

Reviewer of Complaints Procedure

What if you are dissatisfied with the decision of the Professional Conduct Committee (PCC)?

- If you are dissatisfied with the way the PCC has handled your complaint or its decision you may request a review of that decision
- It is only possible to request a review of certain types of decisions
- Requests for review can only be made once written notification of the decision has been received and must be made within three calendar months of receiving the PCC's decision

Who can ask for a decision to be reviewed?

- Either the complainant or the member party to the complaint may seek a review of the PCC's decision

What types of decisions can be reviewed?

- It is only possible to seek a review where the PCC has made a final decision on a complaint.

These are specified under NZICA Rule 13.18 and include:

- Where the PCC has determined not to refer a complaint to the member for investigation on the basis of one of the grounds under Rule 13.2;
- Decisions under Rule 13.3 to:
 - Take no further action - Rule 13.3(a)
 - Require the member, subject to the complainant's agreement, to submit any fee to the Fees Resolution Service - Rule 13.3(b)
 - Cation the member - Rule 13.3 (c)
- Decision under Rule 13.7 to:
 - Take no further action - Rule 13.7(a)
 - Require the member, subject to the complainant's agreement, to submit any fee to the Fees Resolution Service - Rule 13.7(b)
 - Cation the member - Rule 13.7(c)
 - Enter a consent agreement with the member - Rule 13.7(d)
 - Make a costs order against the member - Rule 13.7(f)
- A review cannot be requested of the PCC's decision to refer the matter to the Disciplinary Tribunal nor of any decision made by the Disciplinary Tribunal or the Appeals Council

Who conducts the review?

- The review will be conducted by an independent reviewer (Reviewer). They cannot be a member of Chartered Accountants Australia and New Zealand or NZICA so that they offer completely impartial consideration of all of the facts



What will happen in a review?

- The Reviewer will consider whether the procedure followed by the PCC in making its decision was appropriate in all the circumstances and whether the decision made by the PCC was reasonable taking into account all of the material before it
- Reviewers may examine the PCC's file and may also contact relevant parties including the member, complainant, the PCC or its staff for further information
- The Reviewer will prepare a report of their findings which will be provided to the parties
- The Reviewer may direct the PCC to review and reconsider a decision made in relation to the complaint and may make recommendations in relation to the PCC's procedure
- If the Reviewer considers the request for review is frivolous or vexatious they may decide not to proceed with the review. If such a decision is made a notice will be provided setting out the reasons for the Reviewer's decision

How do you request a review?

- Send a letter setting the reasons why you are dissatisfied with the PCC's process or its decision to:
 - Professional Conduct & Complaints
 - New Zealand Institute of Chartered Accountants
 - PO Box 11342
 - Wellington 6142
 - New Zealand
 - complaints.NZICA@charteredaccountantsanz.com
- If you have any questions before lodging your application for review, contact the case manager responsible for your file in the Professional Conduct & Complaints team