

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

Decision No: [2014] NZIACDT 25

Reference No: IACDT 026/12

**IN THE MATTER**

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

**BY**

**The Registrar of Immigration Advisers**

Registrar

**BETWEEN**

**Ranjit Chand**

Complainant

**AND**

**Artika Archina Devi**

Adviser

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**DECISION**

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**REPRESENTATION:**

**Registrar:** In person.

**Complainant:** In person.

**Adviser:** S Singh, Singhs Barristers & Solicitors, Auckland.

Date Issued: 14 March 2014

## DECISION

### Introduction

- [1] The Registrar filed a Statement of Complaint; the central issue is an allegation that the adviser dishonestly made a claim the complainant qualified as a diesel mechanic for immigration purposes, first in an expression of interest and then in an application for residence.
- [2] Immigration New Zealand readily ascertained the complainant was not a diesel mechanic and declined to issue a visa.
- [3] The complainant says he provided the relevant information for lodging the expression of interest to an unlicensed person in the adviser's practice.
- [4] The adviser has answered the complaint saying the complainant had claimed to be a diesel mechanic, he had provided information to support that claim, and it was her client's choice to proceed on that basis. She says she acted appropriately given the information she held.
- [5] She claimed the unlicensed person only provided services that did not require a licence.
- [6] The Tribunal has found the adviser failed to give adequate advice and take proper instructions and that she was party to an unlicensed person providing immigration advice.

### The complaint

- [7] The Registrar filed a Statement of Complaint. The foundation of the complaint is an allegation by the complainant that:
  - [7.1] He wanted to file an expression of interest for residence.
  - [7.2] He went to the office where the adviser conducts her practice and consulted with a man identified as Mr Ashneel Nand. Mr Nand was not a licensed immigration adviser.
  - [7.3] The adviser or someone else in her practice filed an expression of interest under the adviser's name and licence number.
  - [7.4] Immigration New Zealand selected this expression of interest and invited the complainant to apply for residence on 11 August 2010.
  - [7.5] On 4 December 2010, the complainant signed a written agreement with the adviser's practice to lodge an application for residence.
  - [7.6] On 21 April 2011, the adviser or another person submitted the application for residence to Immigration New Zealand. The application records that it is under the adviser's licence number, with a declaration apparently signed by her. The complainant's application states he is a Diesel Mechanic.
  - [7.7] On 19 December 2011, Immigration New Zealand wrote to the complainant saying he did not meet the skill migrant requirements, as he was a truck driver rather than a diesel mechanic. His application relied on him being a diesel mechanic.
  - [7.8] The complainant says he always said his occupation was driver, not a diesel mechanic.
- [8] The Registrar identified the facts could potentially result in adverse findings that the adviser:
  - [8.1] Breached the Code of Conduct through lack of due care, diligence, respect and professionalism (Clause 1 of the Code), and in misrepresenting or promoting immigration opportunities in a false, fraudulent or deceptive manner (Clause 5 of the Code).
  - [8.2] Was negligent (section 44(2)(a) of the Act).

[8.3] Incompetent (section 44(2)(b) of the Act).

[8.4] Engaged in dishonest or misleading behaviour (section 44(2)(d) of the Act).

[9] This Tribunal with effect from 12 September 2011 cancelled the adviser's licence. Accordingly, the Tribunal does not have jurisdiction over matters arising after that time and this decision will not consider them.

### **The adviser's response**

[10] The adviser responded to the Statement of Complaint with a Statement of Reply. The adviser said she was a "voluntary worker" for Universal Immigration Services Ltd. She was unpaid, and employed fulltime in another position that did not involved being a licensed immigration adviser. She took on the role of adviser to assist the family.

[11] She was apparently the only licensed immigration adviser in her practice and said, of how her practice operated, that:

"Under normal circumstances, the background clerical work was attended to by Ashneel who also had correspondence with Immigration New Zealand on behalf of clients as and when required."

[12] She suggested any issues relating to the refund of fees should be directed to the company and not her personally.

[13] As to the facts specifically arising in relation to the complaint the adviser said:

[13.1] On 4 December 2010, the complainant attended for a consultation and said:

[13.1.1] He is a truck driver/diesel mechanic in his present employment.

[13.1.2] His employer offered employment as a diesel mechanic subject to residence, and checking with a former employer.

[13.2] She completed the application on this basis.

[13.3] The complainant misled the adviser, as he was not a diesel mechanic.

[13.4] The adviser had completed her work and no refund was due.

[13.5] She completed all her responsibilities professionally and properly.

[14] She elaborated in respect of the particular grounds of complaint

#### *Negligence*

[15] She said there was no negligence, as the complainant told her he had five years experience as a diesel mechanic/driver, and an offer of employment as a diesel mechanic. She stated:

"Therefore in regards to the employment to be nominated on the client's residence application, the client had two choices open to him. He could either apply as a truck driver that almost certainly not qualifies for residence or he could apply as a diesel mechanic and have a greater chance of success. He elected to go with the diesel mechanic option as he informed me that he was diesel mechanic not a general mechanic who would fix car ..."

[16] The documents the adviser had (an employer reference and offer of employment) referred to "driver and mechanic". However, she questioned the complainant, and the form required a choice between truck driver and diesel mechanic, so with the complainant's authority she put diesel mechanic on the form as the skilled occupation.

*Competence*

- [17] She qualified for a licence, and had a high success rate in her work. As she had fulltime employment outside the profession, she did not have time to attend seminars, but used Immigration New Zealand's website to get updates on policy.

*Dishonest or misleading behaviour*

- [18] She says she was honest and did not mislead the complainant. She made him aware he would not be in skilled employment as a truck driver, and would not proceed on that basis. She said:

“We do not put pressure on clients to sign up, that it is entirely customer's decision to sign up if they wish to and he elected to go with the diesel mechanic option and to support his application he showed us the job offer from the NZ Company and we lodged his application based on this information.”

*Professional obligations*

- [19] She said she fulfilled her professional obligations, as:
- [19.1] She carried out the complainant's instructions;
- [19.2] The fees were managed appropriately;
- [19.3] She was a “voluntary worker” and a “sleeping director” of the company that she conducted her practice through;
- [19.4] She was not involved in the practice after her licence was cancelled;
- [19.5] The complainant provided misleading information, as he was not a diesel mechanic.
- [20] The adviser's counsel provided submissions supporting the contents of the Statement of Reply.

**Notification of potential findings by the Tribunal**

- [21] The Tribunal considered the complaint and the adviser's reply on the papers, as it is required to do unless exercising a discretion to conduct an oral hearing (section 49). While doing so the Tribunal identified that a central issue in the complaint involved credibility and issued directions. The directions gave the adviser the opportunity of applying for an oral hearing, and to providing further material.
- [22] The Tribunal recorded the material before the Tribunal put her at risk of a finding she was a party to an unlicensed person providing immigration advice. If the Tribunal made that finding, such conduct would potentially be unprofessional and a breach of Clause 1 of the Code of Conduct.
- [23] The two issues the parties were invited to address, in anticipation of an oral hearing, were:
- [23.1] What the adviser knew or ought to have known regarding whether the complainant was a diesel mechanic and what she did or ought to have done with that information.
- [23.2] Whether the adviser was a party to a person, who was not a licensed immigration adviser, giving immigration advice.
- [24] The Tribunal said it would not of its own motion require the parties to participate in an oral hearing. It would decide the complaint on the evidence before it if the parties elected not to call evidence.

**Reply to notification of potential findings**

- [25] Through her counsel, the adviser indicated she preferred the decision to be on the papers and would not apply for an oral hearing.

- [26] In relation to claiming the complainant was a diesel mechanic, she said:
- [26.1] The information the adviser held was that the complainant was a driver/diesel mechanic.
- [26.2] He had a job offer in New Zealand as a diesel mechanic.
- [26.3] The adviser provided the complainant with a copy of the duties of a diesel mechanic from the Australia and New Zealand Standard Classification of Occupations as used by Immigration New Zealand.
- [26.4] The complainant understood, and elected to proceed on the basis he was a diesel mechanic.
- [27] In relation to being a party to an unlicensed person providing immigration advice:
- [27.1] Mr Nand and other unqualified persons only did clerical work.
- [27.2] In particular:
- “Assistance was provided to the complainant by the clerical staff in recording information on the form under instructions and as advised by the complainant together with other work a clerical staff could undertake.
- Clerical staff did not provide any information in relation to immigration and neither did the clerical staff give immigration advice.”

## Discussion

### *Background*

- [28] The central issue is whether there was any professional shortcoming on the part of the adviser in relation to the complainant’s application which was based on him being a diesel mechanic.
- [29] The Tribunal is required to determine facts on the balance of probabilities; however the test must be applied with regard to the gravity of the finding (*Z v Dental Complaints Assessment Committee* [2008] NZSC 55, [2009] 1 NZLR 1).
- [30] Immigration New Zealand found the complainant was not a diesel mechanic, and none of the parties dispute the correctness of that position.
- [31] The complainant says he told Mr Nand he was a truck driver, but did present papers suggesting he had some level of experience as a diesel mechanic.
- [32] An expression of interest was prepared which identified the complainant’s main occupation as “Diesel Motor Mechanic”. The form required that the main occupation be the “job [he] spent most hours doing in the last 12 months”. The parties accept this categorisation determined whether the complainant was likely to qualify for residence in New Zealand.
- [33] The material includes the description for a diesel mechanic, which is:

**“Indicative Skill Level:**

Most occupations in this unit group have a level of skill commensurate with the qualifications and experience outlined below.

...

In New Zealand:

NZ Register level 4 qualification (ANZSCO Skill Level 3)

At least three years of relevant experience may substitute for the formal qualifications listed above. In some instances relevant experience and/or on-the-job training may be required in addition to the formal qualification.

Registration or licensing may be required.

...

### **321212 Diesel Motor Mechanic**

Maintains, tests and repairs diesel motors and the mechanical parts of trucks, buses and other heavy vehicles such as transmissions, suspension, steering and brakes.

Registration or licensing may be required.

Skill Level 3

Specialisation: Automotive Heavy Mechanic"

- [34] It is elementary that if a person claims to qualify for an occupational class of this kind, they will need to establish their qualifications. It is necessary to investigate whether registration or licensing is required, proof of overseas qualification equivalence to New Zealand standards is necessary, and there must be proof that practical experience requirements are met.
- [35] A licensed immigration adviser must explain these essential steps to a client. They are technical issues for which the complainant engaged the adviser. The adviser appears to suggest if the complainant potentially had three years of practical experience that may be enough, he had the option of saying he was a diesel mechanic if that was the most favourable option, and submit the application to Immigration New Zealand. That is not correct, the nature and extent of the experience had to be established, and the employment in New Zealand disclosed. It would be misleading to claim the qualification without looking into those matters, effectively hoping Immigration New Zealand would not investigate.
- [36] The adviser was responsible for the expression of interest. It is not necessary to file that document with supporting documentation. It is sufficient to refer to an occupational class, and provide proof when lodging an application for a visa.
- [37] Before she filed the expression of interest the adviser had to either:
- [37.1] Have evidence the occupational class on which the application relied was correct; or
- [37.2] Provide clear advice to her client what Immigration New Zealand required as proof.
- [38] There has never been proof the complainant qualified as a diesel mechanic, rather Immigration New Zealand established with elementary inquiries that he did not. To lodge an expression of interest based on an ill-founded occupational class is at best providing false expectations to a client, and incurs waste and expense to both the client and Immigration New Zealand. The opportunity to gain residence is an important life goal for many, and an adviser must give advice of this kind with care and precision, identifying risks where they arise.
- [39] The adviser was required to confirm in writing the details of material discussions with clients (Clause 3 of the Code of Conduct). She has provided no evidence that she provided advice regarding his qualification as a diesel mechanic. On the contrary she presently claims it was not her responsibility to do so, it was, she says, her client's choice.
- [40] The complainant says he initially met with Mr Nand not the adviser. However, the adviser (or someone else in her practice) filed the expression of interest under the adviser's name and licence number. The timing of the events which followed is:
- [40.1] Immigration New Zealand received the expression of interest, selecting it from the pool on 11 August 2010.

- [40.2] On 4 December 2010, the adviser says she met with the complainant and he signed an agreement for the provision of immigration services.
- [40.3] On 13 January 2011, Immigration New Zealand invited the complainant to apply for residence.
- [40.4] On 21 April 2011, the adviser lodged the application for residence.
- [41] In her statement of reply, the adviser said:
- “[The complainant] visited our office for consultation on 4th December 2010 for his skilled migration. He informed us that he is a truck driver/diesel mechanic ...”
- [42] As mentioned above in paragraph [11], the adviser also said:
- “Under normal circumstances, the background clerical work was attended to by Ashneel [Nand] who also had correspondence with Immigration New Zealand on behalf of clients as and when required.”
- [43] That is consistent with the complainant’s statement he was dealing with Mr Nand not the adviser when giving instructions for the expression of interest. The Tribunal put the adviser on notice of these concerns, and she has neither applied for an oral hearing, nor said she was involved in taking instructions prior to 4 December 2010. At most, she has made general denials Mr Nand and others were unlawfully providing immigration advice.
- [44] The basis for lodging the expression of interest was crucial to the success or failure of any subsequent application, and the adviser had not initiated the instructions in accordance with the Code of Conduct at the time it was drafted or lodged.
- [45] The Code is prescriptive in requiring certain actions to occur at the commencement of the client engagement. As a minimum, a licensed immigration adviser must personally ensure that:
- [45.1] Before commencing work, the basis for costs and fees is established (Clause 8).
- [45.2] A written agreement is entered into (Clause 1.5).
- [45.3] The client is aware of the terms and significant matters relating to that agreement (almost inevitably including their immigration options and processes that apply) (Clause 1.5).
- [45.4] The client has received a copy of the Code and has had it explained to them, and has received a copy of the adviser’s complaints procedure (Clauses 1.4 and 9).
- [46] This engagement required explaining to the complainant what his options were, the risks, and the processes involved, and taking instructions from the complainant. Only then could the adviser meet the obligation to act with professionalism, and have lawful informed instructions (Clause 1.1).
- [47] When the licensed immigration adviser is preparing material to submit to Immigration New Zealand, that step is crucial. If a person submits information that is not accurate, there are potentially grave adverse consequences for that person’s ability to advance that, or any other, immigration application. The precision that is expected is a matter a licensed immigration adviser must impress upon clients. A form that looks to be in order may well contain inaccurate information, and have irreparable consequences for a client. It is an obligation of care and professionalism to ensure a client understands these obligations and consequences (Clause 1.1).
- [48] The adviser allowed the complainant to commence a process that was fatally flawed. The adviser does not claim to have engaged with the process of commencing her instructions until after the expression of interest. I am satisfied the adviser was a party to Mr Nand unlawfully giving immigration advice that was also wrong.

*Dishonest or misleading behaviour*

- [49] The most serious allegation is that the adviser engaged in dishonest or misleading behaviour. To find that established would be a finding at the highest level of professional offending. It would be necessary, given the way this allegation is presented, that there was a wilful element to the deception of Immigration New Zealand and/or the complainant. I would need to be sure the evidence (on the principles in *Z v Dental Complaints Assessment Committee*) justified the finding before making it.
- [50] The adviser was not engaged in the initial consultations. Mr Nand commenced the process with the expression of interest. The view is open the adviser failed to engage properly with the instructions, rather than intentionally embarked on a course she knew to be either dishonest, or a misrepresentation.
- [51] Accordingly, I do not find the adviser engaged in behaviour that was dishonest or misleading in a manner that goes further than negligence or incompetence, as the evidence is not sufficient to establish such a finding.
- [52] What the material before me establishes is the adviser failed to inquire into and review whether the complainant was a diesel mechanic. The material clearly and obviously required examination. Accordingly, dishonest or misleading behaviour are not proper grounds for upholding the complaint. The other grounds of complaint however, remain open.

*Negligence and breach of Clause 1 of the Code of Conduct*

- [53] I am satisfied the adviser was negligent; she had a duty to make proper inquiries as to the employment qualifications and experience of the complainant. It was a necessary and important first step in assessing his immigration opportunities. She failed to undertake any meaningful or effective inquiries. This also breached her duties of care, diligence and professionalism under Clause 1 of the Code of Conduct.
- [54] For the reasons discussed, both at the expression of interest stage and again when making the application for a visa, the complainant's occupational classification had to be addressed properly. The adviser failed to do so, for the reasons discussed (refer para [37], above).
- [55] The adviser suggests, in her Statement of Reply, that:

“We do not put pressure on clients to sign up, that it entirely customer's decision to sign up if they wish to and he elected to go with the diesel mechanic option and to support his application he showed us the job offer from the NZ Company and we lodged his application based on this information.”

This essentially amounts to an admission she was delinquent. Adopting a proper course is not “entirely a customer's decision”. First, the client requires advice on what is a technical matter, and second the adviser is must make sure he or she selects the classification responsibly. That is reflected in the Code of Conduct requiring care, professionalism and an obligation to address applications that have no hope of success (Clauses 1 and 2 of the Code of Conduct). Immigration New Zealand places trust in licensed immigration advisers, and makes that clear on the forms submitted by them. There is not room for filing applications that are not sound and defensible in relation to the claims made in them.

- [56] This was not a case of a client misleading the adviser; here she failed to advise her client.

*Incompetence*

- [57] I am satisfied the adviser was incompetent. At no point in dealing with the complainant has the adviser shown any recognition of her responsibilities.
- [58] She was a licensed professional, consulted for her expertise. However, she did, and apparently still, takes the position her client had the responsibility to ascertain his employment classification. Whether he was a diesel mechanic under Immigration New Zealand's requirements is a technical issue.



- [59] The complainant was entitled to, and needed, advice on whether he could apply as a driver or as a diesel mechanic. Accordingly, he needed to know what was required to qualify as a diesel mechanic and what evidence he needed to satisfy Immigration New Zealand that he had that qualification. Providing assistance of this kind is an elementary skill the adviser was required to have, and I am satisfied she lacked that skill. It is the only sensible explanation short of intentional wrongdoing. The adviser filed the application on a demonstrably wrong basis, as Immigration New Zealand readily ascertained.

*Party to the provision of immigration advice unlawfully*

*The legislative restriction on unlicensed persons providing immigration services*

- [60] In many areas of professional and licensed practice there is extensive use made of people who do not hold the professional qualifications required of the person primarily responsible for providing the service. In some cases those persons hold different and complementary qualifications, such as lawyers and legal executives; surgeons, nurses, and anaesthetists; pilots, and first officers. Often people without formal qualifications provide essential services in these settings too, under delegation from the qualified person who is responsible for the work.
- [61] If there was no legislative direction, a licensed immigration adviser could conduct their practice making extensive use of unqualified people, and it would not be easy to make out the case that they acted unreasonably or irresponsibly in doing so. Any complaint would likely require a demonstration of failure to delegate appropriately, or supervise properly if that were the law. Unqualified people successfully provide very important skills in many areas of professional service delivery.
- [62] However, the Act was, among other things, intended to put an end to a history of a small minority of advisers who exploited vulnerable migrants. The background to the Act is discussed in *ZW v Immigration Advisers Authority* [2012] NZHC 1069, and reflected in section 3 of the Act.
- [63] It is evident the legislative scheme has been constructed in a manner designed to exclude unlicensed people being engaged in the delivery of professional services, to a degree that is far from universal in the regulation of professional service delivery.
- [64] It was foreseeable that some people who had formerly provided immigration services, and failed to gain a licence, would seek to have a licensed person “rubber stamp” their continuing activity in the industry. Unfortunately, this Tribunal’s work demonstrates that was a well-founded apprehension, and an area where enforcement action has been necessary.
- [65] Against that background, the policy behind the stringent restrictions in the Act on unlicensed persons providing immigration services is evident.
- [66] Section 63 of the Act provides that a person commits an offence if they provide “immigration advice”, without being either licensed or exempt from the requirement to be licensed.
- [67] Section 73 provides that a person may be charged with an offence under section 63, whether or not any part of it occurred outside New Zealand.
- [68] The scope of “immigration advice” is defined in section 7 very broadly. It includes:
- “using, or purporting to use, knowledge of or experience in immigration to advise, direct, assist, or represent another person in regard to an immigration matter relating to New Zealand ...”
- [69] There are exceptions to consider. Section 7 provides that the definition does not include “clerical work, translation or interpreting services”. Accordingly, the question arises as to whether Mr Nand’s role came within that exception.
- [70] The scope of *clerical work* is important, as otherwise, the very wide definition of immigration advice would likely preclude any non-licence holder working in an immigration practice in any capacity.

[71] *Clerical work* is defined in section 5 of the Act in the following manner:

**clerical work** means the provision of services in relation to an immigration matter, or to matters concerning sponsors, employers, and education providers, in which the main tasks involve all or any combination of the following:

- (a) the recording, organising, storing, or retrieving of information:
- (b) computing or data entry:
- (c) recording information on any form, application, request, or claim on behalf and under the direction of another person

[72] The definition is directed to administrative tasks, such as keeping records, maintaining financial records and the like.

[73] The definition deals specifically with the role an unlicensed person may have in the process of preparing applications for visas. They may record information “on any form, application, request, or claim on behalf and under the direction of another person”.

[74] The natural meaning of those words is that the unlicensed person relying on the “clerical work” exception may type or write out what another person directs.

[75] That other person may properly be the person who is making the application, a licensed immigration adviser, or a person who is exempt from being licensed. The person typing or writing out the form in those circumstances is not giving immigration advice.

[76] The definition does not give any authority for the unlicensed person to make inquiries or determine what is to be recorded on the form. Under “clerical work” they must do nothing more than “record” information as directed.

[77] The other exception in section 7 is that immigration advice does not include “providing information that is publicly available, or that is prepared or made available by the Department”. This also excludes the possibility of an unlicensed person engaging with the specific factual situation of the person making an application as they may only provide information, not advice.

*Application to the facts*

[78] Taking instructions for lodging an expression of interest is a gross breach of the prohibition and I am satisfied that occurred.

[79] Furthermore, the admission in the Statement of Reply that Mr Nand “had correspondence with Immigration New Zealand on behalf of clients as and when required” appears to be an admission of further offending.

[80] It was imperative that the adviser engaged with the complainant at the outset and to prepare his expression of interest. He needed to have advice that he did not qualify as a diesel mechanic and was unlikely to be able to seek residence successfully.

*Alleged breaches of the Code of Conduct*

[81] As discussed, for the reasons the adviser was negligent and incompetent, she breached the Code of Conduct, as she did not exercise due care, diligence, and professionalism (Clause 1 of the Code).

[82] I am not satisfied the allegation of misrepresenting or promoting immigration opportunities in a false, fraudulent or deceptive manner (Clause 5 of the Code) is made out, for the reasons I have not found there was dishonest or misleading behaviour.

## Decision

- [83] The Tribunal upholds the complaint pursuant to section 50 of the Act.
- [84] The adviser was negligent, and incompetent, and breached Clause 1 of the Code of Conduct. They are grounds for complaint pursuant to section 44(2) of the Act.
- [85] In other respects, the Tribunal dismisses the complaint.

## Suppression of name

- [86] The Adviser sought an order to keep her identity confidential. The grounds were she:
- [86.1] Is no longer a licensed immigration adviser.
- [86.2] Acted in a professional manner, and denies wrongdoing on her part.
- [86.3] Has another career, where she is in “a special relationship of mutual confidence and trust”.
- [86.4] Did not gain financially.
- [86.5] Due to her culture, there will be repercussions for her and her family.
- [87] The submissions have an element of unreality. The Tribunal has upheld a number of complaints against the adviser and cancelled her full licence. The decisions are public information and involve conduct as serious as that in the present complaint. The incremental effect of publishing another disciplinary finding, which is the issue, is not consistent with the grounds advanced.
- [88] There is no sensible reason not to publish the present complaint in these circumstances. I appreciate counsel could of course advance reasons for suppression that were not advanced previously, and if a case were made out the Tribunal would make an appropriate order. However, the situation is one where publication is a routine consequence of the disciplinary process.
- [89] There are no special circumstances. If the adviser is in a position of mutual confidence and trust in her current work, that is not a justification for suppressing her professional disciplinary background.
- [90] Unfortunately, the adviser’s disciplinary history is not an isolated lapse; rather she has engaged in a sustained course of conduct resulting in multiple complaints the Tribunal has upheld. That is not information the Tribunal should deny to the public, particularly when the adviser is seeking confidence and trust in a professional capacity. The Tribunal has found on repeated occasions she had abused trust and confidence given to her as a licensed immigration adviser.
- [91] Accordingly, the Tribunal will not make an order restricting publication of this decision.

## Submissions on sanctions

- [92] The Tribunal has upheld the complaint in the respects outlined above; pursuant to section 51 of the Act, it may impose sanctions.
- [93] The Authority and the complainant have the opportunity to provide submissions on the appropriate sanctions, including potential orders for costs, refund of fees and compensation. Whether they do so or not, the adviser is entitled to make submissions and respond to any submissions from the other parties.
- [94] Any application for an order for the payment of costs or expenses under section 51(1)(g) should be accompanied by a schedule particularising the amounts and basis for the claim.

*Timetable*

[95] The timetable for submissions will be as follows:

[95.1] The Authority and the complainant are to make any submissions within 10 working days of the issue of this decision.

[95.2] The adviser is to make any further submissions (whether or not the Authority or the complainant makes submissions) within 15 working days of the issue of this decision.

[95.3] The Authority and the complainant may reply to any submissions made by the adviser within 5 working days of her filing and serving those submissions.

**DATED** at WELLINGTON this 14<sup>th</sup> day of March 2014

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**G D Pearson**  
Chair