

PRIVACY NOTICE:

The Law Institute of Victoria (LIV, we, us or our) respects your privacy. We will treat the Personal Information you provide on this form in accordance with our Privacy Policy and our obligations under the Australian Privacy Principles (APPs), as set out in the *Privacy Act 1988 (Cth) (Privacy Act)*.

What is 'Personal Information'?

'Personal Information' is defined in the Privacy Act as information or opinion about an individual or an individual who is reasonably identifiable.

How do we collect Personal Information?

We generally collect your Personal Information directly from you. However, in some cases, we may receive your Personal Information from a third party and when it is relevant to our statutory responsibilities (for instance regulators who have dealt with you).

Why do we collect Personal Information?

Personal Information collected by us from this form will be used to process your membership application or renewal, and for purposes which are related to your membership. This includes:

- fulfilling our functions and responsibilities under, and facilitating compliance with, the *Legal Profession Uniform Law Application Act 2014*, the *Corporations Act 2001 (Cth)* and associated regulations (which require and authorise us to collect certain information), including maintaining regulatory, corporate and membership records;
- communicating with you to offer events, products and services, and delivering these to you; and
- for conducting research and providing public representation.

If you do not provide the Personal Information requested, we may not be able to process your membership application or renewal.

Who do we usually disclose your Personal Information to?

Unless you tell us otherwise, in writing, your Personal Information may be disclosed to:

- the public for the LIV Find a Lawyer Legal Referral Service (if you have previously told us that you want to participate in this service);
- entities distributing information relevant to you as a legal practitioner or member, such as the Legal Practitioners' Liability Committee; advisors, contractors, agents and other service providers to the LIV (strictly on the basis that the information is to be used only for providing services to the LIV and must not be disclosed);
- Australian regulators and government entities (such as the Victorian Legal Services Board + Commissioner, the Legal Services Council) and overseas regulators;
- organisations that represent the legal profession such as the Law Council of Australia, and regional and suburban Law Associations; and
- relevant authorities where required or authorised by law.

If you practise in a foreign country we may send your Personal Information overseas in response to an inquiry from the relevant authority in that place.

How do you access and correct your Personal Information?

Our Privacy Policy is available at liv.asn.au/About/Privacy-Policy and contains information about how you may access and seek correction of your Personal Information, make a privacy complaint and our complaint handling process.

How to contact us

Any queries about this Personal Information Collection Notice or our Privacy Policy should be directed to privacy@liv.asn.au

You may also change your privacy preferences by logging in to MyLIV at liv.asn.au/My-LIV or by contacting Membership.

Law Institute of Victoria Limited (ABN 32 075 475 731)

LIV PROFESSIONAL STANDARDS SCHEME

The Professional Standards Scheme provides a significant benefit for LIV members by effect of limiting the civil liability of participants in the scheme. The first LIV Professional Standards Scheme commenced 1 July 2010 for a period of 5 years. The current scheme commenced 1 July 2016 for an additional 5 years

Applicants are referred to the LIV Professional Standards (Limited Liability) Scheme Guide which is designed to assist members to understand the operation and benefits of the LIV Professional Standards Scheme.

Limitation of liability

In essence, the Scheme caps the occupational liability of participating LIV members to an amount of \$1.5m (*firms with less and 20 principals and/or less than \$10m in annual turnover*) or \$10m depending on the total revenue of the law practice and the number of principals of the law practice, and to the extent that liability can be limited under the Professional Standards Act 2003 (Vic).

A member may apply for higher maximum liability caps.

Participation

The Scheme applies to LIV members who hold a Practising Certificate (excluding Corporate of Government) Or and Incorporated Legal Practice members. The LIV requires members to whom the Scheme applies to complete a Participant Information Form and return it with the payment:

- LIV Professional Standards Scheme Participation form

Renewal of Scheme participation is incorporated into the annual membership renewal process. There are no LIV membership fees payable for Incorporated Legal Practices who want to be a LIV member to enable participation in the Scheme.

Scheme Participation Fees

A fee of \$167 (per annum) is payable for each Participating Member, including ILPs.

Exemptions

This is an opt-out Scheme which, subject to the provisions of the *Professional Standards Act 2003 (Vic)* applies to all eligible members. Subject to the Act, members may "opt out" by applying for exemption from the Scheme by completing the Application for Exemption form:

- LIV Professional Standards Scheme Exemption form

The Scheme will cease to apply to such a member from the date the exemption for the current Scheme, unless otherwise specified.

Higher Maximum Amount

The LIV has discretionary authority, on application by a participating member, to specify a higher maximum amount of liability:

- LIV Professional Standards Scheme application for a Higher Limit of Liability form

Disclosure

Participating members need to disclose their limited liability status. Non-disclosure is an offence under the *Professional Standards Act 2003 (Vic)*. Further information regarding disclosure is available in the LIV Professional Standards (Limited Liability) Scheme Guide, and on the Professional Standards Council website.

Helpful Resources

- LIV Professional Standards (Limited Liability) Scheme Guide including Frequently Asked Questions
- LIV Professional Standards Scheme Instrument
- Professional Standards Act 2003 (Vic)
- Professional Standards Councils