

**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 or a fine and that conviction tends to bring the profession into disrepute)

At a hearing of the Disciplinary Tribunal of the Institute of Chartered Accountants of New Zealand held in public on 13 April 2010, at which the member was not in attendance and not represented by counsel, **PETER JOHN GUST** a Fellow Chartered Accountant of **Napier** by correspondence admitted the particular and pleaded guilty to the charge.

The charge and particular were as follows:

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 (a) the member was convicted of an offence punishable by imprisonment or a fine and the conviction tends to bring the profession into disrepute.

Particular

IN THAT

On or about 27 January 2010 in the District Court at Napier, the member pleaded guilty to eight charges under the Tax Administration Act 1994, of failing to file income tax returns to the Inland Revenue Department between 2002 and 2009.

Reasons

The Tribunal took into account that this involved the member's own returns rather than those of his clients.

ORDERS OF THE TRIBUNAL

- (a) Pursuant to Rule 21.31 (k) of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal ordered that **PETER JOHN GUST** be censured.
- (b) Pursuant to Rule 21.33 of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal ordered that **PETER JOHN GUST** pay to the Institute the sum of \$3,766 (inclusive of GST) 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.
- (c) Pursuant to Rule 21.52 (b) of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal ordered the permanent suppression of the information relating to the member and his partner's personal circumstances.

In accordance with Rule 21.35 of the Rules of the Institute of Chartered Accountants of New Zealand, the decision of the Disciplinary Tribunal will be published in the Chartered Accountants Journal, Hawkes Bay Today and on the Institute's website 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
Chairman
Disciplinary Tribunal
Institute of Chartered Accountants of New Zealand

15 April 2010