

2021–2022

Annual Report

Protecting consumers by improving
professional standards

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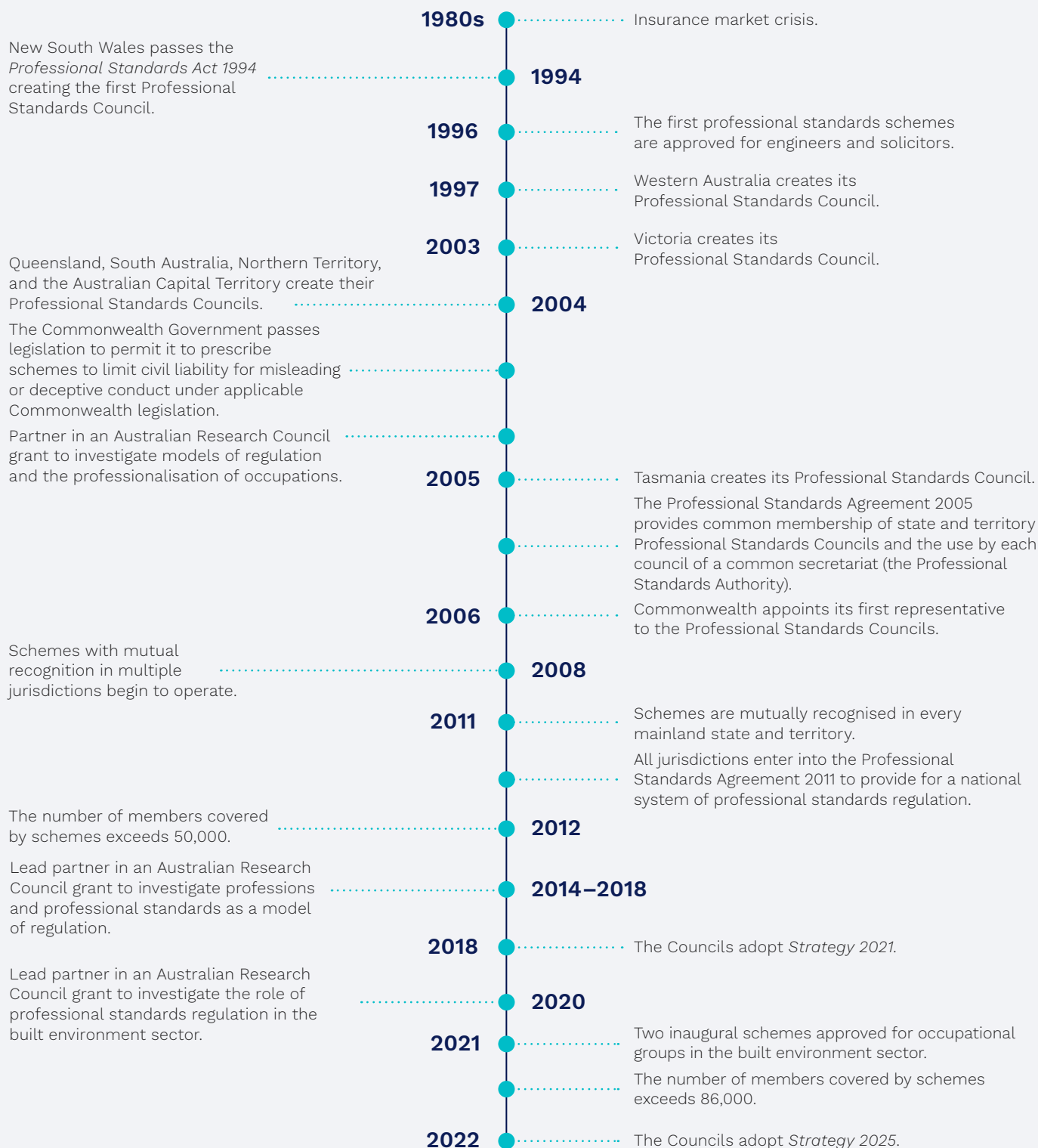


The Professional Standards Councils acknowledges, respects and values Aboriginal peoples as the Traditional Custodians of the lands on which we live, walk and work. We pay our respects to Elders past, present and future.



How we began

The Professional Standards Councils are independent statutory bodies established in each Australian state and territory under professional standards legislation. The Councils and its regulatory agency, the Professional Standards Authority, work to improve professional standards and protect consumers of professional services across Australia.



Following the economic challenges of the 1980s and 1990s, professional indemnity insurers were retreating from the market and consumers were at risk of receiving services from insured providers at increasingly higher costs, or uninsured providers with no protection for consumers at all.

Governments recognised a need for an efficient and cost-effective system to raise the occupational standards of professionals and others, and to provide for some guarantee of payment for consumers if a claim was made.

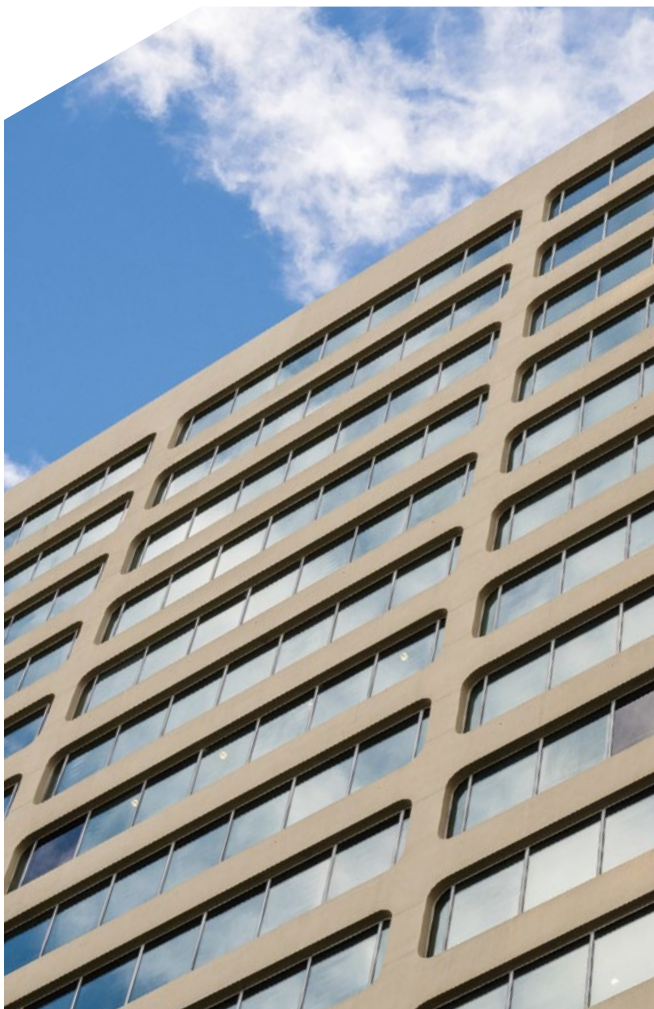
The professional standards legislation establishes a meta-regulatory regime. The Councils regulate the occupational associations that in turn regulate their members. As a meta-regulator, the Councils approve and supervise the professional standards schemes under which associations set professional standards and undertake occupational risk-management.

Following the passage of the *Professional Standards Act 1994* (NSW), the Professional Standards Council of New South Wales was formed, with Western Australia following in 1997.

The reach of professional standards legislation was extended following the collapse in 2001 of insurance giant, HIH Insurance Limited, resulting in widespread unavailability and unaffordability of professional indemnity insurance. This significant event, which affected people across Australia, highlighted the importance of maintaining liability practices to protect consumers. Professional standards legislation was passed, and Councils were established in each remaining Australian state and territory.

Subsequently, the Commonwealth Government passed legislation that permitted the civil liability of occupational association members to be limited under the *Trade Practices Act 1974* (now the *Competition and Consumer Act 2010*), the *Corporations Act 2001*, and the *Australian Securities and Investments Commission Act 2001*.

In summary, on the one hand, this national system of ‘meta-regulation’ requires occupational associations to effectively regulate their members, address risks to consumers and continuously improve the professional standards of their members. On the other hand, members’ liability is capped to promote the availability of funds for compensation and the affordability of insurance.



Letter to Ministers

Dear Ministers,

I am pleased to present the responsible Ministers in each state and territory with the 2021/22 Annual Report of the Professional Standards Councils of the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania, Victoria, and Western Australia.

The Annual Report is a consolidated volume on the Councils' work and activities over the past year and includes financial statements for the period 1 July 2021 to 30 June 2022. It has been prepared in accordance with the relevant professional standards legislation in each Australian state and territory, to be tabled in your respective parliaments.

I commend this report to you.



John Vines OAM
Chair
Professional Standards Councils

Our vision, mission, and mandate

Our vision

Professional and occupational associations lead the way in continuously improving the high standard of professional services to Australian consumers.

Our mission

Regulating occupational associations to facilitate and promote consumer protection through improvement in professional standards under professional standards schemes.

Our mandate

Protect consumers

Our aim is to protect consumers of professional services across Australia by demanding high levels of professional standards from those who participate in the national system of professional standards regulation. Occupational associations with an approved professional standards scheme have committed to ensuring competent and ethical conduct by their members in providing services and ensuring avenues of resolution and redress are available to consumers.

Improve professional standards

Our aim is to encourage and assist occupational associations to improve the professional standards of their members by implementing occupational risk management strategies.

We encourage the development of professional standards and regulatory capacity through research, publishing information, providing guidance, and delivering forums. We promote discussion and better regulation in the areas of risk management, membership requirements, codes of ethics and practice, resolution of complaints, discipline of members, continuing education, insurance standards and quality management.

Help associations

Our role is to approve and supervise the operation of professional standards schemes. This involves helping occupational associations to develop their professional standards and regulatory systems, as well as to comply with the professional standards legislation.

2021/22

Performance highlights

Scheme Application Framework redesign

The new *Scheme Application Framework* was released in June 2022 and utilises plain language and a clearer, modularised approach. The Framework is designed to facilitate higher-quality occupational applications, enabling more efficient use of both associations' and the Councils' resources.

See page 18

New resources

The Councils produced three new resources to assist occupational associations:

- Developed a Guidance note on association Code of Ethics to assist occupational associations to better understand how to build or review a code of ethics.
- Published a new Guidance note on use of data sources to provide guidance to occupational associations about key data sources they may refer to in operating their professional standards schemes.
- Released a revised Guidance note on Fees payable and Assurance reporting to provide improved and consolidated guidance to occupational associations regarding the Fees payable under professional standards legislation.

See page 67

Professional Standards Forums

The Councils delivered two online Forums to over 130 delegates from all states and territories in Australia:

- 'Continuing professional development in the regulation of professional standards'.
- 'Responding to risk – insurance and improvement strategies'.

See page 66

Professional Standards Improvement Program

100% of Program reports were provided by occupational associations on time.

See page 45

Evidence review on sexual harassment as a consumer harm

Published *Rapid Evidence Review: Professional Standards and Sexual Harassment* to provide consumer-protection focused data and evidence and professional standards responses to sexual harassment in the legal profession.

See page 68

Evidence on the benefits of schemes – consumer protection and limitation of liability measures

Published an independent report, *'The benefits of professional standards schemes – limitation of liability and consumer protection measures'*, demonstrating the effectiveness of professional standards regulation in enhancing consumer protection through professional standards schemes.

See page 62

Submissions to inquiries and reviews

Two submissions contributing expertise to inquiries and reform processes on aligning regulation, lifting professional standards, and building regulatory capacity to improve consumer protection.

See page 72

Net Promoter Score

The Councils' Net Promoter Score for Forums was 55. Scores above 50 are considered to be excellent.

See page 76



Picture: (L–R) Chair of the APIV Board and managing director of ValueCorp, Robert Hecek, the Councils' Chair, Mr John Vines OAM and APIV CEO, Ms Amelia Hodge at the presentation of a certificate in recognition of APIV's renewed scheme in March 2022



Picture: Rebecca Fogerty (right), Councils' Member for Queensland, presented a certificate to QLS President Kara Thomson (left) in recognition of Queensland Law Society's renewed scheme

2021/22 Year at a glance

18



schemes in force nationally

42%



of associations reported they undertook root cause analysis of complaints or claims, of which approximately 37% incorporated elements into risk management strategies

93,163



association members subject to schemes, an increase of 7.8%

5



schemes approved

2



consumer infographics published to mark World Consumer Rights Day

60%



of legal profession associations reporting on sexual harassment as part of their risk analysis or risk management strategies

1



scheme expired with no new scheme

5



public consultations conducted for proposed schemes

12



claims exceeding 50% of monetary ceiling

Chair's foreword

It is a pleasure to present this Annual Report on behalf of the Professional Standards Councils, outlining our work and achievements in 2021/22 and the outlook for 2022/23.

Our achievements this year are against a backdrop of changing economic conditions and continuing uncertainty arising from the Coronavirus pandemic. We have kept our focus on the important work of regulating for consumer protection and advancing professional standards, while also looking to the future and how we can encourage and assist occupational associations in their important work of regulating their members and serving their communities.

Four years ago, we published *Strategy 2021*, setting ambitious goals for ourselves and for our stakeholders in the national system of professional standards regulation. We aimed to build on the work of more than two decades, during which time we were established in all jurisdictions, matured, and supported participating associations to maintain high standards in the delivery of services to Australian consumers.

In preparing for a new decade, we saw that risks of consumer harms were present in a number of sectors outside of our existing schemes, and that it was necessary for us to adapt to changing needs of government, industry and consumers. In particular, the professional standards legislation envisaged that a broader range of occupational groups would participate in professional standards regulation. We saw the opportunity, and challenges, in extending the benefits of limited liability tied to professionalisation and consumer protections covered by a wider range of occupational associations.

In this reporting period we concluded our efforts under *Strategy 2021* and comprehensively met our goals by:

- making a practical and transparent change to the Councils' regulatory focus to enable schemes, including for occupational groups – especially by establishing our approach on occupational groups and engaging with associations in the built environment. This year we had two new schemes come into force and continued to provide advice to the Building Ministers Meeting on lifting standards and better protecting consumers.
- driving improvements in professional standards for better consumer protection – particularly through additional risk reporting and better supervision of associations. This year we disseminated an evidence review on tackling sexual harassment in the legal profession and supported an acceleration in the use of root cause analysis by associations for effective risk management.
- building an evidence base to demonstrate effectiveness – including through a new Australian Research Council three-year Linkage Project in the built environment and more sophisticated annual reporting analysis and measures. This year we commissioned and published a report on the benefits of schemes using consumer protection and professional indemnity insurance measures.
- ensuring the regulatory system is robust and protects consumers – with increased stakeholder engagement and a new Scheme Application Framework. This year we commenced the co-design of a new Annual Professional Standards Report template and guideline and a Memorandum of Understanding with the Tax Practitioners Board.

- making the regulatory system easy to deal with – especially with the delivery of Forums, together with more and better regulatory guidance. This year we introduced a new microsite for Annual Report case studies and broadened the reach of our online and published resources.

Nevertheless, we have more to do. In October 2021 and February 2022, we engaged with our stakeholders on their expectations, and set course for our next strategic horizon. The result was the publication in June this year of *Strategy 2025*.

We have set three new strategic goals to be achieved:

- extending the professionalisation of occupations through professional standards schemes;
- strengthening the value proposition of professional standards regulation;
- and continued active supervision of scheme compliance and performance.

Each strategic goal will be advanced over the next three years through the delivery of priority initiatives. These include developing our digital service capability, working with jurisdictions on legislative amendments to improve outcomes in the national system, and producing longitudinal studies on the effects of professional standards schemes.

It is a privilege to work with a team of Councils members who are dedicated and expert in leading the national system for professional standards regulation. We farewelled Ms Rebecca Fogerty in June 2022, as she commenced as Vice President of the Queensland Law Society. I thank Ms Fogerty, and all who have served this year, for their excellent advice and contributions. I also thank, on behalf of the Councils, the staff of the Professional Standards Authority, under the leadership of our CEO, Roxane Marcelle-Shaw, for their hard work and continued support.

We have a significant program of work before us to deliver on *Strategy 2025*. I look forward to joining with our stakeholders in the year ahead to achieve our vision for occupational associations to lead the way in continuously improving the high standard of professional services to Australian consumers.



A handwritten signature in black ink that reads "John Vines".

John Vines OAM
Chair
Professional Standards Councils

Professional standards regulation

The Professional Standards Councils lead the national system of professional standards regulation. We approve and then supervise the operation of professional standards schemes by occupational associations. The Councils encourage, assist, and advise occupational associations in the regulation of their members under those schemes, to facilitate the improvement of professional standards and better protect consumers.

The objects of professional standards legislation are to:

- a) **enable** the creation of schemes to limit the civil liability of professionals and others
- b) **facilitate** the improvement of occupational standards of professionals and others
- c) **protect** the consumers of the services provided by professionals and others
- d) **constitute** the Professional Standards Council to supervise the preparation and application of schemes and to assist in the improvement of occupational standards and protection of consumers.

By operating a professional standards scheme, occupational associations distinguish themselves as being able to ensure consumers who use the services of their members are receiving advice from professionals who participate in regulatory arrangements that minimise risks of unethical or incompetent practice.

If there are failures in professional standards, a professional standards scheme ensures consumers have avenues available for complaint resolution, disciplinary action against members to prevent recurrence, and assurance that compensation is available for economic losses.

A central feature of the professional standards regulatory system is the collection of comprehensive data on a profession-wide basis about emerging issues, claims and complaints, enabling risk management strategies to systemically improve professional practice and reduce the risk that consumers will suffer loss in the future.

The national system aims to sustain and embed improvements in professional standards so that members of occupational associations are held accountable for the continuous improvement and maintenance of standards higher than statutory regulation may require, and higher than associations that are not regulated by the Councils.

In return, the members who agree to professional regulation by their occupational association benefit from continuously improving standards of conduct and competence, and the possibility of a limitation of civil occupational liability.



Consumer protection in focus

To mark World Consumer Rights Day in March 2022, the Councils published two consumer facing infographics about professional standards schemes.

Professional services: How to know if you're getting quality advice

It's important that the people who provide you with professional advice are qualified and trustworthy. If you're using professional services like legal, property, accounting or IT, there are ways to ensure it's high quality. Professionals who are part of a professional standard scheme commit to upholding standards so you can deal with them with confidence.



Check membership

Is your adviser a member of a professional or occupational association? Are they part of a professional standards scheme? Associations with professional standards schemes ensure their members are competent and ethical. They take action to protect you.



Check credentials

Does your adviser have credentials from their professional or occupational association? Many professions offer credentials that advisers can use to prove their expertise.



Concerned about services you've received?

You should discuss your concern with your adviser if you're able. If the adviser can't resolve your concern or the matter is serious, you can contact their association directly. The association will help you resolve the concern. They may also investigate and take disciplinary action to prevent it happening again.

Associations with professional standards schemes provide better protection



18 associations with professional standards schemes

- qualified professionals
- ethical and competent services
- ongoing education requirements
- complaints and disciplinary processes
- insured professionals



Over 93,000 professionals

are part of professional standards schemes operated by their professional or occupational association.



Over 1 million consumers

receive quality professional services at any given time.

=

+

Professional Standards Councils' strategic priorities

As envisaged when the legislation was first introduced into the New South Wales Parliament in 1994, the Councils have a leadership role in the promotion of standards of excellence in the provision of professional services:

“In addition to the function of considering application for schemes, the Professional Standards Council will have a general function to monitor and to report on the operation of this legislation and a charter to promote good ethical behaviour and to encourage and to assist in the development of professional standards.”

J. P. Hannaford, then Attorney General, Minister for Justice, and Vice President of the Executive Council, 14 September 1994

The Councils also have a leadership role in ensuring the national system is robust and adapts to the changing needs and expectations of government, industry, and the community.

In June 2018, the Councils approved *Strategy 2021*, setting out our priorities in leading the national system, under five strategic goals. This reporting period is the final year of *Strategy 2021*. We are pleased to report that, on all measures, we have met our strategic intent.

Strategic goals and initiatives	Achievements 2021/22
 <p>Make a practical and transparent change to Councils' regulatory focus to enable schemes, including for occupational groups</p>	<p>Implementation of the new <i>Scheme Application Framework</i> to make completing an application for a professional standards scheme easier and more accessible.</p> <hr/> <p>Engaged with the National Disability Insurance Agency and Disability Intermediaries Australia to promote the role and benefits of the national professional standards regulatory system as a consumer protection solution.</p> <hr/> <p>Onboarded two new occupational associations in the built environment sector to the national system.</p> <hr/> <p>Continued our introductory briefings for government agencies and occupational associations.</p>

Strategic goals and initiatives

Achievements 2021/22



Drive improvements in professional standards for better consumer protection

Delivered two Professional Standards Forums, with Forum videos, a highlights reel and resource material published on the Councils' website.

Published a consumer-facing infographic on World Consumer Rights Day in March 2022.

Made submissions to reviews and inquiries on the role of professional standards schemes in developing regulatory capacity, lifting standards and enhancing consumer protection.

Conducted Professional Standards Improvement Program engagements with associations to provide individualised reporting feedback and to consult on reporting experience.

Invited to join Standards Australia to facilitate ongoing engagement and sharing of expertise in standard setting for better consumer protection.



Build an evidence base to demonstrate effectiveness

Published an independent report, *'The benefits of professional standards schemes – limitation of liability and consumer protection measures'*, demonstrating the effectiveness of professional standards regulation.

Shared research on sexual harassment in the legal profession as a potential cause of consumer harms and potential professional standards responses.

Developed a new *Framework on Acquiring, curating, and publishing material in the Research Library* to support the ongoing publication of material in the Research Library on the Councils' website.

Shared the Councils' insights and expertise on raising standards in the built environment sector as part of the Australian Research Council Linkage Project's *Constructing Building Integrity: Raising standards through professionalism*.



Strategic goals and initiatives

Achievements 2021/22



Ensure the regulatory system is robust and protects consumers

Increased consumer protection through greater participation in schemes from 86,000 to 93,163 practitioners – an increase of 7.8%.

Conducted workshops with occupational associations to assist in developing regulatory capacity and compliance, following approval of schemes.

Engaged with occupational associations on risk management and compliance with professional standards legislation.

Convened a cross-jurisdictional legislative amendment working group to progress a proposal for amendments to professional standards legislation in all states and territories to improve the effectiveness of the national system and the achievement of consumer protection outcomes.

Executed an inaugural Memorandum of Understanding with the Tax Practitioners Board to support information sharing and collaboration to promote the integrity of the tax profession.



Make the regulatory system easy to deal with

Published a revised Guidance note on Fees payable and Assurance reporting providing improved guidance on Fees payable under professional standards legislation.

Developed and published a new Guidance note on use of data sources to inform occupational associations about key data sources when applying for, and operating, a professional standards scheme.

Commenced development of a revised Annual Professional Standards Report Template and Guidance, in consultation with associations, to align with the new Scheme Application Framework and to streamline annual reporting requirements.

Consulted on an exposure draft of guidance to assist occupational associations to understand how to build or review a code of ethics.

Produced and published the first online Councils' Annual Report, Annual Report microsite and financial statements in all states and territories.



Case study

A clearer, simpler, and more efficient *Scheme Application Framework*

The new *Scheme Application Framework* was released in June 2022. The Framework was developed in response to association feedback regarding the previous *Application Guidelines and Template*, which occupational associations found overly technical, cumbersome, and difficult to follow.

The new Framework utilises plain language and a clearer modularised approach. It will lead to higher-quality applications with more efficient use of both occupational associations' and the Councils' resources.

Key benefits

The new Framework delivers five key benefits in the way occupational associations apply for a professional standards scheme:

- enhance the focus on the development of regulatory capacity, improved consumer protection and the continuous improvement of professional standards
- make the application process clearer, simpler, and more efficient for occupational associations to use
- integrate the application process with annual risk management reporting processes
- improve engagement between the Councils and occupational associations
- provide a better evidence base to demonstrate scheme success.

The delivery of the new Framework from the Scheme Application Redesign Project achieves one of the Councils key strategic objectives from its *Strategy 2021*.

How was the new Framework developed?

The Framework is the result of collaborative co-design between occupational associations, the Councils and experts in consumer protection and professional standards regulation. The process involved:

- obtaining valuable association feedback through satisfaction survey results, and participation in the Reference Group and roundtables
- reviewing past Councils' learnings, association experience and feedback, and expert opinion on best practice
- designing a simpler, more streamlined, module-based structure
- integrating all elements into clearly written, less legalistic, easy to understand guidance and templates through a Plain English Foundation edit.

This inclusive process has been very successful, both in terms of feedback on the approach and in the outcomes achieved. For example, new pre-application workshops, regular check-ins and post-approval workshops were introduced as part of the pilot phase of the new Framework.

The Councils obtained feedback on the initiatives from participating associations, some of which is set out below:

“Process was very cathartic, enjoyable and reasonably quick. Really good to do the stem and root analysis of association and its participants – how all the components and stakeholders come together.”

How are occupational associations now better equipped to apply for a scheme?

The new Framework provides introductory guidance and six individual modules.

As noted above, a key strategy in improving the application process is the development and implementation of a new mandatory pre-application workshop. The workshop is collaborative, involving the Authority and association prior to the lodgement of a formal application. It enables the Authority to:

- verify the occupational association’s eligibility under the professional standards legislation
- provide preliminary feedback to the occupational association regarding its readiness to regulate
- assess scheme application construction and completeness
- consider current risks within the occupational environment.

The pre-application workshop also provides the impetus for the Authority to provide useful encouragement, assistance, and advice to the occupational association regarding financial, regulatory, and member behaviour obligations, for the successful operation of a professional standards scheme.

“Weekly scheduled meetings helped keep us on track. Process enabled us to analyse our internal structure and get all our documents in order.”



The Councils' next strategic plan – *Strategy 2025* – was developed through two collaborative strategy sessions in the reporting period and published on 30 June 2022. *Strategy 2025* will build upon the outcomes achieved through *Strategy 2021*.

The Councils invited views on the direction for professional standards regulation from stakeholder representatives of occupational associations, other consumer protection regulators, researchers, and consumer organisations. Their views have helped to shape the Councils' plan and priorities for the next three years in leading the national system of professional standards regulation.

The Councils' aim is that, by 2025, the benefits of professional standards schemes are more widely recognised. We will assist diverse professions and occupations – both established and emerging – to participate in the national system and deliver better outcomes for consumers across Australia. The Councils' aim is also that, by 2025, we are confirmed as a trusted and effective regulator with a clear approach to risk and performance.

Role To lead the national system of professional standards regulation by enabling the creation of professional standards schemes, and by assisting and supervising their operation, balancing the interests of consumers of professional services and of professions and occupations.

Leadership Our role is supported by sound management of risk and resources, and the development of our core capabilities and stakeholder relationships.

Strategic goal 1

Extend professionalisation through professional standards schemes

Strategic initiatives	Success indicators	Performance measures
<ul style="list-style-type: none"> Encourage the Councils and occupational associations to focus more strongly on consumer protections and communicating the benefits of professional standards schemes to consumers and the community. Raise awareness of the benefits of schemes in protecting consumers, including through better complaints systems of occupational associations and more active engagement with the insurance industry. Develop and implement tailored models that assist smaller or emerging occupational associations to develop professional standards regulatory capacity. 	<ul style="list-style-type: none"> Decision makers in government, occupational associations and consumer groups promote and pursue professional standards schemes. Occupations are using the national system for professional standards regulation. 	<ul style="list-style-type: none"> Increasing participation: schemes and members. Improving visibility of schemes and consumer benefits. Improving accessibility of occupational association complaints systems.

Strategic goal 2

Strengthen the value proposition of professional standards regulation to occupational associations

Strategic initiatives	Success indicators	Performance measures
<ul style="list-style-type: none"> • Clarify stakeholder needs and perspectives on what constitutes 'benefit' from professional standards schemes. • Invest in data and digital products and services that support the value proposition from the Councils to occupational associations. • Design and deliver accessible and useable forums, guidance, research, and resources that facilitate collaboration and knowledge sharing. 	<p>All participating occupational associations are collaborating to share good practice and knowledge to continuously improve regulatory capacity, consumer protection and professional standards.</p>	<ul style="list-style-type: none"> • Decreasing seriousness in consumer complaints and claims. • Improving stakeholder confidence from occupational associations and others who represent consumer interests, including those in government.

Strategic goal 3

Actively supervise scheme compliance and performance, standards, and risk management strategies of occupational associations

Strategic initiatives	Success indicators	Performance measures
<ul style="list-style-type: none"> • Engage and equip occupational associations to proactively identify and treat compliance obligations, consumer harms and professional risks. • Develop, monitor and manage broad measures of professional standards scheme compliance and performance. • Analyse long-term trend data to ascertain the level of protection of consumers, policies of insurance, effect of risk management strategies and improvement of standards of members of occupational associations. 	<p>The Councils monitor compliance with professional standards schemes and publish performance results, including the way occupational risks and consumer harms are treated.</p>	<ul style="list-style-type: none"> • Publication of longitudinal data and trends. • Improvements in key performance indicators assessed from occupational association Annual Professional Standards Reports.



Picture: (L–R) The Councils’ Chair, Mr John Vines OAM presenting IPA’s CEO, Mr Andrew Conway, with a certificate in recognition of their renewed scheme in March 2022

About the Professional Standards Councils

The Councils are independent statutory bodies with powers to consider and approve applications from occupational associations for a professional standards scheme under professional standards legislation.

Composition of the Councils

There are eight Professional Standards Councils – one in each Australian state and territory. Each Council has 11 members, with agreement from all states and territories to appoint the same 11 members to each Council, referred to collectively as the Professional Standards Councils. New South Wales and Victoria nominate two members each and designate the Chair and Deputy Chair roles, while all other states and territories and the Commonwealth nominate one member each. The Councils meet as one body to facilitate uniform national decision-making.

Role of the Councils

The Councils administer the professional standards legislation in each state and territory to assist in the improvement of occupational standards and the protection of consumers by:

- enabling the creation of professional standards schemes that limit the civil liability of professionals and others
- supervising the operation of professional standards schemes by occupational associations
- monitoring how well occupational associations and their members meet the standards demanded by their professional standards schemes
- encouraging and assisting professional standards regulation by occupational associations
- ensuring protection of consumers who use the services provided by professionals and others through insurance, complaints, and disciplinary arrangements.

Professional standards legislation

Professional standards legislation seeks to protect consumers by striking a balance between:

- placing a ceiling on the amount of civil liability to which a member of an association participating in a scheme may be exposed
- ensuring sufficient compensation is available to consumers for the vast majority of claims where liability results in an award of damages
- requiring associations operating schemes to continuously improve the standards of competence and conduct of its members, so that claims are reduced in quantity and severity.



Professional standards schemes

Unique to Australia, professional standards schemes limit the civil liability of association members who have professional indemnity insurance or business assets commensurate with the maximum liability amount specified in the scheme. Members must comply with their association's insurance standards, assessed and approved by the Councils.

Each scheme is a regulatory instrument and has a maximum duration of five years. The responsible Minister may choose to extend a scheme once for up to 12 months on application by the association.

No less than a year before a scheme expires, if the association seeks to provide continuous protection to the clients of its members, it must apply for an entirely new scheme. There is no automatic renewal available for a scheme. This facilitates regular consideration in light of current issues and occupational risks, scrutiny of scheme construction, and limitations of liability set in schemes by the Councils.

As members of occupational associations may work across multiple Australian states and territories, the professional standards legislation provides mutual recognition for approved schemes to operate nationally.

Professional Standards Authority

The Professional Standards Authority provides regulatory and support services for the Councils, working with associations that have a professional standards scheme to help them:

- increase consumer protection by improving professional standards
- develop their systems to regulate professional conduct and competence
- comply with the legislative requirements to have an approved scheme.

The Authority works across government to ensure the proper constitution and statutory operations of the Councils.

Councils' members

The Councils' members have diverse experience across a range of sectors and specialities, including law, health, financial services, accounting, standards development, risk management, compliance, engineering, auditing, public affairs and regulation.

Members are nominated by their jurisdictions for their qualifications, experience, and ability to contribute to the Councils' work. The Chair and Deputy Chair are nominated on an alternating basis by New South Wales and Victoria.

Members' current term of office, photo and short biography are provided below.



John Vines OAM

Chair
MBA, BEc, Dip Civil
Engineering, FIEAust,
FAICD

John Vines is a Victorian representative to the Professional Standards Councils. John brings a wealth of experience in governance. He is the Chair of Coassemble Pty Ltd and is a Director of Carroll and Richardson Pty Ltd and Premium Plantations Project Pty Ltd. He is a Fellow of the Australian Institute of Company Directors and Engineers Australia.

From 1984–2008, he was Chief Executive Officer of the Association of Professional Engineers, Scientists and Managers, Australia. He has been a member of several government boards and inquiries.

John was awarded the Order of Australia Medal in 2001, and in 2003 he was awarded a Centenary of Federation Medal.

Appointed Chair: 1 January 2022–31 December 2024.

Appointed to Victorian Council: 1 January 2022–31 December 2024.



Andrew Lumsden

Deputy Chair
BA LLB, MAICD,
SA Fin, FCI

Andrew specialises in Mergers and Acquisitions, securities transactions, and corporate governance. Andrew has expertise in foreign investment laws, real estate, infrastructure, energy and resources and media. Andrew is listed as a leading lawyer by legal directories and publications including Chambers and Best Lawyers for his work in corporate governance, equity capital markets and Mergers and Acquisitions.

He was a member of the Takeovers Panel for 12 years. From 1998 to 2001, Andrew was the Chief of Staff for the Hon Joe Hockey MP, the then Minister for Financial Services and Regulation. He was a founding member of the Australian Reinsurance Pool Corporation from 2001–2010.

Andrew is a Member of the Corporate Committee of the Law Council of Australia and Fellow and Member of the Subject Advisory Committee for the Governance Institute of Australia.

Appointed Deputy Chair: 3 June 2021–31 December 2021.

Appointed to New South Wales Council: 1 April 2021–31 March 2024.



Rebecca Fogerty

BA (Psych), LLB,
Grad Dip (Legal Practice)

Rebecca Fogerty is a Queensland criminal defence lawyer and Partner at Jasper Fogerty Lawyers. In addition to criminal law, her practice encompasses occupational regulation, inquests, commissions of enquiry and corporate regulatory advice.

She is the Attorney-General's representative on the Queensland Law Society Council, Chair of the Queensland Law Society Criminal Law Committee and sits on the QLS Specialist Accreditation Advisory Committee (Criminal Law) and Legal Aid Queensland's Complex Criminal Cases Barristers Panel. She was named as a leading Queensland Criminal Lawyer in the Doyles' Guide of Leading Lawyers in 2018, 2019 and 2020, and featured in the National List. She is a Queensland Law Society Accredited Specialist in Criminal Law.

Appointed to Queensland Council: 15 September 2020–14 September 2022.

Term concluded in reporting period.



Caroline Lamb

BA (Econ), LLB,
MBeth, GAICD

Caroline commenced her professional career as a solicitor at a major commercial law firm. Attracted to commerce, she joined a steel manufacturer as general counsel. An interest in organisational development and corporate operations led naturally towards general management, including several challenging executive positions in both the public and private sector.

Caroline established, and for several years operated, a successful consulting business, becoming recognised for expertise in risk management and organisational change programs.

Appointed to New South Wales Council: 1 April 2021–31 March 2024.



Timothy Mellor

LLB

Tim Mellor is a lawyer with over 40 years' experience, specialising in litigation – particularly in planning, development and environmental law, wills and estates, and general commercial matters. He is a partner at a leading law firm, where he has developed an extensive practice with a focus on rural issues, including acting for pastoralists, fishers, and local government in relation to native title matters.

In 2018 he was the President of the Law Society of South Australia, having served for 15 years on its Council and in various roles on the Executive. He is also past state and national president of the National Environmental Law Association. In 2019 and 2021, he was awarded Lawyer of the Year for Planning and Environment in Adelaide by Best Lawyers Australia. He is a serving officer in the Australian Army Legal Corps in which he holds the rank of Lieutenant Colonel.

Appointed to South Australian Council: 1 January 2021–31 December 2023.



Dr Pam Montgomery

BA (Hons), PhD

Pam Montgomery has many years' experience in developing and improving professional standards in the health sector.

She currently holds several Board positions with government, statutory and not for profit organisations. These include the Medical Board of Australia, the Victorian Department of Justice and Consumer Safety and local community groups. Pam also provides consultancy services in medical education and standards development.

Prior to retirement from full time employment, Pam was Deputy Chief Executive Officer and Director of Fellowship and Standards at the Royal Australasian College of Surgeons. She trained initially as a forensic psychologist and worked in private and public clinical practice, and at Monash University.

Appointed to Victorian Council: 1 July 2020–30 June 2023.



Tiina-Liisa Sexton

BCom, FCA, FAICD

Tiina-Liisa Sexton is a chartered accountant with a background in risk and financial management, governance, and ethics. She has worked in the private, public, academic, and not-for-profit sectors, and was the national Professional Standards Adviser in ethics and corporate governance at CPA Australia for 14 years until 2011.

Tiina-Liisa is Director of St Giles Society and a Community Member on the Paramedicine Board of Australia. She is a former director of Housing Choices Australia, Aurora Energy Pty Ltd, Hobart Water and Connect Credit Union.

Appointed to Tasmanian Council: 23 August 2021–22 August 2024.



Richard Shields

BA, MBA

Richard Shields has many years' experience in politics and public affairs, working in senior government, private sector and political party-related positions. Richard is the Head of Government Relations at Westpac, where he leads advocacy for the bank.

He has previously held several executive roles across a peak financial services association, an ASX-listed company and government, as well as working as an adviser to federal government ministers.

Commonwealth nominee: 10 August 2020–9 August 2023.



Iain Summers

BCom, LLB (Hons), Grad
Dip Mgt Psych, FCA FCPA
FAICD

Iain Summers has been a member of the Councils since 2006 and chairs the Finance, Audit and Risk Management Committee. He is a chartered accountant and governance consultant.

Iain is a board member and Chair of the Audit Committee of Traditional Credit Union Limited. He chairs a number of finance, audit and risk committees for community services and public sector entities.

Appointed to Northern Territory Council: 1 January 2021–31 December 2023.



Rachel Webber

BJuris, LLB

Rachel Webber's primary areas of expertise include corporate and commercial law, with an emphasis on ASX and Corporations Act compliance, financial services regulation, managed investments, and credit regulation. She holds the role of Senior Legal Counsel with a major financial institution.

Rachel is an executive member of the Business Law Section (BLS) of the Law Council of Australia, a peak industry body which advises governments, courts and federal agencies on the ways in which the law and the justice system can be improved for the benefit of the community. She also serves as a member of the BLS Corporations Committee and of the Commercial Law Committee of the Law Society of Western Australia.

Appointed to Western Australian Council: 17 January 2021–31 December 2024.



Catherine (Cate) Wood AM

BA (SocSc), Fellow AIST

Cate is Chair of the Centre for Worker's Capital Pty Ltd and has held many board positions in the profit to member superannuation sector, including as Chair of CareSuper and a director of the Industry Superannuation Property Trust. Cate has served on the boards of superannuation industry bodies including the Australian Institute of Superannuation Trustees as President and Industry Super Australia. She was Chair of Women in Super (WIS) and a member of the WIS founded Mother's Day Classic Foundation Board. Cate was a member of the Victorian Legal Services Board and Chair of the Finance and Investment Committee.

Appointed to Australian Capital Territory Council: 1 July 2021–30 June 2024.

Councils' work and activities



CEO's report

This Annual Report reflects the work of the Authority on behalf of the Councils. It also presents the reporting of occupational associations on their operation of professional standards schemes and implementation of risk management strategies.

Over the course of the year, we worked with one association on their scheme expiry obligations, two associations on their first year in the national system, six associations on making scheme applications, and supervised 18 associations in operating their schemes and complying with the professional standards legislation. Associations continued to expand consumer protection, with the number of association members subject to a scheme increasing to over 93,000 professionals. Associations also continued to develop their regulatory systems and professional standards, as detailed in the performance section of this report.

To encourage and assist associations in their continuous improvement initiatives, we delivered new and revised regulatory guidance; worked with researchers to publish and disseminate evidence on risks of consumer harms and on the benefits of schemes; delivered two Professional Standards Forums online to share insights and innovations; and worked directly with associations and stakeholders through workshops, engagements and reviews to contribute expertise on improving professional standards and consumer protection.

It has been a year of internal changes for the Authority. We continued to respond to the COVID-19 pandemic. We are now adept at working effectively from home when required and want to bring this together with the advantages of working together in the office to enhance collaboration, creativity, connectivity and enabling team members to learn from those around them. Combining office – and home-based work in a hybrid model will help us harness the best of both worlds.

We farewelled several staff through the year. These included our Administrative Support Officer, Mary Abi-Younes, who retired after 18 years' service and our Director Professional Standards Regulation, John R Rappell, after 8 years' service. I acknowledge and thank them for their long records of success in supporting and developing the work of the Authority. In particular, Mr Rappell introduced a range of innovations and provided leadership for the development of the new Scheme Application Framework; contributions that deliver respected and ongoing benefits. We wish them well for the future.

Through the year, our workload has grown in response to an increasing number of occupational associations seeking to apply for schemes and with a net increase in occupational associations participating in the national system. The Councils approved funding for two additional ongoing roles in the Authority, bringing our workforce to 18 full time equivalent positions. We have recruited to these new roles, as well as to vacancies in other roles, and invested in staff development. Nevertheless, in a tight labour market we continue to experience a high vacancy rate with an associated strain on resources. In the year ahead, we will step up our effort towards recruitment and retention.

Also, in the year ahead, we will continue to work closely with policy officers in each state and territory and the Commonwealth to advance a proposal for important legislative amendments to support the achievement of the objects of the national system. We will bring together regulated associations, key stakeholders from the insurance sector and the Councils to promote closer collaboration to utilise data to understand risk profiles, reduce the incidence of professional negligence and better price risk. We will consult on a new Annual Professional Standards Report guideline and template and deliver it for associations to use in meeting their 2022 annual reporting obligations.

It has been a rewarding year. I am grateful to be part of a team with an unwavering commitment to delivering consumer protection, improved professional standards and better regulation. I acknowledge and thank the Councils for their leadership and my colleagues in the Authority for their outstanding support, along with our many collaborators across the professional standards community. The achievements and improvements in our national system for professional standards regulation are only possible through their exceptional efforts. I look forward to the year ahead and delivering on the Councils' goals and initiatives under *Strategy 2025*.

Roxane Marcelle-Shaw

Chief Executive Officer
Professional Standards Authority



Councils' work and activities

As soon as practicable after 30 June, but before 1 October, in each year, the Councils must prepare and forward to the Minister a report on the Councils' work and activities for the period of 12 months ending on 30 June in that year. The Councils' work and activities include the regulatory operations undertaken to fulfil their functions as specified in professional standards legislation.

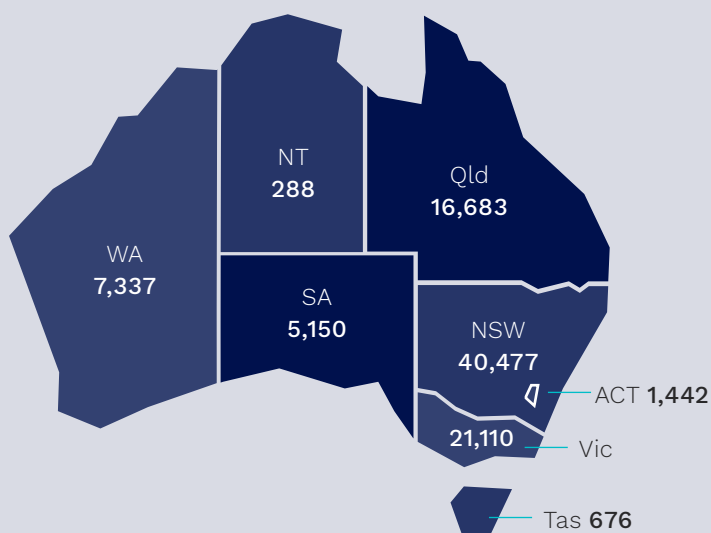
In addition to reporting on their own performance, the Councils are required to incorporate into this report each occupational association's annual report to the Councils relating to the association's implementation and monitoring of their detailed risk management strategies.

The incorporation of each occupational association's Annual Report and each of the key measures in *Strategy 2021* are discussed in relevant sections below. The data used to report performance is drawn from a number of sources, and the range and quality of data – as well as the measures themselves – are continually assessed to ensure they provide useful insights.

Professional standards schemes

As at 30 June 2022, there were 18 schemes in force nationally. The number of occupational association members subject to these schemes has increased over the year from 86,089 to 93,163.

Average number of persons by state and territory in professional standards schemes for Financial Year 2021/22



Regulated occupational associations as at 30 June 2022

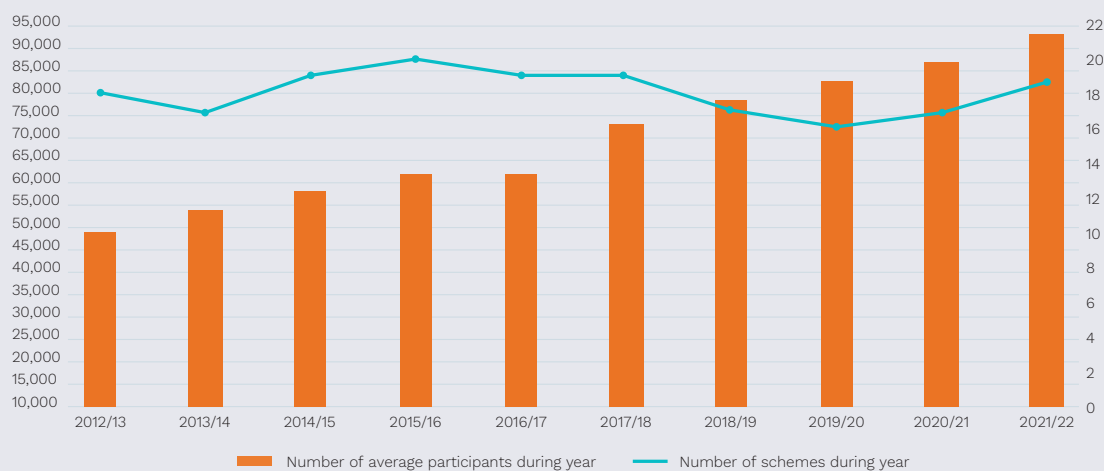
- The Australian Computer Society Inc
- The Australian Institute of Building Surveyors Limited
- The Australian Property Institute Valuers Limited
- The Bar Association of Queensland
- Chartered Accountants Australia and New Zealand
- Association of Consulting Surveyors National Limited
- CPA Australia Limited
- The Institute of Public Accountants Ltd
- The Law Institute of Victoria Limited
- The New South Wales Bar Association
- The Queensland Law Society
- The South Australian Bar Association
- The Strata Community Association (NSW) Limited
- The Law Society of New South Wales
- The Law Society of South Australia
- The Law Society of Western Australia

- The Victorian Bar Inc
- The Western Australian Bar Association

Professional standards legislation

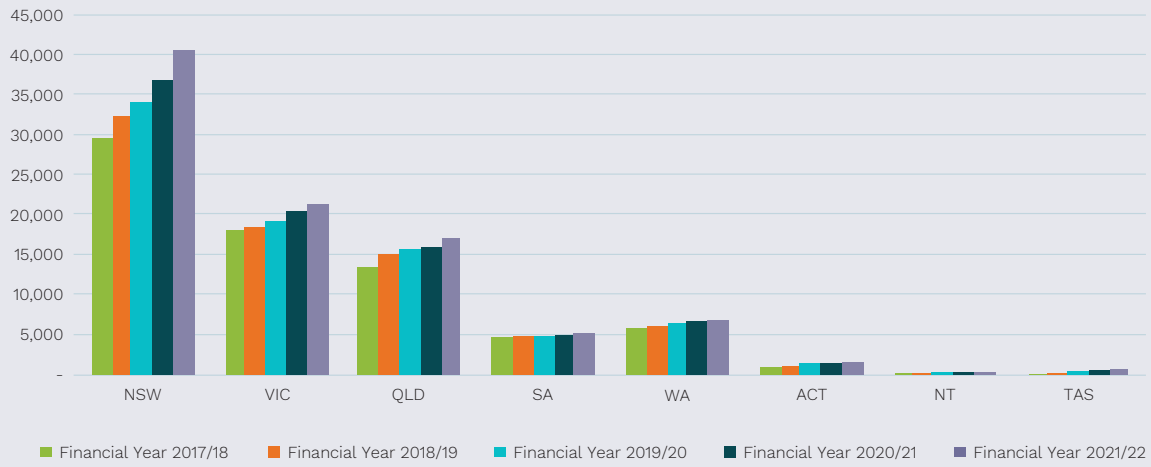
ACT	<i>Civil Law (Wrongs) Act 2002, Civil Law (Wrongs) Regulation 2003, Civil Law (Wrongs) Determination 2014</i>
NSW	<i>Professional Standards Act 1994, Professional Standards Regulation 2019</i>
NT	<i>Professional Standards Act 2004, Professional Standards Regulations 2007</i>
Qld	<i>Professional Standards Act 2004, Professional Standards Regulation 2017</i>
SA	<i>Professional Standards Act 2004, Professional Standards Regulations 2021</i>
Tas	<i>Professional Standards Act 2005</i>
Vic	<i>Professional Standards Act 2003, Professional Standards Regulations 2017</i>
WA	<i>Professional Standards Act 1997, Professional Standards Regulations 1998</i>
Cth	<i>Treasury Legislation Amendment (Professional Standards) Act 2004</i>

Figure 1: Number of members in schemes and associations operating a scheme over the past 10 years



The above graph includes prior financial years scheme participation adjustments, as provided by associations.

Figure 2: Number of persons by state and territory in professional standards schemes over the past five years (yearly average)



The above graph includes prior financial years scheme participation adjustments, as provided by associations. Figure 2 shows the increase in the number of persons in each state and territory over the past five years.

Table 1 Professional standards schemes mutually recognised in each state and territory during the period 1 July 2021 to 30 June 2022

Australian Capital Territory					
Mutual Recognition	NSW	CPA, ACS, AIBS, NSW Bar, LSNSW, CA ANZ, ACSN, RICSV*			
	Vic	Vic Bar, LIV, IPA, APIV**			
	Qld	BAQ, QLS			
	SA	SA BA, LSSA			
	WA	WABA, LSWA			
New South Wales					
Association	Profession	Participants	Limitation Liability	Start date	End date
CA ANZ	Accountants	32,692	\$2m to \$75m	08/10/19	07/10/24
CPA	Accountants	7,180	\$2m to \$75m	23/12/19	22/12/24
ACSN	Surveyors	199	\$2m to \$10m	01/07/20	30/06/25
NSW Bar	Barristers	2,338	\$1.5m	01/07/20	30/06/25
ACS	IT	1,727	\$2m	01/01/19	31/12/23
LSNSW	Lawyers	17,499	\$1.5m to \$10m	22/11/18	21/11/23
AIBS	Surveyors	1,169	\$1m to \$2m	01/07/21	30/06/26
SCA NSW	Strata Managers	2,100	\$750k	01/07/21	30/06/26
RICSV*	Valuers	36	\$1m to \$10m	01/02/16	31/12/21
APIV**	Valuers	722	\$1m to \$20m	01/09/16	31/08/21
Mutual recognition	Vic	Vic Bar, LIV, IPA, APIV**			
	Qld	BAQ, QLS			
	SA	SA BA, LSSA			
	WA	WABA, LSWA			
Northern Territory					
Mutual Recognition	NSW	CPA, ACS, AIBS, NSW Bar, LSNSW, CA ANZ, ACSN, RICSV*			
	Vic	Vic Bar, LIV, IPA, APIV**			
	Qld	BAQ, QLS			
	SA	SA BA, LSSA			
	WA	WABA, LSWA			

* the RICSV scheme expired naturally 31 December 2021.

** the APIV scheme expired naturally on 31 August 2021 under the NSW Act, and was replaced on 1 September 2021 under the Vic Act.

Queensland					
Association	Profession	Participants	Limitation Liability	Start date	End date
BAQ	Barristers	1,021	\$1.5 to \$50m	01/07/19	30/06/24
QLS	Lawyers	6,818	\$1.5m to \$10m	01/07/22	30/06/27
Mutual recognition	NSW	CPA, ACS, AIBS, NSW Bar, LSNSW, CA ANZ, ACSN, RICSV*			
	Vic	Vic Bar, LIV, IPA, APIV**			
	SA	SA BA, LSSA			
	WA	WABA, LSWA			
South Australia					
Association	Profession	Participants	Limitation Liability	Start date	End date
SA BA	Barristers	242	\$1.5m to \$50m	01/07/22	30/06/27
LSSA	Lawyers	1,738	\$1.5m to \$50m	01/07/22	30/06/27
Mutual recognition	NSW	CPA, ACS, AIBS, NSW Bar, LSNSW, CA ANZ, ACSN, RICSV*			
	Vic	Vic Bar, LIV, IPA, APIV**			
	Qld	BAQ, QLS			
	WA	WABA, LSWA			
Tasmania					
Mutual Recognition	NSW	CPA, ACS, AIBS, NSW Bar, LSNSW, CA ANZ, ACSN, RICSV*			
	Vic	Vic Bar, LIV, IPA, APIV**			
	SA	SA BA, LSSA			
	WA	WA BA, LSWA			
Victoria					
Association	Profession	Participants	Limitation Liability	Start date	End date
Vic Bar	Barristers	1,421	\$2m	01/07/19	30/06/24
LIV	Lawyers	5,464	\$1.5m to \$10m	01/07/22	30/06/27
IPA	Accountants	4,898	\$2m	01/01/22	31/12/26
APIV**	Valuers	3,466	\$1m to \$20m	01/09/21	31/08/26
Mutual recognition	NSW	CPA, ACS, AIBS, NSW Bar, LSNSW, CA ANZ, ACSN, RICSV*			
	Qld	BAQ, QLS			
	SA	SA BA, LSSA			
	WA	WABA, LSWA			

Western Australia					
Association	Profession	Participants	Limitation Liability	Start date	End date
WABA	Barristers	266	\$2m	01/07/20	30/06/25
LSWA	Lawyers	2,187	\$1.5m to \$10m	01/07/19	30/06/24
Mutual recognition	NSW	CPA, ACS, AIBS, NSW Bar, LSNSW, CA ANZ, ACSN, RICSV*			
	Vic	Vic Bar, LIV, IPA, APIV**			
	Qld	BAQ, QLS			
	SA	SA BA, LSSA			
Total		93,163			

Case study

Governance reviews strengthen regulatory capacity

Good governance is key to effective professional standards regulation. Amongst other things, it provides the structure through which associations:

- supervise their risk management strategies
- oversee disciplinary arrangements
- represent their members' interests
- ensure that actual and perceived conflicts of interest are well managed
- provide for appropriate financial and accountability arrangements.

Module 1.2 of the Councils' new *Scheme Application Framework* assists occupational associations in demonstrating their capacity to operate a professional standards scheme. The Councils consider the Law Institute of Victoria's recent review process to be exemplary. (We note the Councils do not necessarily endorse the resultant changes as appropriate for all associations).

Law Institute of Victoria governance review

The Law Institute of Victoria has held professional standards schemes since 2010. Following a governance review between 2019 and 2022, including extensive consultation with its membership, the Institute adopted changes to its constitution and governance on 28 April 2022. This approach, and the outcomes summarised below, demonstrate a commitment to evolving governance arrangements. These should support the association's role as a regulator of professional standards in the interests of members and the public.

Board representation from outside the profession

Previously, the Institute's Board was limited to legal practitioners who came from within eight different categories of the Institute's members. Under its amended constitution, three directors will not be Institute members nor hold an Australian practising certificate.

The Institute intends this to enhance the Board's diversity and provide a broader mix of overall skill, knowledge and competencies. Having a broader, more varied, more diverse range of skills and experience is anticipated to elicit different perspectives and strengthen the Board's ability to deal with future challenges and the changing business environment.

Introducing terms limits for directors

The Institute's constitution did not previously provide for maximum tenure for the members of the governing body. The introduction of terms of tenure is expected to create an opportunity for fresh perspectives to be brought to the Board together with historical perspectives from longer serving directors. This combination is anticipated by the Institute to assist in remaining responsive to the broader environment.

Improving mechanisms for setting and enforcing standards

Previously, member disciplinary matters were dealt with solely by the Institute's Board, which was not designed to be an investigative committee. Under the amended Constitution, the Board can refer disciplinary matters for investigation and consideration by an investigating committee formed by the Board, which may (but need not) include any Directors.

The Institute envisages an investigative committee will strengthen the Board's decision-making with the time, attention, and resources to thoroughly consider disciplinary matters. The change will assist in setting and enforcing standards among the Institute's members, and in doing so, protect the consumers who benefit from the services these members provide.

When associations like the Institute conduct governance reviews, they can strengthen their focus on consumer protection and become better equipped as effective professional standards regulators.

The Institute's President Tania Wolff reflects on their governance changes:

“These changes have emerged from three years of consideration, discussion and debate among the Council, the Governance Working Group, members and key stakeholders. The changes have a clear purpose – to ensure that the LIV has a governance structure that is appropriate to meet the challenges we face now and in the future, and to ensure the LIV is best equipped to maintain its important role in our profession and in our community.”

Making, approving, amending, or revoking schemes

An occupational association makes an application for a scheme to be considered for approval by the respective Council in their home jurisdiction. The Councils collectively consider scheme applications for approval from occupational associations made under the respective professional standards legislation, which requires each state and territory Council to act co-operatively with one another in the exercise of their statutory functions.

If an application for a scheme is approved, the respective Council provides advice of that approval to the responsible Minister(s) within each of the jurisdictions that the scheme is intended to apply. The responsible Minister(s) may then authorise the approved scheme to be notified in their Government Gazette, to commence from the date stipulated within the notice. More detail on the steps required for a scheme application are as follows.

Expression of commitment

The Councils request an association seeking to apply for a scheme for the first time to provide a written letter of commitment from the association's governing body. Once a letter of commitment is received, the Authority allocates resources to encourage and assist the association in developing regulatory capacity and a scheme.

Scheme application

A successful application for a scheme will be founded on an appropriately drafted scheme instrument. The occupational association must also demonstrate that it has in place (or soon will have in place) important professional standards and regulatory systems to operate the scheme consistent with professional standards legislation. These include:

- robust and transparent organisational governance
- clear arrangements, and resources, for the operation of a scheme
- clear consumer protection objectives
- detailed professional risk management strategies
- defined continuing professional development programs
- effective, timely and accessible consumer complaints resolution and member discipline systems
- ongoing monitoring of members' professional conduct obligations.

Five scheme applications were received from occupational associations in the areas of accounting, law and built environment. The Authority provided assistance to each association, ensuring the timely progress of each application (through requisitions, feedback on draft documents and progress meetings as required).



Public notification

Before approving a scheme, the Councils must invite comments and submissions from the general public and interested stakeholders about the proposed scheme, by publishing a notice in state and national newspapers. To maximise opportunities for stakeholders' feedback, the Councils also alert potentially interested parties by email. The Councils are continuing to expand public notification channels to include online state and territory government public consultation websites where possible.

One feature designed to aid the process of public notification is the Public Consultation Document. This document is a core requirement of the Councils' scheme application process and is drafted by the occupational association. The purpose of this document is threefold:

1. to highlight the nature and significance of the proposed professional standards scheme
2. to advise where a copy of the scheme can be obtained and viewed
3. to invite comment or submissions for a period no less than 21 days.

The document allows the occupational association to articulate in its own words the purpose and vision for its professional standards scheme and to frame its discussion in such a way as to resonate with those who work in their particular field as well as the general public.

Scheme approval

Once the Councils are satisfied that the applicant is an occupational association for the purposes of the professional standards legislation, and therefore eligible to apply for a scheme, the Councils assess the components of the application against the requirements of the legislation – including but not limited to the following mandatory considerations:

- impact of limiting liability on consumers
- impact of limiting liability on association members
- nature and level of occupational liability claims made against members of the association
- risk management strategies of the association and how they will be implemented and monitored, including the association's codes of ethics and practice, quality management system, mediation services, membership requirements and continuing occupational education
- cost and availability of professional indemnity insurance
- association's professional indemnity insurance standards
- association's complaints and member discipline systems
- solvency and governance of the association
- comments and submissions received during the public notification process.

During the year, there were five schemes approved. There was a net increase of one scheme to a total of 18 approved schemes (see Table 2).

Table 2 Schemes approved 2021/22

State	Association	Decision	Commencement
NSW	The Institute of Public Accountants Ltd	03/09/2021	01/01/2022
Qld	The Queensland Law Society	15/10/2021	01/07/2022
SA	The Law Society of South Australia	03/12/2021	01/07/2022
SA	The South Australian Bar Association Inc	18/02/2022	01/07/2022
Vic	The Law Institute of Victoria Limited	18/02/2022	01/07/2022

Scheme gazettal

If the Councils approve a scheme, the Minister responsible for professional standards legislation is provided advice of the Council's approval in the relevant jurisdiction. The responsible Minister may authorise notification of the scheme according to the statutory requirements. A scheme approved by the Council cannot commence until it has been published in the relevant government gazette or otherwise notified with ministerial authority.

Scheme recognition under Commonwealth laws

Members of an occupational association, who are subject to an approved scheme, have capped civil liability in relation to misleading or deceptive conduct under Commonwealth laws, in the same way that the scheme limits occupational liability under state or territory law.

A scheme may be prescribed under Commonwealth regulations to limit liability for the purposes of:

- the *Competition and Consumer Act 2010* (Cth), section 137 (for a contravention of section 18 of the Australian Consumer Law)
- the *Corporations Act 2001* (Cth), section 1044B (for a contravention of section 1041H)
- the *Australian Securities and Investments Commission Act 2001* (Cth), section 12GNA (for a contravention of section 12DA).

An occupational association may request that its approved scheme be prescribed under regulations for one or more of these three Commonwealth laws. Where an occupational association seeks to have its approved scheme prescribed, the Councils co-operate with the Commonwealth Treasury to facilitate this process. The following 17 schemes are prescribed in Commonwealth legislation:

Table 3 Schemes prescribed under Commonwealth regulations

Chartered Accountants Australia and New Zealand Professional Standards Scheme

The Association of Consulting Surveyors National Professional Standards Scheme

The Australian Computer Society Professional Standards Scheme

The Australian Institute of Building Surveyors Professional Standards Scheme

The Australian Property Institute Valuers Limited Professional Standards Scheme

The Bar Association of Queensland Professional Standards Scheme

The CPA Australia Ltd Professional Standards (Accountants) Scheme

The Institute of Public Accountants Professional Standards Scheme

The Law Institute of Victoria Limited Professional Standards Scheme

The Law Society of New South Wales Professional Standards Scheme

The Law Society of South Australia Professional Standards Scheme

The Law Society of Western Australia Professional Standards Scheme

The New South Wales Bar Association Professional Standards Scheme

The Queensland Law Society Professional Standards Scheme

The South Australian Bar Association Professional Standards Scheme

The Victorian Bar Professional Standards Scheme

The Western Australian Bar Association Professional Standards Scheme

Scheme expirations

The RICS Valuers Limited Scheme expired on 31 December 2021. This was the only scheme to expire during the reporting period without the commencement of a contiguous new scheme.

Table 4 Schemes expired without replacement 2021/22

Date of expiry	Professional standards scheme
31 December 2021	RICS Valuers Limited Scheme.

Scheme extensions of expiry date

The duration of a professional standards scheme approved by the Professional Standards Councils must not exceed five years. The Minister responsible for professional standards legislation in each jurisdiction may extend the expiry date of a scheme, on application by an occupational association, once only and for up to 12 months.

There were no scheme expiry dates extended during the reporting period.

Strategy 2021 Performance Measures

- i.** Increasing participation in the professional standards regime: schemes and members. An increase of 7,000 in members of associations subject to a scheme over the year to a total of 93,000 members.
- ii.** There were 20 newspaper notices, and 5 invitations for comment on the NSW Government “Have your say” public consultation website, for 5 proposed schemes. Public notification generated 68 submissions and comments in respect of these schemes.
- iii.** Conversion rate of occupational associations providing a letter of commitment into applications for professional standards schemes:
 - There were five new letters of commitment received.
 - There were six associations with active letters of commitment.
 - There was one application received as a result of a letter of commitment received in a previous reporting period.

Supervision of schemes

The Councils supervise professional standards schemes operated by occupational associations for achievement of the objects of professional standards legislation. The supervision function involves monitoring and assessing the performance of schemes, especially through oversight of the effectiveness of occupational associations' risk management strategies. The goal is to ensure that schemes not only comply with statutory obligations but are also forward-looking and improvement-focused in the regulation of their members and protection of consumers.

The Councils achieve this through a culture of challenge and collaboration, providing guidance to associations on their scheme obligations and on developing their regulatory capacity.

The following statutory and strategic objectives inform the Councils' supervisory activities:

1. monitor, improve, advise and publish information on occupational associations' compliance with professional standards legislation and regulations, and the association's detailed consumer risk management strategies.
(ss 35(3), 37, 43(1)(f)–(g) *Professional Standards Act 1994* (NSW))
2. monitor and publish advice/information on the occupational standards of persons to whom schemes apply.
(ss 43 (1)(e)–(g))
3. enforce professional standards schemes including through review, amendment or revocation action.
(ss 16, 16A, 43(1)(j))
4. improve the quantity and quality of data received by the Councils and its analysis to assist the above.
(*Strategy 2021*).

Strategy 2021 Performance Measures

i. Decreasing seriousness in complaints/claims in the professional standards regime.

- The Councils continue to explore several measures of seriousness. This includes the number of complaints to associations about scheme participants and the number of professional indemnity claims, as shown in Figure 8. The volume, percentage and cause of all claims that exceed 50% of the monetary ceiling is also considered as a measure of seriousness.
- Complaints against members of associations increased in the solicitor and built environment sectors and decreased in the accounting and barrister sectors.
- Claims exceeding 50% of the monetary ceiling placed on practitioners' liability decreased from 13 claims in 2020, to 12 claims in 2021. An increasing number of associations have made improvements in their analysis of risks, including use of root cause analysis, to identify professional risks and implement changes to their professional standards.

Strategy 2021 Performance Measures (continued)

ii. Improvement in compliance and risk management of approved schemes.

- 100% of associations submitted their annual Professional Standards Improvement Program report on-time by the 31 March deadline or their approved extension deadline. This is the fourth consistent year of 100% submissions.
- 89% of associations reviewed elements of their risk management plan in 2021. 37% of associations reviewed their risk management plan using data inputs and implemented some, or all, of their improvement plan.

iii. Councils are recognised for their occupational risk management knowledge and data.

- During 2021/22, occupational associations, academics, and other regulatory agencies sought input from the Councils on a number of areas including root cause analysis, codes of ethics, governance, systems to regulate professional conduct and competence, the role and benefits of professional standards schemes to enhance consumer protection and improve standards across sectors.
- 60% of legal associations considered sexual harassment as a risk and/or responded to it in their risk management strategies. During engagements with legal profession associations, the Councils were asked to provide further resources on professional standards responses to combat sexual harassment. In 2022, the Councils published a Rapid Evidence Review: Professional Standards and Sexual Harassment prepared by the Gendered Violence Research Network at the University of New South Wales.
- The Councils executed their first Memorandum of Understanding with the Tax Practitioners Board to share permissible information on issues and risks relevant to the tax/financial services industry.
- The Councils received a Net Promoter Score of 55 in response to services provided including Professional Standards Forums and Professional Standards Officers meetings. This provides a measure and overview of stakeholders' experience related to services provided by the Councils. Scores above 50 are considered to be excellent.
- The Councils published an independent report, '*The benefits of professional standards schemes – limitation of liability and consumer protection measures*', demonstrating the effectiveness of professional standards regulation in enhancing consumer protection through professional standards schemes.

Professional Standards Improvement Program

Supervising and monitoring each association's compliance with professional standards legislation, and its commitments to regulate its members to better protect consumers of their professional services, is at the heart of a successful and effective professional standards scheme.

Associations that operate a professional standards scheme are required to submit a Professional Standards Improvement Program (PSIP) report annually to the Councils. The report requires the association to specify: the actions taken to improve the professional standards of its members, consumer-directed risk analysis and management, resolution of complaints made by consumers of the services provided by members, member discipline, occupational liability claims, and the cost, availability, and quality of professional indemnity insurance.

This information, self-reported by the associations, is analysed and compared over time and across associations. This provides the Councils with insights on the operation of schemes and is an important part of the Councils' supervision approach.

The Councils are required to report on the activity of associations and professional standards schemes in the Councils' Annual Reports, provided to the responsible Minister and Parliament of each state and territory. The public is thereby also advised of the performance of associations in improving professional standards and protecting consumers. Highlights of the 2021 Professional Standards Improvement Program is provided in the following infographic.

100%



of Professional Standards Improvement Program reports provided on time by regulated associations in 2021 and 2020.

13
(2020)

Claims exceeding 50% of the monetary ceiling.

12
(2021)

Causes

1. Negligence – Communication/ advice/administration
2. Misappropriation, misleading and deceptive conduct
3. Unknown/other



71%
(2020)

Regulated associations that implemented Root Cause Analysis.

79%
(2021)

87%

of these associations incorporated elements into their risk management strategies during 2021 compared to 83% in 2020.

Reporting Guidelines and Template

The 2021 Professional Standards Improvement Program Guidelines and Template was refreshed to provide additional clarity and guidance on reporting elements such as root cause analysis; and to promote the role of Codes of Ethics in delivering consumer-focused services and the use of behavioural insights as a risk management tool.

The refresh responded to feedback provided by associations, through the Program's annual satisfaction survey and engagements, about which elements required additional guidance.

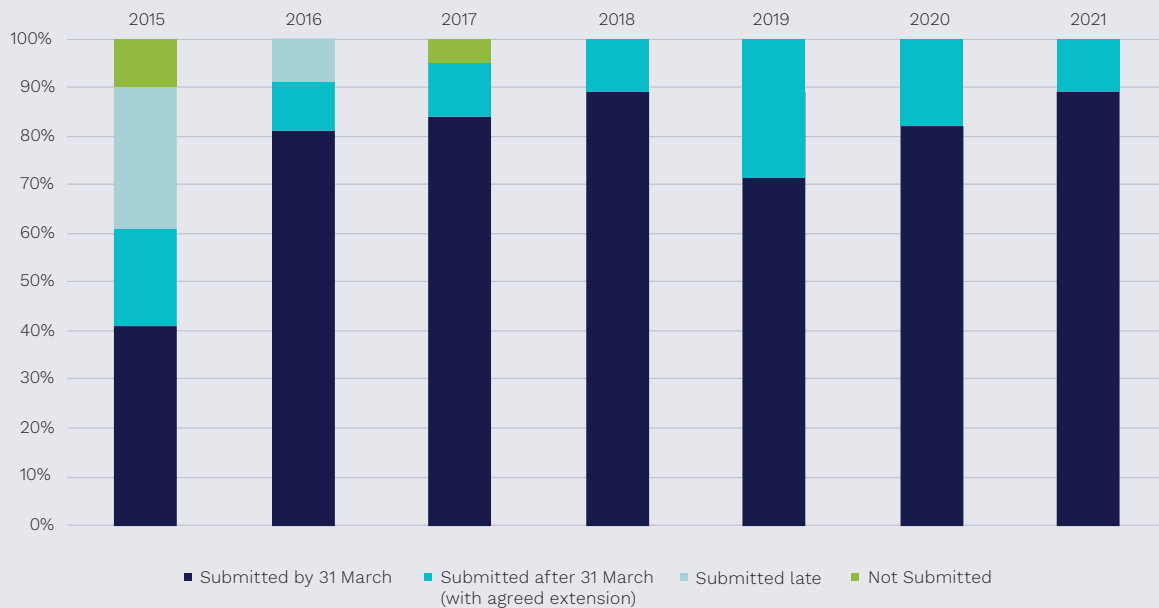
Engagement meetings were held with eleven associations in 2021. These meetings provided guidance to associations on how to address the requirements of annual reporting, and on how to demonstrate their performance as regulators of professional standards. Common themes from these engagements included that elements of reporting require further guidance and that the sharing of good practice examples was helpful.

These engagements enabled a deeper level of discussion with associations and supported the Councils efforts to promote greater collaboration.



Reporting timeliness

Figure 3: PSIP submission times comparison: 2015 to 2021



All regulated associations provided their annual reports on time. This is the fourth consecutive year of 100% submissions. This improvement may be due to providing occupational associations with annual reporting templates earlier in the reporting cycle, and more effectively engaging with associations in response to feedback.

Developing a revised Annual Profession Standards Report Template and Guidance

In 2021, the Councils commenced development of the revised Annual Professional Standards Report Template and Guidance, in consultation with occupational associations.

It will integrate with the new *Scheme Application Framework* and streamline annual reporting requirements. This will ensure alignment between a scheme application (which now includes an annual reporting module) and an occupational associations' ongoing annual reporting requirements.

The revised annual reporting Template and Guidance will provide a refreshed focus on:

- work of the occupational association to improve occupational standards and increase consumer protection
- how members and consumers are informed about the scheme and how performance of the scheme is measured
- how consumers are protected by the scheme through improved standards and professional risk management strategies
- how the occupational association responds to consumer complaints and professional indemnity insurance claims, including improvements to relevant policies, processes and systems
- administration of the scheme and monitoring scheme compliance.

Activities during the period include developing the revised Template and Guidance for consultation, conducting a co-design workshop and targeted consultation with regulated associations.

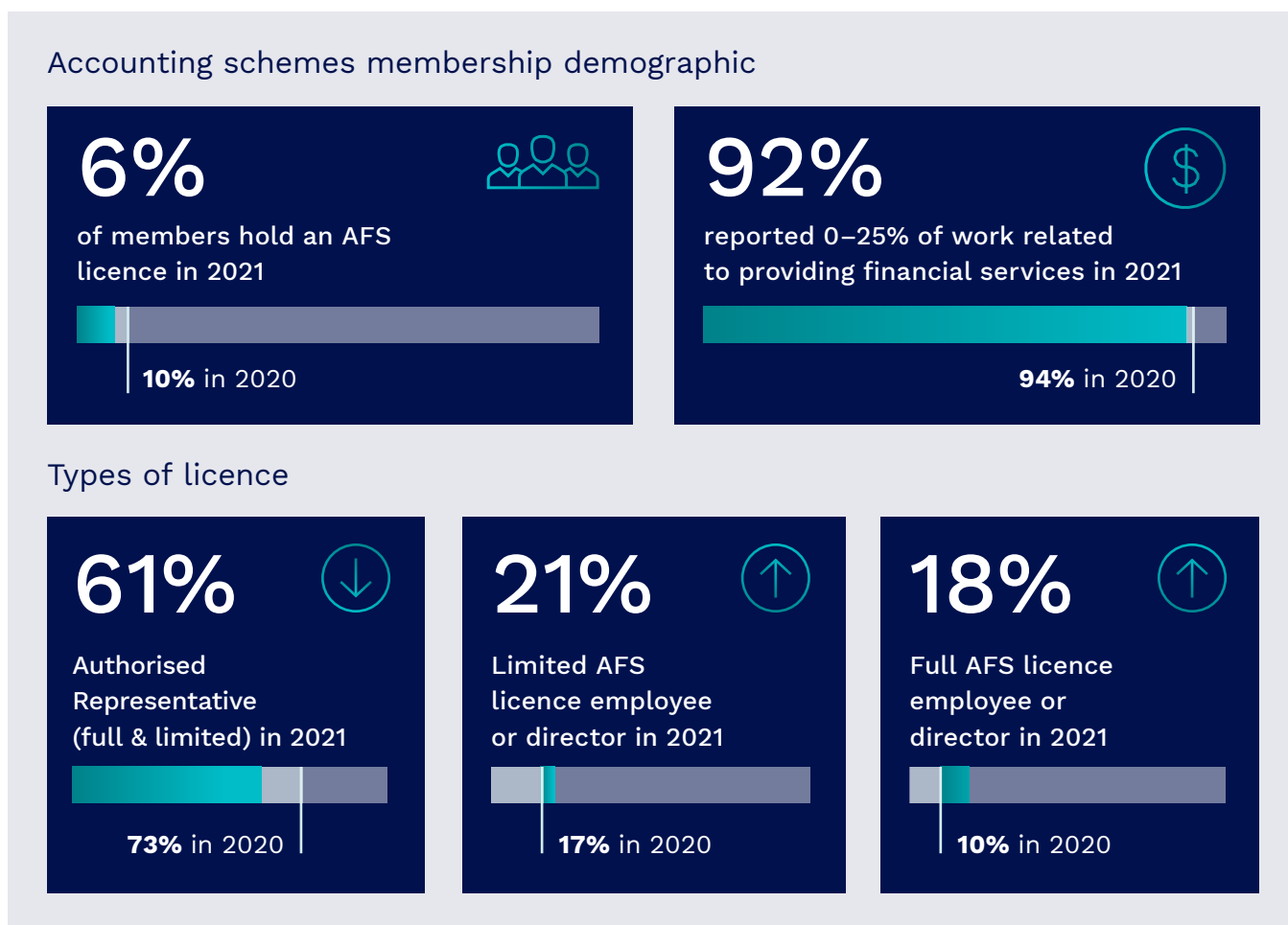
The revised Template and Guidance will be provided to associations for the 2022 reporting year. Occupational associations will be provided with a one-year transition period, during which they may opt to use either annual reporting template.

Councils focus on financial services risk management

Since 2019, the Councils have been working with accounting associations operating a professional standards scheme to better understand and respond to the risks present and emerging for clients of their members providing financial services.

In 2021, the accounting associations continued to provide additional reporting to the Councils on financial services risk management.

The infographic below provides an overview of membership demographics across the professional accounting community, as identified in the reports provided in 2021:



The accounting associations analyse demographic data to determine areas of risk and their drivers. The Councils commend the achievements and good practice risk responses by the accounting associations identified from the 2021 additional risk reporting. These include:

- Establishing arrangements with external education providers to enhance member education
- Incorporating professional and ethical behaviour into major programs offered by the association
- Liaising with government departments and other industry bodies relating to emerging risks regarding the delivery of financial services
- Updating members on policy developments through education and events
- Offering courses which incorporate the six norms of conduct identified by the Hayne Royal Commission.

Professional Standards Improvement Program findings by topic area

Each occupational association's Professional Standards Improvement Program report is analysed to identify areas of achievement and areas for improvement, and the occupational association is provided with feedback. Information and data reported in the Professional Standards Improvement Program is also compared by the Councils over time, across occupational associations and across sectors. This provides the Councils with insights into the operation of professional standards schemes and their efficacy, and forms an evolving part of the Councils' supervision function.

Common areas of achievement

Three common areas of achievement across the occupational associations have been identified, which demonstrates the areas where there were positive developments and improvements in performance of professional standards schemes.

Scheme administration and Annual Membership Assurance Reporting

There were some noteworthy examples of improvements in association governance that support scheme administration, in the reporting of scheme participant numbers and in compliance with the Annual Membership Assurance Reporting requirements.

Associations are required to report on the number of members of the association, members excluded or exempted from the scheme, and the total eligible members (scheme participants) in each reporting year. Associations are also required to provide an Annual Membership Assurance Report to confirm the number of members to whom the scheme applied during the scheme year, the annual Fees payable and the dates and amounts paid to the Councils.

This is important because each association governing body is responsible for ensuring compliance with professional standards legislation and for providing certainty as to members to whom the scheme applies – see page 37 for a case study on the benefits of good governance practice.

The Councils published enhanced guidance in the reporting period to assist associations to continue making improvements in record keeping for clarity of members that are participants of a scheme for the purposes of member and consumer certainty.

Conducting risk analysis and utilising root cause analysis as a risk management tool

Increasingly, associations are developing and incorporating continuous improvement methodologies into their identification and evaluation of professional risks, addressing causal factors rather than treating presenting problems. See case study on page 51 for a good practice example of continuously improving risk management practices.

At the April 2019 Professional Standards Forum, the Councils introduced root cause analysis as a practical risk management tool for associations to detect the underlying causes of risks.

Associations are required to report on the identification and evaluation of existing and emerging risks, risks management responses and initiatives, and the effectiveness of controls and strategies to address and mitigate risks. Associations are encouraged to review their risk management plans at least annually.

Improvements in assessing and mitigating risks is integral to reducing consumer harms. Root cause analysis provides an additional powerful tool to identify the underlying causes of risks in order to minimise and address those harms. The steady adoption of root cause analysis across associations provides a basis for developing more robust analysis and the integration of findings into professional risk management plans in the coming reporting period.

Continuing Professional Development

Associations reported incremental improvements in delivering continuing professional development programs, including in audit and reporting activities, actions in response to non-compliance and in responding to new and emerging risks. See case study on page 68 for good practice examples in responding to sexual harassment in the legal profession.

Continuing occupational education is aimed at continuous improvement in the professionalism and professional knowledge of members of associations to ensure consumers are provided quality advice.

There is a general need for further improvement in this area. In 2021, the Councils delivered a Professional Standards Forum on the role of continuing professional development in professional standards improvement and regulatory systems for assuring the ongoing competence of practitioners for better consumer protection. The Councils will continue to provide guidance to associations to further develop proactive continuing professional development programs to prevent and mitigate professional standards risks.

Common areas for improvement

Three common areas for improvement across associations have been identified, which particularly focus on consumer risks. The three common areas identified have continued to be areas for improvement from the previous year. These are areas where further improvements can be made. The Councils have provided guidance on a case-by-case basis to assist associations. The Councils will continue to encourage and assist associations to maintain a focus on delivering continuous improvement in these areas.

Complaints and discipline system improvements

An important element of a professional standards scheme is a robust complaints system to provide consumer redress and ensure compliance with professional standards.

There is a need for improvement in associations' analysis of complaints and claims data. While evolving, analysis is not yet consistently used by associations to move beyond merely categorising complaints to identifying trends in, or underlying causes of, complaints to help identify and mitigate areas of professional risk as they emerge.

The Councils will be working with associations to develop regulatory capacity for improved use of data in the year ahead, particularly in associations' professional risk management plans and the implementation of risk management strategies.

In addition, the Councils' *Strategy 2025* includes a strategic initiative to raise awareness of the benefits of professional standards schemes through better complaints systems of associations. The Councils will identify strategies to inform continuous improvement in the year ahead, to assist associations to improve features and accessibility of complaints systems.

Scheme monitoring improvements

A continuous improvement approach to monitoring compliance with professional standards legislation is integral to continuously improving professional standards and protection of consumers. Analysing scheme monitoring processes and outcomes assists in determining the effectiveness of scheme monitoring activities. A robust and effective compliance monitoring system enables the identification of regulatory risks and trends with respect to compliance to inform risk management and compliance plans. This is vital to improving compliance with professional standards requirements and managing risks to consumer protection.

Discretionary caps and exemptions

Professional standards schemes are intended to apply to all members or specified class(es) of members within an association unless they are excluded or are granted an exemption. An exemption may be granted by the association on application from a member, otherwise subject to the scheme.

Professional standards schemes generally provide for the same amount of limited liability for all members or class(es) of members to whom the scheme applies. However, professional standards legislation provides that associations may specify a higher maximum amount of liability to a scheme participant or class of scheme participant.

To ensure clear and accurate information is available to consumers about which members are scheme participants and the applicable amount of limited liability, associations must have appropriate systems, processes and records in place. This includes reliable and accessible policies and procedures for approving exemptions and higher discretionary caps, including the reasons for the governing body's approval.

Associations must also have up-to-date and accurate records of all members approved for a higher discretionary cap and those exempted from the scheme. This is important for evidentiary purposes when a member pleads the scheme in court.

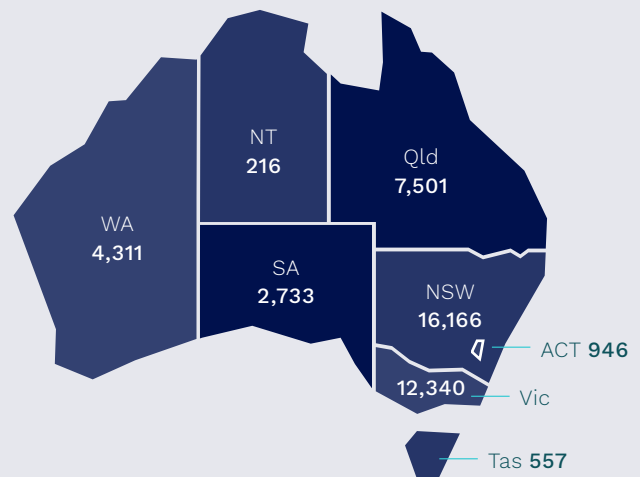
Professional Standards Improvement Program findings by sector

Accountants

Figure 4: Accountants – average number of persons by state and territory subject to professional standards schemes

The accounting profession reported a number of improvements throughout the year including:

- engaging with brokers and insurers to facilitate members accessing affordable professional indemnity insurance
- undertaking comprehensive auditing activities to monitor compliance with membership entry requirements
- enhancing by-laws and membership policies to improve member awareness of professional indemnity insurance requirements.



Case study

Improving compliance monitoring and risk management

The Institute of Public Accountants launched a new Quality Review Program to assess member compliance with professional and ethical standards, and to assist non-compliant members in achieving compliant status.

The Institute indicates that the new Quality Review Program has enhanced functionality and reporting capabilities, improved transparency for members, and provided deeper insights to allow a more targeted approach to improve compliance.

The Institute completed two rounds of quality assurance reviews in 2021 using the new program. The first review commenced in May 2021 and the second in September 2021.

The Institute evaluated member behaviour, the causes of behaviour, and associated feedback from the first review. This analysis was used to improve the process for the second review to support scheme participants in completing the Quality Review Program.

This included introduction of a phone call regarding a non-compliance, offering assistance to members experiencing difficulties with completing the review, providing support to assist with specific circumstances if required, and highlighting the educative nature of the program on areas to be rectified.

We understand improvements in member communications resulted in a 34.1% decrease in the number of non-compliances per non-compliant member between the first review and the second review.

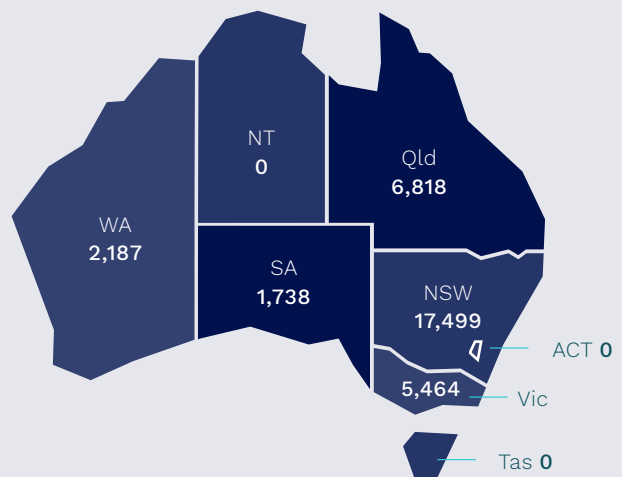
The Institute of Public Accountants' initiative demonstrates its continuous improvement approach to strengthening compliance monitoring capability. It enhances risk management practices to drive improvements in regulatory systems to lift professional standards and consumer protection.

Solicitors

Figure 5: Solicitors – average number of persons by state and territory subject to professional standards schemes

There were improvements in several areas by solicitors including:

- conducted monitoring and compliance activities to ensure scheme participants have appropriate professional indemnity insurance
- one association reviewed risk management strategies to identify new risks and controls to mitigate the risks
- two associations conducted root cause analysis on claims and complaints data to identify actions to prevent the risk and enhance early and targeted intervention programs.

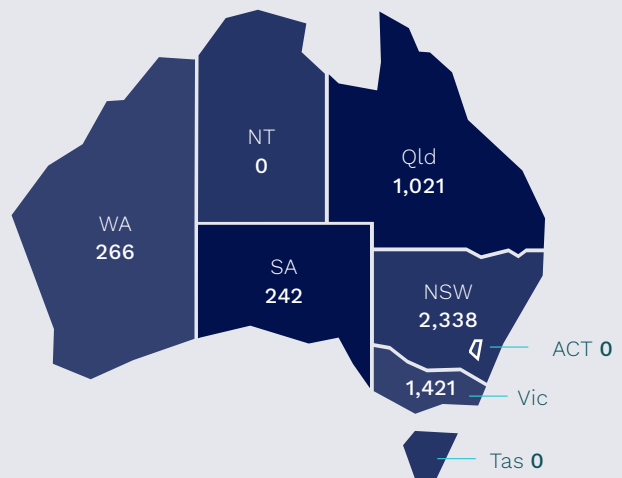


Barristers

Figure 6: Barristers – average number of persons by state and territory subject to professional standards schemes

Noticeable improvements were observed across several bar associations including:

- identifying new and emerging risks and implementing controls to manage these risks
- one association conducted a continuing professional development audit and utilised the findings to develop a Competency Framework
- two associations implemented changes and initiatives to respond to risks of sexual harassment and bullying
- one association undertook an audit to monitor compliance with the scheme participant's obligations to disclose their limited liability status and utilised the findings to conduct a continuing professional development session.

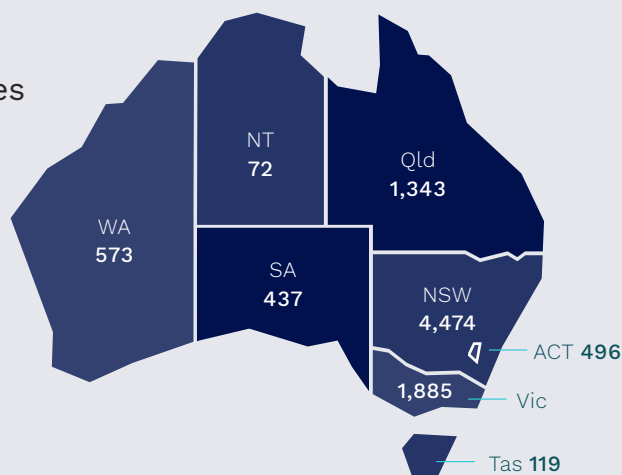


Built environment

Figure 7: Built environment – average number of persons by state and territory subject to professional standards schemes

Achievements observed in the built environment sector included:

- undertaking comprehensive activities to inform scheme participants of their obligations and ensure compliance with the professional standards legislation and scheme
- compliance with the Annual Membership Assurance Report verifying the number of scheme participants for the annual fee period and annual fee payments
- two associations conducted root cause analysis using data inputs and identified risk management strategies to mitigate the identified risks.



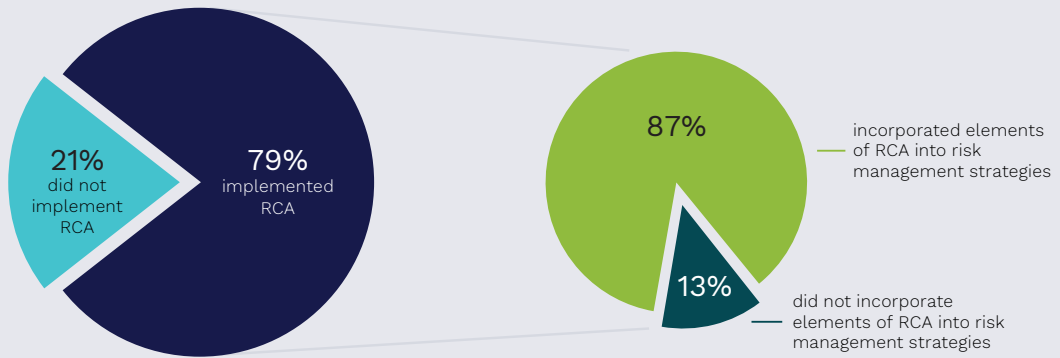
Professional Standards Improvement Program findings by focus area

Root cause analysis

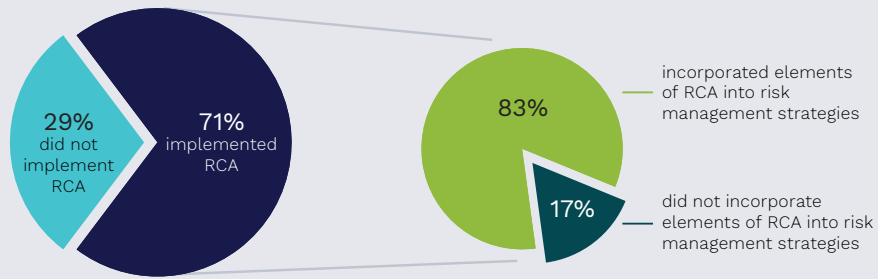
At the April 2019 Professional Standards Forum, the Councils introduced root cause analysis methodology as a practical risk management tool for associations to utilise to look beyond typology and detect the underlying causes of complaints and claims.

The Councils observed that the number of associations that undertake root cause analysis and use their analysis to inform their risk management strategies increased since 2019. Of the 79% of associations that implemented root cause analysis in 2021, 87% incorporated elements of root cause analysis into their risk management strategies. This is an increase from 2020, where out of the 71% of associations that undertook root cause analysis, 83% incorporated elements of root cause analysis into their risk management strategies.

Associations that implemented root cause analysis in 2021



Associations that implemented root cause analysis in 2020

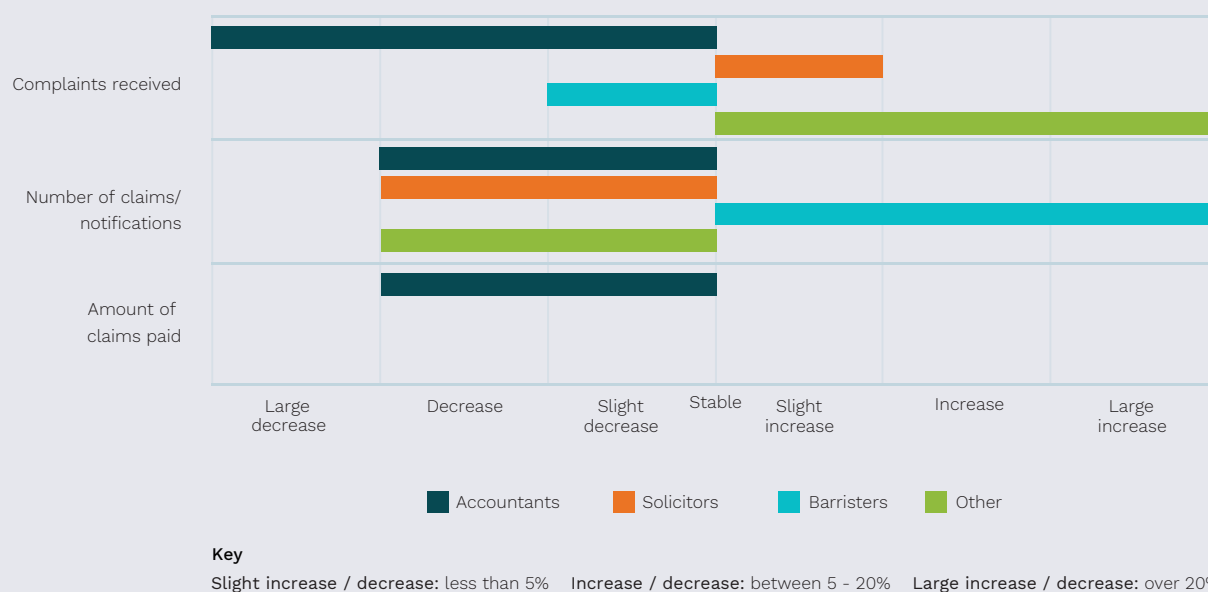


Performance and trends indicated by associations' annual reporting

The data and information provided in the annual reporting from each association has been aggregated and analysed to identify any trends across all associations or within sectors of associations (for example, barristers). As associations only have access to their own information, this cross-association and cross-profession analysis of data and information provides a macro approach uniquely available to the Councils. This analysis enables the Councils to share system-wide insights and potential responses with the associations and the professional standards community to inform continuous improvements and the adoption of good practices. The information and data presented within the below graph identifies the trends in complaints and claims between 2020 and 2021. The Councils will undertake further analysis of complaints and claims/notifications data through separate reporting initiatives under *Strategy 2025*.

Figure 8: Industry sector comparison in complaints/claims 2020 to 2021

The number of complaints increased in the solicitor and built environment sectors and decreased in the accounting and barrister sectors. The Councils note that two new schemes joined the built environment sector in 2021, one of which accounted for most of the increase in the sector. At the same time, the number of claims/notifications decreased in the accounting, solicitor and built environment sectors, and increased in the barrister sector.



Explanation of terms

Complaints received: Number of consumer complaints made against members which are dealt by, or disclosed to, regulated associations in the reporting year including complaints made against members received by relevant regulators of the occupation.

Number of claims/notifications: Number of professional indemnity insurance claims and notifications made against members collated by regulated associations in the reporting year from available data sources.

Amount of claims paid: Number of reported settlements paid for professional indemnity insurance claims made against association members.

Note: These indicators are sourced from a comparison of current 2021 Professional Standards Improvement Program data against the 2020 Professional Standards Improvement Program data for each scheme association (where available).

Claims exceeding 50% of the monetary ceiling

The 2021 Professional Standards Improvement Program Guidelines and Template includes reporting on claims and notifications that exceed 50% of the monetary ceilings specified in the association’s scheme. This informs more targeted reporting which enables the Councils to monitor and analyse the effectiveness of limitation of liability settings across the national professional standards system.

Claims exceeding 50% of an association’s monetary ceiling occurred in the accounting, solicitor and barrister sectors. There were 12 claims in 2021 compared to 13 claims reported in 2020.

Figure 9: 2021: Number of claims exceeding 50% of the monetary ceiling per 1,000 members

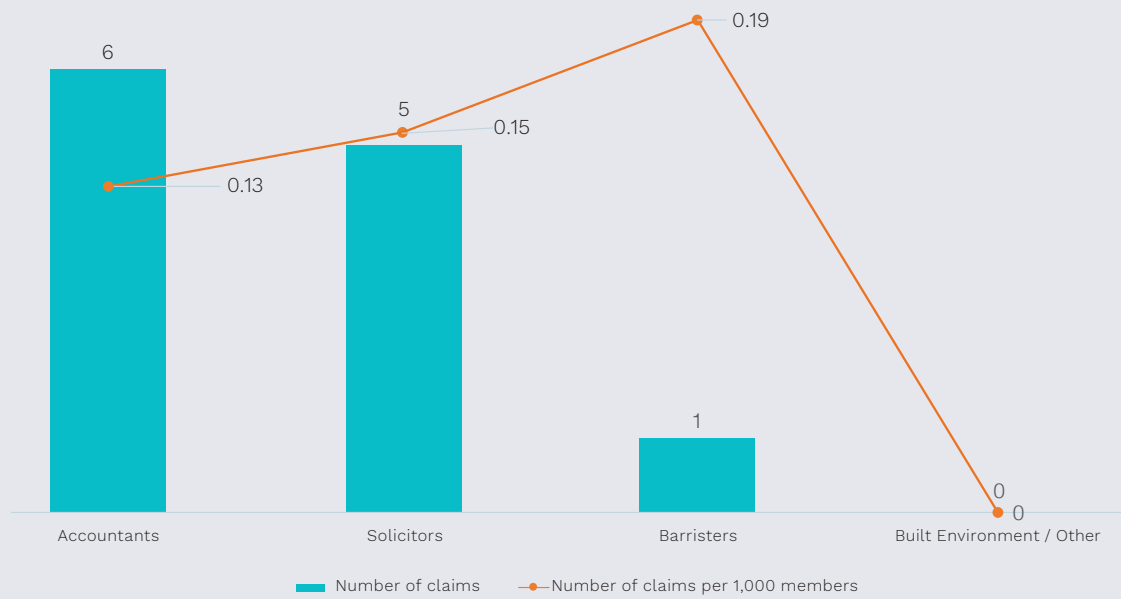


Figure 10: Claims exceeding 50% of the monetary ceiling trend comparison: 2020 to 2021

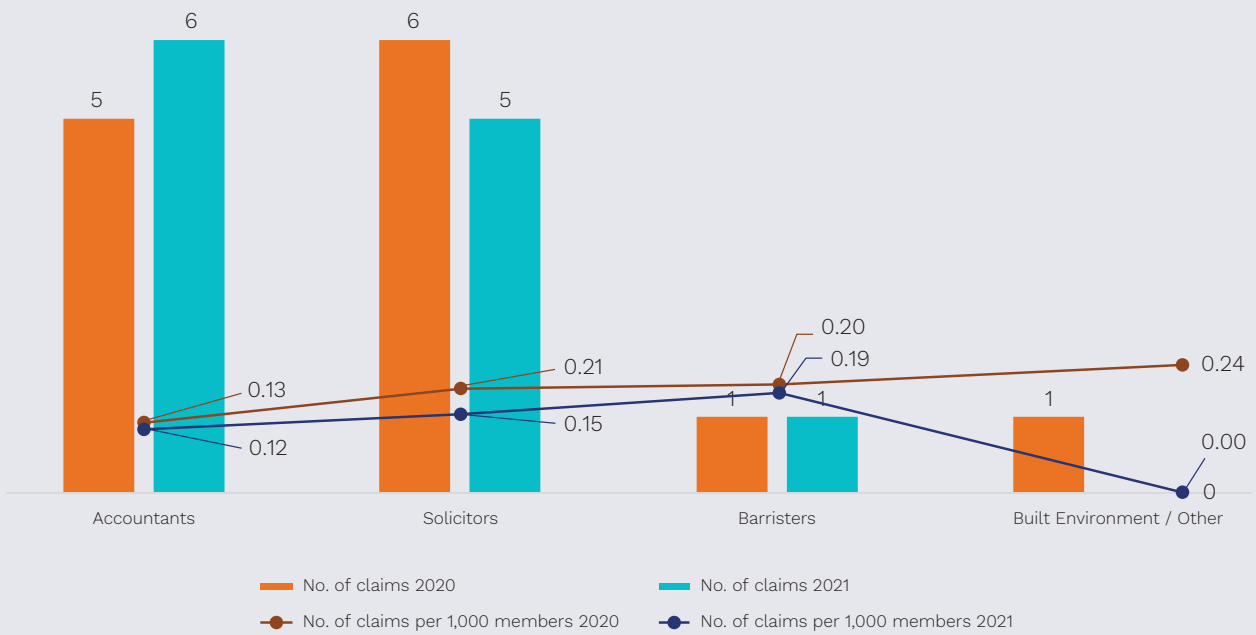


Figure 11: Claims exceeding 50% of the monetary ceiling per 1,000 members comparison trend: 2018 to 2021

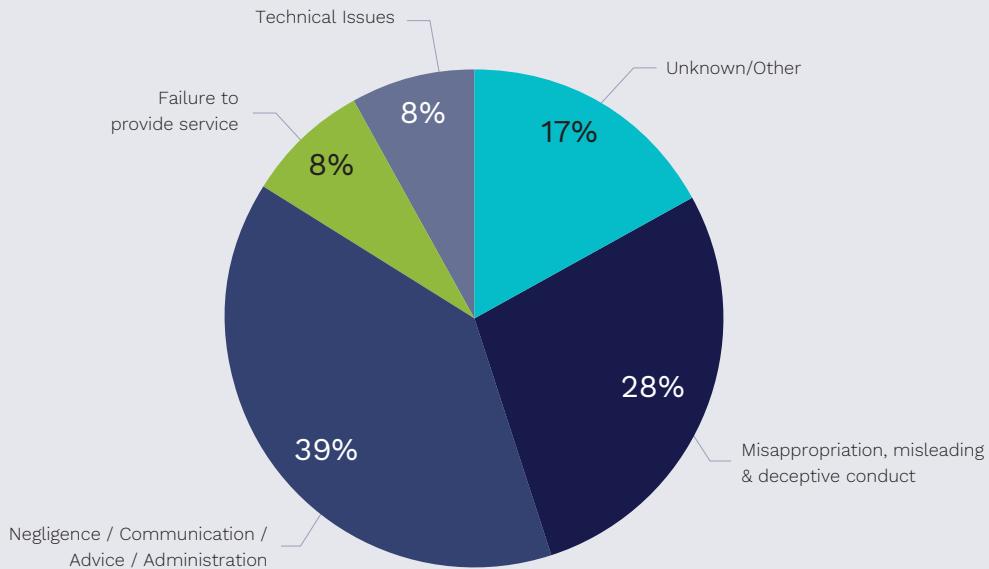
The four-year comparison is based on the number of claims across the accounting, solicitor, and barrister sectors to ensure consistency and accuracy in data analysis with previous reporting years. Claims in the built environment sector could not be deidentified and included in the trend analysis in 2018 and 2019 as there were a very small number of associations during that period. It should be noted there were no claims exceeding 50% of the monetary ceiling in the built environment sector in 2021.



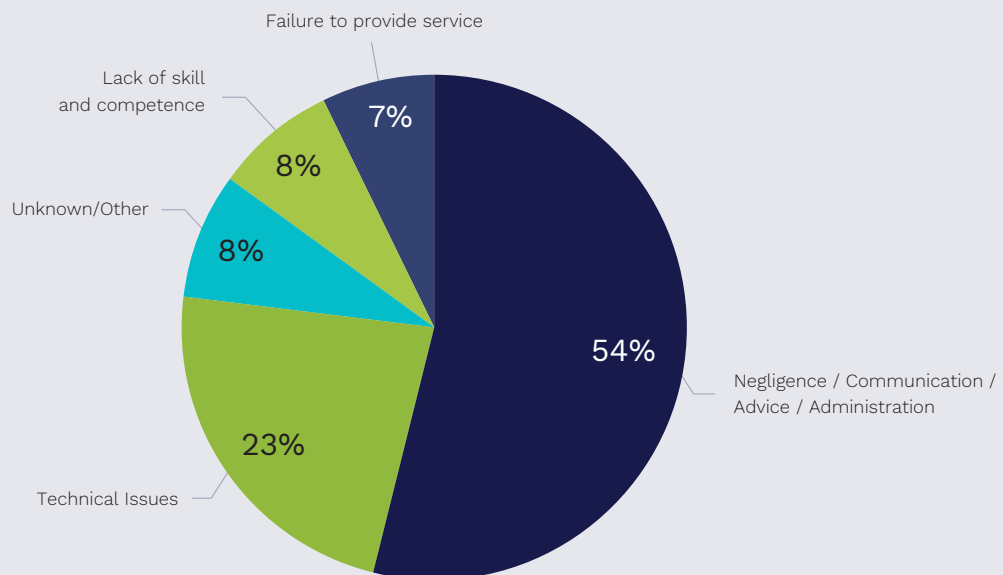
Figure 12: Causes for claims exceeding 50% of the monetary ceiling

The following graphs categorise the causes of claims reported by associations for the 12 claims reported in 2021 and 13 claims reported in 2020.

Causes for claims exceeding 50% of the monetary ceiling: 2021



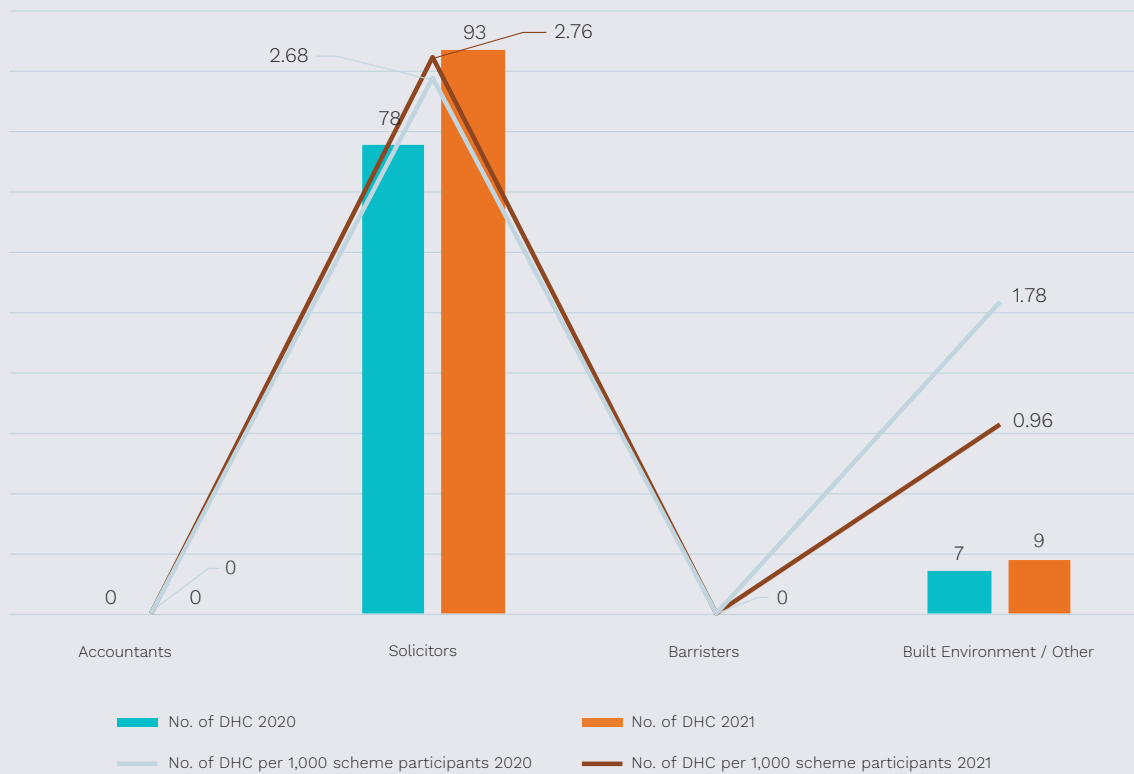
Causes for claims exceeding 50% of the monetary ceiling: 2020



Discretionary higher caps

A scheme may confer a discretionary authority on an occupational association, on application by a person to whom the scheme applies, to specify a higher maximum amount of liability than would otherwise apply under the scheme either in all cases or in any specified case or class of case.

Figure 13: Discretionary higher caps trend comparison 2020 to 2021





Code of ethics

The Councils encourage associations to make their occupation's Codes of Ethics/Conduct transparent to their members and accessible to the consumers of their members' services.

The October 2020 Professional Standards Forum discussed consumer-focused codes of ethics and resources were provided on applying behavioural insights to ethics regulation, by way of the [EAST framework](#) which stands for Easy, Attractive, Social and Timely.

In maintaining a robust governance system, associations must ensure effective complaints and disciplinary processes are in place to hold members accountable for unprofessional actions.

In the 2021 reporting year, associations were requested to report on any actions or strategies to review Codes of Ethics and ensure consumer accessibility and awareness, as well as any actions taken to adopt the EAST model and utilise behavioural insights to monitor compliance with Codes of Ethics.

53% of associations reviewed their Code of Ethics or are in the process of conducting reviews. 58% of associations used and/or plan to use behavioural insights. One association utilised behavioural insights, applying the EAST Framework to embed and monitor compliance with the Code of Ethics to improve timeliness for reporting findings to members and provide guidance and supporting tools to assist members in meeting ethical standards.

The Councils will release revised guidance for associations in the next reporting period.

Annual Report 2021-22 — Professional Standards Councils

Professional indemnity insurance

What have we observed recently?

The 2021 Professional Standards Improvement Program encourages wide sourcing of expert insurance data and information by associations, of which a number expect:

- growing financial stress of underwriters
- increased number of claims across the insurance market
- premiums to continue increasing.

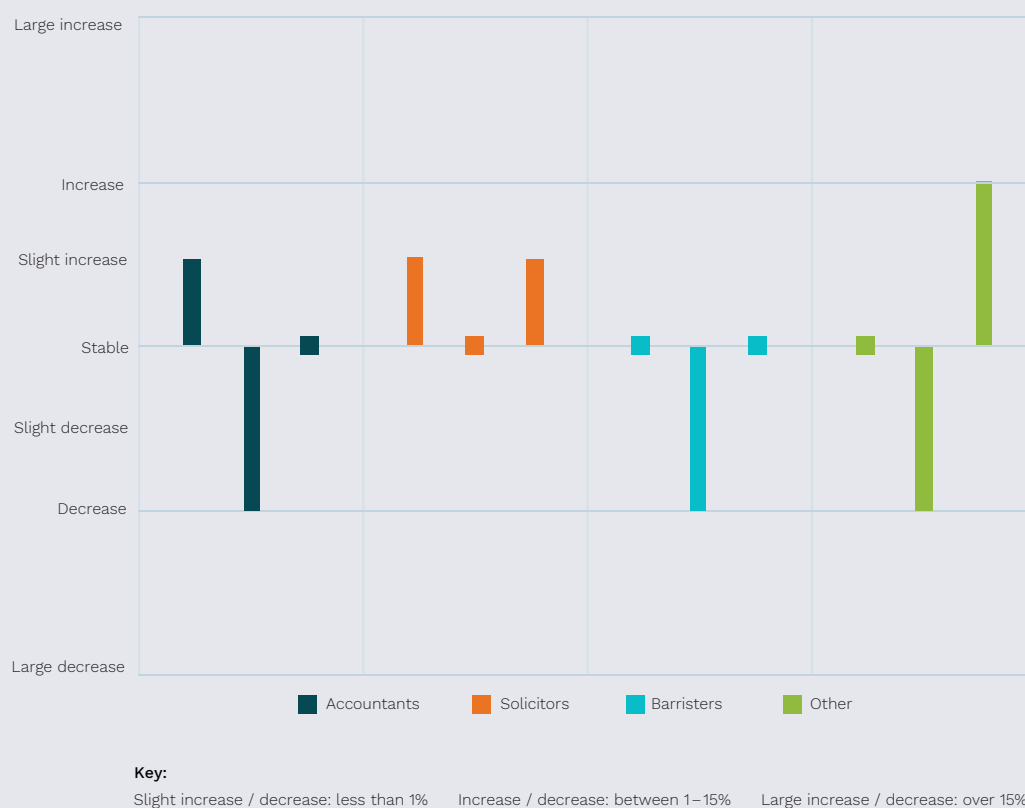
The continued impacts of COVID-19 were also reported to exacerbate economic uncertainty for professionals.

The Councils monitor industry data and reports, which anticipate further tightening and hardening of the insurance market, with potential implications on the availability of insurance.

Changes to professional indemnity insurance costs

Figure 14: Professional indemnity insurance costs (average premiums) comparison 2020 to 2021

This graph provides a general overview of the changes in the professional indemnity insurance market for scheme participants. It does not provide a comparison between individual associations. These indicators are sourced from a comparison of current 2021 Professional Standards Improvement Program data against the 2020 Professional Standards Improvement Program data for each scheme association (where available).



Each placement on the graph represents an association that reported comparable information on the average cost of professional indemnity insurance for the 2020 and 2021 Professional Standards Improvement Program reporting periods. Whether the average cost of premiums in 2021 increased, decreased or remained stable in comparison to 2020 can be compared across sectors.

The average cost of professional indemnity insurance increased for 4 of the 12 associations who provided comparable data in 2020 and 2021. However, the percentage by which costs have increased or decreased cannot be compared across associations due to differences in the way associations obtain data. This includes:

- comparing the average cost of insurance as a proportion of gross fees/income
- comparing the average premium costs
- using member surveys to identify any changes to members' premium costs.

However, the figures do show the percentage by which costs increased or decreased for the association's scheme participants.

The results are mixed, and illustrate the need for the Councils to commission an actuarial report assessing the effect of schemes on professional indemnity insurance.

An independent report into the benefits of professional standards schemes

The Councils continued to deliver on a key strategic initiative from *Strategy 2021* to “build an evidence base to demonstrate effectiveness”. In April 2022, the Councils published an independent report, ‘*The benefits of professional standards schemes – limitation of liability and consumer protection measures*’, by Taylor Fry actuaries. The benefits report is aimed at assisting associations to realise the full range of benefits in operating schemes for their members and their clients.

Key findings from the report

The benefits report demonstrates the effectiveness of professional standards regulation in enhancing consumer protection through professional standards schemes. The benefits report highlights the following key findings:

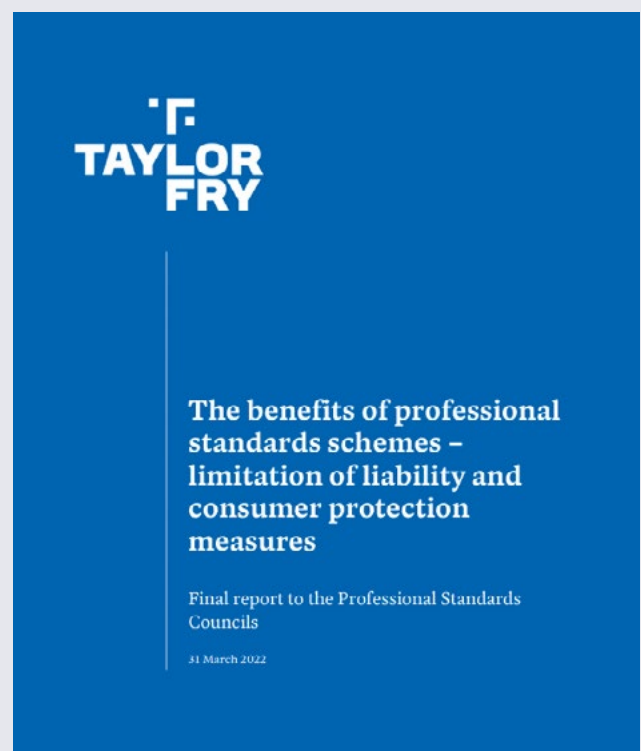
- **favourable trends** – professional standards schemes promote lower claim frequency and average claim size, lower complaints, downward pressure on insurance premiums, and improved availability of professional indemnity insurance
- **the value of independent oversight** – the Councils supervisory role in legislative compliance, reviewing association risk management strategies, and engagement in the ongoing development of associations’ regulatory capacity supports associations’ continuous improvement
- **the advantage of an active insurer and insured relationship** – better outcomes are likely to be achieved through a deeper relationship between associations and their insurer/s, enabling all involved parties to secure benefits by understanding and proactively responding to occupational risks.

The benefits report provides the basis for the Councils to encourage regulated associations and the insurance sector to work more closely together to help deliver better outcomes.

Using the benefits report for better outcomes

In the next reporting period, the Councils will convene a roundtable with regulated associations and key stakeholders from the insurance sector. The roundtable will aim to build stronger working relationships between associations and insurers to optimise the effect of schemes in mitigating occupational liability risks and supporting improvements in the availability, affordability and quality of insurance.

The Councils will commission further work to demonstrate the benefits of professional standards schemes, including the strategies that have successfully improved occupational standards and protected consumers.



Regulatory assurance action

The Councils take measured regulatory assurance actions when associations are non-compliant, or at risk of non-compliance, with professional standards legislation.

During the reporting period, the Councils:

- targeted engagements with associations operating schemes to progress resolution of identified issues of concern and corrective actions occurring/pending.
- provision of feedback letters to associations on their 2021 Professional Standards Improvement Program results, identifying areas for improvement.
- continued monitoring of COVID-19 risks to professional standards regulation through incorporation of the Councils' survey into the 2021 Professional Standards Improvement Program Guidelines and Template. 68% of association identified operational and consumer risks relating to COVID-19. 63% of associations reported on plans and actions conducted in response to identified risks.
- additional risk reporting requirements in response to changes affecting scheme operation including in relation to: association governance and scheme administration; risk profile of occupations in the built environment sector; and risk management improvements in response to the Victorian Royal Commission into the Management of Police Informants.
- continued additional risk reporting by accounting profession associations and analysis of the responses to developments in financial advice services.
- informed the Chartered Surveyors Limited (formerly RICS Valuers Limited) of actions required in relation to the expiry of their professional standards scheme, in accordance with the Councils' Guidance note on scheme expiration.



Unethical conduct in the accounting sector

In September 2021 the US Public Company Accounting Oversight Board made findings against KPMG Australia, censuring the firm, imposing a \$450,000 civil monetary penalty and requiring certain remedial actions.¹ These orders arose from breaches of PCAOB quality control and integrity requirements, caused by improper answer sharing among KPMG personnel when taking training tests over multiple years.

The Councils first became aware of this conduct through media reports in October 2021. We wrote to each of the three accounting associations to express our concerns at the conduct, and noting the ethical and risk management issues arising from it. Of the more than 1100 KPMG staff involved, the overwhelming majority were participants in the Chartered Accountants Australia and New Zealand professional standards scheme.

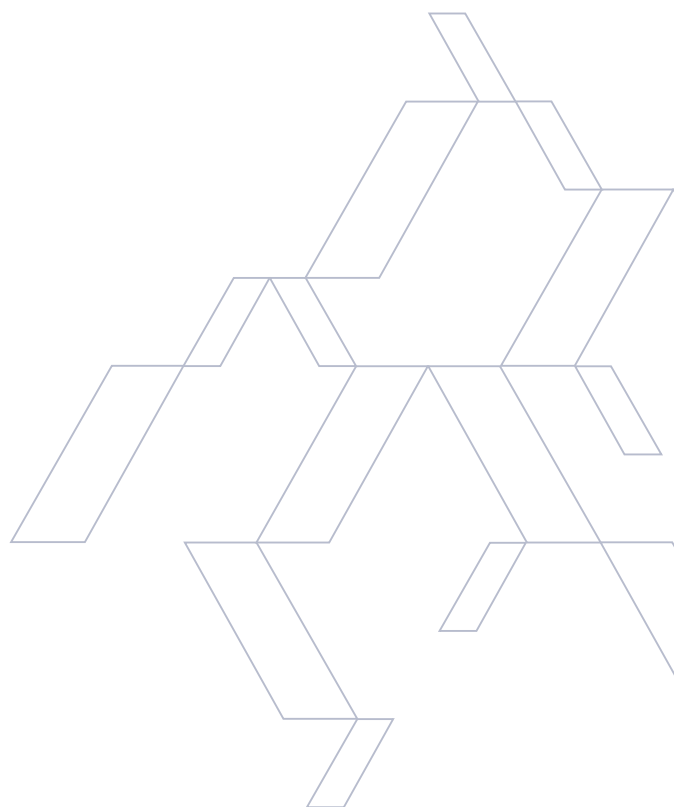
CA ANZ announced the results of disciplinary processes against 12 members on 13 July 2022.² Four cases were closed without sanction and eight received a caution and costs sanction. CA ANZ also announced a 'Professional Conduct Framework Review', including:

- review of its by-laws
- review of committee and tribunal structures
- enhanced support for members relating to ethical disclosure obligations
- comprehensive review of the interaction of academic integrity rules with by-laws, considering specifically how allegations of academic misconduct are addressed.³

The Councils have no functions or powers in relation to individual disciplinary decisions made by associations. However, the Councils remain concerned about the conduct identified in the matter. The Councils consider the unethical nature of the conduct, and the possibility of it being more widespread than currently known, to be potentially significant risks to professional standards and consumer protection in the accounting sector.

Professional standards legislation requires occupational associations with an approved professional standards scheme to have risk management strategies in place, and to report annually to the Councils on the implementation, monitoring and effect of those risk management strategies.

The Councils will monitor the outcome of the CA ANZ review and have regard to it in the association's reporting and when considering CA ANZ's next application for a professional standards scheme. The Councils have had ongoing contact with CA ANZ on this matter and note that CA ANZ has been cooperative.



¹ Order Instituting Disciplinary Proceedings, Making Findings and Imposing Sanctions, PCAOB Release No. 105-2021-008, September 13, 2021.

² CA ANZ statement, 13 July 2022, at: [Update on investigation into internal training misconduct at KPMG Australia | CA ANZ \(charteredaccountantsanz.com\)](https://www.charteredaccountantsanz.com)

³ CA ANZ statement, 13 July 2022, at: [Professional Conduct Framework Review for CA ANZ | CA ANZ \(charteredaccountantsanz.com\)](https://www.charteredaccountantsanz.com)

Providing assistance and advice to associations

The Councils have statutory functions to assist, advise and encourage occupational associations to improve their occupational standards.⁴ They can also facilitate the sharing of knowledge and experience across the professions within the national professional standards regulatory system.

Workshops and guidance

The Councils delivered guidance and conducted workshops with associations during the year.

As part of the pilot of the Scheme Application Framework, onboarding workshops were conducted with three associations with schemes approved in 2021: the Australian Institute of Building Surveyors, Strata Community Association and the Australian Property Institute Valuers. These workshops delivered guidance on:

- obligations regarding the payment of annual fees
- annual reporting requirements and key dates in the reporting year
- the Professional Standards Improvement Program Guidelines and Template including guidance on risk management activities and root cause analysis
- resources published by the Councils to assist associations.

The Councils conducted a Scheme Application Redesign Project – Lessons Learnt workshop. The workshop undertook a post-implementation review of the Redesign Project, culminating in the development of the Councils new Scheme Application Framework. Associations, Councils members, and industry experts provided insights, commentary and feedback on the Project journey, which was collated at the workshop to assist the project Steering Group to make recommendations on improvements to be incorporated into the new Framework and future projects.



⁴ Professional Standards Act 1994 (NSW) s 43.

Helping to improve professional standards of occupational associations

The Councils have a statutory function to encourage and assist in the improvement of occupational standards of members of occupational associations and to conduct forums on issues of interest to members of occupational groups.

Professional Standards Forums

The Councils delivered two Professional Standards Forums in the reporting period, continuing engagement with occupational associations and delivering encouragement and assistance for the development of associations' regulatory capacity. Both Forums were held online and provided the opportunity for a broad range of participants, with a combined total of over 130 delegates and 38 associations represented from all states and territories in Australia.

The October 2021 Forum was delivered on the topic of 'Continuing professional development in the regulation of professional standards'. A panel of speakers presented on the role of continuing professional development in assuring the ongoing competence of practitioners for better consumer protection.

The Councils hosted a video presentation by the UK Legal Services Board on their consumer-focused strategy for legal services to better meet society's needs.

The presentation contributed to the resources provided to associations on building trust and confidence in professional services.

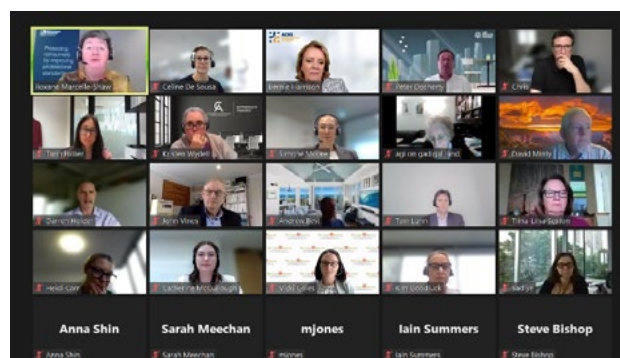
A second Forum was held in April 2022 on the topic of 'Responding to risk – insurance and improvement strategies'. A panel of speakers shared experience across the building, insurance and health sectors including on using continuous quality improvement to bring about systemic change for risk reduction, better consumer outcomes and a stronger profession.

Feedback received from attendees was positive, with 87% of respondents appreciating hearing from knowledgeable and engaging speakers across both Forums.

Delegates stated they learned:

- “Consumer focus is the key”
- “The benefits of engaging in the professional standards process and accreditation”
- “The regulatory approach involves everyone and needs to be proactive with a focus on using an evidence-based approach towards continuous improvement.”

Forum recordings, presentations and other Forum resources are available on a dedicated page on the Councils' website: www.psc.gov.au/forums, making resources accessible to a wider audience across the professional standards community. During the reporting period, the page was accessed over 350 times and the recordings of the Forums were watched by over 80 additional viewers.



Picture: April 2022 Forum participants



Picture: Presentation by Mr John Rogers, General Manager, Law Mutual WA at the October 2021 Professional Standards Forum.

Publishing advice and information

The Councils continuously develop and revise a range of resources to help associations:

- respond to their regulatory obligations
- submit professional standards scheme applications
- manage ongoing compliance with professional standards legislation and regulation.⁵

Guidance notes

Guidance note on use of data sources

The Professional Standards Councils published a new guidance note on use of data sources. The guidance note provides information about the broad range of data sources that an association may use as inputs when making an application for a professional standards scheme; meeting its ongoing compliance reporting obligations; and developing consumer-focused risk management strategies aimed at improving professional standards.

Guidance note on association Codes of Ethics

To assist occupational associations to better understand how to build or review a code of ethics, the Councils developed a Guidance note on Developing, Implementing and Revising Association Codes. It will be published in the next reporting period.

The Guidance note provides suggested steps for associations to build a new code of ethics or revise an existing code. These encompass beginning, planning and research while considering legal and governance issues, drafting, consulting and finalising the code, seeking approval from the board or other ultimate governing body, communicating, implementing and educating members and stakeholders about the new code, and monitor the code for regular review while offering opportunities for members to provide input and suggestions.

Good practice strategies for associations to consider are also included, such as identifying and renewing an association's values, securing visible commitment from the CEO and management, engaging the board or other ultimate governing body, and building ethics into mission and vision statements.

The Councils also encourage associations to refer to research articles on the Councils' website as well as the proceedings of the Councils' Professional Standards Forum: *Putting the Consumer First in Ethics*.

Guidance note on Fees payable (revised)

To ensure clear guidance is available to associations regarding the Fees payable under professional standards legislation, the Councils published a revised Guidance note on Fees payable and Assurance reporting.

The revised Guidance note consolidates information regarding the payment of annual fees and applying to the Councils for fee waivers or remissions. It includes additional guidance to assist associations in improving scheme membership governance processes to mitigate noncompliance risks relating to scheme fees and interest payable.

⁵ *Professional Standards Act 1994* (NSW) s 43(d)(g).

Innovative ways of changing culture in response to sexual harassment risks in the legal profession

Sexual harassment has been identified as a prevalent issue in the workplaces of the legal profession, making it a significant risk to professional standards. The Councils, regulated associations and legal services regulators have taken, and continue to take, targeted actions in response.

Rapid Evidence Review: Professional Standards and Sexual Harassment

The Councils identify and report on trends and emerging issues to assist efforts to improve professional standards. In February 2022, the Councils published the *Rapid Evidence Review: Professional Standards and Sexual Harassment* prepared by the Gendered Violence Research Network at the University of New South Wales.

The review found there is evidence that sexual harassment in the legal profession can have negative impacts on legal professionals':

- mental and emotional health
- career prospects, including their motivation to remain in their jobs and the legal industry
- productivity
- passion about their work and morale
- involvement in workplace events
- relationships with other individuals within the workplace, and
- risk of experiencing further bullying.⁶

This creates obvious risks to the professional standards of practitioners and the quality of services provided to consumers.

To ensure consumers receive high quality services, effective risk management strategies are considered, including the development of consistent workplace and professional standards, sexual harassment policies, training, reporting mechanisms and strategies to change the culture of the profession.

The Councils continue to work with regulated associations to utilise this research in the operation of their professional standards schemes.

Continuing Professional Development

The Law Society of South Australia and the Law Society of Western Australia have implemented Continuing Professional Development sessions to inform legal practitioners about sexual harassment.

- The Law Society of South Australia instituted the 'Sexual Harassment – Changing Workplace Culture' Continuing Professional Development workshops in April 2021. Several workshops were held in 2021 and 2022. The workshops identify inappropriate conduct, the role of bystanders, workplace culture and the reporting and management of complaints. These workshops enable legal practitioners to meet new requirements to complete continuing professional development in relation to bullying, discrimination and sexual harassment.
- The Law Society of Western Australia introduced the Continuing Professional Development sessions titled 'What's our Story'. The first session was held in August 2021, and a further session was held in June 2022. These sessions consist of a live interactive theatre performance portraying sexual harassment in a fictional workplace to better inform legal practitioners about sexual harassment and how to effectively respond and manage these issues. Presented in partnership with The College of Law and supported by the Legal Practice Board through the approval of double CPD points for attending the event, this training experience has made an impact on audiences and opened safe and informative discussions about sexual harassment in the workplace.

⁶ Professional Standards Councils, 'Rapid Evidence Review: Professional Standards and Sexual Harassment' <<https://www.psc.gov.au/sites/default/files/2022-03/Rapid%20Evidence%20Review%20-%20Professional%20Standards%20and%20Sexual%20Harassment.pdf>>



Anonymous reporting

The New South Wales Bar Association launched an anonymous complaints portal in October 2021. This online platform, named ‘SPOT’, enables anonymous reporting of instances of bullying and harassment within the Bar. The purpose is to address the issue of under-developed informal reporting mechanisms independent of the chambers hierarchy, which constitutes one of the detected root causes of sexual harassment in the profession.

The New South Wales Bar Association is the first association in the legal sector to establish an anonymous complaints portal. This initiative has been complemented by the appointment of an independent sexual harassment officer whose function is to provide confidential support to anyone who has experienced or witnessed discrimination, workplace bullying or sexual harassment at the Bar.

The Law Society of New South Wales and the New South Wales Bar Association, in collaboration with the Office of the Legal Services Commissioner (New South Wales), established a confidential online platform for reporting bullying and sexual harassment in April 2022.

The secure platform facilitates informal and anonymous reporting and offers encrypted communication to assist anyone seeking to lodge a report. Only the Office of the Legal Services Commissioner can access the reported data, which is regularly reviewed and utilised to help inform targeted audits of law practices without reference to alleged perpetrators or informants, to inform policies and processes to target inappropriate behaviour.

Building momentum

This suite of innovative actions demonstrates associations are committed to changing the culture in the profession to address and mitigate sexual harassment in the workplace. The Councils will continue to engage with associations to support these efforts, and to facilitate information and experience sharing between associations, with a particular focus on maintaining professional standards and minimising consumer harms.

Australian Research Council Linkage Project

In the previous reporting year, the Councils reported on the execution of a three-year Linkage Project: *Constructing Building Integrity: Raising Standards through Professionalism*.

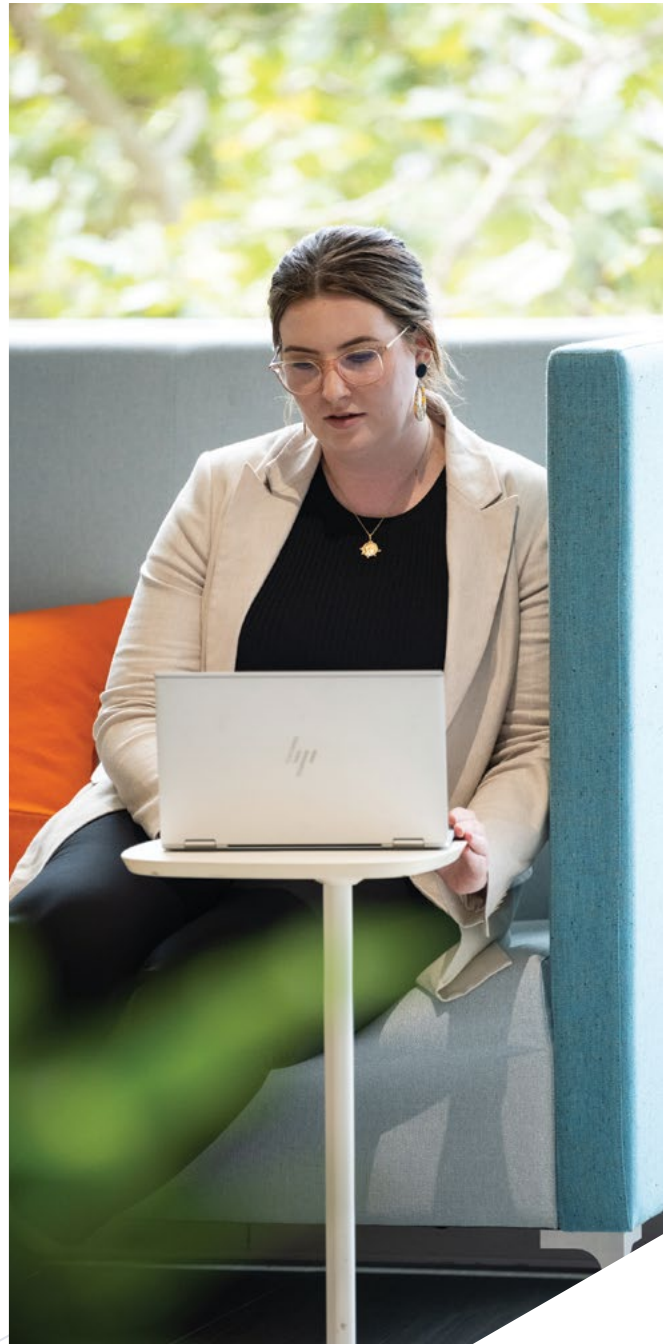
The project aims to investigate the role of professionalism in rebuilding trust and confidence in the built environment in Australia.

A Project Steering Group was formed, including representatives from the Councils. The Steering Group met quarterly to discuss progress of the research project, to share plans, research and insights, and to provide input into the project.

Discussions included:

- refinements to the project plan and development of project values
- updates on literature reviews relevant to the project
- plans for the interview/field work component of the project
- sharing information on industry developments and comparisons across professions and jurisdictions.

The Councils will report on further developments and work completed in the next reporting period.



Working with government and other regulators

Tax Practitioners Board

Memorandum of Understanding

In 2021, the Councils and the Tax Practitioners Board signed a landmark Memorandum of Understanding to help guide the collaboration, cooperation, and mutual assistance between both organisations with the objective of promoting the integrity of the tax profession.

The Tax Practitioner's Board is an Australian government agency responsible for the registration and regulation of tax agents, Business Activity Statements agents and tax (financial) advisers. The Councils and the Board share an area of regulation, as tax practitioners regulated by the Board may also be scheme participants as members of an accounting profession occupational association.

The Memorandum enables the exchange of relevant information and documents (to the extent permitted by law). In accordance with the Memorandum, the Authority and the Board have held regular liaison meetings to facilitate and enhance full and timely sharing of information and discussion on matters of common interest.

Participating in the Tax Practitioners Governance and Standards Forum

The Councils welcomed the opportunity to contribute to the Tax Practitioner Governance Standards Forum as ex-officio members. The Forums support the Councils collaborative efforts with peer regulators and occupational associations for better consumer protection outcomes.

Three Forums were held in the reporting year. The Councils contributed their expertise on matters such as the Code of Professional Conduct applicable to tax practitioners under the *Tax Agent Services Act 2009* (Cth) and other professional and ethical standards matters for the tax profession. This included sharing resources such as the Councils' scheme benefits report (see section 2 of this Annual Report).

Engaging with Standards Australia

The Authority engaged with Standards Australia to consider the role of the Councils and regulated occupational associations in the application of the new 'ISO 22458 Consumer vulnerability – requirements and guidelines for the design and delivery of inclusive services', and to explore areas of common interest and opportunities for collaboration. To support these efforts, the Councils accepted an invitation to consider becoming a member of Standards Australia, with a view to enabling a deeper level of engagement on issues of common interest and the sharing of expertise in standard setting for better consumer protection.

Engaging with built environment regulators

The Councils continued to engage with regulators of the built environment sector. During the reporting period, Authority officers met with staff of the NSW Building Commissioner, Queensland Building and Construction Commission, NSW Property Services Commissioner and departmental officials in Victoria and NSW.

Authority officers also met with the Expert Panel conducting the Comprehensive Review of Victoria's Building System to discuss areas of common interest and provide input on the role of professional standards schemes.

Responding to inquiries and reviews

The Councils share insights, expertise and knowledge on development of regulation, risk management and lifting professional standards to protect consumers.

Royal Commission into violence, abuse, neglect, and exploitation of people with disability

In April 2019, the Australian Government established a Royal Commission in response to community concern about widespread reports of violence against, and the neglect, abuse and exploitation of, people with disability.

The Councils engaged with the National Disability Insurance Agency and Disability Intermediaries Australia. These engagements discussed the themes emerging from the Royal Commission and promoted the role and benefits of the national professional standards regulatory system as a consumer protection solution to issues regarding the quality of services provided, occupational standards and conflicts of interest.

The Councils are maintaining a watching brief on the Commission and will continue to engage with relevant stakeholders on the role of professional standards schemes in lifting professional standards to improve consumer protection outcomes.

Victorian Royal Commission into the Management of Police Informants

Following the Commission's recommendations in 2020 and engagement with the Law Institute of Victoria and the Victorian Bar Association, in 2021, the Councils encouraged the associations to continue to consider improvements to risk management strategies to improve professional standards and strengthen consumer protection for clients of legal services. This included areas such as continuing professional development, governance, complaints and discipline systems and accessibility of information for consumers.

Submissions by the Councils are made publicly available on the Councils' website.

Queensland Building and Construction Commission Governance Review

In December 2021, the Councils made a submission to the review of the Queensland Building and Construction Commission's governance arrangements, announced by the Queensland Government. The Councils offered to provide information on the national system of professional standards regulation and to share expertise in assisting occupational associations to develop regulatory capacity, risk management strategies and systems to deliver better consumer protection.

Aligning regulation across Australia's care and support sectors

In the 2021–22 Budget, the Australian Government committed to align regulation to improve quality and safety for participants and consumers and remove unnecessary duplication of obligations for service providers to work more seamlessly across different types of care. To support implementation of this commitment, the Government established a Senior Officers Group and Cross-Agency Taskforce.

In December 2021, the Councils made a submission to the Cross-Agency Taskforce on Regulatory Alignment to promote the benefits of professional standards schemes. The Councils further engaged with the Senior Officers Group on the role of the professional standards regime as it relates to the role of the Cross-Agency Taskforce.



Regulatory fees

Associations are required to pay an annual fee calculated on the basis of the number of persons covered by the scheme who are a member of the association at any time during the relevant annual fee period. The due date for payment of annual fees is specified by the professional standards regulations. In accordance with the regulations, interest is payable when the payment is received on or after 31 days past the due date.

In 2021/22, the following fees were recognised:

- \$20,000 in application fees
- \$4,701,965.37 in annual fees
- \$18,125.50 in interest payable for late payment of annual fees

In the financial year 2021/22, associations paid their annual fees within 30 days of the due date, except for five associations which paid their annual fees late.

Table 5 identifies the associations where interest was levied on an overdue annual fee payment, the interest payable, and the days in arrears.

Table 5 Interest on overdue annual fees

Association	State	Interest	Fees due	Days late	Annual fee due date
Australian Computer Society Inc	NSW	\$101	\$5,750	35	30 June 2021
Australian Institute of Building Surveyors	NSW	\$129	\$6,000	43	31 January 2022
Bar Association of Queensland Ltd	Qld	\$2	\$1,400	33	30 June 2021
Institute of Public Accountants	Vic	\$79	\$4,800	33	30 June 2021
Certified Practising Accountants Australia	NSW	\$17,815	\$43,800	various	various

Note 1: Interest is rounded to the nearest dollar.

Note 2: Certified Practising Accountants Australia notified of historical underpayments dating back to 2018.

Applications to the Councils for a fee waiver, remission, or determination that a fee and or interest is not payable

An association may apply to the Councils in writing requesting a determination that a fee or interest is not payable. The Councils may determine that the whole or any part of a fee or interest payable under professional standards regulations is not payable, if it considers there are special reasons for doing so in a particular case⁷.

There were no applications for fee or interest waivers determined in the reporting period.

Legislative changes

The Treasury Laws Amendment (Professional Standards Schemes) Regulations 2022 (Cth) were made on 17 March 2022. The regulation amended professional standards prescription provisions in the following regulations:

- Australian Securities and Investments Commission Regulations 2001 (Cth)
- Competition and Consumer Regulations 2010 (Cth)
- Corporations Regulations 2001 (Cth).

The Amendments were considered by the Legislative and Governance Forum for Corporations, which was established by the Heads of Agreement of June 1990 between the Australian Government, State and Northern Territory Ministers. The Forum's principal function is to consider amendments to the legislation governing corporations and financial services.



⁷ Clause 8, Professional Standards Regulation 2019 (NSW) and jurisdictional equivalents.

Stakeholder engagement

Stakeholder engagement continued to play a major role in the reporting period. The Councils' *Stakeholder Engagement Framework* sets out the principles and standards that apply when the Councils consult and engage with stakeholders. Engagement with stakeholders provides the Councils with a greater understanding of the key issues in professional standards regulation and helps to build stakeholder capacity to meet regulatory requirements.

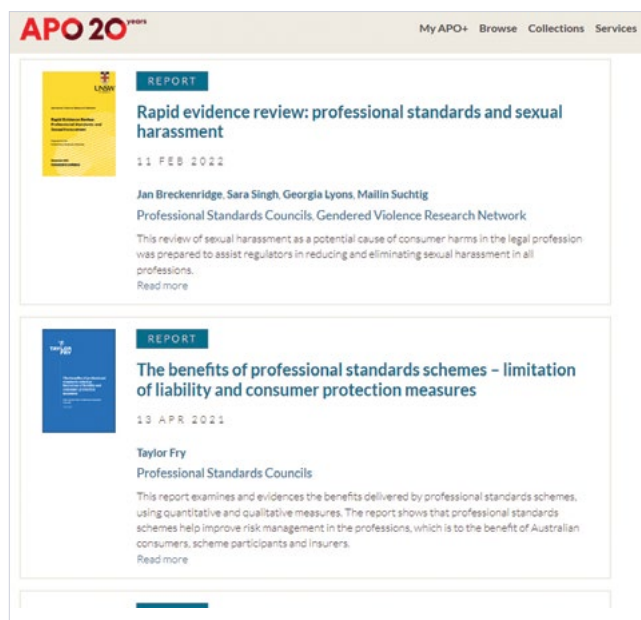
The Councils empower the Chief Executive Officer and her delegates to meet and liaise with occupational associations and stakeholders.

Reaching the community of professional standards regulators

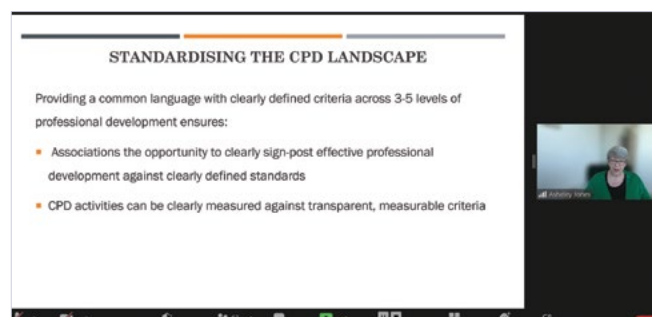
During the reporting period the Councils saw increased and broadened engagement through digital channels including the Councils' website and LinkedIn page.

A new format was incorporated into the Councils' sharing of Forum presentations. Following the April 2022 Forum on responding to risk, a five minute highlight video promoting key points from the presenters was distributed. Positive feedback was received about the engaging new format. The highlights video will be continued for future Forums.

The Councils routinely share relevant research with stakeholders, helping to build capacity in professional standards regulation. Material is available on the Councils' website within the [Research Library](#). This year, our research was disseminated to the APO, an open access evidence platform, to engage a wider audience. The APO published two reports commissioned by the Councils on its online database: *The benefits of professional standards schemes* report and *Rapid evidence review on sexual harassment*, expanding the reach and impact of this valuable research.



Picture: Two reports commissioned by the Professional Standards Councils were featured on the APO Regulation Policy & Practice homepage and monthly e-newsletter in May 2022



Picture: Presentation by Asheley Jones, Head of Education, Accreditation and Micro Credentialing, Australian Council of Professions at the October 2021 Professional Standards Forum

Stakeholder satisfaction

Surveys are one of the main tools used to measure the satisfaction of stakeholders in their engagement experiences with the Councils and the Authority.

The Councils have established a Net Promoter Score using data from survey responses. Net Promoter Score is a customer satisfaction measurement taken from asking customers how likely they are to recommend your product or service to others, expressed as a number from -100 to 100.

The Net Promoter Score provides an overview of our stakeholders' experience across a range of services including Professional Standards Forums and Professional Standards Officers meetings. The Net Promoter Score for the current reporting period is 55. Bain & Company, the creator of the Net Promoter Score system, suggests that above 50 is excellent.

Hearing from stakeholders

The Councils convened for two strategy workshops. The first workshop was conducted on 29 October 2021 to develop a shared set of directions that will guide the efforts of the Councils over the next three years. The second workshop was conducted 18 February 2022 to further elaborate the Councils intended position, measures of success/outcomes, as well as the strategies to achieve this position. The workshops resulted in the publication of *Strategy 2025* on 30 June 2022.

A number of guest presenters addressed the Councils throughout the reporting period. President of Australian Council of Professions and Adjunct Associate Professor Klaus Veil presented to the Councils at their 8 April 2022 meeting and provided an overview of the role and work of the Australian Council of Professions and their current activities to partner with their members to build and maintain confidence in professions and professionals.

Strategy 2021 Performance Measure

Strategic goal

Make the regulatory system easy to deal with

Performance measure

Stakeholder satisfaction is measured and improved

- Increased use of the Councils' website news items, and targeted LinkedIn and Twitter posts to promote key activities that may be of interest to stakeholders. Website and social media statistics for the reporting period. Data on website usage increases has not been provided due to disrupted analytics reporting following a website platform upgrade in November 2021.
 - Website page views: 56,101
 - Website sessions: 46,597
 - Website users: 19,335
 - New LinkedIn followers: 30% increase on the previous reporting period
 - New Twitter followers: 13% increase on the previous reporting period.
- Two Professional Standards Forums were held online in October 2021 and April 2022 (see page 66). Attendees were surveyed with 79% of respondents appreciating the speakers' knowledge and the information provided.
- The Councils' Forums and Roundtables had a Net Promoter Score of 55. Scores above 50 are considered to be excellent.

Structure and governance



Structure and governance

Three intergovernmental agreements are in place to provide the operating environment for the national system:

Professional Standards Agreement 2011

- an agreement between the Ministers in all states and territories for co-operation to facilitate the application of schemes across state and territory boundaries and to promote high standards of professional and business practice and protection of consumers across Australia.

Professional Standards Inter-Departmental Service Agreement

- an agreement between state and territory departments that holds that services to the Councils will be provided by the New South Wales Department of Customer Service (DCS).

Professional Standards Councils and Departments Procurement of Services Agreement

- an agreement between state and territory departments and the Councils to ensure that the Councils have the services they require to carry out their functions.

The Professional Standards Agreement is operationalised by the other two agreements.

The Inter-Departmental Service Agreement and the Procurement of Services Agreement were both due to cease on 30 June 2021. The Councils and the Departments agreed to an extension to both agreements for a period of five years to 30 June 2026.

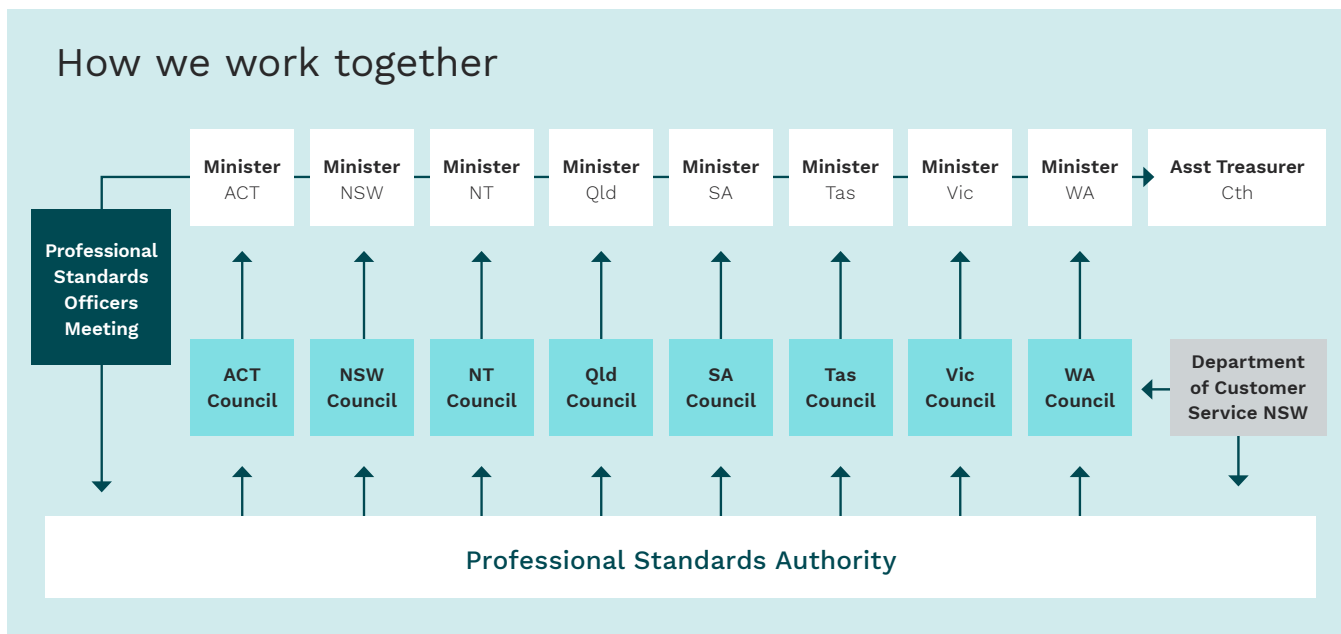
Departmental arrangements

The intergovernmental agreements are administered by professional standards officers in the relevant Department for each jurisdiction.

To assist this role, the Authority convenes a quarterly Professional Standards Officers Meeting which provides a forum for liaison and cooperation across the jurisdictions.

The Professional Standards Officers Meeting discusses issues that require consideration and coordination at a national level and oversight the implementation of the intergovernmental agreements.

Figure 15 provides a diagram of the national structure.



Councils' remuneration

In accordance with the Professional Standards Agreement, New South Wales sets the rates of the remuneration payable to the members of the Councils, in accordance with the appropriate guidelines for the remuneration of government boards.

Table 6 shows total remuneration for each member for 2021/22.

Table 6 Councils' members' remuneration and meeting attendance					
Name	Role	Jurisdiction	Total remuneration [^]	Meetings held	Meetings attended
John Vines OAM	Chair	Vic	\$55,027.47	7	7
Andrew Lumsden	Deputy Chair	NSW	\$22,011.01	7	7
Iain Summers	Member	NT	\$22,011.01	7	6
Cate Wood AM	Member	ACT	\$22,011.01	7	7
Dr Pam Montgomery	Member	Vic	\$22,011.01	7	7
Tim Mellor	Member	SA	\$22,011.01	7	6
Rebecca Fogerty	Member	Qld	\$21,503.13	7	3
Richard Shields	Member	Cth	\$22,011.01	7	6
Caroline Lamb	Member	NSW	\$22,011.01	7	5
Tiina-Liisa Sexton	Member	Tas	\$22,011.01	7	7
Rachel Webber	Member	WA	\$21,167.75	7	7

[^] Includes 10.0% Super Guarantee Contribution.

Ms Webber's tenure expired on 31 December 2021, and was reappointed to the Western Australian Council on 17 January 2022.

Ms Fogerty's FY2021/22 tenure ended on 22 June 2022.

Finance, Audit and Risk Management Committees

The Councils can delegate work to a committee. Each Council has established a committee to form the Finance, Audit and Risk Management Committees (FARMCs) to oversee financial management, risk management, budget management, the annual reporting process and content, and associations' risk management and compliance reporting.

Finance, Audit and Risk Management Committees members:

- Iain Summers – Chair
- Tiina-Liisa Sexton – Deputy Chair
- Andrew Lumsden
- Catherine (Cate) Wood AM

There were 12 committee meetings held during the 2021/22 reporting year; three were scheduled committee meetings and nine were out-of-session committee meetings.

Achievements

- Reviewed and endorsed the content for the Councils' 2020/21 Annual Report
- Endorsed the Financial Statements for the year ending 30 June 2021
- Endorsed the jurisdictional FY2020/21 audit reports received
- Endorsed the 2021 Professional Standards Improvement Program Guidelines and Template
- Advised the Councils on FY2022/23 budget
- Advised the Councils on a range of regulated fee and reporting matters
- Monitored and advised the Councils on management of risk
- Committee Chair, Iain Summers, made a presentation on the role of the Councils at their April 2022 Forum "Responding to risk – insurance and improvement strategies"
- Reviewed and advised the Councils on the Risk Appetite Statement
- The Chair of the committee attended the Western Australia Office of the Auditor General Forum for Audit Committee Chairs.

Table 7 Meeting attendance

Member	Scheduled meetings attended	Out-of-session meetings attended	Total
Iain Summers	3	9	12
Tiina-Liisa Sexton	1	1	2
Cate Wood AM	3	8	11
Andrew Lumsden	3	9	12



Professional Standards Authority

The Authority supports the Council of each state and territory in leading the national system of professional standards regulation.

The Authority is hosted by the New South Wales Department of Customer Service as a business unit within the Better Regulation Division.

The Authority supports the work of the Professional Standards Councils by:

- working with occupational associations to encourage and assist the development of risk management strategies, improve their professional standards, meet their regulatory commitments, comply with their legislative obligations, and protect consumers of professional services
- providing information to encourage and assist associations to apply for a professional standards scheme
- providing expert advice and administrative support to the Councils
- conducting and promoting research and education in professional standards and regulation
- developing regulatory guidance
- supervising schemes across Australia covering accountants, valuers, computer professionals, strata managers, building surveyors, solicitors, and barristers
- monitoring scheme compliance, including reporting and analysis
- working with associations to improve their members' professional standards and risk management
- when issues arise, liaising with associations and other stakeholders regarding remediation.

The Authority also provides guidance and information to occupational associations, and consumers, about professional standards schemes.

COVID-19 working arrangements

The Authority continued to follow the COVID-19 public health orders and advice from New South Wales Government and the New South Wales Department of Customer Service.

Due to an increase in COVID cases in mid to late June 2021 the Authority staff worked from home until December 2021 as much as possible, with the Elizabeth Street office being closed again.

The Authority developed a plan in December 2021 with staff selecting a landing day to work together and return to the office in January 2022, however with an outbreak in early January 2022 staff were directed to continue to work from home until February 2022.

In February 2022, the Authority staff were engaged with training on a new policy developed by the New South Wales Department of Customer Service, Healthy Hybrid Habits – People at the Heart, which enabled Authority staff to co-design their ways of working.

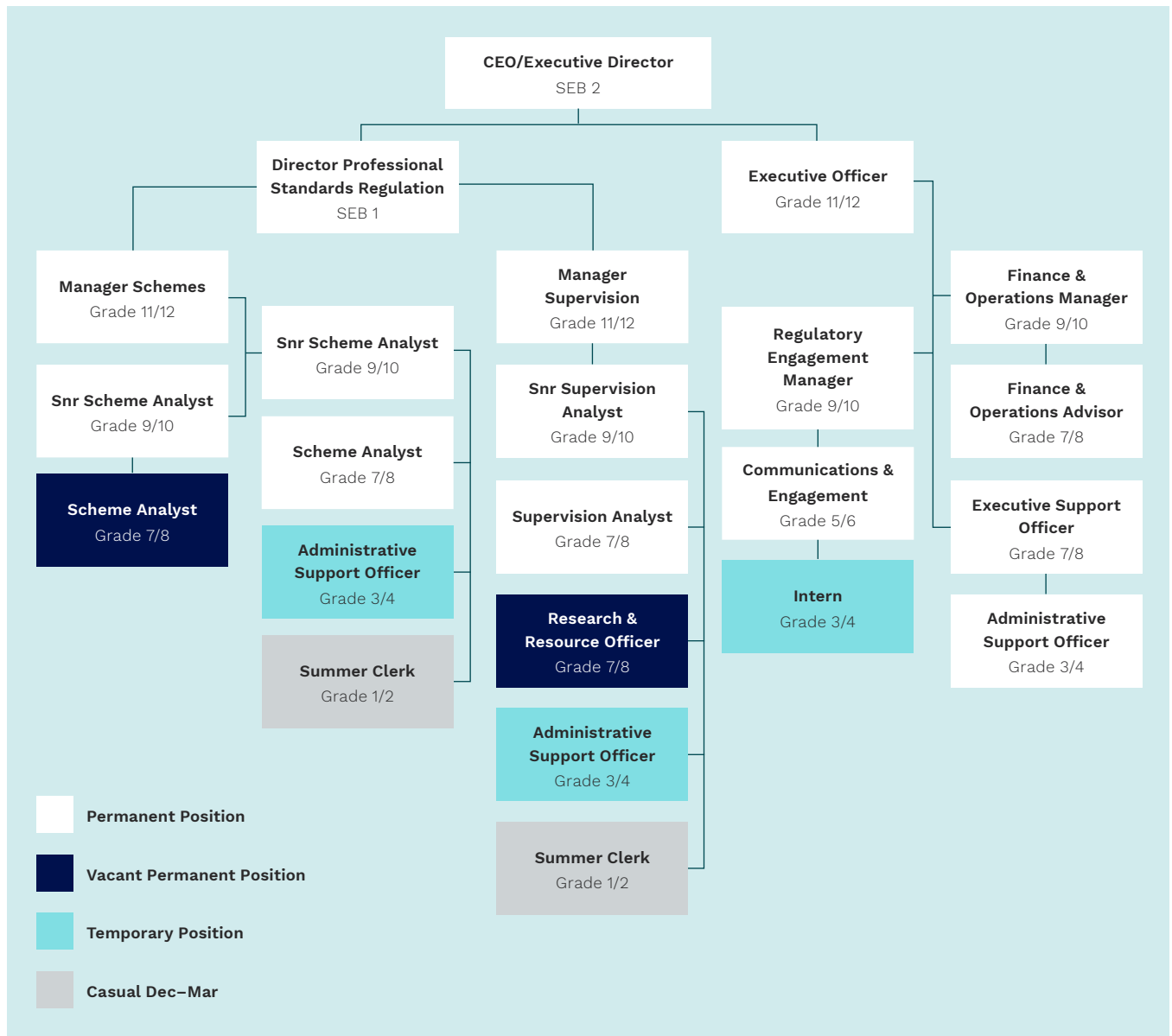
With restrictions easing in mid-February 2022, the office was reopened from Tuesday, 1 March 2022 and staff were able to attend on their selected landing day and in accordance with the Authority's COVID-safe plan.

In April 2022, the Councils' meeting was a hybrid of face to face and digital, with the Councils members from New South Wales, South Australia, Victoria, Tasmania, Northern Territory, Australian Capital territory and Commonwealth attending in person in the office and the Council members from the other jurisdictions attending via video conference.



Organisation structure

The budget approved by the Councils sets the capacity for staffing and operational costs within the Authority.



- Permanent Position
- Vacant Permanent Position
- Temporary Position
- Casual Dec-Mar

Table 8 Authority staff profile as at 30 June 2022

Position/grade	No. of positions	Male	Female
Senior Executive Band 2	1	–	1
Senior Executive Band 1	1	1	–
Clerk Grade 11/12	3	1	2
Clerk Grade 9/10	5	3	2
Clerk Grade 7/8	4	1	3
Clerk Grade 5/6	1	–	1
Clerk Grade 3/4	3	–	3
Total	18	6	12

Senior executive

At 30 June 2022, the Authority had two positions classified as Senior Executive in the New South Wales Public Service.

The average remuneration level of senior executives in each band at the end of the financial year.

Table 9 Senior executive remuneration in the New South Wales Department of Customer Service

	2022 range	2022 average	2021 range	2021 average	2020 range	2020 average
Band 1	\$197,400 – \$281,550	\$239,475	\$192,600 – \$274,700	\$234,844	\$192,600 – \$274,700	\$234,844
Band 2	\$281,551 – \$354,200	\$317,876	\$274,701 – \$345,550	\$312,326	\$274,701 – \$345,550	\$312,326



Chief Executive Officer

Roxane Marcelle-Shaw
BSocSc, JD, GDLP, GAICD

Roxane Marcelle-Shaw leads the Professional Standards Authority on behalf of the Professional Standards Councils. As CEO, Roxane assists the Councils to administer professional standards legislation and is responsible for the delivery of the operational and regulatory services of the Authority.

Roxane has held a variety of executive roles and statutory appointments over 30 years as a regulator in the Australian Capital Territory, Commonwealth and New South Wales public sectors. Roxane is currently a member of the Occupational Therapy Board of Australia, chairing its Registration and Notifications Committee, and convenor of the New South Wales Chapter of the Australia and New Zealand School of Government National Regulators Community of Practice.

Professional development

The Authority is committed to developing its employees. Our strategies are designed to build a highly motivated, skilled, professional and inclusive workforce.

All staff undertake regular performance reviews and are remunerated in accordance with the conditions of New South Wales public sector employees.

Professional development activities over the reporting period have focused on staff developing broad regulatory knowledge and skills, building professional standards expertise and supporting public sector professionalism. Specific activities have included:

- National Regulators Community of Practice and Australia and New Zealand School of Government programs
- Department of Customer Service professional development sessions
- Australian Association for Professional and Applied Ethics conference
- Parliamentary Law: Insights from the Experts
- Disability Confidence and Awareness Webinar for Stepping Into Managers
- Executive Assistants Upskilling & High Performance Training
- Australian National Audit Office Insights: Administering Regulation
- Craft Conversations – Leadership and Management
- Crown Solicitor’s Office Key privacy law decisions impacting NSW Government agencies in 2021/2022
- Crafting our team culture and capability with NGS Global
- CLEAR 2022 Virtual Symposiums
- Associations Forum National Conference

Work health and safety

The Authority’s staff are governed by Work Health and Safety practices of the New South Wales Department of Customer Service. The Authority has a representative on the Department of Customer Services’ Work Health and Safety Committee.

Values

As employees of the New South Wales public sector, all staff are committed to upholding its core values of integrity, trust, service, and accountability. In doing so, all staff are guided by the Code of Ethics and Conduct for NSW Government Sector Employees.

The Authority conducted its fourth Annual Authority Awards at its Planning Day in June 2022. The purpose for the awards is to provide opportunity for staff to recognise and celebrate each other for the differences that were made at the Authority by exemplifying the core values of integrity, trust, service and accountability.



Picture: **Natasha Mann, Deputy Secretary of the Better Regulation Division, NSW Department of Customer Service presented the following awards to PSA staff: Sarah Meechan, Service Award. Simone Moore, Integrity and Trust Award. Catherine McCullough, Accountability Award**

Workers’ compensation

Details of workers' compensation claims are included in the New South Wales department of Customer Service Annual Work health and Safety and Injury Management report.

Diversity

The Authority is committed to equal employment opportunity and diversity principles in accordance with the New South Wales Public Sector guidelines for recruitment and retention.

This year, for the second time, the Authority participated in the national Australian Network on Disability internship program, Stepping Into. The program introduces skilled and talented university students with a disability into organisations like the Authority.

Financial performance



Financial performance of the Professional Standards Councils

The activities and operations of the Councils and the Authority are entirely funded from scheme fees paid under the professional standards legislation. The Councils use their best endeavours to keep operational and strategic budgets to the amount reasonably necessary to cover the cost of providing services across the national system. The Councils do not draw on any of the eight jurisdictional Departmental budgets.

The budget for carrying out regulatory and support services is prepared annually by the Authority and approved by the Councils. The Authority provides the support to manage the budgets and accounts including processing payments, preparing invoices, producing monthly accounts and assisting with financial accounting systems.

Table 10 Summary of Income and Expenses¹ for year ended 30 June 2022²

Income	Combined	70.99% NSW	8.22% Qld	2.27% SA	15.97% Vic	2.55% WA	ACT ¹²	NT ¹²	Tas ¹²
Scheme annual fees ³	4,701,966	3,326,874	391,950	99,000	761,492	122,650	-	-	-
Scheme application fees ⁴	20,000	5,000	-	10,000	5,000	-	-	-	-
Interest on overdue annual fee (from associations) ⁵	18,125	18,044	2	-	79	-	-	-	-
NSW Council's lease expense AASB 16 Adjustments ⁶	(24,289)	(24,289)	-	-	-	-	-	-	-
Co-occupancy income ⁷	76,063	76,063	-	-	-	-	-	-	-
Interest on funds (excluding bank fees and charges) ⁸	9,734	5,163	3,765	-	806	-	-	-	-
Bank fees and charges	(1,087)	-	(845)	-	(242)	-	-	-	-
Sundry cost recovery	1,640	1,640	-	-	-	-	-	-	-
Total income	4,802,152	3,408,495	394,872	109,000	767,135	122,650	-	-	-
Expenses									
Employment (incl. external non on-going) ⁹	2,888,587	2,050,275	237,523	65,565	461,447	73,777	-	-	-
Other operating ¹⁰	1,646,705	1,168,806	135,406	37,377	263,058	42,058	-	-	-
Strategy implementation ¹¹	351,375	249,400	28,893	7,976	56,132	8,974	-	-	-
Total expenses	4,886,667	3,468,481	401,822	110,918	780,637	124,809	-	-	-
Expenses Attributable to each Council (GST exclusive)	4,886,667	3,468,481	401,822	110,918	780,637	124,809	-	-	-
Invoiced to 31 March 2022	3,508,838	2,501,487	287,577	79,903	553,750	86,121	-	-	-
Amount owing by each PS Council FY21/22 (GST exclusive)	1,377,829	966,994	114,245	31,015	226,887	38,688	-	-	-

Table 10 Summary of Income and Expenses for year ended 30 June 2022 Notes

Note 1: This unaudited statement is derived from the information provided by the New South Wales Department of Customer Service (NSW DCS) and records kept by the Authority. NSW DCS provided financial reporting services to the Councils. All revenue and expenditure figures are prepared based on an accruals basis of accounting and are exclusive of Goods and Services Tax. The annual financial statements for South Australia, Queensland, Western Australia and Victoria are required under their respective legislation and audited financial statements are provided separately to the relevant jurisdictional departments, for tabling in their respective parliaments.

Note 2: Amounts shown as revenue, expenses and accrued charges are calculated to the nearest cent, however are shown subject to rounding to the nearest dollar in a manner to preserve the value of totals.

Note 3: Scheme annual fee revenue is recognised over the scheme year; some scheme annual periods are not aligned to a fiscal year resulting in a deferred (contract liability) component. This deferred component is recognised during the subsequent fiscal year.

Note 4: Scheme application fees are recognised on a cash received basis.

Note 5: Interest from associations due to overdue annual fees is recognised on an accrual basis.

Note 6: AASB 16 accounting entries pertaining to the New South Wales Professional Standards Council as premises lessee, up to 30 April 2025.

Note 7: Income received, net of GST from the (NSW) Greyhound Welfare Integrity Commission for co-occupancy of level 2, 111 Elizabeth Street, Sydney.

Note 8: Interest from financial institutions is recognised on an accruals basis, and is shown gross of bank charges and fees.

Note 9: Employment expenses are for the Authority and include non ongoing staff. Expenses are determined on an accruals basis and contains all relevant on-costs and also includes workers compensation charges for Councils members. A Senior Executive Band employee was seconded to the Office of the New South Wales Building Minister and remuneration of \$10,003 was costed accordingly. Employment expenses are net of Crown assumed liabilities.

Note 10: Being general operating expenses calculated on an accrual basis, including occupancy, actuarial, consultancy and/or legal advice, general maintenance and information technology and communications support costs. Also, direct depreciation costs (for tangible and intangible assets, that were obtained by NSW DCS to solely support Authority's business activities). Expenditure described as "capital usage charges", rather than "depreciation or amortisation". Councils do not own any tangible/intangible assets.

Note 11: Being Councils approved strategic spend and includes finalisation and implementation of Scheme Application Redesign Project (SARP).

Note 12: This table recognises the home jurisdiction of schemes only. As at 30 June 2022, Tasmania, The Northern Territory, and The Australian Capital Territory had no schemes, with consumers in these jurisdictions covered by mutual recognition. For further information please review Table 1.

Table 11 Detailed Expenditure¹³

Employment Expenses	Combined	NSW	Qld	SA	Vic	WA	ACT	NT	Tas
Employees	2,631,728	1,867,960	216,402	59,735	420,414	67,217	0	0	0
External non on-going	256,859	182,315	21,121	5,830	41,033	6,560	0	0	0
Total employment expenses	2,888,587	2,050,275	237,523	65,565	461,447	73,777	0	0	0
Other operating expenses									
Councils' remuneration ¹⁴	287,095	203,773	23,608	6,517	45,863	7,334	0	0	0
Councils' insurance	20,652	14,659	1,698	469	3,299	527	0	0	0
Councils' development and inductions	11,491	8,156	945	261	1,836	293	0	0	0
Councils' and Authority travel	38,366	27,231	3,155	871	6,129	980	0	0	0
Councils' meeting expenses	1,293	918	106	29	207	33	0	0	0
Occupancy ¹⁵	614,643	436,266	50,541	13,951	98,187	15,698	0	0	0
Annual reporting audit and design) ¹⁶	92,596	65,724	7,614	2,101	14,792	2,365	0	0	0
Staff training	54,125	38,417	4,451	1,229	8,646	1,382	0	0	0
Information Technology and Communications ¹⁷	179,858	127,661	14,789	4,082	28,732	4,594	0	0	0
DCS Shared Services ¹⁸	48,000	34,069	3,947	1,090	7,668	1,226	0	0	0
Public Notification/ Gazettal ¹⁹	35,441	25,156	2,914	804	5,662	905	0	0	0
Administration ²⁰	58,589	41,585	4,818	1,330	9,360	1,496	0	0	0
Website presence ²¹	67,678	48,037	5,565	1,536	10,811	1,729	0	0	0
Actuarial ²²	76,045	53,976	6,253	1,726	12,148	1,942	0	0	0
Contract services ²³	3,600	2,555	296	82	575	92	0	0	0
NSW Crown Solicitors' Office advice ²⁴	35,975	25,534	2,958	817	5,747	919	0	0	0
Capital usage charges ²⁵	11,428	8,111	940	259	1,826	292	0	0	0
Stakeholder engagement	9,830	6,978	808	223	1,570	251	0	0	0
Total other operating expenses	1,646,705	1,168,806	135,406	37,377	263,058	42,058	0	0	0
Strategy implementation									
Contract services ²⁶	233,575	165,786	19,207	5,302	37,314	5,966	0	0	0
Consultancy ²⁷	37,800	26,831	3,108	858	6,038	965	0	0	0
Research contribution ²⁸	80,000	56,783	6,578	1,816	12,780	2,043	0	0	0
Total Strategic expenses	351,375	249,400	28,893	7,976	56,132	8,974	0	0	0
Total expenses	4,886,667	3,468,481	401,822	110,918	780,637	124,809	0	0	0
% expenditure recharged / rechargeable²⁹	100.00%	70.99%	8.22%	2.27%	15.97%	2.55%	0%	0%	0%

Table 11 Detailed Expenditure Notes

Note 13: Individual costs are subject to rounding to the nearest dollar in a manner to ensure the integrity of totals.

Note 14: Allowances paid to Council Members were at rates determined by the NSW Minister for Innovation and Better Regulation, in accordance with Clause 4, Schedule 2 of the Professional Standards Act 1994 (NSW). These allowances are the same for all members with the exception of the Chair. This category also includes the Superannuation Guarantee Levy (10.0%), Payroll Tax (4.85%). Councils' members Workers Compensation on-costs are included in "Employment expenses". Noting that the applicable Superannuation Guarantee Levy increased to 10.5% from the first fortnightly pay period ending in July 2021.

Note 15: Includes payments for occupancy of premises (Level 2, 111 Elizabeth Street Sydney), security, lease make good provision discount unwind and electricity costs.

Note 16: Includes costs associated with audit/reviews of all relevant jurisdictions and the publication of the Annual Reports and addendums.

Note 17: Includes laptop and other minor hardware upgrades, printing, telephony services and support, software licences, networks and security.

Note 18: Includes HR support and costs of payroll processing and the processing of payments and financial accounting support.

Note 19: Is the costs associated with the "public notification" and gazettal of schemes.

Note 20: Includes costs associated with recruitment, property maintenance and office supplies.

Note 21: Includes maintenance and minor enhancements to the Councils' website (www.psc.gov.au)

Note 22: All actuarial engagements are consultancy, given their nature these are reported separately. Expenses consists of four engagements for advice pertaining to scheme applications.

Note 23: Represents a single engagement for assistance with the CY2021 Professional Standards Improvement Plan, and a minor cost adjustment to the prior year's Professional Standards Improvement Plan.

Note 24: Includes the cost for providing advice pertaining to scheme applications (four) and other general administrative matters (three). No expenditure related to litigable matters.

Note 25: Represents the annual depreciation/amortisation charges determined by NSW Department of Customer Service to recoup prior years capital expenditure.

Note 26: Represents engagement of service providers to perform:

- i) Scheme Application Framework documents editorial service (\$100,000);
- ii) Benefits of Professional Standards schemes (\$63,275),
- iii) Annual Professional Standards Reporting (APRS) for CY2021 (\$19,800);
- iv) review of Councils' guidance on Code of Conduct (\$12,500), and
- v) Scheme Application Framework finalisation (\$38,000).

Note 27: Represents engagement of a single consulting engagement (Nostos Pty Ltd) providing advice to the Scheme Application Framework implementation.

Note 28: Represents contribution payable to Griffith University for research of "Constructing Building Integrity: Raising standards through professionalism" pursuant to the Australian Research Council.

Note 29: The recharge amount to each state and territory's Council is based on that Council's share of the total revenue generated by all Professional Standards Councils. The percentage allocation reported for each state and territory is shown only to two decimal places.



Operations State and Territory Professional Standards Councils

Legislated reporting

Australian Capital Territory

Constitution of the Council

Members of the Professional Standards Council of the Australian Capital Territory were entitled to attend six scheduled and one out-of-session meetings for the year. Please refer to Table 6 on page 79 for a summary of meeting attendance.

Major legislative changes

No major changes were made to Professional Standards Legislation during 2021–22.

Fraud

There were no instances of fraud during the reporting period.

Risk management

The risk management and internal audit practices of the Council are described on page 80.

Public interest disclosure

There were no public interest disclosures for the 2021/22 reporting period.

Freedom of information

Under the *Freedom of Information Act 2016* (ACT) the Council must report on freedom of information requests received and handled during the reporting year. Section 96 of the Act requires the Council to report on the particulars of the operations of the agency, including numbers of and the types of access applications received by the agency. The statements are correct as at 30 June 2022.

Organisation and function

Please refer to page 79 for the Council's organisational structure and function.

Category of documents

The Council holds several categories of documents that are available on the Professional Standards Councils' website, including:

- Annual report
- Scheme application form
- Scheme guidance
- Policy papers
- Application guidelines
- Scheme documents.

Documents informing the making of decisions or recommendations

The Councils make their decisions to approve professional standards schemes by considering relevant legislative criteria. To do this the Councils consider a number of documents, including an association's application, and advice and recommendations provided by the Authority and independent actuarial advice. Associations must provide a large amount of information to the Council when they apply for the scheme.

This includes insurance data about the highest claims, types of claims and level of claims. Associations must also include their risk management strategies, education and other qualification requirements, and code of ethics and conduct.

Authority staff profile

Please refer to page 83 for the organisational structure of the Authority which provides services and support to the Professional Standards Council of the Australian Capital Territory.

Work health and safety (WHS)

Work-related injuries, illnesses or prosecutions during the reporting period under the *Work Health and Safety Act 2011* are reported in the New South Wales Department of Customer Service Annual Work Health and Safety and Injury Management report. Authority staff are governed by Work Health and Safety practices of the New South Wales Department of Customer Service.

Territory records

Sound record keeping practices underpin good governance. In accordance with the requirements of the *Territory Records Act 2002* (ACT), the Council's record keeping system ensures documents can be accurately captured, stored and retrieved.

Financial performance

The Authority is responsible for collecting revenue and operating within budget. Please refer to the Consolidated Financial Performance statement on pages 86–90 for the Professional Standards Council of the Australian Capital Territory's revenue and expenses for 2021/22.

Reporting on procurement and contracting activities

The Council's share of the combined annual spend on consultancy was \$0 GST exclusive (see detailed expenditure on Table 11, page 89).

Per the Inter-Departmental Service Agreement, all expenditure is processed by the New South Wales Department of Customer Service and allocated to the eight national Professional Standards Councils.

Four contracts were awarded to consultants during the financial year, with one contract above \$25,000:

List of contracts:

- Nostos Pty Ltd, Scheme Application Framework implementation, \$37,800.00

For further details of consultancy spend, refer to Note 27 of the detailed expenditure in Table 11 on page 89.



New South Wales

Constitution of the Council

Members of the Professional Standards Council of New South Wales were entitled to attend six scheduled and one out-of-session meetings for the year. Please refer to Table 6 on page 79 for a summary of meeting attendance.

Legal changes

Administrative Arrangements (Administration of Acts – General) Order (No 2) 2019 allocates the administration of the *Professional Standards Act 1994* (NSW) to the Minister for Better Regulation and Innovation.

Credit Cards

The operation of staff provided credit cards complies with the directions of New South Wales Treasury (TPP 05-01).

Public interest disclosure

There were no public interest disclosures for the 2021/22 reporting period.

Government Information (Public Access) Act 2009 (NSW)

The Government Information (Public Access) Act 2009 (NSW) (GIPA Act) requires all New South Wales Government agencies (including New South Wales Department of Customer Service business units) to respond to requests for information when there is an overriding public interest against disclosing the information.

The New South Wales Department of Customer Service received three requests under the GIPA Act in relation to the Professional Standards Council of New South Wales during the reporting period.

Consumer response

Before any professional standards scheme can be considered for approval by the Councils, a formal process of consultation called Public Notification (described in section 8 of the New South Wales legislation and similar in all other statutes) is undertaken, whereby any person can make a submission to the Councils with their views on the proposed scheme during the minimum 28-day period.

During the 2022 reporting year, the following schemes were publicly notified: Law Institute of Victoria Limited Professional Standards Scheme, South Australian Bar Association Professional Standards Scheme, The Queensland Law Society Professional Standards Scheme and The Law Society of South Australia Professional Standards Scheme

In addition to these regular, statutory consultation processes, any member of the community is entitled to provide feedback, make submissions or complaints about the operation of a professional standards scheme.

Work health and safety

Work-related injuries, illnesses or prosecutions during the reporting period under the *Work Health and Safety Act 2011* are reported in the New South Wales Department of Customer Service Annual Work Health and Safety and Injury Management report. Authority staff are governed by Work Health and Safety practices of the New South Wales Department of Customer Service.

Funds granted to non-government community organisations

During 2021/22 no grants were awarded.

Consultants

The Council's share of the combined annual spend on consultancy was \$80,807 GST exclusive.

Per the Inter-Departmental Service Agreement, all expenditure is processed by the New South Wales Department of Customer Service and allocated to the eight national Professional Standards Councils.

Four contracts were awarded to consultants during the financial year, with no contracts above \$50,000 GST exclusive.

For further details of consultancy spend, refer to Note 27 of the detailed expenditure in Table 11 on page 89.

Overseas travel

There was no overseas travel undertaken.

Land disposal

The Professional Standards Council of New South Wales and the Authority do not own properties, nor did they acquire or dispose of properties during the reporting period.

Risk management

The risk management and internal audit practices of the Council are described on page 80.

Privacy obligations

The Councils and the Authority have continued to comply with the requirements of the *Privacy and Personal Information Protection Act 1998* (NSW).

Multicultural policies and services programs

The Authority's multicultural policies and service programs are guided by the New South Wales Department of Customer Service's Diversity and Inclusion strategy, Aboriginal Workforce Strategy and Disability Inclusion Action Plan, and the *Government Sector Employment Act 2013*, which prioritises diversity in the workforce.

Financial performance

The Professional Standards Council of New South Wales is not required to compile financial statements. The Authority is responsible for collecting revenue and operating within budget.

Please refer to the Consolidated Financial Performance statement on page pages 86–90 for the Professional Standards Council of New South Wales' revenue and expenses for 2021/22.

Social programs

No social programs were provided by the Professional Standards Council of New South Wales during the reporting period.

Economic or other factors

The factors that have affected the achievement of the operational objectives of the Professional Standards Council of New South Wales during the reporting period are set out on pages 29–76.

Resource Efficiency Policy

In accordance with the New South Wales Government Resource Efficiency Policy, the Council updated their electricity contract, which includes smart meter monitoring capability with a minimum of 6% of energy sourced from green sources.

Workforce diversity

The New South Wales Department of Customer Service's Diversity and Inclusion strategy is an over-arching strategy that will:

- underpin the growth of a customer focused culture
- support the development of key capabilities such as inclusive leadership, innovation and employee engagement
- reach targets relating to Aboriginality, gender and people with disability as laid out in the Premier's Priorities, the *Government Employment Sector Act 2013*, and the Public Service Commission.

Disability inclusion action plans

The Professional Standards Council of New South Wales and the Authority are committed to creating an inclusive and supportive working environment for people with disability including those who require an adjustment.

Annual Report

The Councils' Annual Report is produced using internal resources. It only prints the required number of Annual Reports and makes the report available on the Councils' website.

The cost to produce the combined Councils' 2021/22 Annual Report was \$27,701.25 (GST exclusive). These costs were recognised in the 2021/22 year. The New South Wales Council was responsible for funding 73.36% of these expenses.

Northern Territory

Constitution of the Council

Members of the Professional Standards Council of the Northern Territory were entitled to attend six scheduled and one out-of-session meetings for the year. Please refer to Table 6 on page 79 for a summary of meeting attendance.

Administered legislation

The Professional Standards Council of the Northern Territory assists the Minister in administering the *Professional Standards Act 2004* (NT).

Major legislative changes

No major changes were made to Professional Standards Legislation during 2021/22.

Public interest disclosure

There were no public interest disclosures for the 2021/22 reporting period.

Staff development

The Council is committed to developing its employees. Our strategies are designed to build a highly skilled, professional and fair workforce with the ability to adapt to changing business technology and the environment.

Organisational structure

For information regarding Council members and their profiles, please refer to pages 25–28.

Authority staff profile

Please refer to page 83 for the organisational structure of the Authority which provides services and support to the Professional Standards Council of the Northern Territory.

Work health and safety

Work-related injuries, illnesses or prosecutions during the reporting period under the *Work Health and Safety Act 2011* are reported in the New South Wales Department of Customer Service Annual Work Health and Safety and Injury Management report. Authority staff are governed by Work Health and Safety practices of the New South Wales Department of Customer Service.

Information Act 2002 (NT)

The Council received no requests for information under the *Information Act 2002* (NT) during the reporting period. The Authority may collect and handle personal information on the Council's behalf. Any inquiries about access to information, or access or correction of personal information should be directed to the Authority.

Record keeping

Sound record keeping practices underpin good governance. In accordance with the requirements of the *Information Act 2002* (NT), the Council's record keeping system ensures documents can be accurately captured, stored and retrieved.

Financial performance

The Professional Standards Council of the Northern Territory is not required to compile financial statements. The Authority is responsible for collecting revenue and operating within budget. During the reporting period, the Authority undertook these tasks.

Please refer to the Consolidated Financial Performance statement on pages 86–90 for the Professional Standards Council of the Northern Territory's revenue and expenses for 2021/22.

Public sector employment and management

The Professional Standards Council of the Northern Territory did not have any compliance issues arising from the Public Sector Standards and Northern Territory Code of Ethics during the reporting period.

Ministerial directives

No Ministerial directives were received during the reporting period.

Queensland

Constitution of the Council

Members of the Professional Standards Council of Queensland were entitled to attend six scheduled and one out-of-session meetings for the year. Please refer to page 79 for a summary of meeting attendance.

Major legislative changes

No major changes were made to the Professional Standards Legislation during 2021/22.

Risk management

The risk management and internal audit practices of the Council are described on page 80.

Right to information reporting

The *Right to Information Act 2009* (Qld) grants the public the right to access information that the government possesses or controls, unless it is contrary to the public interest to do so. Information about the Council's role and operations – as well as annual reports, policy and discussion papers, application forms and guidelines for professional standards schemes – are available online at psc.gov.au.

Consultation notices for new professional standards schemes are also published on the website and in major newspapers. Once a scheme becomes operational, the scheme document is also made publicly available on the website.

The Professional Standards Council of Queensland received no requests under the *Right to Information Act 2009* (Qld) during the reporting period.

Protection of personal information

Section 40 of the *Information Privacy Act 2009* (Qld) advises that a person has a right to access documents that contain their personal information. No access applications were received under the *Information Privacy Act 2009* (Qld) during the reporting period.



Public interest disclosure

The Professional Standards Council of Queensland did not receive any disclosures covered under the *Public Interest Disclosure Act 2010* (Qld) during the reporting period.

Consultants

The Council's share of the combined annual spend on consultancy was \$9,361.30 GST exclusive.

Per the Inter-Departmental Service Agreement, all expenditure is processed by the New South Wales Department of Customer Service and allocated to the eight national Professional Standards Councils.

Four contracts were awarded to consultants during the financial year.

For further details of consultancy spend, refer to Note 27 of the detailed expenditure in Table 11 on page 89.

Overseas travel

There was no overseas travel undertaken.

Public sector employment and management

The Professional Standards Council of Queensland did not have any compliance issues arising from the Public Sector Standards and Qld Code of Ethics during the reporting period.

Record keeping

Sound record keeping practices underpin good governance. In accordance with the requirements of the *Public Records Act 2002* (Qld), the Council's record keeping system ensures documents can be accurately captured, stored and retrieved.

Waste management

The Authority is governed by the New South Wales Department of Customer Service's Government Resource Efficiency Policy. The Council and the Authority comply with this policy to limit the impact of their operations on the environment.

For example, promotional material such as the Annual Report is produced on FSC certified paper and is made carbon neutral. The Council only prints the required number of annual reports and makes the report available on the Councils' website.

Financial performance

The audited financial statements of the Professional Standards Council of Queensland are attached as an addendum to this report. Please refer to the Consolidated Financial Performance Statement on pages 86–90 for the Professional Standards Council of Queensland's revenue and expenses for 2021/22.

Ministerial directives

No ministerial directives were received during the reporting period.



South Australia

Constitution of the Council

Members of the Professional Standards Council of South Australia were entitled to attend six scheduled and one out-of-session meetings for the year. Please refer to Table 6 on page 79 for a summary of meeting attendance.

Major legislative changes

No major changes were made to Professional Standards Legislation during 2021/22.

Fraud

There were no instances of fraud during the reporting period.

Freedom of information reporting

The Council is required to publish a statement about the particulars, functions and powers of that agency, as well as certain categories of documents held by each agency and the arrangements for public participation in formulating policy and operations. The statement is correct as at 30 June 2022.

Organisation and functions

Please refer to page 79 for the Council's organisational structure and function.

Administered legislation

The Professional Standards Council of South Australia assists the Minister in administering the *Professional Standards Act 2004 (SA)*.

Document categories

The Council holds several categories of documents, including those which are available on request and without charge. These can be found on the Professional Standards Councils' website.

Specifically, these include:

- Annual reports
- Scheme application form
- Policy papers
- Application guidelines
- Scheme documents.

Arrangements can be made to inspect documents available under the *Freedom of Information Act 1991 (SA)* by contacting the Authority between 9am and 5pm from Monday to Friday (except public holidays). The Council did not receive any applications to access documents (initial requests) during the reporting year. The Council did not receive any applications to internally review its decisions.

Record keeping

Sound record keeping practices underpin good governance. In accordance with the requirements of the *State Records Act 1997 (SA)*, the Council's record keeping system ensures documents can be accurately captured, stored and retrieved. This includes a computerised records management system and databases that record certain details of applications, submissions and correspondence.

Consultants

The Council's share of the combined annual spend on consultancy was \$2,584.08 GST exclusive per the Inter-Departmental Service Agreement, all expenditure is processed by the New South Wales Department of Customer Service and allocated to the eight national Professional Standards Councils.

Four contracts were awarded to consultants during the financial year, with four contracts above \$10,000.

List of contracts:

- Taylor Fry Pty Ltd, actuarial advice for the proposed LIV scheme, \$22,568.18
- Taylor Fry Pty Ltd, actuarial advice for the proposed LSSA scheme, \$22,568.18
- Taylor Fry Pty Ltd, actuarial advice for the proposed SABA scheme, \$22,000.00
- Nostos Pty Ltd, Scheme Application Framework implementation, \$37,800.00

For further details of consultancy spend, refer to Note 27 of the detailed expenditure in Table 11 on page 89.

Public interest disclosure

The Council is required to disclose the number of occasions where it or a responsible officer of the Council has received public interest information under the *Public Interest Disclosure Act 2018*, which replaced the *Whistleblowers Protection Act 1993 (SA)* on 1 July 2019. There were no such instances of disclosures during the reporting period.

Work health and safety

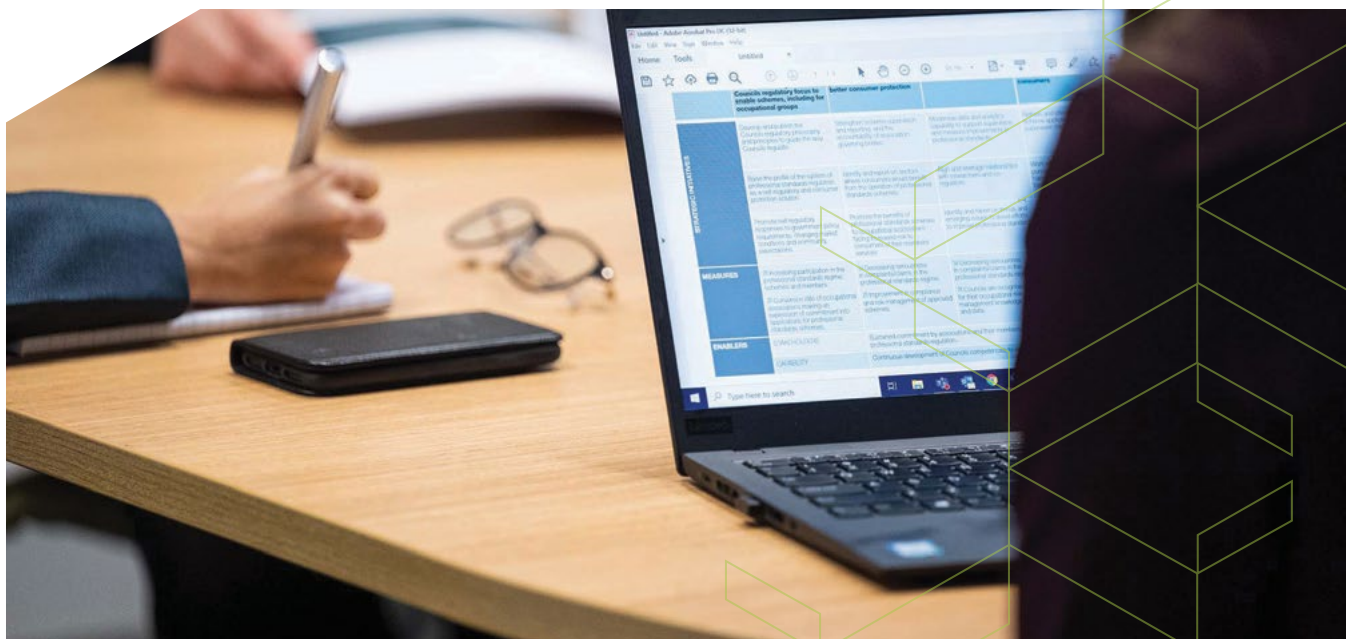
Work-related injuries, illnesses or prosecutions during the reporting period under the *Work Health and Safety Act 2011* are reported in the New South Wales Department of Customer Service Annual Work Health and Safety and Injury Management report. Authority staff are governed by Work Health and Safety practices of the New South Wales Department of Customer Service.

Financial performance

The audited financial statements of the Professional Standards Council of South Australia are attached as an addendum to this report. Please refer to the Consolidated Financial Performance statement on pages 86–90 for the Professional Standards Council of South Australia's revenue and expenses for 2021/22.

Relationship to other agencies within the Minister's area of responsibility

The Attorney-General's Department provides legal, policy, administrative and other support to the Professional Standards Council of South Australia.



Tasmania

Constitution of the Council

Members of the Professional Standards Council of Tasmania were entitled to attend six scheduled and one out-of-session meetings for the year. Please refer to Table 6 on page 79 for a summary of meeting attendance.

Major legislative changes

No major changes were made to Professional Standards Legislation during 2021/22.

Financial performance

The Professional Standards Council of Tasmania is not required to compile financial statements.

The Authority is responsible for collecting revenue and operating within budget. Please refer to the Consolidated Financial Performance statement on pages 86–90 for the Professional Standards Council of Tasmania's revenue and expenses for 2021/22.

Victoria

Constitution of the Council

Members of the Professional Standards Council of Victoria were entitled to attend six scheduled and one out-of-session meetings for the year. Please refer to Table 6 on page 79 for a summary of meeting attendance.

Major legislative changes

No major changes were made to Professional Standards Legislation during 2021/22.

Ministerial directives

No Ministerial directives were received during the reporting period.

National Competition Policy

The Professional Standards Council of Victoria, to the extent applicable, complies with the requirements of the National Competition Policy.

Reporting of office based environmental impacts

The Minister for Finance issued financial reporting directives that require all entities defined as a 'department' under section 3 of the *Financial Management Act 1994 (Vic)* to report on office based environmental impacts.

The Council does not maintain a separate secretariat or office facilities and thus does not have any operations within the scope of Financial Reporting Direction 24. Secretariat services to all jurisdictions' Professional Standards Councils are provided by the New South Wales Department of Customer Service.

For example, promotional material such as the Annual Report is produced on FSC certified paper and is made carbon neutral. The Council only prints the required number of annual reports and makes the report available on the Councils' website.

Victorian Industry Participation Policy

The Professional Standards Council of Victoria is not required to report under the *Victorian Industry Participation Policy Act 2003*, as it did not enter into or complete any contracts worth more than \$3 million in metropolitan Melbourne or \$1 million in regional Victoria.

Freedom of information reporting

The *Freedom of Information Act 1982 (Vic)* gives members of the public the right to apply for access to information held by Ministers, state and territory government departments, local councils, public hospitals, most semi-government agencies and statutory authorities. The Professional Standards Council of Victoria received no requests under the *Freedom of Information Act 1982 (Vic)* during the reporting period.

Compliance with the Building Act 1993 (Vic)

The Professional Standards Council of Victoria is not required to report under the *Building Act 1993 (Vic)* as it does not own or lease property or any government building.

Protected disclosures

The *Public Interest Disclosures Act 2012 (Vic)* encourages and facilitates disclosures of improper conduct by public officers and public bodies. It repealed the *Whistleblower Protection Act 2001 (Vic)*. In 2019/20, the Professional Standards Council of Victoria received no disclosures covered by either the *Whistleblower Protection Act 2001 (Vic)* or the *Protected Disclosure Act 2012 (Vic)*.

Authority staff profile

Please refer to page 83 for the organisational structure of the Authority which provides services and support to the Professional Standards Council of Victoria.

Work health and safety (WHS)

Work-related injuries, illnesses or prosecutions during the reporting period under the *Work Health and Safety Act 2011* are reported in the New South Wales Department of Customer Service Annual Work Health and Safety and Injury Management report. Authority staff are governed by Work Health and Safety practices of the New South Wales Department of Customer Service.

Financial performance

The audited financial statements of the Professional Standards Council of Victoria are attached as an addendum to this report. Please refer to the Consolidated Financial Performance statement on pages 86–90 for the Professional Standards Council of Victoria's revenue and expenses for 2021/22.

Consultants

The Council share of the combined annual spend on consultancy was \$18,186.62 GST exclusive.

Per the Inter-Departmental Service Agreement, all expenditure is processed by the New South Wales Department of Customer Service and allocated to the eight national Professional Standards Councils.

Four contracts were awarded to consultants during the financial year, with four contracts above \$10,000:

List of contracts:

- Taylor Fry Pty Ltd, actuarial advice for the proposed LIV scheme, \$22,568.18
- Taylor Fry Pty Ltd, actuarial advice for the proposed LSSA scheme, \$22,568.18
- Taylor Fry Pty Ltd, actuarial advice for the proposed SABA scheme, \$22,000.00
- Nostos Pty Ltd, Scheme Application Framework implementation, \$37,800.00

For further details of consultancy spend, refer to Note 27 of the detailed expenditure in Table 11 on page 89.





Western Australia

Enabling legislation

The Professional Standards Council of Western Australia was established under section 8 of the *Professional Standards Act 1997 (WA)*. The Council is listed as a statutory authority in schedule 1 to the *Financial Management Act 2006 (WA)* and is subject to the provisions of the *Public Sector Management Act 1994 (WA)*.

Responsible Minister

The responsible Minister is The Hon John Quigley MLA Attorney-General.

Organisational structure

For information regarding Council members and their profiles, please refer to pages 25–28.

Mission

Please refer to page 7 for the Council's mission statement.

Authority staff profile

Please refer to page 83 for the organisational structure of the Authority which provides services and support to the Professional Standards Council of Western Australia.

Administered legislation

The Professional Standards Council of Western Australia assists the Minister in administering the *Professional Standards Act 1997 (WA)*. No major changes were made to Professional Standards legislation during 2021/22.

Shared responsibilities with other agencies

Please refer to the section on Intergovernmental Agreements and the Authority on page 78.

Financial performance

The audited financial statements of the Professional Standards Council of Western Australia are attached as an addendum to this report.

Please refer to pages 86–90 for the Professional Standards Council of Western Australia's revenue and expenses for 2021/22.

Code of Ethics

The Professional Standards Council of Western Australia did not have any compliance issues arising from the Public Sector standards and Western Australia Code of Ethics during the reporting period.

For 2021/22, no breach claims were lodged in relation to either the Public Sector standards or the Western Australia Public Sector Code of Ethics.

Ministerial directives

No Ministerial directives were received during the financial year.

Capital works

The Council has no capital works projects.

Pricing policies

Under the *Professional Standards Act 1997 (WA)* and the *Professional Standards Regulations 1998 (WA)*, associations that apply for or operate a Professional Standards Scheme are required to pay an application fee and annual fees for each person to whom their professional standards scheme applies and who is a member of the association at any time during the annual fee period. These fees are prescribed in the legislation and are available on the Council's website.

Government building training policy

The Council did not issue any building or construction contracts during 2021/22.

Staff development

The Council is committed to supporting the development of employees. The Authority builds a highly skilled, professional and fair workforce with the ability to adapt to changing business technology and the environment.

Significant issues impacting the agency

The significant issues affecting the operational objectives of the Council during 2021/22 are set out on pages 29–76.

Workers' compensation

Work-related injuries, illnesses or prosecutions during the reporting period under the *Work Health and Safety Act 2011* are reported in the New South Wales Department of Customer Service Annual Work Health and Safety and Injury Management report. Authority staff are governed by Work Health and Safety practices of the New South Wales Department of Customer Service.

Public Sector Commission's policy framework for substantive equality

While the Council is not required to report on the progress achieved in implementing the Public Sector Commission and Commissioner for Equal Opportunity's Policy Framework for substantive equality, the Council is aware of the purpose and aims of the Policy Framework.

Contracts with senior officers

At the date of reporting, no senior officers; or firms of which senior officers are members; or entities in which senior officers have substantive interests; have any interest in existing or proposed contracts with the Professional Standards Council of Western Australia, other than normal contracts of service.

Credit cards – unauthorised use

There were no instances of credit or purchasing cards being used for a personal purpose.

Constitution of the Council

Members of the Professional Standards Council of Western Australia were entitled to attend six scheduled and one out-of-session meetings for the year. Please refer to page 79 for a summary of meeting attendance.

Board and committee remuneration

Please refer to page 79 for a summary of the remuneration for each board and committee member. The Council is committed to creating an inclusive and supportive working environment.

Expenditure on advertising, market research, polling and direct mail

In accordance with section 175ZE of the *Electoral Act 1907 (WA)*, the Council incurred the following expenditure in advertising, market research, polling, direct mail and media advertising. Total Councils' expenditure for 2021/22 was \$905.19*. Expenditure was incurred in the following areas:

Table 12 Expenditure on advertising, market research, polling and direct mail

Expenditure	Total	Organisation	Amount
Advertising agencies	\$801.71	Blaze Advertising	\$801.71
Market research organisations	NIL	NIL	NIL
Polling organisations	NIL	NIL	NIL
Direct mail organisations	NIL	NIL	NIL
Media advertising organisations	\$103.48	WA Department of Premier and Cabinet (State Law Publisher)	\$103.48
Total	\$905.19		\$905.19

*The expenditure shown is the Western Australia Professional Standards Council's share (2.55%) of the consolidated pool of annual expenses shared by all eight Councils which is based on each individual Council's 2021/22 revenue compared to total 2021/22 revenue.

Disability access and inclusion plan outcomes

The Council is committed to creating an inclusive and supportive working environment for people with disability, including those who require adjustment. The Council's office has wheelchair and lift access and convenient parking close by. Council's publications are designed to be print-accessible for people with disabilities and can be supplied in alternative formats on request.



Record keeping

Sound record keeping practices underpin good governance. The Council has a system in place to ensure documents can be accurately captured, stored, and retrieved, in accordance with the record keeping policy and procedures used by the Department of the Attorney-General and pursuant to the *State Records Act 2000* (WA).

Table 13 Report of annual performance against targets¹

Measure	Actual Results				Results against target
	2018/19	2019/20	2020/21	2021/22	Target
Number of fatalities	0	0	0	0	0
Lost time injury and/or disease incidence rate	0	0	0	3.5%	0 or 10% reduction
Lost time injury and/or severity rate	0	0	0	0	0 or 10% reduction
Percentage of injured workers returned to work:					
(i) within 13 weeks	N/A	N/A	N/A	50%	100%
(ii) within 26 weeks	N/A	N/A	N/A	0%	Greater than or equal to 80%
Percentage of managers trained in occupational safety, health and injury management responsibilities				100%	Greater than or equal to 80%

Notes

¹ Data includes the Council members and their national regulatory authority

Occupational safety, and injury management

The Council is committed to providing and maintaining a safe and healthy work environment and acknowledges its responsibilities under the *Occupational Safety and Health Act 1984* (WA) and the *Workers' Compensation and Injury Management Act 1981* (WA).



Glossary and Indexes



Glossary and Abbreviations

Jurisdictions

ACT	Australian Capital Territory	SA	South Australia
Cth	Commonwealth of Australia	Tas	Tasmania
NSW	New South Wales	Vic	Victoria
NT	Northern Territory	WA	Western Australia
Qld	Queensland		

Glossary

Association	The terms 'association', 'professional association' and 'occupational association' are used interchangeably within this document.
DCS	The NSW Department of Customer Service (formed on 1 July 2019) that the Authority is part of.
FARMCs	Finance, Audit and Risk Management Committees
GIPA	<i>Government Information (Public Access) Act 2009 (NSW)</i>
Occupational association	The terms 'occupational association', 'professional association' and 'association' are used interchangeably within this document.
Authority	Professional Standards Authority which provides support services to the Professional Standards Councils and is located within the NSW Department of Customer Service.
PSC	Professional Standards Councils ('The Councils')
PSIP	Professional Standards Improvement Program
Professional association	The terms 'professional association', 'occupational association', and 'association' are used interchangeably within this document.
Schemes	Professional standards schemes approved and gazetted under professional standards legislation.
The Councils	The combined Professional Standards Councils of the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania, Victoria, and Western Australia.

Associations with professional standards schemes

ACS	Australian Computer Society
AIBS	Australian Institute of Building Surveyors
APIV	Australian Property Institute Valuers
BAQ	Bar Association of Queensland
CA ANZ	Chartered Accountants Australia and New Zealand
CPA	CPA Australia
ACSN	Association of Consulting Surveyors National
IPA	Institute of Public Accountants
LIV	Law Institute of Victoria
LSNSW	The Law Society of New South Wales
LSSA	The Law Society of South Australia
LSWA	The Law Society of Western Australia
NSW Bar	New South Wales Bar Association
QLS	Queensland Law Society
RICSV	RICS Valuers
SABA	South Australian Bar Association
SCA NSW	Strata Community Association (NSW)
Vic Bar	Victorian Bar Association
WABA	Western Australian Bar Association

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Professional Standards Councils
Professional Standards Authority

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Acknowledgement

This annual report would not have been possible without the effort and support of many people in the Authority and the contracted supplier listed below. Their dedication and flexibility is greatly appreciated.

Concept, design, and typesetting

Messy Collective

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Published in September 2022 by the Professional Standards Councils.



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