

## Seeking a Review of a Decision of the Professional Conduct Committee by the Reviewer of Complaints

### ***What if you are dissatisfied with the decision of the Professional Conduct Committee (PCC)?***

If you are dissatisfied with the way the PCC has handled your complaint or its decision you may request a review of that decision by the Reviewer of Complaints. It is only possible to request a review of certain types of decisions.

### ***Who can ask for a decision to be reviewed?***

Either the complainant or the member subject to the complaint may seek a review of the PCC's decision.

### ***When can a review be requested?***

Requests for review can only be made once written notification of the decision has been received and must be made within **21 days** after the notification of that decision. Reviews will only be accepted out of time if the Reviewer considers there are exceptional reasons which make this appropriate.

### ***What types of decisions can be reviewed?***

It is only possible to seek a review where the PCC has made a final decision on a complaint and some decisions cannot be reviewed. NZICA Rule 13.29 specifies what types of decisions can be reviewed.

#### *Decisions that can be reviewed include:*

- Where the PCC has determined not to refer a complaint to the member for investigation on the basis of one of the grounds under Rule 13.9.
  
- After the PCC has investigated a complaint, decisions under Rule 13.13 and 13.15 to:
  - Take no further action - Rule 13.13(a) or 13.15(a)
  - Issue the Member with a professional reminder that the Member's conduct has fallen short of best practice - Rule 13.13(b) or 13.15(b)
  - Caution the member - Rule 13.13 (c) or 13.15(c)
  - For Complainants only, to make an order with the member's consent for one or more the courses of action set out in Rule 13.15(d), and
  - A costs order made against the member - Rule 13.15 (f).

#### *Decisions that cannot be reviewed include:*

- In respect of Members, an order made with their consent under Rule 13.15(d)
- A decision to refer the matter to the Disciplinary Tribunal, or
- Any decision made by the Disciplinary Tribunal or the Appeals Council.

### ***Who conducts the review?***

Reviews are conducted by an independent reviewer (Reviewer). Reviewers cannot be a member of Chartered Accountants Australia and New Zealand or NZICA so that they offer completely impartial consideration of the process followed and of all the facts. Reviewers are persons of recognised expertise, standing and integrity. They are appointed to the position of Reviewer by the New Zealand Regulatory Board. Generally, Reviewers are legally qualified.



***How do you request a review?***

Reviews must be made in writing on the prescribed form and an application fee must be paid before it will be accepted. You will need to complete the application form and costs agreement and:

Email it to: [complaints.NZICA@charteredaccountantsanz.com](mailto:complaints.NZICA@charteredaccountantsanz.com)

Or post to:

Professional Conduct & Complaints  
New Zealand Institute of Chartered Accountants  
PO Box 11342  
Wellington 6142  
New Zealand

An invoice will then be sent to you for payment of the application fee.

If you have any questions before lodging your application for review, contact the case manager responsible for your file in the Professional Conduct & Complaints team.

***What will happen in a review?***

The Reviewer will consider whether the procedure followed by the PCC in making its decision was appropriate in all the circumstances and whether the decision made by the PCC was reasonable taking into account all of the material before it.

Reviewers may examine the PCC's file and any other documents or other material held by NZICA concerning the original complaint. The Reviewer will prepare a report of their findings which will be provided to the parties and the PCC.

The Reviewer may direct the PCC to review and reconsider a decision made in relation to the complaint and may make recommendations in relation to the PCC's procedure. If the reviewer recommends the PCC reconsider its decision the complaint and reviewers report will be referred to the next available PCC meeting.

If the Reviewer considers the request for review is trivial, frivolous, vexatious or made in bad faith they may decide not to proceed with the review. If such a decision is made a notice will be provided setting out the reasons for the Reviewer's decision.

The Reviewer may also determine that the person seeking the review should pay some or all of the costs of the review in accordance with the costs agreement. If that occurs NZICA will issue you an invoice for the amount ordered by the Reviewer. The Reviewer may also recommend that NZICA refund all or part of the application fee if they consider this appropriate.