

Notification of appeal

From Disciplinary Tribunal Final Decision

By-Law 40.22(a)

Instructions

Please complete **all sections (1-5)** and return the form to Chartered Accountants Australia and New Zealand (CA ANZ) (see **page 4** for contact details).

Matters to consider before completing the form

1. An appeal must be lodged **within 21 days, or such longer timeframe as approved by the Appeals Council in its discretion**, after the date of written notification of the Final Decision of the Disciplinary Tribunal.
2. Only the Member or Notifying Principal on behalf of a Practice Entity or the Professional Conduct Committee may appeal a decision of the Disciplinary Tribunal.
3. A notice of appeal must be submitted on this prescribed form and state the grounds of appeal in full. The notice of appeal and the grounds of appeal cannot be amended except with the approval of the Appeals Council.
4. The appellant must also give notice of any Final Decision of the Disciplinary Tribunal that it seeks be stayed pending determination of the appeal.
5. The Appeals Council may, at its discretion or on an application by the Professional Conduct Committee:
 - require the Member or Notifying Principal on behalf of a Practice Entity to pay such amount as it determines to CA ANZ as security against the anticipated Costs which CA ANZ may incur in the conduct and hearing of the appeal.
 - stipulate a time period of not less than 28 days within which the Member or Notifying Principal on behalf of a Practice Entity must pay the security amount and, if it does so and the Member or Notifying Principal on behalf of a Practice Entity has not paid that amount at the expiry of that period, the appeal will automatically lapse.

Section 1 – Appellant

1.1 Which party is notifying this appeal

The Member or Notifying Principal on behalf of a Practice Entity – go to sections 1.2 and 1.3

The Professional Conduct Committee – go to section 1.4

1.2 Member or Notifying Principal appellant's details

Title	Mr	Mrs	Miss	Ms	Other	<input type="text"/>
Full Name	<input type="text"/>					
Practice Entity (if appealing as a Notifying Principal)	<input type="text"/>					
Postal Address	<input type="text"/>					
Daytime phone number	<input type="text"/>			Alternate phone Number	<input type="text"/>	
Email Address	<input type="text"/>					

Section 1 continued overleaf >

1.3 Member or Notifying Principal appellant’s legal representative (if any)

Title	Mr	Mrs	Miss	Ms	Other	<input type="text"/>
Full name	<input type="text"/>			Firm/Chambers	<input type="text"/>	
Postal Address	<input type="text"/>					
Daytime phone number	<input type="text"/>			Alternate phone Number	<input type="text"/>	
Email Address*	<input type="text"/>					

*CA ANZ will use this email address to communicate with you/your legal representative unless provided with alternate contact details

1.4 Professional Conduct Committee Representative

Title	Mr	Mrs	Miss	Ms	Other	<input type="text"/>
Full name	<input type="text"/>					
Email address	<input type="text"/>					
Capacity	<input type="text"/>					

Section 2 – Details of appeal

2.1 Case details

Member or Notifying Principal Name (in full)	<input type="text"/>				
Practice Entity (if appealing as a Notifying Principal)	<input type="text"/>				
Disciplinary Tribunal hearing date	<input type="text"/>	Disciplinary Tribunal reference (case number)	<input type="text"/>		

2.2 Which part(s) of the Disciplinary Tribunal decision are you appealing? Note: If insufficient space annex page(s) to this form.

- Offences
- Costs
- Sanction(s)
- Publication
- All decisions
- Other (eg notification of decision)

Part of decision(s) (list part(s))

2.3 Are you seeking a stay of any part of the Disciplinary Tribunal decision you are appealing? Note: If insufficient space annex page(s) to this form.

Yes

No

If yes, which orders are you seeking to stay?

Section 3 – Grounds for appeal

Please explain in full the grounds on which you say the appeal should be granted. Please note that once submitted, these grounds cannot be amended without the consent of the Appeals Council. Note: If insufficient space annex page(s) to this form.

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 appeal application, facilitating the appeal, and to communicate with you in connection with the appeal. We may also collect your personal information from third parties in connection with your appeal. We may disclose your personal information (including this appeal and all documents we hold in connection with the appeal) to third parties, including but not limited to investigators, mediators, legal advisors, 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 – Signature

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

Signature¹

Date

¹ CA ANZ cannot accept this form until signed

Capacity (eg Member, Notifying Principal, Legal Representative, PCC Secretary, etc)

Section 6 – Submitting your application form

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

Email

TribunalSecretary@charteredaccountantsanz.com

or **Post**

Tribunal Secretary
Chartered Accountants Australia and New Zealand
GPO Box 9985
Sydney NSW 2001

Chartered Accountants Australia and New Zealand ABN 50084642571 (CA ANZ). Formed in Australia. Members of CA ANZ are not liable for the debts and liabilities for CA ANZ.

Copyright © 2024 Chartered Accountants Australia and New Zealand. All rights reserved. ABN 50 084 642 571. This document contains general information only. Details in this document were accurate at the time of printing but are subject to change without notice. No warranty is given as to the accuracy of the information in this document. This document is subject to our full terms and conditions, available at www.charteredaccountantsanz.com.