

# EXPRESSION OF INTEREST PROFESSIONAL CONDUCT OVERSIGHT PANEL

2021

# CPA Australia Ltd

ABN 64 008 392 452

## EXPRESSION OF INTEREST PROFESSIONAL CONDUCT OVERSIGHT PANEL

<b>Proposal Title</b>	EOI Professional Conduct Oversight Panel
<b>Opening Date</b>	3 May 2021
<b>Closing Date</b>	14 May 2021
<b>Category</b>	Professional Conduct Oversight Panel

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## 1. PROFILE AND BACKGROUND

CPA Australia is one of the world's largest accounting bodies with a global membership of more than 166,666 members (as at 31 December 2019) working in 100 countries around the world.

Our core services to members include education, training, technical support and advocacy. Employees and members work together with local and international bodies to represent the views and concerns of the profession to governments, regulators, industries, academia and the general public.

CPA Australia is a self-regulating professional association whose members voluntarily agree to be bound by CPA Australia's Constitution, By-Laws, Code of Professional Conduct and Applicable Regulations.

These standards aim to ensure the accountancy profession works to a high level of professionalism, providing a quality of service which achieves credibility with the general public.

CPA Australia recognises that the complaints process is an important step in ensuring professional standards are upheld by all members. CPA Australia's approach to the investigations and disciplinary process is guided by the principles of procedural fairness, confidentiality, independence and the right of appeal.

The Professional Conduct Oversight Panel assists the Board in fulfilling its responsibilities relating to the professional conduct and discipline of its members having regard to the law, the highest standards of governance and the diversity of the membership. The Panel's work is supported by the Chief Executive Officer and his or her nominees, principally the Company Secretary and the General Manager Professional Conduct.

Further information can be found at the "member conduct and discipline" section of CPA Australia's website at [www.cpaaustralia.com.au](http://www.cpaaustralia.com.au)

### 1.1 Purpose of this document

The purpose of this Expression of Interest (EOI) is to obtain nominations for the appointment of potential members and community representatives to CPA Australia's Professional Conduct Oversight Panel.

### 1.2 EOI Details

#### **Return Address**

Please return your nomination via e-mail to the address below or by post, marked private and confidential to:

Katherine Psomas  
General Manager Professional Conduct  
CPA Australia  
Locked Bag 23  
GROSVENOR PLACE NSW 1220 AUSTRALIA

E-mail address: [conduct@cpaaustralia.com.au](mailto:conduct@cpaaustralia.com.au)

Contact No: (61) 2 9375 6222

### 1.3 EOI Timing

Date	Process Step
3 May 2021	EOI open for nomination
14 May 2021	Last day to submit nomination
May 2021	Evaluation period
June 2021	Interviews with short listed candidates
June 2021	Referred to Member Engagement Committee for review and endorsement
June 2021	Board of Directors to approve appointment
June - July 2021	Nominee to be advised of CPA Australia's decision

### 1.4 Evaluation Criteria

In seeking suitable persons to nominate for the Professional Conduct Oversight Panel, CPA Australia has provided a detailed scope of the necessary requirements and experience.

### 1.5 EOI Conditions

CPA Australia is inviting interested persons to submit a nomination for possible appointment to the Professional Conduct Oversight Panel. Please note:

- CPA Australia is not responsible for any costs incurred by a nominee in preparing, submitting or otherwise responding to this EOI or in subsequent discussions.
- CPA Australia may require a nominee to provide additional information to allow further consideration of their application.

### 1.6 Nominee Responsibilities

It is expected that the applicant will identify and clarify any issue of concern prior to completion and submission of their response to this EOI.

### 1.7 Acceptance of Nomination

Each application will be acknowledged by CPA Australia.

## 2. SCOPE OF WORK

### 2.1 Responsibilities

Members of the Professional Conduct Oversight Panel assist the Board in fulfilling its responsibilities relating to the professional conduct and discipline of its members having regard to the law, the highest standards of governance and the diversity of the membership. The Panel's work is supported by the Chief Executive Officer and his or her nominees, principally the Company Secretary and the General Manager Professional Conduct.

The PCOP plays an advisory role and is authorised to exercise those powers expressly delegated to it by the Board. Other than to the board, the PCOP has no direct obligation to or from any management group, Branch or Division.

The PCOP is responsible for independently reporting to the Board on the performance and procedures of the Professional Conduct Unit including management, Complaint handling and Tribunals. This includes making recommendations to the Board for any changes to the Constitution, By-Laws, Code of Professional Conduct and Applicable Regulations.

Members of the PCOP may be required to make a determination in relation to a Complaint in which the General Manager Professional Conduct (GMPC) is conflicted.

The position of Professional Conduct Oversight Panel member requires a person of good repute, CPA Australia must be able to reassure its members and the wider community of the integrity of the disciplinary process. Accordingly, it is a requirement that all successful nominees undergo a national police check prior to confirmation of their appointment.

### 2.2 Details

The PCOP independently reports annually to the Board on the performance and procedures of the Professional Conduct Unit, which includes the management of the complaints and discipline process.

The PCOP makes recommendations to the Board for any changes to the Constitution, By-Laws, Code of Professional Conduct and Applicable Regulations, which may assist in improving the overall complaints and discipline process.

In situations where the GMPC may be conflicted or there may be an appearance of conflict, the PCOP is called upon to make an independent assessment whether a Member who is the subject of a Complaint has a case to answer.

The PCOP may also be called upon to provide an independent review process for the reassessment of a previously closed Complaint, upon referral by the GMPC.

### 2.5 Period of appointment

Initially three years with a possible extension for another three year term at the discretion of the Board. Appointments have a common anniversary of 1 July each year.

## 2.6 Qualifications/experience preferred:

### **Selection Criteria for Members of CPA Australia:**

- Must hold CPA or FCPA status
- Must meet CPA Australia's fit and proper requirements, including being a Member of Good Standing:
- Currently working or have worked in a professional or business capacity with a minimum of 10 years' experience
- Representation of gender and cultural diversity reflecting CPA Australia's membership
- Previous exposure to or experience with disciplinary matters or investigations is desirable
- Acts independently and has sound ethical judgement
- Any other criteria as may be agreed to by the Board of CPA Australia.

### **Selection Criteria for community representatives:**

- Must meet CPA Australia's fit and proper requirements
- Legal, managerial, professional, business or academic experience of at least 10 years desirable
- Previous exposure to or experience with disciplinary matters or investigations desirable
- Acts independently and has sound ethical judgement
- Any other criteria as may be agreed to by the Board of CPA Australia.

**'Acts Independently'** means not currently employed or contracted by CPA Australia nor currently serving on any committee, panel or in a governance capacity at CPA Australia

**Must meet CPA Australia's fit and proper person requirements** means and includes:

- being a member of good standing in the community and their usual occupation or profession;
- not having or had a criminal conviction (misdemeanours or spent convictions excepted); and
- not having the status of being an undischarged bankrupt.

## 2.7 Nomination process:

All suitable applicants may be interviewed by the Chair of the Professional Conduct Oversight Panel and the General Manager Professional Conduct, who will then recommend nominations to the Board.

The Board will then appoint the successful nominee to the Professional Conduct Oversight Panel.

## 3. FURTHER INFORMATION

Copies of CPA Australia's Constitution, By-Laws, Code of Professional Conduct (APES 110) and Applicable Regulations can be found in the *Member Conduct and Discipline* section of CPA Australia's website: <http://www.cpaaustralia.com.au/about-us/member-conduct-and-discipline>

## 4. NOMINATION FORM

Please complete the nomination form provided by the General Manager Professional Conduct.