

Disciplinary Tribunal

Member Name: Peter Kee-Yoon Seow – FIPA FFA

Division: Queensland

Date of Hearing: 3 May 2021

The IPA Disciplinary Tribunal of 3 May 2021 determined that the following case presented against the Member was proven:

- a) Breached clause 98(2)(a) of the IPA Constitution as the Member has breached the IPA By-Laws clause 2.1.3 and in particular APES 110 - Code of Ethics for Professional Accountants. The Member has:
- Submitted a tax return containing false or misleading information, on this basis there is sufficient evidence available to substantiate that the Member has contravened APES 110 and APES 220 whereby :-
 - i) The Member knowingly attended to the preparation and lodgement of income tax returns for the Complainant which contained declarations of income that the Complainant had never received.
 - ii) The Member knowingly attended to the preparation of financial statements which contained loans to the Complainant which cannot be verified nor substantiated.
 - iii) The Member failed to inform the Complainant of her rights and obligations with respect to these loans.
 - Allowed another party to sign the Complainant's personal tax returns for lodgement without making enquiries into whether the other party was authorised to do so. On this basis there is sufficient evidence available to substantiate that the Member has contravened APES 110 whereby :-
 - i) The Member failed to obtain a written authority from the Complainant which would indicate which party would have the authority to sign on her behalf.
 - Failed to act in the best interests of the Complainant by being biased towards the Complainant's ex-partner and failing to make enquiries into information received from another party when preparing and lodging the complainant's personal tax returns. On this basis there is sufficient evidence available to substantiate that the Member has contravened APES 110 whereby :-
 - i) The Member compromised his professional judgement because of his bias towards the Complainant's ex-partner. The Member acknowledged that he accepted that the Complainant's ex-partner would provide instructions and information relating to the Complainant's personal tax returns instead of the Complainant herself and complacently accepted that the ex-partner would have the authority to sign the Complainant's tax returns on her behalf without further investigating directly with the Complainant as to whether this arrangement was acceptable to her.

- Failed to act promptly and in a timely manner in providing the Complainant with requested financial statements. On this basis there is sufficient evidence available to substantiate that the Member has contravened APES 110 whereby :-
 - i) The Member failed to act promptly given the initial request for documents was sent by the Complainant on 6 June 2019 and by 26 July 2019 only a partial component of the requested documents was made available to the Complainant.
 - b) Breached clause 98(2)(b) of the IPA Constitution as the Member failed to observe a proper standard of professional care, skill and competence. The above constitutes a failure to observe a proper standard of professional care, skill or competence; and
 - c) Breached clause 98(2)(f) of the IPA Constitution as the Member engaged in conduct which is not in the best interests of the IPA. The above constitutes conduct that is not in the best interests of the IPA.

The Tribunal further resolved that the following penalties are imposed:

- Censure with suspension of membership for a period of 30 days to take effect after the end of the appeal period.
- Fine of \$3,000.00.
- Costs of \$1,000.00 plus GST.
- Member required to undertake IPA approved courses relating to accounting and taxation of corporate entities and professional ethics in public practice within 6 months.

Date of Notice: 10 August 2021