

Expression of interest: Disciplinary Panel

2022

CPA Australia Ltd
ABN 64 008 392 452

Proposal title	EOI Disciplinary Panel
Opening date	1 September 2022
Closing date	10 October 2022
Category	Disciplinary Panel

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1. Profile and background

CPA Australia is one of the world's largest professional accounting bodies with a global membership of more than 170,000 members working in finance, accounting and business, in over 100 countries and regions around the world.

Our core services to members include education, training, technical support and advocacy. Employees and members work together with local and international bodies to represent the views and concerns of the profession to governments, regulators, industries, academia and the general public.

We are 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 and its approach to the 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. As an independent Tribunal, it must make its own assessment of the case put forward on behalf of CPA Australia.

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.cpaustralia.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

Please forward your nomination and any questions to the email address below:

Katherine Psomas
General Manager Professional Conduct
Contact number: (61) 2 9375 6222

conduct@cpaustralia.com.au

1.3 EOI Timing

Date	Process step
19 September 2022	EOI open for nominations
10 October 2022	Last day to submit nominations
11 – 21 October 2022	Evaluation period
October 2022	Interviews with short listed candidates
November 2022	Referred to Member Engagement and Culture Committee (MECC) for review and endorsement
December 2022	Board of Directors to approve appointments
December 2022	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 the Professional Conduct Oversight 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.

The Tribunal is independent and must make its own assessment of the case put forward on behalf of CPA Australia and if necessary reject that case.

Hearings are predominantly held during normal business hours and are conducted online. However, face to face hearings, are occasionally required.

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. Proceedings are formal and procedural fairness is observed. If a Panel member is conflicted they must declare their conflict and recuse themselves from proceedings.

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 36(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 indicate their concurrence with the decision.

2.4 Methodology

Panel members can be appointed to either a Disciplinary or Appeals 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 they 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 Preferred qualifications and experience

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.

4. Nomination form

The nomination form may be accessed at cpaaustralia.com.au/about-cpa-australia/governance/member-conduct-and-discipline/disciplinary-panel-applications

Please complete the form and email with supporting documents to:

conduct@cpaaustralia.com.au