

Preamble:

This document compares the expectation that International Actuarial Association ("IAA") has about disciplinary schemes operated by Full Member Association against SAS' existing Disciplinary Scheme. It also documents the proposed approach under the 2026/7 revision of SAS' Disciplinary Scheme.

References:

- "Professionalism Committee Paper On Considerations In The Design Of A Discipline Process" - IAA (May 2004)

- SAS Disciplinary Scheme (Mar 2006 edition)

IAA Guidelines	SAS Disciplinary Scheme (Mar 2006)	SAS Disciplinary Scheme (2026/7)
	References and Comment	Proposed Approach
Guiding Principles		
There is a complaint process accessible to both anyone affected by a member's work and the member's professional peers	[Para 2(a)] "The complaint may be made not only by an aggrieved party but also by any concerned person."	Status quo
There is due process of defense available to the member complained against, and the member's rights are fully respected	Generally yes.	Status quo
There is an objective formal appeal process independent of the body which has rules at the prior level	[Para 21] The Chairman of the Appeal Board shall be a member of the legal profession or the judiciary and the remaining two shall be Members who were not in the Investigating Committee or the Tribunal.	Refer to discussion related to the "Appeal Stage"
There are available sanctions appropriate to the level of the offences committed	A range of sanction options are available.	Refer to discussion related to the Investigation, Tribunal and Appeal Board stages.
Process in Stages		
The initiation stage (referred to the "Complaint Stage" in the new Scheme)	[Para 2]	Refer to discussion related to the "Complaint Stage"
The investigation stage	[Para 3 to 9] Albeit that the powers of the Investigating Committee ("IC") goes beyond investigation and reporting its findings. It has the ability to decide if the case just requires a deprecation of Member's conduct.	Refer to discussion related to the "Investigation Stage"
The tribunal stage	[Para 10 to 18]	Refer to discussion related to the "Tribunal Stage"
The appeal stage	[Para 19 to 24]	Refer to discussion related to the "Appeal Stage"
[Optional] There may be conciliatory proceedings as well at some time during the whole process.	Not applicable	Status quo
[Optional] There may be measures in the discipline process to reach speedy conclusions in less serious cases.	Indirectly, yes, by way of Council's powers to dismiss a case outright, and IC's powers to mete out deprecation without referring the case to the Tribunal stage.	At Complaint Stage, Council asks whether the Complaint is within jurisdiction and there is a reasonable basis for investigation, including whether it is spurious, vexatious, frivolous etc. For cases involving prima facie misconduct, the new Scheme no longer allow deprecation to be meted out at Investigation Stage. However, at the Tribunal Stage, the new Scheme now allows the Respondent to plead guilty upfront, leading to quicker conclusion.
		On the opposite end of the spectrum, for very serious breach of law, Constitution to be amended to allow immediate termination of membership. Serious breach of law means someone who: (i) has been convicted of an offence by a court in Singapore or elsewhere and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$10,000 (or its equivalent in a foreign currency when sentenced); and (ii) has not received a free pardon, except that where the conviction is by a foreign court, the offence must also be one which, had it been committed in Singapore, would have been punishable by a court in Singapore.

Considerations for "Complaint Stage"

Generic considerations

The acting body is tasked with the mandate to receive information or complaint and to either dismiss it or forward it to the next stage.	[Para 2(a)] "A complaint to take disciplinary action against any Member shall be in writing to the Council accompanied by a Statutory Declaration." [Para 3(a)] "Where the complaint is received under Rule 2(a), the Council may dispose of it at a meeting of its own and inform the complainant accordingly, or appoint or refer the complaint to an Investigating Committee to investigate the complaint."	To cater for situations that some Council members may be conflicted, cases will be received by the Secretariat or an external body on retainer instead. First point of contact will screen for obvious conflicts and forward the case only to the subset of Council members who are not conflicted. Council remains the "acting body" in this context as the first point of contact has no authority to decide whether to move the case to investigation. Where conflicts leave insufficient unconflicted Council members for constitutional quorum and this remains unresolved for 12 months, the membership determines at a General Meeting who exercises Council's functions for the case.
a) Who has the powers to appoint the acting body and its members?	Council is elected by SAS members according to SAS' Constitution.	Status quo
b) What are the powers and the roles of the Board of Directors of the profession, or its equivalent, in the management of the various processes? How much independence from the Board of Directors does the acting body enjoy	For the initiation stage, Council is the acting body. Independence from Council is embedded into the later stages of the process.	Status quo
c) Composition of the acting body for each stage. Who: actuaries, non-actuaries, legal people and accountants. Board members or not. Could people be involved in other stages of the same case or not. Could people be selected from a pre-determined pool in order to assure the involvement of experienced individuals trained in discipline matters	Council is the acting body for the initiation phase. There is no prohibition for Council member to be part of the IC, Tribunal, or Appeals Board. However, should a Council member join any of these three organs, it cannot join the other two.	Council members may serve on the IC but may not serve on the Tribunal or Appeal Board.
d) Quorum	Per quorum of regular Council meetings stated in Constitution (i.e. 50% of Council members)	Status quo
e) Term of membership	1 year per the Constitution	Status quo
f) Conflict of interest of members serving on the acting body	Not discussed	The first point of contact will do basic screening for conflict of interest - i.e. whether the complainant or the respondent is on Council, or work in the same company as a Council member - before moving the case to Council, or a subset of Council members.
g) Can subject actuary request the removal of a person on the acting body on account of conflict of interest	Not discussed	Not at the Complaint Phase. The respondent would not be aware of the existence of the complaint at Complaint Phase yet.
h) Rights of the subject actuary to know the identity of the members of the acting body and his rights in case of conflict of interest	Not discussed	List of Council member is public
i) Are informants and complainants bound by confidentiality	Not discussed	Council/Chair may request a written confidentiality agreement and may withhold certain information if the person refuses. This is requirement is captured more generically under the new provision on Confidentiality.
j) Confidentiality of proceedings during that stage. Are proceedings private or open to the public?	[Para 28] "All hearings under this Scheme shall be in private."	By default, all proceedings are private.
k) Rights of the subject actuary to participate in the proceedings of that stage	Not applicable at this stage.	Status quo
l) Right of subject actuary to get help from another actuary or a legal advisor	Not applicable at this stage.	Status quo
m) Right of the subject actuary to provide counter-evidence	Not applicable at this stage.	Status quo
n) Right of the subject actuary to examine and cross-examine witnesses	Not applicable at this stage.	Status quo
o) Right of acting body to get help from a legal advisor	Not applicable at this stage.	Not applicable at this stage.
p) Right of acting body to information known to the actuarial association with respect to prior discipline cases involving the same subject actuary	Not discussed	Not applicable. More relevant from the Investigation stage onwards.
q) Identifications of issues, facts, documents, affidavits 1) agreed upon and 2) disagreed upon by the subject actuary and the acting body	Not applicable at this stage.	Status quo. Feedback from the respondent is sought from the Investigation stage onwards.
r) Time limits for response, submission of evidence and supporting documentation	Not applicable at this stage.	Status quo. Feedback from the respondent is sought from the Investigation stage onwards.
s) Powers of acting body to enforce the production of information from actuaries	Not applicable at this stage.	Status quo. Feedback from the respondent is sought from the Investigation stage onwards.

t) Powers of acting body to interview appropriate persons	Not applicable at this stage.	Status quo. Feedback from other relevant persons is sought from the Investigation stage onwards.
u) Rights of the subject actuary to be informed of the conclusions of the acting body	It depends. If Council decides to dismiss the case outright, the accused will not be informed. If Council decides to refer the case to IC, IC will seek information from the accused.	Status quo, so that cases without merit will not create unnecessary anxiety to the respondent.
v) Identification of all possible conclusions which the acting body can reached	Council may either dismiss the case outright or refer the case to IC.	Status quo
w) Remuneration of participants on acting body	Not applicable at this stage. Council members, acting in that capacity, are volunteers and do not receive remuneration.	Status quo
x) Replacement of a member of an acting body who can no longer serve	Replacement of Council members, if required, follows the rules set out in the Constitution.	Status quo
y) Which rules on evidence and procedures apply? Per local criminal code standard of proof? Or per local civil code? Or code determined by the acting body or some other code?	[Para 2(a)] A complaint to take disciplinary action against any Member shall be in writing to the Council accompanied by a Statutory Declaration. [Para 2(b)] A complaint shall not be necessary where the Council itself considers it appropriate that investigations should be made in the interest of the public and the actuarial profession.	Status quo. Making a false statutory declaration is not just a mistake. It is a criminal offence. It ensures that evidence presented by complainant meets certain minimum rigor.
z) Is the subject actuary guilty until determined innocent? Or innocent until determined guilty?	By inference from rules related to other stages, the accused is assumed innocent throughout the initiation stage.	Status quo
aa) Status of the subject actuary until the outcome of a stage is finalized; could the subject actuary be suspended? If so, under which circumstances?	By inference from rules related to other stages, the accused may only be suspended after a determination at the Tribunal stage.	Status quo
bb) What to do in case the subject actuary refuses to cooperate or fail to show up	Not applicable at this stage.	Status quo
cc) Minimum majority needed for a decision	Per Council meetings rules stated in Constitution (i.e. The majority required to pass any motion tabled at a Council meeting is 50% of the votes expressed)	Status quo
dd) Does the chair of the acting body have a casting vote	Per Council meetings rules stated in Constitution (i.e. Chair of Council meeting has the casting vote)	Status quo
Stage-specific considerations		
a) Are the conducts subject to discipline well defined and communicated to all interested parties	Reference is made to the published Code of Professional Conduct.	Update to the latest document name - Standard of Profession Conduct ("SPC"). By way of the "Compliance" principle in the SPC, other professional standards issued by SAS are brought into scope.
b) Can the subject actuary be someone who is not a fellow yet; for example, students	Yes. SPC covers all members. Not just fellows.	Status quo
c) Should the subject actuary be informed of the situation	It depends. If Council decides to dismiss the case outright, the accused will not be informed. If Council decides to refer the case to IC, IC will seek information from the accused.	Status quo
d) Should the subject actuary be given an opportunity to comment on the relevant information received by the acting body	Ditto	Status quo
e) Rights of informant or complainant to remain anonymous	Not discussed	At the Complaint Stage, yes, on a best effort basis.
f) Rights of informant or complainant to be informed of developments, of conclusions	Not discussed	Yes, Complainant will know if the case proceed to Investigation Stage or is dismissed.
g) Can an actuary ask guidance to the acting body on professional matters	Yes, according to SPC. "Where there is doubt as to how principles set out in this Standard should apply to specific situations, Members are advised to seek the guidance of a Council member."	Status quo
h) If so, can a complaint result from knowledge obtained by the acting body as a result of this request for guidance	In theory yes, by way of para 2(b) of the Scheme. "A complaint shall not be necessary where the Council itself considers it appropriate that investigations should be made in the interest of the public and the actuarial profession."	No
i) Right of acting body to issue a complaint based on information received or gathered	Yes, per para 2(b).	No
j) Is there prima facie evidence which justifies a move to the Investigation Stage	Yes, if Council so decides.	Status quo
k) Can the subject actuary require an investigation	No. Only Council may decide to trigger an investigation. The accused is not informed of the complaint until Council refer the case to IC.	Status quo
Considerations for "Investigation Stage"		
Generic considerations		

The acting body is tasked with the mandate to investigate the matter and report on its findings.	The acting body in this stage is the Investigation Committee appointed by Council. [Para 3] "(a) Where the complaint is received under Rule 2(a), the Council may dispose of it at a meeting of its own and inform the complainant accordingly, or appoint or refer the complaint to an Investigating Committee to investigate the complaint. (b) In cases under Rule 2(b), the Council may appoint or refer the matter to an Investigating Committee to investigate the same."	There are two acting bodies in this stage - the IC and Council. To amend IC's role to just investigate the matter, report the findings to Council and make recommendation on whether or not to proceed to the next stage. IC will no longer have the powers to mete out penalty of any sort.
	Additional powers of IC: [Para 6] IC may decide: (a) That no disciplinary action shall be taken against the Member complained against; (b) To deprecate the conduct of the Member complained against; or (c) Refer the complaint for decision by a Tribunal. [Para 7] "The power of deprecation mentioned in Rule 6(b) above shall be exercised only if the Investigating Committee decides that the Member had not been guilty of a conduct which deserves a harsher level of penalty as provided for under Rule 16(b), 16(c) or 16(d)."	Ditto
a) Who has the powers to appoint the acting body and its members?	Council, per para 3(a) and 3(b)	Status quo
b) What are the powers and the roles of the Board of Directors of the profession, or its equivalent, in the management of the various processes? How much independence from the Board of Directors does the acting body enjoy	Council appoints the IC. Council members are not prohibited from being a member of the IC. However, any Council member who is part of IC cannot be a member in the Tribunal or the Appeals Board phases.	Council members appoint the IC, and document the rationale/ basis of such appointment. Council members can be a member of the IC.
c) Composition of the acting body for each stage. Who: actuaries, non-actuaries, legal people and accountants. Board members or not. Could people be involved in other stages of the same case or not. Could people be selected from a pre-determined pool in order to assure the involvement of experienced individuals trained in discipline matters	[Para 4] Any Investigating Committee appointed or referred to by the Council to investigate under Rule 2 shall consist of 5 persons who are Members. The quorum for meetings shall be 3. All 5 Members may vote and any of them may chair any meeting of the Committee.	IC shall include at least three Members. Only Members who are of the Fellow, Associate or Retired class are eligible for appointment. Members of the Council are eligible for appointment to the IC.
d) Quorum	[Para 4] 3 pax	Status quo
e) Term of membership	Not discussed	Each IC is case-specific, and its term ends after submission of report to Council. But IC members may still be called to support the Tribunal and Appeal Board proceeding.
f) Conflict of interest of members serving on the acting body	Not discussed	Council to do basic conflict check when appointing IC members (e.g. if IC member works in the same company as the respondent or the complainant). Council to document rationale for appointments to IC.
g) Can subject actuary request the removal of a person on the acting body on account of conflict of interest	Not discussed	No. Not at the IC phase.
h) Rights of the subject actuary to know the identity of the members of the acting body and his rights in case of conflict of interest	Not discussed	No. Not at the IC phase. But if IC chooses to interview the respondent, respondent will know the composition of IC.
i) Are informants and complainants bound by confidentiality	Not discussed	Council/Chair may request a written confidentiality agreement and may withhold certain information if the person refuses. This is requirement is captured more generically under the new provision on Confidentiality.
j) Confidentiality of proceedings during that stage. Are proceedings private or open to the public?	[Para 28] "All hearings under this Scheme shall be in private."	By default, all proceedings are private.
k) Rights of the subject actuary to participate in the proceedings of that stage	[Para 5] "The Investigating Committee shall ask for an explanation in writing from the Member complained against, and may also seek further information from the complainant. The Committee may then interview the complainant and the Member complained against, together or separately."	Status quo
l) Right of subject actuary to get help from another actuary or a legal advisor	Not applicable at this stage.	As IC no longer has the right to mete out punishment, nor decide if the case should be escalated to the Tribunal stage, there is no need to enshrine the right of the respondent to have a "defence lawyer" at this stage.

m) Right of the subject actuary to provide counter-evidence	Yes, per para 5.	Yes
n) Right of the subject actuary to examine and cross-examine witnesses	No. Per para 5, the interviews may be done together. However, that does not tantamount to giving the accused the right to cross-examine witness.	No
o) Right of acting body to get help from a legal advisor	Not applicable at this stage.	Yes, as there is financial risk to SAS if a case is moved to Tribunal phase when the facts of the case is not sufficiently strong.
p) Right of acting body to information known to the actuarial association with respect to prior discipline cases involving the same subject actuary	Not discussed	Yes
q) Identifications of issues, facts, documents, affidavits 1) agreed upon and 2) disagreed upon by the subject actuary and the acting body	Not discussed	Not applicable to the investigation stage.
r) Time limits for response, submission of evidence and supporting documentation	Not discussed	Within a reasonable time
s) Powers of acting body to enforce the production of information from actuaries	There is a requirement for IC to ask, but no right for IC to compel.	In a limited way, yes. Any Member may decline the Investigation Committee's request for information or to participate in the investigation if doing so may cause the Member to breach the Standard of Professional Conduct, especially provisions related to the Member's duty to confidentiality and to comply with applicable laws.
t) Powers of acting body to interview appropriate persons	[Para 5] "The Investigating Committee shall ask for an explanation in writing from the Member complained against, and may also seek further information from the complainant. The Committee may then interview the complainant and the Member complained against, together or separately."	Yes
u) Rights of the subject actuary to be informed of the conclusions of the acting body	[Para 9] "The decision of the Investigating Committee shall be communicated by the Council to the Member complained against and the complainant."	Status quo
v) Identification of all possible conclusions which the acting body can reached	[Para 6] IC may decide: (a) That no disciplinary action shall be taken against the Member complained against; (b) To deprecate the conduct of the Member complained against; or (c) Refer the complaint for decision by a Tribunal.	Powers on whether to move a Charge to Tribunal phase will rest with Council instead of IC.
w) Remuneration of participants on acting body	Not discussed	At Council's discretion
x) Replacement of a member of an acting body who can no longer serve	Not discussed	At Council's discretion, considering the required composition prescribed in the Scheme
y) Which rules on evidence and procedures apply? Per local criminal code standard of proof? Or per local civil code? Or code determined by the acting body or some other code?	Not discussed	Standard of proof is the balance of probabilities.
z) Is the subject actuary guilty until determined innocent? Or innocent until determined guilty?	By inference from para 6, the accused is assumed innocent until determined guilty.	Status quo
aa) Status of the subject actuary until the outcome of a stage is finalized; could the subject actuary be suspended? If so, under which circumstances?	By inference from rules related to other stages, the accused may only be suspended after a determination at the Tribunal stage.	Status quo
bb) What to do in case the subject actuary refuses to cooperate or fail to show up	Not discussed. Para 26 only deals with no show at Tribunal and Appeals Board stages.	IC will still proceed to make its recommendation to Council based on whatever info it has access to.
cc) Minimum majority needed for a decision	Not discussed, presumably simple majority	Per usual voting procedure of Council
dd) Does the chair of the acting body have a casting vote	Not discussed	Per usual voting procedure of Council
Stage-specific considerations		
a) To inform the subject actuary of the nature of the complaint	Yes, as part of the info request under para 5.	Yes, and give the opportunity to provide a response before Council decides if the case should be moved to the tribunal phase.
b) To share with the subject actuary information collected at the Process Initiation Stage	Not discussed	The nature of the Complaint will be made known if IC has not interviewed the Respondent earlier.
c) As a result of its findings in the case, can the acting body investigate on other matters not related to the original reason for the investigation	Not discussed. However, technically allowed because when IC presents its report to Council, Council can always initiate a new case under para 2(b).	Council may direct IC to deal with newly identified potential Misconduct as part of its existing investigation, or create a separate Complaint.
d) In the case where the subject actuary is a member of more than one actuarial organization, is there a mutual discipline agreement between actuarial organizations that would permit a single investigation?	Not discussed	No

e) If the report makes recommendations, which acting body receives the report for action	Council receives the report. However, it is on a "for info" basis. IC decides on the next step. Council only has the duty to inform the accused of the outcome.	Council receive reports from IC with a recommendation of whether to proceed to the Tribunal phase or not. Council will make its own decision on how to proceed based on the recommendation.
Considerations for "Tribunal Stage"		
Generic considerations		
The acting body is tasked with the mandate to judge the merits of the prosecution and the defense and to reach a decision on guilt and appropriate sentence.	Per para 10, this stage is handled by the Tribunal appointed by Council.	Status quo
a) Who has the powers to appoint the acting body and its members?	Council, per para 10 and 11.	Status quo
b) What are the powers and the roles of the Board of Directors of the profession, or its equivalent, in the management of the various processes? How much independence from the Board of Directors does the acting body enjoy	Council appoints the Tribunal. Council members are not prohibited from being a member of the Tribunal. However, any Council member who is part of Tribunal cannot be a member in the IC or the Appeals Board phases.	Council members appoint the Tribunal, and document the rationale/ basis of such appointment. Council members cannot be a member of the Tribunal.
c) Composition of the acting body for each stage. Who: actuaries, non-actuaries, legal people and accountants. Board members or not. Could people be involved in other stages of the same case or not. Could people be selected from a pre-determined pool in order to assure the involvement of experienced individuals trained in discipline matters	[Para 10] "Where the Committee decides that the complaint be referred to a Tribunal under Rule 6(c) above, the Council shall so refer the complaint to a Tribunal. The Tribunal may be an existing one, or appointed for this purpose by the Council." [Para 11] "The Tribunal shall consist of 5 persons, none of whom shall be Members of the Investigating Committee. Three of them shall be Members, and the remainder shall be outsiders appointed by the Council."	Majority outsiders, and may include actuaries who are not SAS members. Any member on the Tribunal must be a Fellow, Associate or a Retired member. SAS should stand ready a panel of individuals who stand ready to appointed to Tribunal and AB when the needs arise. Council should document the rationale when it appoints anyone to be on the Tribunal and AB, including reference to appointees' experience and suitability for the case at hand. Size of the Tribunal reduced from 5 to 3.
d) Quorum	[Para 11] 3 pax, of whom at least one shall not be a Member	All Tribunal members
e) Term of membership	Flexible [Para 10] "The Tribunal may be an existing one, or appointed for this purpose by the Council."	Each Tribunal is case-specific, and its term ends after submission of report to Council about its findings and decisions. However, Tribunal member may be called by Appeals Board to testify. Note however that Council will assemble a standing panel of candidate that it can draw from and assign to Tribunal based on the nature of each case. Appointment to the panel has no term limit.
f) Conflict of interest of members serving on the acting body	Not discussed	Council to do basic conflict check when appointing Tribunal members (e.g. if Tribunal member works in the same company as the accused or the complainant). Council to document rationale for appointments to Tribunal.
g) Can subject actuary request the removal of a person on the acting body on account of conflict of interest	Not discussed	Yes. The respondent may request to Council to remove specific member of the Tribunal due to conflict of interest. Council shall decide based on the evidence submitted by the respondent and may or may not accede to the request.
h) Rights of the subject actuary to know the identity of the members of the acting body and his rights in case of conflict of interest	Not discussed	Yes. Respondent may make a request Council to remove Tribunal member(s) on the ground of conflict of interest and provide explanation why. Council has final discretion whether to accede to the request.
i) Are informants and complainants bound by confidentiality	Not discussed	Council/Chair may request a written confidentiality agreement and may withhold certain information if the person refuses. This is requirement is captured more generically under the new provision on Confidentiality.
j) Confidentiality of proceedings during that stage. Are proceedings private or open to the public?	[Para 28] "All hearings under this Scheme shall be in private."	By default, all proceedings are private.

k) Rights of the subject actuary to participate in the proceedings of that stage	[Para 12] "The Council shall instruct an Advocate and Solicitor of the Supreme Court of Singapore to prepare and present the case to the Tribunal. He shall then draft the appropriate charges and send it to the Member complained against who shall also be informed of the hearing days which have been fixed." [Para 13] "The Tribunal may also appoint a Legal Assessor who is an Advocate and Solicitor of at least 10 years standing, to give advice on law and procedure at the hearing. Where the advice is given during the private deliberations of the Tribunal, the parties or their representatives shall be informed of the substance of such advice."	Yes
l) Right of subject actuary to get help from another actuary or a legal advisor	[Para 25] "The Member complained against may be represented at the hearings of the Tribunal or of the Appeal Board by an Advocate and Solicitor."	The Scheme leaves the matter to applicable procedural/operational rules
m) Right of the subject actuary to provide counter-evidence	Yes, as inferred from para 26. [Para 26] "The proceedings at a hearing of the Tribunal or of the Appeal Board shall be valid and of full effect even if the Member complained against does not attend or state his case in person or is not represented."	Part of the operational rule design at the start of the Tribunal process.
n) Right of the subject actuary to examine and cross-examine witnesses	Not discussed. It depends on the law and procedure at the hearing designed by Legal Assessor advising the Tribunal.	At the discretion of the Tribunal when designing the operational rules.
o) Right of acting body to get help from a legal advisor	Yes, per para 12 and 13. In addition, if there is an appeal against the Tribunal's decision, Tribunal is supported by Advocate and Solicitor per para 20.	Yes
p) Right of acting body to information known to the actuarial association with respect to prior discipline cases involving the same subject actuary	[Para 14] "Where the hearing before the Tribunal involves the decision of a Court or some other Tribunal, their decisions, findings or sentence, as the case may be, may be proved by the use of certified copies."	Not prohibited
q) Identifications of issues, facts, documents, affidavits 1) agreed upon and 2) disagreed upon by the subject actuary and the acting body	Not discussed. It depends on the law and procedure at the hearing designed by Legal Assessor advising the Tribunal.	To be based on rules set at the start of the Tribunal phase with the help of legal advice.
r) Time limits for response, submission of evidence and supporting documentation	Not discussed. It depends on the law and procedure at the hearing designed by Legal Assessor advising the Tribunal.	To be based on rules set at the start of the Tribunal phase with the help of legal advice.
s) Powers of acting body to enforce the production of information from actuaries	Not discussed.	May make such request. But hard to enforce to non-members. Also, members are not obliged to provide info if doing so would breach Standard of Professional Conduct, such as confidentiality obligations to employers.
t) Powers of acting body to interview appropriate persons	Only the accused as inferred from para 26. Ultimately, it depends on the law and procedure at the hearing designed by Legal Assessor advising the Tribunal.	May make such request.
u) Rights of the subject actuary to be informed of the conclusions of the acting body	[Para 18] "The decision of the Tribunal shall be communicated by the Council to the Member complained against and the complainant."	Yes
v) Identification of all possible conclusions which the acting body can reached	[Para 16] If found guilty, Tribunal may decide to: (a) deprecate the conduct of the Member complained against; (b) suspend the member; (c) ask the member to resign from SAS; or (d) expel the member.	Yes
w) Remuneration of participants on acting body	Not discussed	At Council's discretion
x) Replacement of a member of an acting body who can no longer serve	Not discussed	At Council's discretion, considering the required composition prescribed in the Scheme
y) Which rules on evidence and procedures apply? Per local criminal code standard of proof? Or per local civil code? Or code determined by the acting body or some other code?	Not discussed. It depends on the law and procedure at the hearing designed by Legal Assessor advising the Tribunal.	To be based on rules set at the start of the Tribunal phase with the help of legal advice. Standard of proof is the balance of probabilities.
z) Is the subject actuary guilty until determined innocent? Or innocent until determined guilty?	By inference from para 6, the accused is assumed innocent until determined guilty.	Status quo

aa) Status of the subject actuary until the outcome of a stage is finalized; could the subject actuary be suspended? If so, under which circumstances?	By inference from rules related to other stages, the accused may only be suspended after a determination at the Tribunal stage.	Status quo
bb) What to do in case the subject actuary refuses to cooperate or fail to show up	[Para 26] "The proceedings at a hearing of the Tribunal or of the Appeal Board shall be valid and of full effect even if the Member complained against does not attend or state his case in person or is not represented."	Status quo
cc) Minimum majority needed for a decision	Not discussed, presumably simple majority	To clarify that simple majority is required
dd) Does the chair of the acting body have a casting vote	Not discussed	Not necessary, as the Tribunal has 3 members and no abstention is allowed.
Stage-specific considerations		
a) What to do if there is a court case going on at the same time as the discipline process	[Para 14] "Where the hearing before the Tribunal involves the decision of a Court or some other Tribunal, their decisions, findings or sentence, as the case may be, may be proved by the use of certified copies."	At the discretion of the Tribunal when designing the operational rules.
b) Who sends what information to whom and when	Not discussed. It depends on the law and procedure at the hearing designed by Legal Assessor advising the Tribunal.	At the discretion of the Tribunal when designing the operational rules.
c) Right to admit fresh evidence	Not discussed. It depends on the law and procedure at the hearing designed by Legal Assessor advising the Tribunal.	At the discretion of the Tribunal when designing the operational rules.
d) Under which circumstances can the tribunal decision be appealed	[Para 19] "Any Member found guilty by the Investigating Committee under Rule 6(b), or by the Tribunal under Rule 16, may give notice of appeal to the Council."	The grounds for an appeal may include but are not limited to: • inculpatory or exculpatory evidence or facts; • an error of process, procedural fairness, or natural justice by the Tribunal; • an error in the considerations or reasons provided by the Tribunal; or • the orders are demonstrably unfair, unreasonable, or excessive.
Considerations for "Appeal Stage"		
Generic considerations		
The acting body is tasked with the mandate to judge the merits of the prosecution and the defense and to reach a decision on guilt and appropriate sentence.	Per para 20, this stage is handled by the Appeals Board.	Status quo
a) Who has the powers to appoint the acting body and its members?	Council, per para 20.	Status quo
b) What are the powers and the roles of the Board of Directors of the profession, or its equivalent, in the management of the various processes? How much independence from the Board of Directors does the acting body enjoy	Council appoints the Appeals Board. Council members are not prohibited from being a member of the Appeals Board. However, any Council member who is part of Appeals Board cannot be a member in the IC or on the Tribunal.	Council members appoint the Appeal Board, and document the rationale/ basis of such appointment. Council members cannot be a member of the Appeal Board.
c) Composition of the acting body for each stage. Who: actuaries, non-actuaries, legal people and accountants. Board members or not. Could people be involved in other stages of the same case or not. Could people be selected from a pre-determined pool in order to assure the involvement of experienced individuals trained in discipline matters	[Para 21] "The Appeal Board shall consist of 3 persons. The Chairman of the Appeal Board shall be a member of the legal profession or the judiciary and the remaining two shall be Members who were not in the Investigating Committee or the Tribunal. The quorum for hearings shall be 3."	Majority outsiders, and may include actuaries who are not SAS members. Chaired by someone from the legal profession. Any SAS Member on the Appeal Board must be a Fellow, Associate or a Retired member. SAS should stand ready a panel of individuals who stand ready to appointed to Tribunal and AB when the needs arise. Council should document the rationale when it appoints anyone to be on the Tribunal and AB, including reference to appointees' experience and suitability for the case at hand.
d) Quorum	Per para 21, all members of the Appeal Board must be present.	Status quo
e) Term of membership	Flexible [Para 20] "The Appeal Board may be an existing one, or appointed for this purpose by the Council."	Each Appeals Board is case-specific, and its term ends after submission of report to Council about its findings and decisions. Note however that Council will assemble a standing panel of candidate that it can draw from and assign to Appeal Board based on the nature of each case. (The same panel where Tribunal members may be drawn from.) Appointment to the panel has no term limit.
f) Conflict of interest of members serving on the acting body	Not discussed	Council to do basic conflict check when appointing AB members (e.g. if AB member works in the same company as the accused or the complainant). Council to document rationale for appointments to AB.

g) Can subject actuary request the removal of a person on the acting body on account of conflict of interest	Not discussed	Yes. The respondent may request to Council to remove specific member of the Appeals Board due to conflict of interest. Council shall decide based on the evidence submitted by the respondent and may or may not accede to the request.
h) Rights of the subject actuary to know the identity of the members of the acting body and his rights in case of conflict of interest	Not discussed	Yes. Respondent may make a request Council to remove AB member(s) on the ground of conflict of interest and provide explanation why. Council has final discretion whether to accede to the request.
i) Are informants and complainants bound by confidentiality	Not discussed	Council/Chair may request a written confidentiality agreement and may withhold certain information if the person refuses. This is requirement is captured more generically under the new provision on Confidentiality.
j) Confidentiality of proceedings during that stage. Are proceedings private or open to the public?	[Para 28] "All hearings under this Scheme shall be in private."	By default, all proceedings are private.
k) Rights of the subject actuary to participate in the proceedings of that stage	[Para 20] "At least 30 days' notice of the hearing shall be given to the Member who is appealing."	Yes
l) Right of subject actuary to get help from another actuary or a legal advisor	[Para 25] "The Member complained against may be represented at the hearings of the Tribunal or of the Appeal Board by an Advocate and Solicitor."	The Scheme leaves the matter to applicable procedural/operational rules
m) Right of the subject actuary to provide counter-evidence	Yes, as inferred from para 26. [Para 26] "The proceedings at a hearing of the Tribunal or of the Appeal Board shall be valid and of full effect even if the Member complained against does not attend or state his case in person or is not represented."	Part of the operational rule design at the start of the AB process.
n) Right of the subject actuary to examine and cross-examine witnesses	Not discussed. Unlike the Tribunal Phase where a Legal Assessor advise on laws and procedures of the hearing, no one is identified to do the same for the Appeals Board phase.	At the discretion of the AB when designing the operational rules.
o) Right of acting body to get help from a legal advisor	Per para 21, chair of the Appeals Board is from the legal profession or the judiciary.	Yes
p) Right of acting body to information known to the actuarial association with respect to prior discipline cases involving the same subject actuary	Yes, where the Appeals Board handles appeals against a decision by the Tribunal where info from other actuarial bodies were used in the proceedings.	Not prohibited
q) Identifications of issues, facts, documents, affidavits 1) agreed upon and 2) disagreed upon by the subject actuary and the acting body	Not discussed. Unlike the Tribunal Phase where a Legal Assessor advise on laws and procedures of the hearing, no one is identified to do the same for the Appeals Board phase.	Part of the operational rule design at the start of the AB process.
r) Time limits for response, submission of evidence and supporting documentation	Not discussed. Unlike the Tribunal Phase where a Legal Assessor advise on laws and procedures of the hearing, no one is identified to do the same for the Appeals Board phase.	Part of the operational rule design at the start of the AB process.
s) Powers of acting body to enforce the production of information from actuaries	Not discussed.	May make such request. But hard to enforce to non-members. Also, members are not obliged to provide info if doing so would breach Standard of Professional Conduct, such as confidentiality obligations to employers.
t) Powers of acting body to interview appropriate persons	Only the accused as inferred from para 26. Unlike the Tribunal Phase where a Legal Assessor advise on laws and procedures of the hearing, no one is identified to do the same for the Appeals Board phase.	May make such request.
u) Rights of the subject actuary to be informed of the conclusions of the acting body	[Para 24] "The decision of the Appeal Board shall be communicated by the Council to the Member complained against and the complainant."	Status quo

v) Identification of all possible conclusions which the acting body can reached	[Para 22] "After the hearing of the Appeal, the Board shall decide by a majority vote, if it upholds the decision that the Member complained against is guilty as found by the Investigating Committee or Tribunal as the case may be. The penalty or penalties may be confirmed or substituted for lesser ones. If the decision is not upheld, the order and the penalty or penalties imposed shall be set aside."	Once a ground is established, AB can also reconsider/rehear part or all of the Charge and make factual findings, enabling final determination without remittal.
w) Remuneration of participants on acting body	Not discussed	At Council's discretion
x) Replacement of a member of an acting body who can no longer serve	Not discussed	At Council's discretion, considering the required composition prescribed in the Scheme
y) Which rules on evidence and procedures apply? Per local criminal code standard of proof? Or per local civil code? Or code determined by the acting body or some other code?	Not discussed. Unlike the Tribunal Phase where a Legal Assessor advise on laws and procedures of the hearing, no one is identified to do	To be based on rules set at the start of the Appeals phase with the help of legal advice. Standard of proof is the balance of probabilities.
z) Is the subject actuary guilty until determined innocent? Or innocent until determined guilty?	By inference from para 6, the accused is assumed innocent until determined guilty.	Status quo
aa) Status of the subject actuary until the outcome of a stage is finalized; could the subject actuary be suspended? If so, under which circumstances?	By inference from rules related to other stages, the accused may only be suspended after a determination at the Tribunal stage.	Status quo
bb) What to do in case the subject actuary refuses to cooperate or fail to show up	[Para 26] "The proceedings at a hearing of the Tribunal or of the Appeal Board shall be valid and of full effect even if the Member complained against does not attend or state his case in person or is not represented."	Status quo
cc) Minimum majority needed for a decision	By majority vote per para 22	Status quo
dd) Does the chair of the acting body have a casting vote	Not discussed	Not necessary, as the Appeal Board has 3 members and no abstention is allowed.
Stage-specific considerations		
a) Grounds of appeal	[Para 19] "Any Member found guilty by the Investigating Committee under Rule 6(b), or by the Tribunal under Rule 16, may give notice of appeal to the Council."	The grounds for an appeal may include but are not limited to: • inculpatory or exculpatory evidence or facts; • an error of process, procedural fairness, or natural justice by the Tribunal; • an error in the considerations or reasons provided by the Tribunal; or • the orders are demonstrably unfair, unreasonable, or excessive.
b) What should the appellant do, when and how	Per para 19, to give notice of appeal to the Council.	Intent to appeal within 30 days of Tribunal communicating its decisions. Full submission within 90 days.
c) Right to admit fresh evidence	Not discussed. Unlike the Tribunal Phase where a Legal Assessor advise on laws and procedures of the hearing, no one is identified to do the same for the Appeals Board phase.	Once a ground of appeal has been established, the Appeal Board may receive further evidence as part of reconsideration/rehearing.
d) Is decision final? If not, what is the possible next step	Not discussed.	Deemed final as far as SAS is concerned. Note that SAS has no way to stop a guilty party to take legal action against SAS subsequently.