

**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 **Peter Blacklaws**, Former Chartered Accountant, of **Christchurch**

---

**DETERMINATION OF THE DISCIPLINARY TRIBUNAL OF THE NEW ZEALAND  
INSTITUTE OF CHARTERED ACCOUNTANTS  
22 October 2014**

---

**Hearing:** 22 October 2014

**Location:** The offices of Chartered Accountants Australia and New Zealand, Level 7, Chartered Accountants House, 50 Customhouse Quay, Wellington, New Zealand

**Tribunal:** Mr MJ Whale FCA (Acting Chairman)  
Prof DJD Macdonald FCA  
Mr DP Scott FCA (retired)  
Ms A Hauk-Willis (Lay member)

**Legal Assessor:** Mr Paul Radich QC

**Counsel:** Mr Richard Moon for the prosecution



At a hearing of the Disciplinary Tribunal held in public at which the Former Chartered Accountant was not in attendance and not represented by counsel the Former Chartered Accountant entered no plea.

The charge and particulars 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:

- (1) The Former Chartered Accountant has been convicted of offences punishable by imprisonment and those convictions reflect on his fitness to practise accountancy and/or tend to bring the profession into disrepute

## **PARTICULARS**

### **IN THAT**

On 28 July 2014 in the Timaru District Court the Former Chartered Accountant was convicted of the following offences for conduct which occurred during his membership of NZICA:

- (a) One charge of theft pursuant to section 220 of the Crimes Act 1961 for intentionally handling \$84,999.41 between 28 July 2008 and 18 February 2011 other than in accordance with the requirements of the X Trust; and/or
- (b) One charge of theft pursuant to section 220 of the Crimes Act 1961 for intentionally handling \$47,692.54 between 22 December 2008 and 10 February 2011 other than in accordance with the requirements of the trustees of the Y Trust.

## **DECISION**

The Tribunal notes that Mr Blacklaws resigned his membership on 20 June 2010 but that some of the offending occurred while he was a member of the Institute. Accordingly the Tribunal has jurisdiction to consider this matter pursuant to section 6(f) and (g) of the New Zealand Institute of Chartered Accountants Act 1996 and Rule 21.56 of the Rules of the New Zealand Institute of Chartered Accountants.

The Tribunal had before it a letter from Mr Blacklaws dated 21 September 2014 in which he acknowledged that he had received the notice of the charge and in which he advised that there was no defence to the charge and consequently that he did not offer any defence. On the basis of that letter, and a Court Certified Entry of Criminal Conviction and the Judge's sentencing notes provided to the Tribunal, the Tribunal finds that the charge has been proved and the particulars have been established.

The convictions clearly reflect adversely on Mr Blacklaws fitness to practice accountancy and tend to bring the profession into disrepute.

## **PENALTY**

The Professional Conduct Committee (“the PCC”) submitted that, had Mr Blacklaws been a member of the Institute at the time of his conviction, his name would have been removed from the Institute’s register of members. The PCC submitted that the offending was serious and involved a lack of integrity which strikes at the heart of the profession.

The Disciplinary Tribunal agrees that misappropriation of client funds is in almost all circumstances misconduct which is incompatible with membership of the Institute.

Pursuant to Rule 21.60 (a) of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal finds that if **Peter Blacklaws** had still been a member of the Institute his name would have been removed from the Institute’s register of members.

## **COSTS**

The Professional Conduct Committee seeks full costs of \$4,740.

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.

In this case the Tribunal notes the statement in Mr Blacklaw’s letter dated 21 September 2014 that his financial position is such that he is not, and will not for some time, be able to pay any costs that may be imposed. No other mitigating factors were brought to the Tribunal’s attention.

The Tribunal notes that the Court ordered Mr Blacklaws to pay only limited reparations because the Judge considered there was no prospect that any additional amount was ever likely to be paid.

Pursuant to Rule 21.33 of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders that **Peter Blacklaws** pay to the Institute the sum of \$2,500 in respect of the costs and expenses of the hearing before the Disciplinary Tribunal, the investigation by the Professional Conduct Committee and the cost of publicity. No GST is payable.

## **PUBLICATION AND SUPPRESSION**

Pursuant to Rule 21.52 (b) of the Rules of the New Zealand Institute of Chartered Accountants the Disciplinary Tribunal orders the suppression of the names of the entities cited in the particulars and all information that would lead to their 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 in the Institute’s official publication *Acuity* and in the *Christchurch Press* with mention of the Former Chartered Accountant’s name and locality.

## **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 parties may, not later than 14 days after the notification to the parties of this Tribunal's 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 and the suppression orders shall take effect while the parties remain entitled to appeal, or while any such appeal by the parties awaits determination by the Appeals Council.

MJ Whale FCA  
**Acting Chairman**  
**Disciplinary Tribunal**