

**BEFORE THE IMMIGRATION ADVISERS  
COMPLAINTS AND DISCIPLINARY TRIBUNAL**

Decision No: [2012] NZIACDT 40

Reference No: IACDT 29/10

**IN THE MATTER** of a referral under s 48 of the  
Immigration Advisers Licensing Act  
2007

**BY** **Immigration Advisers Authority**  
Authority

**BETWEEN** **CBC**  
  
Complainant

**AND** **KFTO**  
  
Adviser

*This decision may be published, with the names of the parties, and identifying  
information, removed.*

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**DECISION**  
APPLICATION TO AMEND DECISION

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**REPRESENTATION:**

**Adviser**

S Laurent, Laurent Law, Auckland

**Complainant**

In person

Date Issued: 10 August 2012

## DECISION

- [1] In a decision dated 25 May 2012, the Tribunal upheld a complaint in this matter.
- [2] The decision invited submissions on the sanctions to be imposed, including orders for the refund of fees.
- [3] The decision noted the Tribunal would:
 

“... treat the fees paid as \$2,250, and a bank fee paid of approximately \$250 to effect the transfer of the fees, unless there is any indication to the contrary.”
- [4] The Adviser through her counsel made submissions on sanctions, as she was invited to do. Those submissions did not challenge the quantum of the fees, and cost of effecting the transfer. Earlier in the proceedings the point had been in contention, which was the reason for giving notice of the view the Tribunal would potentially take of the issue.
- [5] On 29 June 2012, the Tribunal issued a decision on the sanctions to be imposed, and ordered, among other things, that:
 

“The Adviser is ordered to refund fees, and compensate the complainant for bank fees in making the payment, being in total \$2,500.”
- [6] On 26 July 2012 after receiving the decision on sanctions, counsel for the Adviser claimed the figure of \$250 for the cost of effecting the transfer was not correct, and produced a bank record relating to the transaction. He said:
 

“Unfortunately we overlooked this detail, but believe it is appropriate for the Tribunal to revise its compensation order accordingly.”
- [7] I am satisfied the Tribunal neither can, nor should, alter the decision that the Adviser is to refund fees, and pay compensation for bank fees by paying the sum of \$2,500 in total.
- [8] There is no basis for applying for a rehearing, correction of the decision to account for a “slip”, or other irregularity that may leave the Tribunal with jurisdiction.
- [9] The issue of how much the bank transfer cost was contentious. The Adviser was clearly put on notice of a view that may be taken. That view was based on evidence from the Complainant, who had personally effected the transfer, and the Adviser did not challenge it.
- [10] The Tribunal made a decision that was open on the evidence before it, and the parties were clearly on notice of the view the Tribunal may reach.
- [11] The document now produced, may or may not evidence all the costs involved. To explore that issue now would simply be re-litigation of an issue in a decision properly made.
- [12] Accordingly, I am satisfied the Tribunal is *functus officio*. If the Adviser wishes to pursue the point further, it is not something that lies within the jurisdiction of this Tribunal.

- [13] This decision may be published, with the names of the parties, and identifying information, removed, which is consistent with previous orders of the Tribunal in this proceeding.

**DATED** at WELLINGTON this 10<sup>th</sup> day of August 2012

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**G D Pearson**  
Chair