**ACS Professional Standards Scheme Application Form**

**ACS Professional Standards Scheme Compliance Requirements**

Becoming a member of the ACS Professional Standards Scheme involves being successfully assessed as an ACS Certified Professional (CP) and maintaining the following scheme compliance requirements:

1. Maintain an active financial status as a CP Member of the ACS
2. Maintain your CP status by completing the required yearly Continual Professional Development hours
3. Hold a current Professional Indemnity Insurance policy
4. Promote your membership and requirements of the scheme on your business stationary.

**Compliance Audit**

A yearly compliance audit will be conducted by the ACS of business stationary from scheme members.

**Valid examples of business stationary include:**

1. Business Letterhead
2. Tax Invoices
3. Marketing material
4. Business Website promoting the scheme.

**Personal Details**

Please complete the following information and email to [memberservices@acs.org.au](mailto:memberservices@acs.org.au) with a copy of the Certificate of Currency from your Professional Indemnity Insurance on the insurance company letterhead.

|  |  |
| --- | --- |
| **Title** |  |
| **First Name** |  |
| **Last Name** |  |
| **Date of Birth** (ddmmyyyy) |  |
| **Email Address** |  |
| **Phone** |  |

**ACS Professional Standards Scheme Fee**

Application fee is $70 (inc GST). The ACS will contact you to organise payment by invoice.

**Professional Indemnity Insurance Information**

**Please submit a copy of the Certificate of Currency from your Professional Indemnity Insurance. Please ensure this is on the insurance company letterhead.**

|  |  |
| --- | --- |
| **Insurance Expiry Date** |  |
| **Estimated gross income for the next 12 months** |  |
| **Required Indemnity cap (minimum of $1.5M)**  *A higher cap may be requested up to $10M. Please include the reason for the higher cap.* |  |
| **Name of company or individual providing ICT services** |  |

**Declaration**

Please complete the check boxes and sign the declaration to accept the terms of the ACS Professional Standards Scheme.

* I declare that my Professional Indemnity Insurance is current and complies with the Standard *(please refer to Appendix 2)*
* I declare that I have sufficient funds to cover the excess amount that may occur as a result of any legal action against the policy
* I declare that my referees can attest to my professional activities in the past 12 months
* I declare I have no alerts or proceedings against me regarding professional practice for the past 12 months
* I declare that I have disclosed membership and limited liability in all official documents and business dealing
* I declare that I will allow access to all relevant business and personal records for the purpose of compliance auditing
* I declare that all business stationary advises clients that I am covered with the scheme and that liability is limited
* I agree to the Terms & Conditions *(please refer to Appendix 4)*

**Signature**

|  |  |
| --- | --- |
| **Full Name** |  |
| **Signature** |  |
| **Date** (ddmmyyyy) |  |

**Appendix 1 – Compliance with Disclosure Policy**

The ACS requires to audit promotion of the scheme by members and compliance requirements on business stationary.

To comply with the requirements, the following documents are required as part of an annual audit:

1. Business Letterhead.
2. Tax Invoices.
3. Marketing material.
4. Business Website promoting the scheme.

A disclosure is to appear on all materials given by scheme members to clients or prospective clients that promote or advertise the person or their occupation.

**The following provides a guide to disclosure policy obligations:**

* Letterhead & letters signed by the company or on its behalf
* Fax Cover Sheets
* Documents such as written advice, plans, drawings, specifications and other documents produced for clients but not accompanied by a letter or other document containing a disclosure statement
* Newsletters and other publications
* Memorandum of fees and invoices not accompanied by a letter or other document containing a disclosure statement
* E-mails
* Website pages

**Disclosure does not need to appear on:**

* Advertisements in print media, directory listings and similar forms of promotion or advertising
* Business Cards

For further information about the disclosure statements, please visit the Professional Standards Councils website at <http://www.psc.gov.au/>

**Appendix 2 –** **Professional Indemnity Policy Requirements**

In order to comply with scheme membership, you must hold an appropriate Professional Indemnity Policy.

You will need to provide the certificate of insurance in the application or renewal.

**Insurance Requirements**

In order to apply and be accepted under the scheme, eligible members are required to maintain a Professional Indemnity Insurance policy with the following minimum requirements.

1. The member must have the benefit of an insurance policy in respect of damages for 'occupational liability' limited by the applicable scheme. The amount of indemnity cover must not be less than the amount of limited liability applicable to the member or other minimum amount of cover applicable under these standards.
2. The policy of insurance must:
   1. Cover the members to whom the scheme applies, including the company or firm, its directors, principals, partners and employees.
   2. Cover acts, errors, and omissions of the insured or other person to whom the cover extends (such as employees)
   3. Cover misleading and deceptive conduct under the Trade Practices Act (and state fair trading legislation), the Corporations Act, and ASIC Act where relevant,
   4. Not exclude liability that would be limited by the scheme,
   5. Not have a deductible greater than 3% (if applicable) of the insured's annual gross fees (as a sole trader, partnership or company) for the financial year immediately preceding the policy year and not greater than 5% of the indemnity cover,
   6. Provide at least one automatic reinstatement where the policy limits the aggregate of claims to the indemnity limit,
      1. For costs in addition insurance, as a minimum the indemnity limit must be $1,500,000.
      2. For costs-inclusive insurance, as a minimum the indemnity limit must be $2,000,000.
   7. Be on a "claims made" basis. Where the policy has a retroactive date, it is reasonably expected that the date shall not be later than the date the scheme commenced to apply to the member. Where the scheme ceases to apply because the scheme expires, the insured ceases to trade or practice, or retires, or the insured entity merges with another firm, the member shall have run-off cover for at least seven years, where such cover is available.
   8. The member must not insure with an unauthorised foreign insurer.

**Appendix 3 – ACS Codes of Conduct and Ethics**

* [Code of Professional Conduct](https://www.acs.org.au/content/dam/acs/rules-and-regulations/Code-of-Professional-Conduct_v2.1.pdf)
* [ACS Code of Ethics](https://www.acs.org.au/content/dam/acs/rules-and-regulations/Code-of-Ethics.pdf)

**Appendix 4 –** **Terms & Conditions**

**Summary of the ACS Limited Liability (NSW) Scheme**

**OCCUPATIONAL ASSOCIATION**

The Australian Computer Society (ACS) is the recognised association for information and communication technology professionals. It is a national organisation and has representation in each state and territory.

**SCHEME JURISDICTION**

The ACS scheme will apply in New South Wales and other Australian states and territories, subject to mutual recognition provisions under their respective professional standards legislation.

**APPLICATION OF THE SCHEME**

The scheme will apply to ACS members who qualify as Certified Professional (CP). A list of CP members will be published on the ACS website.

**NATURE OF THE LIABILITY TO BE LIMITED**

The scheme operates for the purpose of improving the operational standards of ICT professionals and to protect the consumers of their services. It limits the civil liability of ACS CP members.

The liability limited by the scheme includes, to the extent permitted by the Act, all civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by any person to whom the scheme applies in acting in the performance of their occupation. The scheme does not apply to liability for damages arising from any matter to which the Act does not apply, including but not limited to, liability for damages arising from death or personal injury to a person, breach of trust, fraud or dishonesty.

The amount of damages above which ACS CP members are not liable is $1.5 million. A member may apply to the ACS to specify a higher amount of liability, not exceeding $10M, than would otherwise apply under the scheme. A member may apply to the ACS to be exempted from the scheme.

**STANDARDS OF INSURANCE FOR SCHEME MEMBERS**

CP members must have an insurance policy, which complies with the standards set by the ACS, for at least the amount appropriate to their level of liability defined in the scheme. They are also required to provide a detailed CP activity statement declaring compliance with the ACS insurance standards and that they have available funds to cover any excess within the policy.

**RISK MANAGEMENT**

ACS members undergo a rigorous assessment process on application for membership of the ACS. CP members, as with all ACS members, are bound by the ACS Code of Ethics and Code of Professional Conduct. In addition, CP members must undertake continuing professional development programs that are assessed annually by the ACS.

CP members are required to undertake 30 hours of continuing professional development activities annually and provide details of theses including objectives and outcomes of each activity. This ensures that CP members are up to date with all the knowledge necessary for a competent ICT professional.

ACS members wishing to achieve CP status must undertake a professional practice program, equivalent to a university graduate diploma, that specifically addresses professionalism within the ICT sector.

**COMPLAINTS AND DISCIPLINE**

All ACS members are subject to the Society’s complaints and discipline system. The complaints and discipline system allows complaints about the professional conduct of members to be investigated, evaluated and, where appropriate, disciplinary action to be taken.

**CLAIMS MONITORING**

CP members are required to contact the ACS as soon as they are aware of any claim against them. The Chair of the ACS Disciplinary Committee will monitor the claim over its life and then determine whether any action is necessary and advise the Professional Standards Management Committee of any risk management issues that might arise from the claim.

**ADMINISTRATION OF THE SCHEME**

The scheme will be managed by the Professional Standards Management Committee of the ACS. The committee consists of the Chairs of the Membership Standards and the Professional Development Boards and the Chair of the Disciplinary Committee. The Professional Standards Management Committee reports annually to the ACS Council.

The Chair of the Disciplinary Committee is responsible for claims and insurance monitoring under the scheme and reporting on any insurance activity.

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