

**Member name:** Stuart Ariff - FPNA  
**Division:** New South Wales  
**Date of Hearing:** 20<sup>th</sup> November 2009

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Mr. Ariff was referred to the Disciplinary Tribunal by the NIA Investigations Review Officer and the NIA Investigations Officer having resolved that there was a case to answer for having:

- (a) breached clause 98(1) of the NIA Constitution in that it was alleged Mr. Ariff had been convicted by a court of law of an offence inconsistent with being a member of the Institute in that he had been convicted in the Supreme Court of New South Wales of not faithfully performing his duties as a Liquidator; managed the business, property or affairs of companies in voluntary administration and/or subject to a deed of company arrangement in a way that was prejudicial to the interests of creditors and members; and as an administrator and/or as administrator of deeds of company arrangement, done acts and made omissions that were prejudicial to the interests of the creditors and members of those companies;
- (b) breached NIA By-law 2.1.2 in that it is alleged Mr. Ariff failed to formally advise the Institute in writing of the nature of this conviction and the penalty imposed; and
- (c) breached clause 98(2)(f) of the NIA Constitution in that it is alleged that the above constitutes conduct that is not in the best interests of the Institute.

### **Tribunal Decision**

The Tribunal resolved that the cases against Mr. Ariff in regard to clauses 98(1) and 98(2)(f) of the NIA Constitution and NIA by-law 2.1.2 were proven.

The Tribunal further resolved that Mr. Ariff's membership is forfeit and consequently he is to be struck off the NIA register of members and costs of \$500.00 are to be applied, payable within 30 days.

**Date of Notice:** 7<sup>th</sup> January 2010  
**Reference:** 5465