

NORTHERN TERRITORY OF AUSTRALIA

PROFESSIONAL STANDARDS REGULATIONS

Subordinate Legislation No. 40 of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 40 of 2007*

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

* 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.