

Application to review decision of CA ANZ Professional Conduct Committee (PCC)

Matters to be considered before completing the form

1. If you are considering seeking a review of a decision of the PCC by the Reviewer of Complaints, please refer to By-law 40.18 which sets out those decisions about which you may apply for a review.
 - require a quality or other review
 - require completion of professional development course(s)
 - decision about any matter arising out of the complaint or investigation.
2. If you were the original complainant, a reviewable decision is:
 - A decision to dismiss a complaint without investigation.
 - A decision under By-Laws 40.13(a)(i)-(iv) & (vi)-(ix), 40.15(a)(i)-(iii) & (v)-(vii) and 40.16 to:
 - take no further action, either during or after an investigation
 - issue a professional reminder
 - caution the Member
 - require a quality or other review
 - require completion of professional development course(s)
 - decision about any matter arising out of the complaint or investigation
 - enter into a Consent Order Agreement with the Member.
3. If you were the member about which the original complaint was made or a Notifying Principal in respect of a Firm Event a reviewable decision is:
 - A decision to dismiss a complaint without investigation
 - A decision under By-laws 40.13(a)(i)-(iv), (iv)-(v) & (vi)-(ix) and 40.15(a)(i)-(iii) & (v)-(vi) to:
 - take no further action, either during or at the conclusion of an investigation
 - issue a professional reminder
 - caution the Member
4. CA ANZ must receive this application within 21 days of the date of notification of the PCC decision.
5. Under the By-Laws an application for review must be lodged within 21 days of the date of notification of the PCC's decision. If your application is received by CA ANZ more than 21 days after the date of notification of the PCC's decision, the Reviewer of Complaints will determine whether there are exceptional circumstances which make it appropriate to accept your application.
6. Your application must be signed, including by agreeing to the following:
 - the Privacy Notice
 - Confidentiality Obligations; and
 - the Costs Agreement.
7. You must pay the Reviewer of Complaints an Application Fee of AU\$500 (GST inclusive), payable by:

Electronic payment

Account name: Chartered Accountants Australia and New Zealand

Account number: 836429288

BSB: 012-251

Bank: ANZ Barrack Street, Sydney

BPAY

Biller code: 123224

Reference: Review application fee

Application for review of PCC decision

Please complete **all sections (1-8)** and return the application to Chartered Accountants Australia and New Zealand (CA ANZ) (see **page 6** for contact details).

Section 1 – Case Details

Member or Notifying Principal Name	<input type="text"/>
If relevant, name of Practice Entity	<input type="text"/>
Complainant(s) name	<input type="text"/>
Complaint reference	<input type="text" value="PC-"/>

Section 2 –Your details

Application made by [Insert Full Name]	<input type="text"/>
Your email address	<input type="text"/>

CA ANZ will use this email address to communication with you unless you provide alternate contact details

Section 3 –Review application

What element of the decision do you want reviewed? Note: If insufficient space annex page(s) to this form.

Section 3 continued overleaf >

Why do you want the decision reviewed? Note: please ensure that you set out all matters you want considered by the Reviewer of Complaints (If insufficient space annex page(s) to this form)

When was the decision made?

/ /

(DD/MM/YYYY)

When did you receive notice of the decision?

/ /

(DD/MM/YYYY)

Date Reviewer of Complaints application fee was paid? Note: a receipt confirming payment must be attached

/ /

(DD/MM/YYYY)

Section 4 – Privacy Notice

Chartered Accountants Australia and New Zealand ABN 50 084 642 571 (CA ANZ) and its subsidiaries, controlled entities and the New Zealand Institute of Chartered Accountants (NZICA), a regulated body established under the *Institute of Chartered Accountants Act 1996* (NZ) (each **we**, **us** or **our**) collect, hold, use and disclose your personal information for the purpose of processing your review application of a decision by the Professional Conduct Committee (PCC), facilitating the review of the PCC decision, and to communicate with you in connection with the review of the PCC decision. We may also collect your personal information from third parties in connection with your review of the PCC decision. We may disclose your personal information (including this review and all documents we hold in connection with the review of the PCC decision) to third parties, including investigators, legal advisors, mediators, reviewers and/or members of the Professional Conduct Committee and/or a Disciplinary Tribunal and participants in meetings and disciplinary hearings. We may also disclose your personal information to third parties, including agents, contractors and service providers, such as where we outsource functions. Your information will also be used and disclosed as set out in our Privacy Policy, available at www.charteredaccountantsanz.com/privacy.

We are permitted to process your information for the above purposes, by relying on one or more of the following lawful grounds: (a) you have explicitly agreed to us processing such information for a specific reason; (b) the processing is necessary to perform the agreement we have with you or to take steps to enter into an agreement

with you; (c) the processing is necessary for us to comply with our legal obligations; or (d) the processing is necessary for our legitimate interests, including to efficiently and effectively resolve your complaint. Where you have consented to our processing of such information (including any special categories of personal data) you may withdraw such consent at any time (where your local data protection and privacy laws specifically provide you with this right), by contacting us using the contact details in our Privacy Policy. Please note, however, that in certain circumstances it may be still lawful for us to continue processing this information even where consent has been withdrawn, if one of the other legal bases described above is applicable. It is likely that your personal information will be disclosed to overseas recipients (as provided in our Privacy Policy, including the location of those entities) in which case your personal information will be treated securely and in accordance with data protection laws, including putting in place appropriate safeguards. The Privacy Policy sets out the contact details of our Privacy Officer and information regarding your rights (including how to withdraw your consent, if applicable) and how we handle your personal information including how you can seek to access and correct your information or raise a privacy concern with us and how it will be dealt with as well as details about the disclosure of your information to entities overseas.

If you have any questions or concerns about this Privacy Notice, our Privacy Policy or how we handle your personal information, please contact our Privacy Officer.

Section 5 – Confidentiality Obligations

1. Applicants must comply with the requirements set out in paragraphs 2 - 5 below to ensure that any investigations, reviews and disciplinary hearings carried out pursuant to Section 5 of the By-Laws are confidential subject to any publicity orders made by any of the CA ANZ disciplinary bodies.
2. Subject to paragraph 3 below, all information, correspondence and other documentation sent and/or received by CA ANZ or disclosed or made available to you in connection with this review, its investigation and outcome, including, if applicable, any draft or final report prepared by the Reviewer of Complaints, recommendation and/or directions) and any disciplinary hearing (including disciplinary decisions) is confidential (**Confidential Information**).

You must:

- (a) keep the Confidential Information Confidential;
- (b) Securely store and not disclose or permit disclosure of the Confidential Information; not copy, reproduce or distribute the Confidential Information in any way;
- (c) comply with CA ANZ's directions regarding the Confidential Information; and
- (d) do all other things prudent or desirable to safeguard the confidentiality of the Confidential Information.

This does not apply to:

- (e) information that is already in the public domain (except because of a breach of this confidentiality notice)
- (f) information that is required to be disclosed to comply with applicable law; or
- (g) details of complaints, investigations and/or decision that CA ANZ has published or made available to the public in accordance with the By-Laws and Regulations.

- 3. The obligations contained in paragraph 3 above do not prevent the disclosure of Confidential Information:
 - (a) That is required to be disclosed to comply with the applicable law;
 - (b) To your advisers/representatives (including business partners and staff of those advisers and/or representatives) for the provision of advice in relation to the complaint, its investigation, any review and disciplinary hearings;
 - (c) To your current employer and business partners, including your staff and/or staff of that employer, to assist with making the complaint and to comply with any disclosure obligations;
 - (d) If required, and with the consent of CA ANZ, for the purpose of the review and any disciplinary hearings pursuant to Section 5 of the By-Laws.
- 4. You understand that:
 - (a) Any breach of these Confidentiality Obligations may prejudice the investigation of the review and any disciplinary proceedings; and
 - (b) In the event of a suspected or actual breach of these Confidentiality Obligations, CA ANZ or the disciplinary bodies under Section 5 of the By-Laws may cease the investigation of your complaint.
- 5. Any disclosure of Confidential Information pursuant to paragraph 3(b)-(d) above can only be made by you if the person to whom the disclosure is made is subject to the same confidentiality obligations as you, set out in paragraphs 1-5.

Section 6 – Fee and payment details

Fee payable:

Reviewer of Complaints application fee **AU \$500** (GST inclusive)

BSB: 012-251
Bank: ANZ Barrack Street, Sydney

Payable by:

Electronic payment

Account name: Chartered Accountants Australia and New Zealand

Account number: 836429288

BPAY

Bill code: 123224
Reference: Review application fee

Note: a receipt confirming payment must be attached

Section 7 – Costs Order

I acknowledge and agree that:

- (a) upon review of the PCC decision, the Reviewer of Complaints (Reviewer) may make a costs order against me for all or part of the costs incurred by CA ANZ (including its Related Parties) or a participant in the review of the PCC decision, in connection with the review of the PCC decision, pursuant to By-Law 40.18(c) (**Costs Order**);
- (b) I will pay the Costs Order as directed by the Reviewer in the Costs Order;
- (c) I may be charged interest on amounts outstanding under the Costs Order at a rate determined by the Reviewer; and
- (d) CA ANZ will advise an estimate of a potential Costs Order before the review is commenced by the Reviewer.

Executed as a deed poll

Signed sealed and delivered by

In the presence of:

Signature

Print full name

Date

(DD/MM/YYYY)

Signature of Witness

Print full name of Witness

Address of Witness

Section 8 – Signature

I have read, understood and agree to the terms set out in the Privacy Notice, the CA ANZ Privacy Policy and the Confidentiality Obligations.

Signature¹

Date

¹ CA ANZ cannot accept this form until signed.

Capacity (eg Legal Representative, PCC Secretary, etc)

Section 9 – Submitting your form

Please send your completed form (including any annexed pages) by:

Email

or

Post

membercomplaints@charteredaccountantsanz.com

Conduct & Discipline
Chartered Accountants Australia and New Zealand
GPO Box 9985
Sydney NSW 2001

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