



# How do I complain about an Institute Member?



# About this guide

Members of the Actuaries Institute are subject to the Institute's Disciplinary Scheme. The Scheme is conducted separately from the Institute's governing body (the Council).

This guide is designed to assist persons wishing to make a complaint about the conduct of an Institute member.

Further guidance can be obtained by contacting the Disciplinary Scheme Secretary. Contact details can be found at the end of this guide.

# What can I complain about?

The Disciplinary Scheme sets out specific, but very broad, categories of conduct which are actionable:

- professional misconduct, including:
  - a substantial or persistent failure to reach or maintain a reasonable standard of competence or diligence;
  - conduct justifying that a member is not a fit and proper person to provide professional services (including dishonesty and misleading or deceptive conduct); and
  - knowingly breaching a mandatory requirement of a professional standard or the Code of Professional Conduct;

- unsatisfactory professional conduct, including:
  - conduct falling short of the standard of competence and diligence that a member of the public is entitled reasonably to expect from a member; and
  - a breach or breaches of a professional standard or the Code of Professional Conduct which is either negligent and substantial or negligent and persistent; and
- conduct likely to bring discredit upon the Institute or the profession of actuary.

The above list is not exhaustive.

You do not have to specify a category of Actionable Conduct in your complaint.

# How do I lodge my complaint?



Any person can make a complaint about a member of the Institute. The complaint must be in writing and should be sent to the Disciplinary Scheme Secretary. If possible, the complaint should:

- identify the person who is being complained about;
- describe, in general terms, the conduct being complained about; and
- provide copies of any relevant documentation.

There is no time limit for making a complaint.

## Fees for making a complaint

There are no fees for making a complaint.

# What happens to my complaint?

Once your complaint is received, it will be referred to the Convenor of the Professional Conduct Committee who determines whether or not your complaint is frivolous. If it is not judged to be frivolous, it will be referred to an Investigating Sub-Committee (ISC) made up of 2-3 members of the Institute.

The ISC determines if there is a *prima facie* case of Actionable Conduct. If not, your complaint will be dismissed. If there is such a case, the ISC will prepare a report which goes to the Professional Conduct Tribunal.

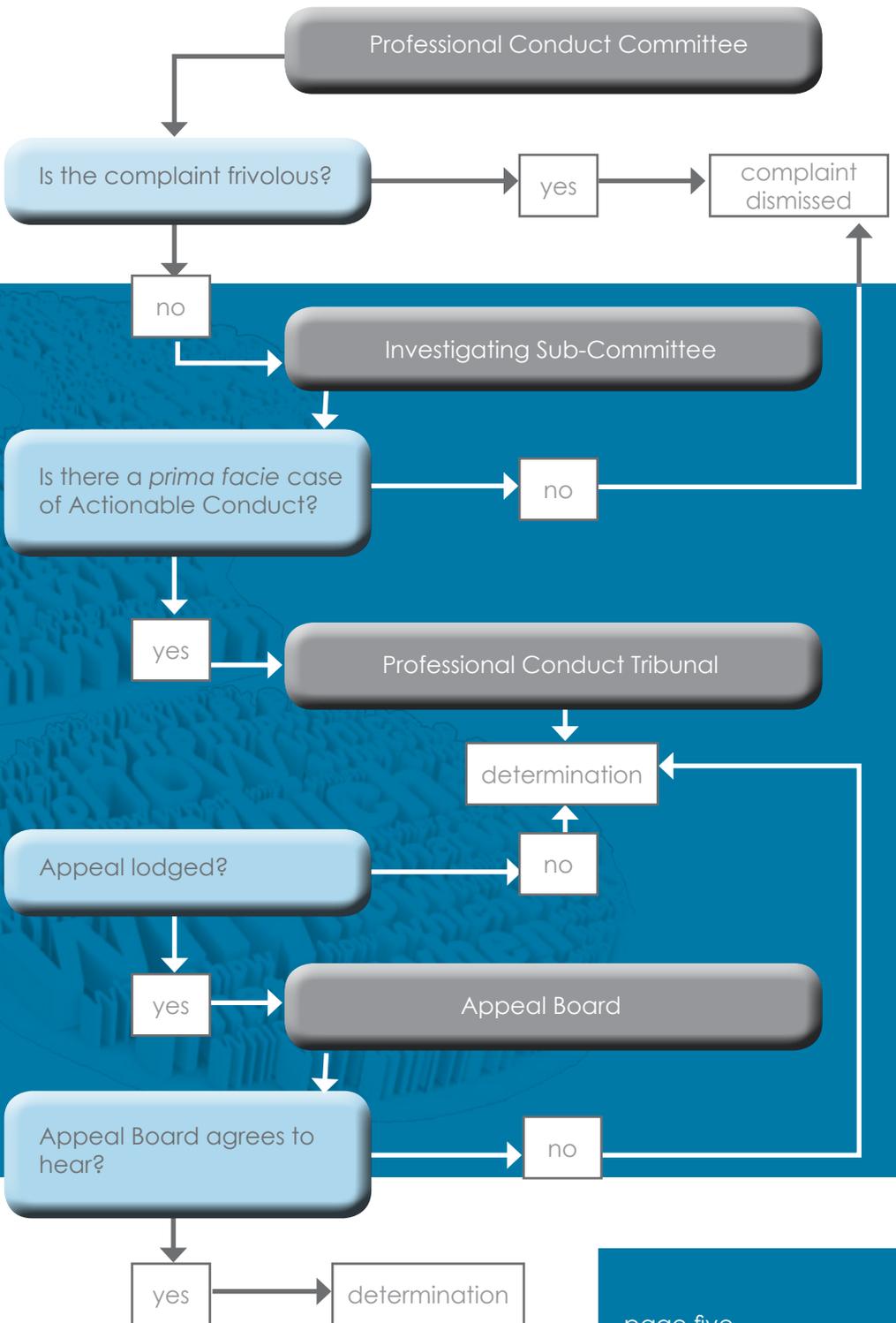
The Tribunal, which comprises at least 3 Fellows of the Institute and at least one relevant independent professional (usually a barrister), will hear your complaint in

private. The onus of proof is the same as that in civil courts, namely 'on the balance of probabilities'. The Tribunal can also make costs orders.

Either party can appeal a Tribunal determination to the Appeal Board. The Appeal Board comprises an independent Chair, a practising barrister or judge, and 3 Fellows of the Institute. It has discretion to hear appeals (which are privately conducted) and can affirm, amend, vary or rescind a determination of the Tribunal. The onus of proof is the same as for the Tribunal stage. Parties can call and question witnesses, present evidence and information and make submissions.

The decision of the Appeal Board is final.





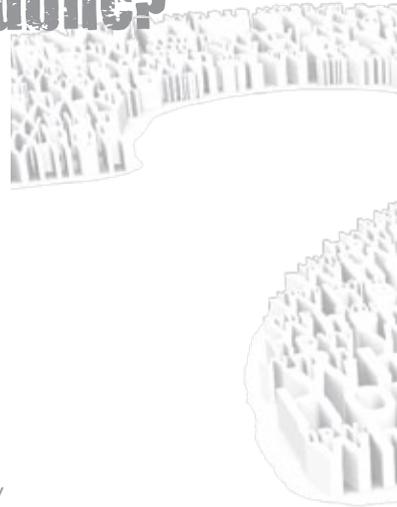
## How long does the process take?

The length of time depends upon the complexity of your complaint and the need to ensure that procedural fairness is achieved. However, the aim is to complete the investigation stage within 2 months, any Tribunal hearing within 4 months and any appeal within 7 months of the complaint being filed.

## Will my complaint be made public?

Publicity occurs at a number of pre-determined points within the Disciplinary Scheme, namely when:

- an ISC makes a report to a Tribunal;
- a Tribunal makes a determination;
- an appeal is lodged by either party; and
- an Appeal Board makes a determination.





# Would I receive any compensation?

Possible outcomes from an adverse determination against a member of the Institute include:

- a warning;
- a reprimand;
- suspension;
- orders to take specific action such as training or supervised practice; or
- expulsion.

Although costs might be ordered in your favour, compensation cannot be awarded. However there may be legal avenues to seek such redress.

# Contact **the Disciplinary** Scheme Secretary

If you have any questions regarding the Disciplinary Scheme, or if you wish to lodge a complaint, please contact the Secretary to the Disciplinary Scheme as follows:

Disciplinary Scheme Secretary  
Actuaries Institute  
Level 7  
4 Martin Place  
Sydney NSW 2000  
Australia

Email: [actuaries@actuaries.asn.au](mailto:actuaries@actuaries.asn.au)  
Telephone: (+612) 9233 3466  
Facsimile: (+612) 9233 3446

Further information about the Disciplinary Scheme can be found at:

[www.actuaries.asn.au/DisciplinaryScheme](http://www.actuaries.asn.au/DisciplinaryScheme)



