

Disciplinary Tribunal

Member Name: Kerpal Harnam- FIPA FFA

Division: VIC

Date of Hearing: 23 March 2023

The IPA Disciplinary Tribunal (Tribunal) of 23 March 2023 determined that the following case presented against the Member was proven:

- a) Breached clause 98(2)(a) of the IPA Constitution as the Member breached the IPA By-Laws clauses 2.1.1, 2.1.2 and 2.1.3(b) and in particular, APES 110 and APES 220 in that the Member:
 - Made false or misleading statements with respect to an annual declaration to the Tax Practitioners Board (TPB) with respect to outstanding personal and related-entity tax obligations, and that he individually and as a director of a corporate tax agent entity, had incurred outstanding personal and related-entity tax obligations in contravention of APES 220.
 - Transferred shares from another person to himself without the person's knowledge or authorisation.
 - Has contravened APES 110 whereby his actions constituted a serious failure to uphold a proper standard of professional care, skill, and competence, in that he knowingly transferred another person's shares in a company to himself without that person's awareness or authority, and that did not adhere to the standards imposed by the *Tax Agent Services Act*.
- b) Breached clause 98(2)(b) of the IPA Constitution as the Member failed to observe a proper standard of professional care, skill or competence. The above constitutes a failure to observe a proper standard of professional care, skill or competence.
- 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. It is noted the Member ensured all breaches had been rectified, and that there were mitigating factors accepted by the Tribunal. The Member also complied with all requests by the IPA in a timely, courteous, and remorseful manner. The Member accepted the nature and gravity of the conduct and showed a willingness to work with the Tribunal on clarifying the issues at hand.
- Costs of \$2,500 plus GST.
- Fine of \$2,500.
- The Member is required to complete the IPA Quality Review Program within 12 months of the date of the Tribunal hearing.
- The Member is required to undertake the IPA short course on Ethics & Decision Making within 12 months of the date of the Tribunal hearing.

Date of Notice: 15 May 2023