

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

Decision No: [2015] NZIACDT 18

Reference No: IACDT 17/14

IN THE MATTER

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

BY

The Registrar of Immigration Advisers

Registrar

BETWEEN

Errol Anthony Darlerbe

Complainant

AND

Hakaoro Hakaoro

Adviser

DECISION ON APPLICATION TO REFER THE COMPLAINT BACK TO THE REGISTRAR

REPRESENTATION:

Registrar: K England, Ministry of Business Innovation and Employment, Auckland.

Complainant: In person.

Adviser: In person.

Date Issued: 12 March 2015

DECISION

The application

- [1] The Registrar filed a statement of complaint on 5 November 2014. Mr Hakaoro applied to have the Tribunal refer six complaints against him back to the Authority. This is one of the complaints.
- [2] Mr Hakaoro's grounds are that he was in prison in 2014 serving a 20 month sentence; he did not have the opportunity to answer complaints while in prison, and needs time to get information to respond to the complaints. His imprisonment was the result of illegally providing immigration advice.
- [3] At present, he is on remand facing "a number of serious sexual allegations", and his trial estimated to take 8 days hearing time, is to proceed on 8 June 2015. That is affecting his ability to respond to the complaint.

The complainant's response

- [4] The complainant did not consider it necessary to respond beyond referring to his complaint.

The Registrar's response

- [5] The Registrar filed a reply to the application.
- [6] She pointed out Mr Hakaoro has been served with all material in accordance with the Act, if he did not receive it in prison that was the result of not keeping his address up to date. Mr Hakaoro had a reasonable opportunity to respond when the Registrar was dealing with the complaint.
- [7] She also pointed out any relevant documents are available to Mr Hakaoro.

Decision

- [8] I am satisfied the Registrar took the appropriate steps when dealing with the complaint. Mr Hakaoro had obligations to keep a current address. Further, I am satisfied for the reasons the Registrar has given that Mr Hakaoro has had access to information to respond to the complaint.
- [9] The Registrar filed the Statement of Complaint, and Mr Hakaoro then failed to respond to it in the time provided. He has had ample opportunity, and instead sought to have the complaint referred back to the Registrar. He could have provided the Tribunal with any answer to the complaint, it was never necessary to refer the matter back to the Registrar.
- [10] The complaint is properly before the Tribunal, there is no justification for referring the matter back to the Registrar. The Tribunal will deal with the complaint on the papers now before it.

DATED at WELLINGTON this 12th day of March 2015

G D Pearson
Chair