

Managing member compliance with professional standards legislation

Overview

Scheme compliance plan

Starting this submodule

This submodule will help you to develop your association's scheme compliance plan. This plan is one of our requirements to meet regulatory best practice.

Understanding the scheme compliance plan

We expect your scheme compliance plan to meet Australian Standard AS ISO 37301:2021 Compliance management systems (the Standard). The Standard defines compliance as follows:

Compliance is an outcome of an organisation meeting its obligations and is made sustainable by embedding it in the culture of the organisation and in the behaviour and attitude of people working for it.



Overview of compliance areas

- Association professional risk management strategies - intended to be implemented (NSW s 36)
- Information requested by the Councils - in relation to risk management strategies on application (NSW s 36) and at anytime if requested (NSW s 37), and in relation to information required for exercise of functions (NSW s 44 – offence provision)
- ❖ Member compliance with standards, strategies and legislation:
 - Persons to whom scheme applies (NSW s17, exemptions)
 - Membership requirements (NSW ss 34 insurance, 36 risk mgt strategies) - examples
 - Fit & proper person
 - Show cause or disclosable events
 - Risk management
 - Quality management
 - Ethics
 - Continuing professional development
 - Conditions following complaints or discipline (NSW s 38 and Schedule 1)
 - Insurance standards (NSW ss 27 and 34)
 - Notification of limitation of liability (NSW ss 33 and 44A – offence provision, 34, 36, 38)
- ❖ Member compliance audit reports - with risk management strategies (VIC s 40)



Overview of compliance methods

Audit

Declaration

Quality review

Measuring (data) and monitoring

Reporting and communicating

Compliance plan



Overview of action on non-compliance

- ❖ The Councils are committed to fostering and supporting voluntary compliance through encouragement and assistance while ensuring that non-compliance action is fair, foreseeable and consistent.
- ❖ If compliance is not achieved, the Councils may request information (regarding risk management strategies, compliance by members, or any information that the Councils reasonably require to exercise its functions), reiterate the statutory basis for the obligation to comply, advise of any penalty for failure to comply under the relevant Act and encourage or assist action required.
- ❖ The Councils may consider review, amendment or revocation of the relevant scheme as a consequence of non-compliance.
- ❖ The Councils may consider seeking prosecution of relevant offences

