

Application to review a decision

of the NZICA Professional Conduct Committee

Matters to consider before completing the application

- If your application for review relates to a decision made by the Chartered Accountants Australia and New Zealand (CA ANZ) Professional Conduct Committee, this form cannot be used. For more information please refer to the CA ANZ Reviewer of Complaints Procedure available from www.charteredaccountantsanz.com
- Only the complainant or the member the subject of the complaint may apply for a review
- It is only possible to request a review of certain types of decisions of the Professional Conduct Committee (PCC) as set out in the NZICA Rule 13.29 which conclude the PCC's consideration of the complaint (**Final Decision**)
- **Final Decisions that can be reviewed include:**
 - A decision under Rule 13.9 not to refer a complaint to a Member for investigation
 - After the PCC has investigated a complaint, a decision under Rule 13.13(a), (b) and (c) and/or 13.15(a), (b), (c), (d), and (f) to:
 - take no further action
 - issue the Member with a professional reminder
 - caution the Member
 - make a Consent Order with a Member (please note exception below)
 - make a costs order against a Member
- **Decisions that cannot be reviewed include:**
 - Any one or more orders made with the Member's consent under Rule 13.15(d) cannot be reviewed by the Member
 - A decision to refer the matter to the Disciplinary Tribunal, or
 - Any decision made by the Disciplinary Tribunal or the Appeals Council
- Applications for review must be received by NZICA within 21 days of the date of notification of the final decision of the PCC. Applications received out of time will only be accepted in exceptional circumstances at the Reviewer's discretion.
- Your application must be signed, including by agreeing to the following:
 - the Privacy Notice
 - Confidentiality Obligations; and
 - the Costs Agreement
- You must pay the Application Fee of NZ\$500 (GST inclusive)

1 - Complaint details

Member name (in full)

Complainant name (in full)

Complaint reference

2 - Your details

Your Name

Your Address

(Provide your physical address):

Your email address

Phone number

Are you lodging this review on behalf of someone else such as a client or someone you've been acting on behalf of in the NZICA complaints process?

If yes, please provide the details of the person you are assisting. They will need to provide authorisation for you to act as set out in section 8 below

Yes

No

Name (of person being assisted)

Address

(Provide physical address of person being assisted)

Email address

Phone number



3 - Review application

What element of the decision do you want reviewed?

Please ensure you list all matters which you want reviewed.

If insufficient space attach pages to this form

Why do you want the decision reviewed?

Please ensure that you set out all matters which you want considered by the Reviewer.

If insufficient space annex pages to this form

When was the decision made?

When did you receive notice of the decision?

4 - Application Fee

Once we have received your application form you will be sent an invoice requiring payment of the Application Fee. NZICA will need to receive payment of this fee before your application for review will be considered by the Reviewer of Complaints.

5 - Privacy Notice

Please carefully read the following Privacy Notice:

The New Zealand Institute of Chartered Accountants (NZICA) regulates the conduct of members of Chartered Accountants Australia and New Zealand ABN 50 084 642 571 (CA ANZ) that reside or practise in New Zealand in accordance with the New Zealand Institute of Chartered Accountants Act 1996 and other legislation regulating the profession of accountancy in New Zealand. CA ANZ including its subsidiaries, controlled entities and NZICA (each **we, us or our**) collects, holds, uses and discloses your personal information for the purpose of investigating the facts and circumstances of your complaint, whether or not you are the complainant or the Member the subject of the complaint, (**your complaint**). This includes any reviews or appeals in connection with your complaint, and to communicate with you in connection with the investigation and outcome of the complaint. We may also collect your personal information from third parties in connection with our investigation of the complaint including from the Member the subject of the complaint or the complainant who made the complaint. We may disclose your personal information to third parties, including the Member the subject of the complaint, or the complainant who made the complaint, investigators, mediators, reviewers and/or members of a Professional Conduct Committee, Disciplinary Tribunal and/or Appeals Council and participants in meetings and disciplinary hearings. We may also disclose your personal information to third parties such as agents, contractors and service providers, such as where we outsource functions. We may disclose your personal information to relevant law enforcement authorities, regulators, relevant government or statutory bodies or other professional associations. 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 purpose, 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 provide you with a smooth and efficient customer experience. 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.

6 - Confidentiality Obligations

Please carefully read your Confidentiality Obligations:

1. Applicants for review and any persons acting on their behalf must comply with the requirements set out in paragraphs 2 - 5 below to ensure that any complaints made, investigations, reviews and disciplinary hearings carried out pursuant to Rule 13 of NZICA's Rules are confidential.
2. Subject to paragraph 3 below:
 - a) All information, correspondence and other documentation sent and/or received by NZICA or disclosed or made available to you in connection with a complaint, its investigation and outcome, any review of that outcome (including the Reviewer's report, recommendation and/or any directions) and any disciplinary hearing (including disciplinary decisions) is confidential (**Confidential Information**);
 - b) You must:
 - i) keep the Confidential Information confidential;
 - ii) securely store and not disclose or permit disclosure of the Confidential Information;
 - iii) comply with NZICA's directions regarding the Confidential Information;
 - iv) do all other things prudent or desirable to safeguard the confidentiality of the Confidential Information; and
 - v) not publish or make a public announcement or statement in relation to the Confidential Information;
 - c) This paragraph does not apply to:
 - i) information that is already in the public domain (unless it is in the public domain because of a breach of this obligation); or
 - ii) details of complaints, investigations and/or decisions that NZICA has published or made available to the public in accordance with NZICA's Rules;
3. The obligations contained in paragraph 2 above do not prevent the disclosure of Confidential Information:
 - a) That is required to be disclosed to comply with applicable law;
 - b) To your advisers and/or 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 any 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 NZICA, for the purpose of the complaint, investigation and any disciplinary hearings pursuant to Rule 13 of NZICA's Rules.
4. You understand that:
 - a) Any breach of these Confidentiality Obligations may prejudice the investigation of the complaint and any disciplinary proceedings; and
 - b) In the event of a suspected or actual breach of these Confidentiality Obligations, NZICA or the disciplinary bodies under Rule 13 of NZICA's Rules 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, as set out in paragraphs 1 - 5.

7 - Costs Agreement and Acceptance of Other Terms

I acknowledge and agree that:

- a) upon review of the Final Decision, the Reviewer may make a costs order against me for all or part of the costs incurred by NZICA (including its Related Parties) or a participant in the review of the Final Decision, in connection with the review of the Final Decision, pursuant to Rule 13.31(d) (**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 NZICA;
- d) NZICA may recover any amounts outstanding under the Costs Order as a debt due, including any interest incurred and legal costs incurred in the recovery of the debt on a solicitor and client basis;
- e) I have read, understand and consent to the Privacy Notice and privacy policy of CA ANZ / NZICA; and
- f) I have read, understand and consent to the Confidentiality Obligations.

This form must be signed by all applicants

.....
Signature of applicant

.....
Date

.....
[Print full name of applicant]

Additional Applicants: (Please print another copy of this page if there are more than two complainants to sign)

.....
Signature of applicant

.....
Date

.....
[Print full name of applicant]

8 - Authorisation

If you are making this acting on behalf of someone else, that person must give permission for you to do so. Please arrange for them to sign the following authority:

I

.....
[Print full name of person on whose behalf the application is being made]

authorise

.....
[Print full name representative being given authority to act]

to represent me in making the application including agreeing to bind me to all terms contained in this application.

.....
Signature of applicant giving authority

.....
Date

To submit this form

EMAIL to complaints.nzica@charteredaccountantsanz.com or **POST** to Professional Conduct and Complaints
New Zealand Institute of Chartered Accountants
PO Box 11342
Wellington 6142
New Zealand