

NORTHERN TERRITORY OF AUSTRALIA  
PROFESSIONAL STANDARDS REGULATIONS

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Subordinate Legislation No. 40 of 2007

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# NORTHERN TERRITORY OF AUSTRALIA

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Subordinate Legislation No. 40 of 2007\*

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## ***Professional Standards Regulations***

I, THOMAS IAN PAULING, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Professional Standards Act*.

Dated 19 December 2007.

T. I. PAULING  
Administrator

By His Honour's Command

C. B. BURNS  
Minister for Justice and Attorney-General

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\* Notified in the *Northern Territory Government Gazette* on 20 December 2007.

## **Part 1 Preliminary matters**

### **1 Citation**

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

### **2 Commencement**

These Regulations commence on the date fixed by the Minister by *Gazette* notice.

### **3 Definitions**

In these Regulations:

**annual fee** means the annual fee mentioned in section 58(2)(b) of the Act.

**annual fee period**, for a scheme, see regulation 5.

## **Part 2 Fees and charges**

### **4 Application fee – approval of scheme**

A fee of \$5 000 must accompany an application by an occupational association for the Council's approval of:

- (a) a scheme prepared under section 7 of the Act; or
- (b) an amendment to, or the revocation of, such a scheme.

### **5 Annual fee period**

(1) Subject to subregulation (2)(b), the annual fee period for a scheme is each 12 month period commencing on:

- (a) the date on which the scheme commences and each anniversary of that date; or
- (b) if subregulation (2)(a) applies – the date as varied and each anniversary of that date.

(2) An occupational association and the Council may, by agreement:

- (a) vary the date on which the annual fee period commences; and

- (b) vary the length of a particular annual fee period to give effect to the date varied under paragraph (a).

*Example for subregulation (2)(b):*

*A scheme commences on 1 April 2007 and, in February 2008, the occupational association and the Council agree to vary the date the annual fee period commences to 1 July 2008 and each anniversary of that date. There are 2 options to give effect to the new date:*

- (a) a 12 month annual fee period from 1 April 2007 to 31 March 2008 and a subsequent annual fee period of 3 months from 1 April 2008 to 30 June 2008; or
- (b) a 15 month annual fee period from 1 April 2007 to 30 June 2008.

## **6 Amount of annual fee**

- (1) This regulation applies to an occupational association any of whose members are subject to a scheme in force under the Act.
- (2) Subject to subregulation (4), the annual fee payable to the Council by the association is \$50 for each person to whom the scheme applies.
- (3) For subregulation (2), the scheme applies to a person if the person is a member of the association at any time during the relevant annual fee period.
- (4) If the length of a particular fee period is varied under regulation 5(2)(b), the association and the Council may, by agreement, vary the annual fee payable for each person for that period.

## **7 Payment of annual fee**

- (1) The annual fee must be paid:
- (a) if the annual fee period commences during the 3 month period ending on 31 March in a year – not later than 31 March in that year; or
- (b) if the annual fee period commences during the 3 month period ending on 30 June in a year – not later than 30 June in that year; or
- (c) if the annual fee period commences during the 3 month period ending on 30 September in a year – not later than 30 September in that year; or
- (d) if the annual fee period commences during the 3 month period ending on 31 December in a year – not later than 31 January in the following year.

- (2) If a scheme starts to apply to an additional member after the annual fee period has commenced, the annual fee for the member must be paid:
- (a) if the scheme starts to apply during the 3 month period ending on 31 March in a year – not later than 31 March in that year; or
  - (b) if the scheme starts to apply during the 3 month period ending on 30 June in a year – not later than 30 June in that year; or
  - (c) if the scheme starts to apply during the 3 month period ending on 30 September in a year – not later than 30 September in that year; or
  - (d) if the scheme starts to apply during the 3 month period ending on 31 December in a year – not later than 31 January in the following year.

#### **8 Interest on overdue annual fee**

If any amount of the annual fee 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.

#### **9 Remission of amounts payable**

The Council may remit the whole or any part of any or all of the following:

- (a) a fee payable under regulation 4(a) or (b);
- (b) the annual fee payable under regulation 6;
- (c) interest payable under regulation 8.

### **Part 3 Form of statement**

#### **10 Notification of limitation of liability**

For section 34(2) of the Act, the following form of statement is prescribed:

"Liability limited by a scheme approved under Professional Standards Legislation."

**Part 4 Transitional matters**

**11 Annual fee**

- (1) This regulation applies to an annual fee period as defined in clause 1 of Schedule 4 to the Act that begins before the commencement of these regulations.
- (2) Clauses 3 to 6 of Schedule 4 to the Act continue to apply to the annual fee payable for the annual fee period.