

AFSA COMPLIANCE PROGRAM

2022-23



Australian Government

Australian Financial Security Authority

A FIRM AND FAIR REGULATOR

Our focus is to make compliance as easy as possible for everyone who uses our systems. We use effective, efficient and transparent approaches to monitor the compliance of the regulated community, our performance as a regulator and to identify and take appropriate regulatory action.

We recognise that regulation is at the heart of everything we do. With overarching principles to guide our activities, we focus on achieving our regulatory objectives and strengthening trust and confidence in the personal insolvency (PI) and personal property securities (PPS) systems.

OUR AREAS OF FOCUS



SUPPORT AT-RISK USERS

We are committed to identifying and supporting user groups who are at risk. This includes those who are not aware of their options and those who are vulnerable and not able to make the best decision for their circumstances.



DRIVE WILLING COMPLIANCE AND ENGAGEMENT

Our priority is to make compliance the easiest option. We support all participants in the PI and PPS systems to understand their rights and responsibilities and comply with their obligations.



ADDRESS MISUSE IN THE SYSTEM

We use data and insights to identify misuse and use a range of enforcement tools to take strong action.

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PRINCIPLES

that underpin how we work

ACTIVITIES

to achieve our areas of focus



SUPPORT AT-RISK USERS

AFSA's Vulnerability Framework is the foundation for our actions.

We understand the barriers to engagement and develop tailored solutions to maximise reach.

Identify at-risk groups and develop targeted engagement plans.

Review, develop and improve information and guidance for at-risk groups.

Review services for suitability and appropriate use, starting with insolvency debt agreements.

Prioritise and support the delivery of the Vulnerability Framework.



DRIVE WILLING COMPLIANCE AND ENGAGEMENT

Place users at the centre of service design to make compliance the first and easiest option.

Use behavioural insights and data to improve user experiences and compliance.

The credit system: understand system-wide issues, implement appropriate safeguards and provide advice to ensure confidence.

Publish benchmarks and recognise industry best practice.

Continue to raise awareness about the importance of security of information, including cybersecurity.

Deep dive into the following areas to understand and improve compliance issues:

- Bankruptcy Forms
- Objections to discharge
- PPSR registrations
- Use of NPII data.

Use statutory powers to obtain information and data that drives and enables compliance in estate administrations



ADDRESS MISUSE IN THE SYSTEM

Use data and intelligence to identify misconduct.

Take strong action against deliberate misuse.

Improve service design to reduce the capacity for system misuse (intended and unintended).

Disrupt untrustworthy advisors.

Continue to target practitioners that:

- have unexplained administration delays
- disclose unnecessary remuneration
- demonstrate misleading conduct.

Proactively target Official Trustee administered estates where assets and income may have been concealed or disposed.

Identify and take strong action against those lodging unlawful PPSR registrations.