

Member name: Member Name Withheld – PNA

Division: Victoria

Date of Hearing: 23rd July 2010

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

- (a) breached clause 98(2)(a) of the NIA Constitution in that it was alleged the member breached a Pronouncement of the Institute, in particular Pronouncement 6 – Client Money and the Maintenance and Audit of Trust Accounts of Members, in that it was alleged the member transferred money from the member's trust account to a third party without written permission of the client; and
- (b) breached clause 98(2)(f) of the NIA Constitution in that it was alleged that the aforementioned breach constitutes conduct that is not in the best interests of the Institute.

Tribunal Decision

The Tribunal resolved that the cases against the member in regard to section 98(2)(a) and 98(2)(f) of the NIA Constitution were proven.

The Tribunal further resolved that the member is admonished without the name being published; the member is to be subjected to a quality assurance review at the member's own expense with a specific focus on the member's trust account and engagement letters, at a date to be determined by the Executive Officer, but no later than three months from the date of effect of this determination; the member is to attend the next available Public Practice Orientation program; and costs of \$500.00 are imposed, payable in thirty days of the date of effect of this determination.

Date of Notice: 10th September 2010
Reference: 893