

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

Decision No: [2014] NZIACDT 14

Reference No: IACDT 037/12

IN THE MATTER

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

BY

The Registrar of Immigration Advisers

Registrar

BETWEEN

BB and TC

Complainants

AND

BO

Adviser

DECISION

REPRESENTATION:

Registrar: In person.

Complainants: In person.

Adviser: Mr P McPherson, Hesketh Henry, Lawyers, Auckland.

Date Issued: 19 February 2014

DECISION

- [1] The Registrar filed a Statement of Complaint. It said the complaint was referred to the Tribunal in respect of concerns the adviser was negligent, incompetent, incapable, engaged in dishonest or misleading behaviour, and breached the Code of Conduct.
- [2] However, the Registrar's Statement of Complaint identified that the real issue was whether the adviser is the person who should be subject to the Complaint.
- [3] The adviser made his position clear. First, he filed a Statement of Reply, and then submissions from his counsel. His position is simply that he had nothing to do with the complainants. He says his former employer dishonestly "used" his identity and registration without his knowledge or authority, and he had no reason to be on notice of that at the time. He reported it to the Registrar when he found out.
- [4] He says the Registrar has prosecuted the former employer for unlawfully providing immigration advice.
- [5] The Registrar has not challenged the adviser's position. In response, the complainant said his case should be about the former employer rather than the adviser.
- [6] The Tribunal is satisfied there is nothing before it to support the adviser being in any way responsible for the matters raised by the complaint. The Tribunal accordingly dismisses the complaint pursuant to section 50(a).

DATED at WELLINGTON this 19th day of February 2014

G D Pearson
Chair