

Member name: Simplicio Soares MNIA
Division: New South Wales
Date of Hearing: 30th April 2010

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

- (a) breached clause 98(2)(a) of the NIA Constitution in that it was alleged that he breached NIA By-laws, in particular By-law 2.1.3, in that he audited his own self-managed superannuation fund in breach of the independence requirements of Accounting Professional & Ethical Standards Board standard APES 110 – Code of Ethics for Professional Accountants;
- (b) breached clause 98(2)(b) of the NIA Constitution in that it was alleged he failed to observe a proper standard of professional care, skill or competence in that he failed to perform his duties as an Auditor of a self-managed superannuation fund to the proper standard of care required by the Institute and failed to inform the Australian Taxation Office of serious contraventions in the fund; and
- (c) breached clause 98(2)(f) of the NIA Constitution in that it is alleged the aforementioned, both joint and several, constitute conduct which is not in the best interests of the Institute.

Tribunal Decision

The Tribunal resolved that the cases under sections 98(2)(a); 98(2)(b) and 98(2)(f) of the NIA Constitution as presented were proven.

The Tribunal further resolved that member Soares' membership is forfeited and costs of \$500.00 are to be applied, payable within 30 days.

Date of Notice: 22nd June 2010
Reference: 135844