the period of 3 months ending on 31 March in a year—not later than 31 March in the year; or
 - (b) if the scheme becomes applicable to the member during the period of 3 months ending on 30 June in a year—not later than 30 June in the year; or
 - (c) if the scheme becomes applicable to the member during the period of 3 months ending on 30 September in a year—not later than 30 September in the year; or
 - (d) if the scheme becomes applicable to the member during the period of 3 months ending on 31 December in a year—not later than 31 January of the following year.
- (4) If any part of the annual fee (including a payment required under subregulation (3)) 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 the balance is paid.
- (5) The Council may, if it considers that there are special reasons for doing so in a particular case, remit (in whole or in part) either or both of the following:
 - (a) a fee fixed by Schedule 1;
 - (b) interest payable under subregulation (4).
- (6) However, if the Council delegates its power under subregulation (5) to the Executive Officer of the Council, the maximum amount of a fee or interest that may be remitted is \$250.

5—Period within which scheme may be challenged

For the purposes of subsection (1) of section 16 of the Act, the prescribed period within which a person may apply to the Supreme Court for an order that a scheme referred to in that subsection is void is 2 months after the date on which the scheme comes into operation.

6—Notification of limitation of liability

For the purposes of section 35(2) of the Act, the prescribed form of statement is the following statement printed or typewritten in a size not less than the face measurement of Times New Roman typeface in 8 point:

Liability limited by a scheme approved under professional standards legislation.

Schedule 1—Fees

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|---|--|---------|
| 1 | For an application by an occupational association— | |
| | (a) for approval of a scheme prepared under section 8 of the Act | \$5 000 |
| | (b) for an amendment to, or revocation of, such a scheme | \$5 000 |
| 2 | Annual fee payable in respect of each member of an occupational association subject to a scheme in force under the Act | \$50 |

Schedule 2—Revocation and transitional provisions

Part 1—Preliminary

1—Interpretation

In this Schedule—

the revoked regulations means the *Professional Standards Regulations 2006*.

Part 2—Revocation

2—Revocation of *Professional Standards Regulations 2006*

The *Professional Standards Regulations 2006* are revoked.

Part 3—Transitional provisions

3—Fees and interest

- (1) A fee payable under a provision of the revoked regulations relating to a scheme in force under the Act prior to the commencement of these regulations—
 - (a) that fell due before the commencement of these regulations; or
 - (b) that would, but for the commencement of these regulations, have fallen due after that commencement,

that has not been paid prior to the commencement of these regulations will, on the commencement of these regulations, be taken to be so due and payable under the equivalent provision of these regulations.

- (2) Interest payable under a provision of the revoked regulations that fell due, but has not been paid, prior to the commencement of these regulations will after the commencement of these regulations be taken to be so due and payable (and, where applicable, continue to accrue) under the equivalent provision of these regulations.
- (3) A remittance of a fee or interest made pursuant to a provision of the revoked regulations will, on the commencement of these regulations, be taken to have been made under the equivalent provision of these regulations.

4—Period for challenge

Where—

- (a) a scheme is in force under the Act prior to the commencement of these regulations; and
- (b) the period prescribed under regulation 5 of the revoked regulations for an application to be made to the Supreme Court for the purposes of section 16(1) of the Act in relation to that scheme has not expired prior to the commencement of these regulations,

then on the commencement of these regulations the remainder of that period will be taken to be the prescribed period for the purposes of regulation 5 of these regulations.

5—Form of statement of limitation of liability

A statement referred to in section 35 of the Act that—

- (a) was printed on a document before the commencement of these regulations; and
- (b) complies with the requirements of regulation 6 of the revoked regulations in relation to such a statement,

will on the commencement of these regulations be taken to comply with the requirements of regulation 6 of these regulations in relation to such a statement.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 12 August 2021

No 117 of 2021