



**NEW ZEALAND INSTITUTE OF CHARTERED ACCOUNTANTS ACT 1996**

**IN THE MATTER** of the New Zealand Institute of Chartered Accountants Act 1996 and the Rules made thereunder

**AND**

**IN THE MATTER** of **Anu Radha Sharma**, Suspended Chartered Accountant, of Auckland

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**DETERMINATION OF THE DISCIPLINARY TRIBUNAL OF THE NEW ZEALAND  
INSTITUTE OF CHARTERED ACCOUNTANTS  
19 September 2012**

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**Hearing:** 19 September 2012

**Tribunal:** Mr RJO Hoare FCA (Chairman)  
Ms JA Dawson FCA  
Mr MJ Whale FCA  
Ms B Gibson (Lay member)

**Legal Assessor:** Mr Bruce Corkill QC

**Counsel:** Mr Terence Sissons for the prosecution

At a hearing of the Disciplinary Tribunal held in public at which the Member was not in attendance, and where she entered no plea, and was not represented by counsel, the Tribunal found her guilty of the charge and that the particular was found proved.

The charge and particular as laid were as follows:

### **Charge**

**THAT** in terms of the New Zealand Institute of Chartered Accountants Act 1996 and the Rules made thereunder, and in particular Rule 21.30 the Member:

- (1) Has been convicted of an offence punishable by imprisonment and the conviction reflects on her fitness to practise accountancy and/or tends to bring the profession into disrepute.

### **Particular**

#### **IN THAT**

- (a) On or about 19 June 2012 at the District Court in Manukau the Member was convicted of three charges of using a document for pecuniary advantage (an offence pursuant to section 228 of the Crimes Act 1961).

### **DECISION**

This is a case of a breach of trust of a member in relation to handling gift vouchers and the like belonging to their employer. The Member had an obligation to reconcile and then destroy the vouchers but instead misappropriated them for her own benefit or that of family and friends. This occurred on many occasions over a period of more than three years involving in excess of \$14,500, much of which was for personal gain. The Member pleaded guilty to three representative charges.

The Tribunal found the particular proved in that the Member was convicted of three charges in the Manukau District Court on 19 June 2012. The Tribunal is also satisfied that the Member's conviction both reflects on her fitness to practise accountancy and tends to bring the profession into disrepute.

### **PENALTY**

Dishonesty of a member in a position of trust is not compatible with membership of the Institute Accordingly pursuant to Rule 21.31 (a) of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders that the name of **Anu Radha Sharma** be removed from the Institute's register of members.

### **COSTS**

The Professional Conduct Committee seeks full costs of \$7,572.

The Tribunal's general approach is that the starting point is 100% of costs, noting that the Institute already bears the cost of abandoned investigations and costs up to the Professional Conduct Committee's decision to hold a Final Determination.

The Tribunal considered the submissions the Member made in relation to costs including the information she provided about her personal circumstances. The Tribunal also noted the Member's advice that she had paid reparations of \$14,544.24 ordered by the Court. There were

no excessive or unnecessary expenses incurred by the Institute. The Tribunal was not persuaded that a departure from its standard approach was warranted in this case.

Pursuant to Rule 21.33 of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders that **Anu Radha Sharma** pay to the Institute the sum of \$7,572 in respect of the costs and expenses of the hearing before the Disciplinary Tribunal and the investigation by the Professional Conduct Committee. No GST is payable.

### **SUPPRESSION ORDERS**

Pursuant to Rule 21.52 (b) of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders the permanent suppression of:

- (a) the Member's financial and personal details other than her name, and
- (b) the identity of third parties and their financial circumstances, but not her former employer Farmers.

### **PUBLICATION**

The Tribunal considers that it is in the interests of the public and the membership of the Institute that the identity of a member who is struck off should be published.

The Tribunal does not consider that any of the factors put forward in the Member's submission for suppression of her name outweigh this general principle. The Tribunal considers it appropriate that any prospective employer be aware that she is no longer a member of the Institute.

The Tribunal notes that the Member was named in the interim suspension which has already been published and that the District Court did not suppress her identity.

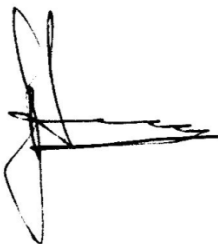
In accordance with Rule 21.35 of the Rules of the New Zealand Institute of Chartered Accountants the decision of the Disciplinary Tribunal shall be published on the Institute's website and the *Chartered Accountants' Journal* with mention of the Member's name and location.

### **RIGHT OF APPEAL**

Pursuant to Rule 21.41 of the Rules of the New Zealand Institute of Chartered Accountants which were in force at the time of the original notice of complaint, the Member may, not later than 14 days after the notification to the Member of this Tribunal's exercise of its powers, appeal in writing to the Appeals Council of the Institute against the decision.

While the Member remains entitled to appeal, the decision as to publicity shall not take effect.

No other decision shall take effect while the Member remains entitled to appeal, or while any such appeal by the Member awaits determination by the Appeals Council.



R J O Hoare  
**Chairman**  
**Disciplinary Tribunal**