

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

Decision No: [2015] NZIACDT 103

Reference No: IACDT 013/15

**IN THE MATTER**

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

**BY**

**The Registrar of Immigration Advisers**

Registrar

**BETWEEN**

**B B**

Complainant

**AND**

**C L**

Adviser

**NAMES OF PARTIES NOT TO BE PUBLISHED**

---

**DECISION**

(Application for Leave to Withdraw)

---

**REPRESENTATION:**

**Complainant:** In person.

**Adviser:** Mr P Moses, Barrister, Auckland.

**Registrar:** Ms M Urlich, lawyer, MBIE, Auckland.

Date Issued: 15 December 2015

## DECISION

### Discussion

- [1] This complaint concerns a licensed immigration adviser. After the Registrar filed a statement of complaint, the adviser approached the complainant, refunded fees and the complainant then sought to withdraw the complaint.
- [2] The Tribunal had concerns arising out of the adviser's conduct, which potentially involved improper pressure on the complainant. The Tribunal took steps to ascertain the circumstances. However, it became evident that the adviser had a very serious problem with her health, and it was likely she approached the complainant with a view to tidying up her affairs prior to a major medical procedure. The adviser responded to the Tribunal's inquiries in a most unsatisfactory manner. However, it appears her response was likely due to her health, and potentially the effects of medication.
- [3] Ultimately, the adviser engaged Mr Moses, and he and Ms Urlich for the Registrar have been very helpful in making proper inquiries, and reporting to the Tribunal.

### Principles

- [4] The Tribunal deals with complaints under a statutory process. A complaint which has been lodged with the Tribunal is not solely an *inter partes* matter. Public interest issues arise in many professional disciplinary cases, and that is potentially so in the present case. The Tribunal will take account of a request to withdraw a complaint, but it is not the complainant's right to withdraw a complaint from the Tribunal.
- [5] This Tribunal, as is commonly the case for professional disciplinary tribunals, has an inquisitorial function.

### Decision

- [6] I am satisfied on the material before me that the adviser has been unwell, and it is likely the grounds for the complaint, and the unsatisfactory response to the complaint arose out of those circumstances. The complainant has apparently been satisfied that the adviser has addressed her concerns, and there is no outstanding issue for her. The Registrar reviewed the public interest issues; she does not oppose the Tribunal allowing the complaint to be withdrawn.
- [7] It is neither necessary nor appropriate to inquire further into the complaint.
- [8] I am satisfied in these circumstances I should grant leave for the complaint to be withdrawn, and accordingly dismiss the complaint.

### Order prohibiting publication of the parties names or identity

- [9] As the Tribunal has not determined the facts, and not upheld the complaint for that reason, it is in the interests of justice not to publish the names and any information that may identify the parties. The Tribunal orders accordingly.

**DATED** at WELLINGTON this 15<sup>th</sup> day of December 2015

---

**G D Pearson**  
Chair