



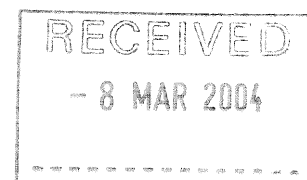
ATTORNEY GENERAL

MINISTER FOR HEALTH, ELECTORAL AFFAIRS

FOR WESTERN AUSTRALIA

Our Ref: 9-25779

Senator George Brandis
Chairman
Senate Economics Legislation Committee
The Senate
Parliament House
CANBERRA ACT 2600



Dear Senator Brandis

Thank you for your letter dated 17 February 2004 seeking a submission in relation to the Treasury Legislation Amendment (Professional Standards) Bill 2003 (Clth).

The Bill amends the *Trade Practices Act 1974* (Clth), the *Australian Securities and Investments Commission Act 2001* (Clth) and the *Corporations Act 2001* (Clth).

The Bill supports State and Territory professional standards legislation following a Commonwealth commitment to do so made at the 6th Ministerial Meeting on Insurance Issues. Professional standards legislation aims to minimise civil damages against the members of occupational associations who that have entered schemes approved by relevant Ministers and have been published in the State Government Gazettes.

Professional standards legislation has been enacted in NSW, WA and Victoria. The WA legislation requires amendment to ensure it is consistent with the NSW legislation before any schemes limiting liability can be approved. The necessary amending legislation is to be brought before the next session of the WA Parliament. The Victorian legislation has not yet commenced. A draft Bill has been introduced into the SA Parliament.

The Commonwealth amendments provide that if a scheme limiting liability has been duly prescribed under State professional standards law and remains in force at the relevant time it applies to limit liability under the Commonwealth law in the same way as it limits occupational liability under the State or Territory law. The effect is that a plaintiff will not be able to avoid any State scheme limiting occupational liability by taking action under a Commonwealth law.

WA supports the proposed legislation and has voted in favour of its enactment insofar as a vote is required pursuant to the Corporations Agreement 2002 entered by the Commonwealth, the States and the Northern Territory. To ensure that the WA legislation has full effect the Commonwealth Bill should be enacted as soon as possible in its current form.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Jim McGinty". The signature is fluid and cursive, with a large initial "J" and "M".

JIM MCGINTY MLA
ATTORNEY GENERAL

Cc Hon Premier

Hon Nick Griffiths, MLC
Minister Assisting the Treasurer

- 5 MAR 2004