

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

**(Member guilty of conduct unbecoming an accountant and breaching the Institute's Code of Ethics)**

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 in attendance and not represented by counsel, **ANTHONY WALPOLE BOWDEN** a retired Chartered Accountant of **Auckland** admitted particular (a) and pleaded guilty to charge (1) and was found guilty of charge (2).

The charges and particular were as follows:

**Charges**

**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 is guilty of:

- (1) conduct unbecoming an accountant; and/or
- (2) breaching the Institute's Code of Ethics, in particular the Fundamental Principle of Professional Behaviour.

**Particular**

**IN THAT**

In relation to a complaint the member:

- (a) Has brought discredit to the profession by being prohibited by the Deputy Registrar of Companies in March 2009 from being a director or promoter of any company, or from being concerned in, or taking part in, whether directly or indirectly, the management of a company for a period of five years.

**Reasons**

The member admitted particular (a) and in the course of his evidence pleaded guilty to charge (1) conduct unbecoming an accountant. Based on particular (a) the Tribunal found that the second charge of breaching the fundamental principle of professional behaviour is also proved.

The Tribunal noted that the member appeared before them and the final determination of the Professional Conduct Committee. The Tribunal accepted that the member acted in good faith albeit to a standard insufficient to satisfy the Registrar of Companies.

**ORDERS OF THE TRIBUNAL**

- (a) Pursuant to Rule 21.31 (b) of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal ordered that **ANTHONY WALPOLE BOWDEN** be suspended from membership of the Institute for the period of his section 385 ban.
- (b) Pursuant to Rule 21.33 of the Rules of the Institute of Chartered Accountants of New Zealand, the Disciplinary Tribunal ordered that **ANTHONY WALPOLE BOWDEN** pay to the Institute the sum of \$3,000 (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 ordered the suppression of the evidence relating to the member's current financial and 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 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