

**Member Name:** Member Name Withheld - PNA  
**Division:** Victoria  
**Date of Hearing:** 20<sup>th</sup> March 2009

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The NIA Investigations Review Officer and the NIA Investigations Officer resolved that the member had a case to answer:

- (a) for having breached clause 98(2)(a) of the NIA Constitution, in particular NIA by-law 2.1.3(b) and in particular Accounting Professional & Ethical Standards Board standard APES 110 – Code of Ethics for Professional Accountants, in that it was alleged the member, without an appropriate licence, recommended a client transfer from an existing superannuation fund into a Self Managed Superannuation Fund and then to invest in an investment in which it was alleged the member had a direct interest; and
- (b) for having breached clause 98(2)(f) of the NIA Constitution in that it is alleged the abovementioned is conduct that is not in the best interests of the Institute.

### **Tribunal Decision**

The Tribunal resolved that the case under section 98(2)(a) of the NIA Constitution as stated was not proven. The Tribunal resolved that the case under section 98(2)(f) of the NIA Constitution was proven.

The Tribunal resolved that the member is admonished without the name being published; the member is to undergo a Public Practice Quality Assurance review within three months at the member's expense; and \$500.00 in costs is imposed.

**Date of Notice:** 4<sup>th</sup> May 2009  
**Reference:** 6386