

EXPRESSION OF INTEREST DISCIPLINARY PANEL

2021

CPA
AUSTRALIA



CPA Australia Ltd

ABN 64 008 392 452

EXPRESSION OF INTEREST DISCIPLINARY PANEL

Proposal Title	EOI Disciplinary Panel
Opening Date	6 September 2021
Closing Date	24 September 2021
Category	Disciplinary Panel

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1. PROFILE AND BACKGROUND

CPA Australia is one of the world's largest accounting bodies with a membership of more than 168,000 finance, accounting and business professionals across the globe. Our international presence continues to grow in terms of representation on international bodies and influence in the profession globally. In areas of financial reporting, taxation and corporate governance we are thought leaders in Australia and internationally.

Education, training, technical support and advocacy are our core services for members. Staff and members work together with local and international bodies to represent the views and concerns of the profession to federal, state and territory governments and to regulators, industry, academia and the general public.

CPA Australia is a self-regulating professional association whose members voluntarily agree to be bound by CPA Australia's Constitution, By-Laws, Code of Professional Conduct and Applicable Regulations.

These standards aim to ensure the accountancy profession works to a high level of professionalism, providing a quality of service which achieves credibility with the general public.

CPA Australia recognises that the complaints process is an important step in ensuring professional standards are upheld by all members. CPA Australia's approach to the investigations and disciplinary process is guided by the principles of procedural fairness, confidentiality, independence and the right of appeal.

CPA Australia maintains a Disciplinary Panel of members and community representatives who can be called upon to form a Tribunal to hear a Complaint about a member once a breach of its regulations has been identified.

Members of the Disciplinary Panel must not be involved in any CPA Australia committees or governance bodies or be employed by CPA Australia.

Further information can be found at the "member conduct and discipline" section of CPA Australia's website at www.cpaaustralia.com.au

1.1 Purpose of this document

The purpose of this Expression of Interest (EOI) is to obtain nominations for the appointment of potential members and community representatives to CPA Australia's Disciplinary Panel.

1.2 EOI Details

Return Address

Please return your nomination via e-mail to:

Katherine Psomas
General Manager Professional Conduct
CPA Australia

E-mail address: katherine.psomas@cpaustralia.com.au

Contact No: (61) 2 9375 6222

1.3 EOI Timing

Date	Process Step
6 September 2021	EOI open for nominations
24 September 2021	Last day to submit nominations
27 – 30 September 2021	Evaluation period
October 2021	Interviews with short listed candidates
November 2021	Referred to Member Engagement Committee for review and endorsement
December 2021	Board of Directors to approve appointments
December 2021	Nominees to be advised of CPA Australia's decision

1.4 Evaluation Criteria

In seeking suitable persons to nominate for the Disciplinary Panel, CPA Australia has provided a detailed scope of the necessary requirements and experience.

1.5 EOI Conditions

CPA Australia is inviting interested persons to submit a nomination for possible appointment to its Disciplinary Panel. Please note:

- CPA Australia is not responsible for any costs incurred by a nominee in preparing, submitting or otherwise responding to this EOI or in subsequent discussions.
- CPA Australia may require a nominee to provide additional information to allow further consideration of their application.

1.6 Nominee Responsibilities

It is expected that the applicant will identify and clarify any issue of concern prior to completion and submission of their response to this EOI.

1.7 Acceptance of Nomination

Each application will be acknowledged by CPA Australia.

2. SCOPE OF WORK

2.1 Responsibilities

The Board of CPA Australia has delegated its authority to regulate the conduct of members, (including the imposition of penalties on members in breach in accordance with Article 39(b) of the Constitution), to the Disciplinary Panel when acting as a Tribunal.

Members of the Disciplinary Panel, when appointed to a Tribunal, are required to make a decision on the matter presented to them based on the evidence presented by CPA Australia and the Member.

Matters presented at a Tribunal are based on alleged breach(es) of CPA Australia's Constitution, By-Laws, Code of Professional Conduct or Applicable Regulations.

The position of Disciplinary Panel member requires a person of good repute, CPA Australia must be able to reassure its members and the wider community of the integrity of the Tribunal to which a member may be appointed. Accordingly, it is a requirement that all successful nominees undergo a national police check prior to confirmation of their appointment.

2.2 Details

CPA Australia maintains a Disciplinary Panel of members and community representatives who can be called upon to form a Tribunal to hear a Complaint about a member.

However, it is an independent Tribunal, which must make its own assessment of the case put forward on behalf of CPA Australia and if necessary reject that case.

On a hearing day, a Tribunal may have up to three separate matters to be heard. Hearings are held during normal business hours.

On occasion, a Panel member may be asked to attend a hearing in another state or country.

2.3 Outcomes

Panel members are delegated powers of the Board of CPA Australia to form an opinion on whether the member has breached certain provisions of CPA Australia's Constitution, By-Laws, Code of Professional Conduct or Applicable Regulations.

The Tribunal will hear the Complaint about a member.

Tribunal members must be satisfied "on the balance of probabilities" that CPA Australia has proven the matter against the member. If the Complaint is sustained the Tribunal must make a determination as to any penalties to be imposed in accordance with Article 39(b) of the Constitution.

The Chair of the Tribunal is responsible for preparing the record of determination and all Panel members present at the Tribunal must sign the document.

2.4 Methodology

Panel members can be appointed to either a Disciplinary or Appeal Tribunal, depending on the nature of the Complaint to be heard. If a member's expertise is required, they will be contacted by the General Manager Professional Conduct to see if you are available to be appointed as a member of a forthcoming Disciplinary Tribunal.

Panel members are not informed of who else is appointed to the Tribunal.

A member of the Disciplinary Chair Panel will be appointed as the Chair of the Tribunal. Panel members will be sent written confirmation of the appointment to a particular hearing approximately four weeks prior to their Tribunal hearing.

2.5 Period of appointment

Initially three years with a possible extension for another three year term at the discretion of the Board. Appointments have a common anniversary of 1 January each year.

2.6 Qualifications/experience preferred:

Selection criteria for Members of CPA Australia to be appointed to the Panel are:

- Must hold CPA or FCPA status
- Must meet CPA Australia's fit and proper requirements, including:
 - No previous bankruptcy or insolvency issues
 - No prior criminal conviction or adverse finding
- Currently working or have worked within the last 5 years in a professional capacity
- Recent practical experience in emerging issues affecting members
- Holders of a CPA Australia Public Practice Certificate preferred
- Representation of gender and cultural diversity reflecting CPA Australia's membership
- Specialist knowledge representing areas of the membership base, including:
 - Tax
 - Audit
 - Insolvency
 - Financial Advice
- Not to be currently serving on any committee, panel or governance area of CPA Australia
- Not currently employed or contracted by CPA Australia
- Any other criteria as may be agreed to by the Board of CPA Australia.

Selection Criteria for community representatives:

- Must meet CPA Australia's fit and proper requirements, including:
 - No previous bankruptcy or insolvency issues
 - No prior criminal conviction or adverse finding
- Currently working or have worked within the last 5 years in a professional capacity
- Non-Accountants
- Legal, managerial, professional or academic experience preferred
- Not currently employed or contracted by CPA Australia
- Any other criteria as may be agreed to by the Board of CPA Australia.

2.7 Nomination process:

All suitable applicants may be interviewed by the Chair of the Disciplinary Panel and the General Manager Professional Conduct, who will then recommend nominations to the Board.

The Board will then appoint the successful nominees to the Disciplinary Panel.

3. FURTHER INFORMATION

Copies of CPA Australia's Constitution, By-Laws, Code of Professional Conduct (APES 110) and Applicable Regulations can be found in the *Member Conduct and Discipline* section of CPA Australia's website: <https://www.cpaaustralia.com.au/about-cpa-australia/governance/member-conduct-and-discipline>

4. NOMINATION FORM

Please complete the nomination form provided by the General Manager Professional Conduct.