

**INSTITUTE OF CHARTERED ACCOUNTANTS OF NEW ZEALAND  
NOTICE OF DECISION OF THE DISCIPLINARY TRIBUNAL**

**(Member guilty of being convicted of an offence punishable by imprisonment)**

At a hearing of the Disciplinary Tribunal of the Institute of Chartered Accountants of New Zealand held in public on 8 December 2006, at which the member was in attendance and represented by counsel, **Mr Malik Sadrudin Hasha Mitha** of Auckland admitted the following amended particular and pleaded guilty to the charge.

**Charge:**

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

The member has been convicted of an offence punishable by imprisonment and the conviction reflects on his fitness to practice accountancy and/or tends to bring the profession into disrepute.

**Particular:**

**IN THAT**

On or about 29 June 2006, at the District Court in Auckland, the member pleaded guilty to an offence under section 223(b) of the Crimes Act 1961 in that he stole monies valued at or about \$331,000 that were the property of his employer and was sentenced to a term of imprisonment of one year and ten months.

**Reasons**

The member has pleaded guilty to a very serious charge and acknowledges that he should be removed from membership of the Institute. Conviction of such a crime is unacceptable behaviour for a member of the Institute.

**ORDERS OF THE TRIBUNAL**

- (a) Pursuant to Rule 21.31 (a) of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal ordered that the name of **Mr Malik Sadrudin Hasha Mitha** be removed from the Institute's Register of Members
- (b) Pursuant to Rule 21.33 of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal ordered that **Mr Malik Sadrudin Hasha Mitha** pay to the Institute the sum of \$7,883.00 (inclusive of GST) in respect of the costs and expenses of the hearing before the Disciplinary Tribunal and the investigation by the Professional Conduct Committee
- (c) Pursuant to Rule 21.52 (b) of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal made an order prohibiting publication of the employer's name.

In accordance with Rule 21.35 of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal directed that the decision of the Tribunal be published in the Chartered Accountants Journal with mention of the member's name and locality.

## **RIGHT OF APPEAL**

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

No decision other than the direction as to publicity 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  
**Tribunal Chairman**

13 December 2006