**2.3.1: TEMPLATE: *Public consultation document* template**

To assist you, see guidance 2.3.2 *Public consultation document*

[insert the association logo]

Body of the document

PUBLIC CONSULTATION DOCUMENT

Purpose

* Suggested example text below, for your association to consider

The purpose of this public consultation document is for the Professional Standards Council [of jurisdiction where the application for a Scheme is being made] to seek comments and submissions from the public in considering an application for a Scheme under [insert name of relevant Professional Standards Legislation]. Gathering comments and submissions from consumers provides the Council with valuable insights into how consumers view and understand the proposed Scheme.

The Council is required to give public notice explaining the nature and significance of the Scheme, stating where a copy can be obtained or inspected, and inviting comments and submissions within a specified time frame. The Council must consider all comments and submissions made to it in accordance with the public consultation process under [insert relevant section in Professional Standards Legislation, example – Schedule 4 s 4.7(1)(a) of the *Civil Law (Wrongs) Act 2002* (ACT)]. This document supports that purpose.

Professional Standards Legislation is Australian state- and territory-based legislation. The objects of the legislation, generally, across all jurisdictions, are:

* to protect the consumers of services provided by professionals and other occupations
* to facilitate the improvement of occupational standards of professionals and other occupations
* to enable the creation and approval of Schemes that limit the civil liability of persons to whom a Scheme applies.

Public notification of a Scheme does not necessarily mean the proposed Scheme will be approved by the Council or authorised by the relevant Minister.

The [insert association name] has prepared a Scheme under [insert name of Act] for approval by the Council, which is the body responsible for approving Schemes under the Act.

The Council must consider a number of matters before approving a scheme, as set out in [insert relevant section in Professional Standards Legislation, example – Schedule 4 s 4.7 of the *Civil Law (Wrongs) Act 2002* (ACT)].

The [insert association name] Scheme is being considered by the Council and is now available for public submissions and comments.

How can I make a comment or submission?

* Suggested example text is below for your association to consider

Comments and submissions must be made in writing to the Chief Executive Officer, Professional Standards Councils, within 28 days of public notification. Comments and submissions in the form of a letter to the Professional Standards Councils are preferred.

The Professional Standards Councils is located at Level 2, St James Centre, 111 Elizabeth Street, Sydney, NSW, 2000.

Website: [www.psc.gov.au](http://www.psc.gov.au)

Email: [pscinfo@psc.gov.au](mailto:pscinfo@psc.gov.au)

Telephone: 1300 555 772 / (02) 8315 0800.

Comments and submissions received will be made public, unless confidentiality is specifically requested, and will be subject to the [insert relevant privacy legislation]*.*

* Add information that will help people make comments and submissions. Use the example text below as a guide and expand as needed.

Consider framing your response around questions, including:

* + Are you a member of the occupational association applying for a Scheme?
  + Are you already a consumer of the type of services provided by the proposed Scheme?
  + Do you think the scope of the Scheme is clear? (including work, jurisdictions and membership classes covered by the Scheme)
  + Is it clear how you, as a member or consumer, could make a complaint?
  + Can you describe the benefits to consumers of services provided by members of this association being covered by a Scheme?

BENEFITS OF A PROFESSIONAL STANDARDS SCHEME

How will consumers benefit from the Scheme?

* Describe how the Scheme and the professional standards regime will encourage your association to improve consumer protection.

How does the Scheme enhance the occupational standards of [the association] members?

* Describe how the Scheme and the professional standards regime will encourage your association to improve its occupational standards.

How does limiting participant liability help consumers?

* Describe the trade-off between limitation of liability and consumer protection, including a description of the current regulatory environment that applies to your association.

Is the Scheme a professional indemnity insurance scheme?

* Describe how the Scheme influences professional indemnity insurance.

Continuing educational program

* Describe how your association’s continuing professional development mitigates occupational risks and improves professional standards and consumer protection.

Complaints and Discipline System

* Describe how consumers can access your association’s complaints and discipline system and seek redress under the Scheme.

THE SCHEME

What is a Professional Standards Scheme?

* Describe what a Scheme is, broadly, the role of the Professional Standards Councils, and the objects of Professional Standards Legislation.

What is the [the association] Scheme?

* Describe your association’s Scheme.

Who administers the Scheme?

* Describe the staff within your association who will administer the Scheme (paid staff, volunteers, committees, etc.). State your association’s physical address.

Who is [the association]?

* Describe your association, including its values, mission, and representation.

Where does the Scheme operate?

* Describe the jurisdictions where the Scheme will have force.

When will the Scheme apply?

* Describe the proposed Scheme commencement date.

Does the Scheme apply to all members?

* Describe the classes of membership to which the Scheme applies.

How does the Scheme operate?

* Describe how the Scheme operates to protect consumers and limit the liability of Scheme participants.

How is the level of limited liability of participating [the association] members determined?

* Describe the different caps within the Scheme (depending on whether different classes of membership, or types of occupational work, are captured in the Scheme).

Can a [the association] member exit the Scheme?

* Describe the exemption process, and reasons for approving exemption – how and why Scheme participants can apply for exemption from the Scheme.

How will consumers know if a [the association] member is covered by the Scheme?

* Describe the disclosure requirements and how the association will monitor that Scheme participants are correctly informing consumers about the Scheme.

How long does the Scheme operate for?

* Describe the proposed Scheme duration.

[THE ASSOCIATION] AND ITS MEMBERS

Who are [the association] members?

* Describe the classes of membership and the types of members within your association.

What types of work do [the association] members carry out?

* Describe the types of work undertaken by members of your association.

WHERE CAN I FIND MORE INFORMATION?

* State your association’s best contact for further information.