

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

Decision No: [2013] NZIACDT 66

Reference No: IACDT 021/13

IN THE MATTER

of a referral under s 48 of the Immigration
Advisers Licensing Act 2007

BY

The Registrar of Immigration Advisers

Registrar

BETWEEN

Priscilla Busisiwe Dekker

Complainant

AND

Glen William Standing

Adviser

DECISION
IMPOSITION OF DISCIPLINARY SANCTIONS

REPRESENTATION:

Registrar: In person.

Complainant: In person.

Adviser: In person.

Date Issued: 23 September 2013

DECISION

Introduction

- [1] The Tribunal issued a decision dated 12 August 2013, which upheld the complaint in this matter.
- [2] The Tribunal upheld the complaint on the grounds Mr Standing failed to take any steps to complete his instructions when he lost his licence. He should have ensured his clients were aware he lost his licence, were represented, and refunded the unearned fees he held.

The parties' positions on sanctions

- [3] As the complaint has been upheld, section 51 of the Immigration Advisers Licensing Act 2007 ("the Act") allows the Tribunal to impose sanctions.
- [4] The parties were invited to make submissions on sanctions, including potential orders for costs, the refund of fees, and compensation. None of the parties made any submissions on sanctions.
- [5] It is not surprising there were no submissions as this complaint is the most recent of many relating to Mr Standing. He has had his licence cancelled, he has become bankrupt, and had orders imposed by this Tribunal in relation to penalties, refunding fees, and compensation. It appears there are no funds in his estate in bankruptcy to meet orders that have been made or any order that will be made in this matter.

Discussion

- [6] There is an element of futility in any orders that are now made; the material facts supporting the complaint were no more serious than many of the other complaints relating to Mr Standing.
- [7] The failure to account for fees is a significant matter. Mr Standing was required to keep fees he had not earned in a client account separate from his own funds. It appears he did not do so.
- [8] The failure to deal with his client's need for alternative professional representation is also a matter of significance, though of a lesser order.
- [9] Given the fact Mr Standing is not licensed, and those issues have been addressed fully in other decisions, the only appropriate orders are in relation to a financial penalty, costs, compensation, and the refund of fees.
- [10] While the quantum of fees that should have been refunded is not clear, the failure to do so is effectively a breach of trust. I am satisfied that in all the circumstances, a financial penalty of \$4,500 is necessary to condemn the conduct.
- [11] As the Registrar and complainant have understandably not provided submissions on compensation, costs, or the refund of fees, there is no quantification of the potential orders. Without quantification, it is not appropriate to make these orders.

Order

- [12] Mr Standing is censured.
- [13] He is ordered to pay a financial penalty of \$4,500.

DATED at WELLINGTON this 23rd day of September 2013

G D Pearson
Chairperson