



## Professional Conduct Committee – 25 May 2020

### Practising without a certificate of public practice

At a meeting of the Professional Conduct Committee of Chartered Accountants Australia and New Zealand (PCC) held in private on 25 May 2020 by videoconference in respect of Member A of Queensland the PCC decided that the Member breached the By-Law 40(2.1)(h) for the reasons set out below. As a result, the PCC considers that this matter is sufficiently serious to warrant referral to the Disciplinary Tribunal.

However, the PCC decided to propose an agreement be made with the Member on terms that:

- he receive a reprimand;
- he pay to CA ANZ the sum of \$1,500 towards the cost of investigating and dealing with the matters the subject of the complaint and the case conference; and
- the decision be published on CA ANZ's website and a notice published in CA ANZ's digital and print magazine "Acuity", without disclosing the Member's name, with a link to the published decision.

The PCC considers that:

- it is in the public interest to publish its imposition of such a sanction on the terms set out in the Consent Agreement given the public interest in the enforcement by CA ANZ of its requirements regarding the holding of a Certificate of Public Practice (CPP); but that
- there are no special circumstances for publishing the Member's name.

#### Background

The Member was in practice as a public accountant without holding a CPP during the period from 1 May 2019 until 12 February 2020.

#### Reasons

By-Law 40(2.1)(h) provides that a Member is liable to disciplinary sanctions under the By-Laws if that Member has committed a breach of the Regulations. CA ANZ Regulation 2.6 provides that a Chartered Accountant who is a public accountant (as defined in the Supplemental Royal Charter) or is a principal of a Practice Entity which includes a public accountant (as defined in the Supplemental Royal Charter) must apply for and hold a CPP.

There is a public interest in CA ANZ members having a CPP, which is underpinned by the CA ANZ Regulations. As a result, the PCC noted the obligation in Regulation CR2.6 to obtain a CPP where required to do so. The Member was in practice for a significant period without a CPP. The PCC considered that the dilatory nature of the Member's compliance with CA ANZ's requirements and his response to CA ANZ's correspondence about this matter require a serious response by the PCC. Notwithstanding this, the PCC also acknowledged the mitigating circumstances (including regarding his health) which the Member raised with the PCC, and which the PCC accepted. As a result, the PCC considered that on balance the appropriate sanction was a reprimand.

### Professional Conduct Committee Chartered Accountants Australia and New Zealand

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