

Determination of the Disciplinary Tribunal of Chartered Accountants Australia and New Zealand 20 December 2016

Case Number: D-1145

Member: Daniel Ireland, CA of New South Wales

Hearing Date: 16 December 2016

Tribunal: David Fairlie (Chair)
Stewart Leslie, FCA
John Gibson, FCA

Legal Adviser: Zoe Taylor

Case description: Member bankrupt



1. DECISION ABOUT THE PCC'S ALLEGATION WHICH IS SET OUT IN FULL IN SCHEDULE 1

The Member did not attend the hearing of the Disciplinary Tribunal but provided a written undertaking dated 6 December 2016 which is set out in full in Schedule 3.

In the undertaking the Member admitted the allegation.

The Tribunal was satisfied that the Member became bankrupt on 9 October 2015 and therefore the allegation was established.

2. DECISION ABOUT SANCTIONS

The Member's undertaking that his membership be suspended for the duration of his bankruptcy was accepted by the PCC.

The Tribunal considered that it was appropriate in those circumstances to suspend the Member's membership for the duration of his bankruptcy.

3. DECISION ABOUT COSTS SANCTION

The PCC sought nominal costs and expenses of the hearing (paragraph 10.12(l) of By-Law 40) of \$500 which was agreed to by the Member in the undertaking. No GST is payable.

The Tribunal considered this to be appropriate in the circumstances.

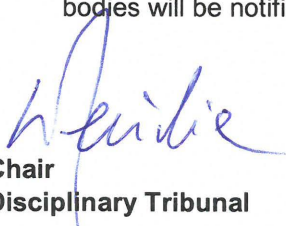
4. DECISION ABOUT PUBLICATION

This decision will not take effect while the Member remains entitled to appeal.

The Tribunal will publish its decision, mentioning the Member's name and locality, on the website and in the journal of Chartered Accountants ANZ (paragraphs 12.3 and 12.4 of By-Law 40).

5. NOTIFICATION TO OTHER BODIES

The Member advised that he holds no registrations or memberships and, as a consequence, no bodies will be notified of this decision.


Chair
Disciplinary Tribunal

SCHEDULE 1 - THE PCC'S ALLEGATION

It is alleged that while a member of Chartered Accountants Australia and New Zealand the Member is liable to disciplinary action in accordance with By-Law 40(2.1)(j), in that on 9 October 2015 he became bankrupt.

SCHEDULE 2 - RELEVANT BY-LAWS

40. Except as provided by By-Law 41, the By-Laws in this Section 5, including the following paragraphs of this By-Law 40, do not apply to Members who are also members of NZICA in respect of disciplinary matters over which NZICA has jurisdiction and which relate to the practice of the profession of accountancy by NZICA's members in New Zealand. Nothing in this By-Law 40 excludes from the operation of this Section 5, conduct of a Member:

- (a) who was, but is no longer, a member of NZICA; or
- (b) who has subsequently also become a member of NZICA.

Except as provided by By-Law 41, no Member shall be sanctioned under both this Section 5 and NZICA Rule 13 in respect of the same conduct.

...

2 Disciplinary action

2.1 A Member is liable to disciplinary sanctions under these By-Laws if (whether before or after the date of adoption of this By-Law) that Member:

...

- (j) suffers an Insolvency Event;

SCHEDULE 3 - WRITTEN UNDERTAKING

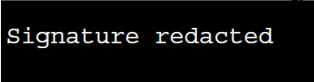
PROPOSED AGREEMENT BY WRITTEN UNDERTAKING

Mr Daniel Ireland


Paragraph 13.8 of By-Law 40 of the By-Laws of Chartered Accountants Australia and New Zealand (Chartered Accountants ANZ)

It shall be entered on my record, that:

- (a) The allegation contained in the Notice of Disciplinary Action dated 11 November 2016 has been established by my own admission.
- (b) I acknowledge that my membership will be suspended for the duration of the bankruptcy.
- (c) I am required to pay a contribution to Chartered Accountants ANZ of the sum of \$500 towards the costs and expenses of the Disciplinary action.
- (d) The Disciplinary Tribunal (Tribunal) will publish its decision, mentioning my name and the locality on the website and in the journal of Chartered Accountants ANZ.
- (e) The Tribunal's decision be notified to any other bodies with whom I hold a professional registration or professional membership.

Signed 

Witnessed 

Date 6/12/2016 Name 

Member's name Mr Daniel Ireland Member ID 