



Institute of Actuaries of Australia

Disciplinary Proceedings against a Member

On 19 July 2010, a complaint was made against a Member under the Disciplinary Scheme by Ms Melinda Howes in her capacity as the Chief Executive Officer of the Institute of Actuaries of Australia.

The complaint arose out of four convictions of the Member by the Court of Appeal for indictable criminal offences involving aggravated sexual abuse and assault of a minor by the Member. The relevant Court of Appeal, in accordance with established Court of Appeal practices, anonymised the Member's name in order to protect the identity of the victim. Consistent with that practice, the Member is herein referred to as "NFP-1" (not for publication).

On 2 November 2010, an Investigating Sub-Committee of the Institute prepared a report (under Rule 6.1(a) of the Institute's Disciplinary Scheme) for the Tribunal. The Sub-Committee determined there was a *prima facie* case of Actionable Conduct (as defined in Rule 3 of the Scheme) having been committed by NFP-1, namely:

- (a) pursuant to Rule 3.2(d)(i) of the Scheme, as enumerated *prima facie* evidence of Actionable Conduct; and
- (b) pursuant to Rule 3.2(a)(iii) of the Scheme, as conduct likely to bring discredit upon the Institute or the profession of Actuary.

Professional Conduct Tribunal 10.01 was then established to determine the matter. On 3 March 2011, the Tribunal determined that NFP-1 had engaged in Actionable Conduct (following written admissions to this effect by NFP-1) and that he be expelled from membership of the Institute.

On 19 April 2011, NFP-1 lodged a notice of appeal against the Tribunal's determination. Appeal Board 11.01 was then constituted and, following a hearing on 20 June 2011, unanimously determined that the Tribunal's determination be affirmed.

Accordingly, with effect from 30 June 2011, NFP-1 was expelled from membership of the Institute.

This notice is issued by order of the Council
of the Institute of Actuaries of Australia made
on 6 September 2011