DISCIPLINARY TRIBUNAL
PROCESS

INSTITUTE OF PUBLIC ACCOUNTANTS

EO advises Tribunal Chairman of cases to be heard

Executive Officer (EO) = IO (Investigator)
Advise number and nature of cases - provide copies of Notices of determination

Chairman may offer Member opportunity to accept there is a case to answer

Where notice of determination states that in the Institute's view it is appropriate. EO sends offer to member.

Member accepts there is a case to answer

TRIBUNAL: WRITTEN SUBMISSIONS PROCESS

Member does not accept there is a case to answer

Must be in writing to EO

Tribunal date confirmed and panel finalised

Chairman/IRO (Investigations Review Officer) liaise and select panel re skills, availability

Default: at least 5 (Chairman + 4, incl 2 x lay person)

Or, where appropriate, Chairman may determine 3 is OK (Chairman/Deputy + 2, incl 1 x lay person).

Member informed of time and place of hearing and case(s) to be considered

AT LEAST 21 DAYS PRIOR

Documents enclosed: notice of alleged breaches; summary of case; facts and matters relied on; copy of evidence and details of any witnesses to be relied on; summary of procedures; invitation to indicate whether they will appear in person, via teleconference, via third party representation and with or without representation by Counsel.

Documentation provided to Tribunal members

AT LEAST 14 DAYS PRIOR

EO provides documentation relating to complaint:

Investigation report

Documents

Cross-referenced to evidence

Member advises EO if attending Tribunal and/ or being represented by counsel

MUST RESPOND IN WRITING AT LEAST 7 DAYS PRIOR *to Tribunal and submit details of evidence (and any witness(es)) to be used.*

May attend in person, via telephone, or provide a written statement

Disciplinary Tribunal convened

Present:

Chairman and at least 2 other members, including 1 lay person, EO (=IO), IPA Advocate, Member and/or counsel.

IPA Advocate presents IPA case

Evidence as per formal advice letter sent to member

Member response

Evidence as per response to formal advice letter

Questions

Tribunal may question either party and any witness(es)

Each party may cross-examine any witness(es)

Tribunal deliberates "in camera"

IPA ADVOCATE, EO/IO, MEMBER AND COUNSEL LEAVE THE ROOM.

Tribunal can consider any evidence, including history of prior allegations.

Tribunal advises member if there is a case to answer

ADVOCATE, MEMBER, COUNSEL, EO/IO RETURN TO ROOM.

No case to answer

Member thanked for attendance / input and leaves

Case to answer

Statements regarding penalty

Member asked for any statement in mitigation of penalty (or Tribunal considers any relevant documentation submitted by Member)

IPA Advocate invited to present Institute's case with regard to appropriate penalty

Member departs

Member thanked for attendance and told they will be advised of the outcome

Tribunal deliberates

IPA ADVOCATE, EO/IO LEAVE THE ROOM.

Tribunal advises decision and/ or Tribunal will send written determinations/reasons to EO within 14 days after hearing.

ADVOCATE, EO/IO RETURN TO ROOM.

One or more penalties may be imposed, including -

Forfeiture of membership

Suspension from membership (terms and conditions for resumption)

Fine (max $10000)

Censure (name published)

Admonishment (name not published)

Payment of costs

EO prepares Tribunal minutes

Chairman approves Tribunal minutes

EO issues formal advice to member and Institute of Tribunal decision Also advise complainant

WITHIN 21 DAYS OF HEARING

Advice includes information about right of, and process for appeal.

Complainant is advised after the end of the appeal period.

Institute may lodge appeal

WITHIN 30 DAYS OF FINDING

Member may lodge appeal

WITHIN 30 DAYS OF NOTICE OF FINDING HAVING BEEN DEEMED TO BE SERVED

Ver 1.02