

**IMMIGRATION ADVISERS COMPLAINTS AND DISCIPLINARY TRIBUNAL**

Decision No: [2020] NZIACDT 28

Reference No: IACDT 029/18

**IN THE MATTER** of a referral under s 48 of  
the Immigration Advisers  
Licensing Act 2007

**BY** **THE REGISTRAR OF  
IMMIGRATION ADVISERS**  
Registrar

**BETWEEN** **XA**  
Complainant

**AND** **JENNIFER ANN HILL**  
Adviser

**SUBJECT TO SUPPRESSION ORDER**

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**DECISION  
(Sanctions)  
Dated 29 June 2020**

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**REPRESENTATION:**

Registrar: T Thompson, counsel

Complainant: R Reed, counsel

Adviser: G Jenkin, counsel

## INTRODUCTION

[1] Ms Jennifer Ann Hill, the adviser, used an unlicensed employee within her office, her life partner, Mr Gu, to engage with her client, Ms XA, the complainant. Furthermore, Ms Hill lacked diligence in permitting incorrect information regarding the complainant's work experience to be provided to Immigration New Zealand.

[2] The complaint was referred by the Registrar of Immigration Advisers (the Registrar) to the Tribunal. It was upheld in a decision issued on 10 March 2020 in *XA v Hill*.<sup>1</sup> Ms Hill was found to have breached the Licensed Immigration Advisers Code of Conduct 2014 (the Code).

[3] It is now for the Tribunal to determine the appropriate sanctions.

## BACKGROUND

[4] The narrative leading to the complaint is set out in the decision of the Tribunal upholding the complaint and will only be briefly summarised here.

[5] Ms Hill is a licensed immigration adviser who works for Xin Cheng International Company Ltd (Xin Cheng), which is owned by her mother-in-law.

[6] In September 2016, the complainant contacted Xin Cheng seeking assistance to apply for permanent residence. She used the Chinese language messaging application WeChat and her subsequent communications with Mr Gu were largely by WeChat.

[7] In October 2016, Ms Hill applied to Immigration New Zealand on behalf of the complainant to vary the conditions of her work visa, so she could work as a manager at an Auckland clinic. It was approved by the agency the same month.

[8] An expression of interest was filed by Ms Hill in April 2017. Much of the form had initially been filled out online by Ms Hill and/or Mr Gu, with the complainant completing it and sending it online to Immigration New Zealand. It stated that she had skilled work experience as a health practice manager for a dental company in a provincial city from 1 April 2015 to 25 April 2017. At the time, the complainant worked for the company at an Auckland clinic, but she was expected to transfer to the provincial clinic when it opened. However, it transpired that the complainant never moved to the provincial city.

[9] Immigration New Zealand issued the complainant with an invitation to apply for residence under the skilled migrant category in May 2017.

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<sup>1</sup> *XA v Hill* [2020] NZIACDT 17.

[10] The complainant's application for residence was filed by Ms Hill in June 2017. The same information concerning work experience in the provincial city was repeated in the residence application.

[11] In October 2017, Immigration New Zealand advised Ms Hill of concerns relating to the complainant's work experience. Following enquiries, the immigration officer had established that she had not worked in the provincial clinic. Furthermore, as her approval from the agency to work as a manager had not been given until October 2016, she had claimed too many points for skilled employment. It appeared that the complainant had provided false or misleading information.

[12] Ms Hill provided an explanation to Immigration New Zealand in November 2017.

[13] On 11 January 2018, Immigration New Zealand declined the residence application. The complainant had claimed 60 points for working in skilled employment for 12 months or more (from 1 April 2015 to 25 April 2017), but such work had not been approved until October 2016. At the time she lodged the expression, she had only six months of skilled employment. The information provided as to her work from April 2015 to April 2017 in the provincial city was false. The complainant had therefore provided false and misleading information, contrary to the immigration instructions.

[14] The complainant appealed the decline of residence to the Immigration and Protection Tribunal (IPT), which dismissed the appeal.

[15] A complaint against Ms Hill was made to the Immigration Advisers Authority (the Authority) by the complainant in February 2018. It was referred by the Registrar to the Tribunal and a decision was issued on 10 March 2020.

#### *Decision of the Tribunal*

[16] The Tribunal found that the complainant had dealt exclusively with Mr Gu, having been led to believe that he was the person responsible for her immigration applications. The complainant had not been made aware of Ms Hill as a licensed professional. There was a complete absence of reference to Ms Hill in the written communications. While Ms Hill had met the complainant on a number of occasions, that was only casually outside of her office and at no point had she taken instructions or given advice to the complainant. The complainant had thought that Mr Gu was her immigration agent. Ms Hill had not personally taken charge of engagement with the complainant, so she was in breach of cl 2(e) of the Code.

[17] Ms Hill had, however, been the true author of Mr Gu's texts to the complainant. It had not therefore been shown that Mr Gu, an unlicensed person, had given immigration advice to the complainant.

[18] It was further found that there were two errors in the expression of interest which were repeated in the residence application. The first was claiming points for work at a provincial clinic, which the complainant had never worked at. The second was claiming points for having 12 months or more of skilled employment, whereas she only had between six and 12 months of such employment at the time both the expression and the residence application were filed.

[19] It could not be established by the Tribunal who actually inserted the incorrect information onto the expression form, whether Ms Hill, Mr Gu or the complainant. But it was Ms Hill who was responsible for the information being provided to Immigration New Zealand on the residence application. Ms Hill had sent the residence form online to Immigration New Zealand and should have checked the information set out. A diligent adviser exercising due care would have checked any information inserted by a client. The wrongful conduct of Ms Hill was failing to check the details set out were correct at the time she had lodged the residence application. This was a breach of cl 1 of the Code.

[20] Ms Hill had also failed to ensure that the complainant signed a written agreement or confirmed her acceptance of such an agreement in writing, a breach of cl 18(c) of the Code.

## **SUBMISSIONS**

### *Submissions from the Registrar*

[21] Ms Thompson, on behalf of the Registrar, advises that this is Ms Hill's first appearance before the Tribunal. Engaging with the client and checking the correctness of information given to Immigration New Zealand are fundamental duties of a licensed adviser. It is submitted that censure is appropriate. In addition, there should be a penalty in the range of \$2,000.

### *Submissions from the complainant*

[22] In the submissions of Ms Reed, on behalf of the complainant, it is contended that there had been serious and long-lasting immigration consequences for the complainant caused by Ms Hill's conduct. If not for Ms Hill's conduct, the complainant's character

would not have been put into serious doubt and she would not have had to appeal to the IPT or lodge a complaint in the Tribunal.

[23] Immigration New Zealand's adverse finding had been caused by Ms Hill's conduct. It had necessitated the complainant incurring legal costs in making character waiver submissions in order to renew her work visa.

[24] Ms Hill's conduct had necessarily led to the complainant's residence application being declined and the agency's finding that the latter had provided false information. The complainant, while pregnant, had to endure the anguish and distress of this outcome. She also faces uncertainty as to whether she will be able to remain and work in New Zealand, due to the adverse character finding. Her anguish and distress could have been prevented if not for Ms Hill's conduct.

[25] In respect of Ms Hill's failure to have a written agreement, it is worth emphasising that she had accused the complainant of deliberately refusing to sign the agreement to avoid paying fees.

[26] The complainant seeks reasonable compensation, the imposition of a penalty payment and a requirement that Ms Hill undertake specified training. A Table of Losses (undated) incurred by the complainant has been produced.<sup>2</sup>

#### *Submissions from Ms Hill*

[27] Mr Jenkin, on behalf of Ms Hill, notes that the Tribunal avoided making a finding as to who filled in the incorrect information in the expression form, which was repeated in the residence application form. Ms Hill had not been found to have been responsible for inserting false information on the forms, but for failing to ensure that the work experience details were correct. Her failure to check the accuracy of the residence application was not dishonest but negligent.

[28] It is submitted that the failure to personally engage with the complainant and the failure to ensure that there was a written agreement are "very minor in a relative sense". Notwithstanding that, Ms Hill treats the matter seriously. She appreciates having slipped up and seeks a second chance.

[29] The complainant asserts that Ms Hill is to blame for the decline of the residence application, but the assertion fails to take into account the issue as to who was responsible for incorrectly filling out the form. If the complainant was responsible for

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<sup>2</sup> The Table is the same as a list of losses in the submissions of 5 March 2020 at [44].

filling out the form with the false information, then Ms Hill's failure to check would only be part of the story. Ms Hill would be "taking the rap" for significant wrongdoing committed by the complainant and that would be a most unjust outcome.

[30] Since the Tribunal had not made a finding as to who was responsible for filling in the false information, there could be serious injustice visited upon Ms Hill if a serious sanction was imposed with respect to the unprofessional conduct regarding the errors as to the complainant's work experience.

[31] Furthermore, even if Ms Hill had checked the form and corrected the false statements, it is unclear whether the application would have succeeded with the correct facts. Ms Hill believes the complainant was entitled to the points for a job offer in a provincial city, but it is noted the Tribunal was not so sure given the delay in its opening. Ms Hill should be given the benefit of the doubt.

[32] It is observed by Mr Jenkin that the complainant has made no attempt to argue that the residence application would otherwise have been granted. In counsel's view, it is not clear it would have been granted. It could have been declined anyway. Hence, the claim for damages fails because it has not been proved on the balance of probabilities.

[33] Mr Jenkin points out that Ms Hill did not charge the complainant a fee. She was not motivated by money. It would therefore be out of all proportion to award the excessive compensation sought.

[34] It is submitted that, given the state of the evidence regarding the consequences of the established wrongdoing, it is relatively minor overall. A small fine of \$2,000 plus a caution would be appropriate in the circumstances.

[35] The payment of compensation due to Immigration New Zealand's adverse character finding would be a perverse consequence, if it was the complainant who had filled out the false information on the form. The overwhelming cause of the complainant's problems was her own wrongdoing, whether innocent or not.

[36] Mr Jenkin also made submissions on the specific items of compensation sought by the complainant. I will address these later.

## JURISDICTION

[37] The Tribunal's jurisdiction to impose sanctions is set out in the Immigration Advisers Licensing Act 2007 (the Act). Having heard a complaint, the Tribunal may take the following action:<sup>3</sup>

### 50 Determination of complaint by Tribunal

After hearing a complaint, the Tribunal may—

- (a) determine to dismiss the complaint:
- (b) uphold the complaint but determine to take no further action:
- (c) uphold the complaint and impose on the licensed immigration adviser or former licensed immigration adviser any 1 or more of the sanctions set out in section 51.

[38] The sanctions that may be imposed are set out at s 51(1) of the Act:

### 51 Disciplinary sanctions

(1) The sanctions that the Tribunal may impose are—

- (a) caution or censure:
- (b) a requirement to undertake specified training or otherwise remedy any deficiency within a specified period:
- (c) suspension of licence for the unexpired period of the licence, or until the person meets specified conditions:
- (d) cancellation of licence:
- (e) an order preventing the person from reapplying for a licence for a period not exceeding 2 years, or until the person meets specified conditions:
- (f) an order for the payment of a penalty not exceeding \$ 10,000:
- (g) an order for the payment of all or any of the costs or expenses of the investigation, inquiry, or hearing, or any related prosecution:
- (h) an order directing the licensed immigration adviser or former licensed immigration adviser to refund all or any part of fees or expenses paid by the complainant or another person to the licensed immigration adviser or former licensed immigration adviser:
- (i) an order directing the licensed immigration adviser or former licensed immigration adviser to pay reasonable compensation to the complainant or other person.

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<sup>3</sup> Immigration Advisers Licensing Act 2007.

[39] In determining the appropriate sanction, it is relevant to note the purpose of the Act:

### 3 Purpose and scheme of Act

The purpose of this Act is to promote and protect the interests of consumers receiving immigration advice, and to enhance the reputation of New Zealand as a migration destination, by providing for the regulation of persons who give immigration advice.

[40] The focus of professional disciplinary proceedings is not punishment, but the protection of the public:<sup>4</sup>

...It is well established that professional disciplinary proceedings are civil and not criminal in nature. That is because the purpose of statutory disciplinary proceedings for various occupations is not to punish the practitioner for misbehaviour, although it may have that effect, but to ensure that appropriate standards of conduct are maintained in the occupation concerned.

...

The purpose of disciplinary proceedings is materially different to that of a criminal trial. It is to ascertain whether a practitioner has met appropriate standards of conduct in the occupation concerned and what may be required to ensure that, in the public interest, such standards are met in the future. The protection of the public is the central focus.

...

Lord Diplock pointed out in *Ziderman v General Dental Council* that the purpose of disciplinary proceedings is to protect the public who may come to a practitioner and to maintain the high standards and good reputation of an honourable profession.

[41] Professional conduct schemes, with their attached compliance regimes, exist to maintain high standards of propriety and professional conduct not just for the public good, but also to protect the profession itself.<sup>5</sup>

[42] While protection of the public and the profession is the focus, the issues of punishment and deterrence must also be taken into account in selecting the appropriate penalty.<sup>6</sup>

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<sup>4</sup> *Z v Dental Complaints Assessment Committee* [2008] NZSC 55, [2009] 1 NZLR 1 at [97], [128] & [151] (citations omitted).

<sup>5</sup> *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724–725 & 727; *Z v Dental Complaints Assessment Committee*, above n 4, at [151].

<sup>6</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at [28].

[43] The most appropriate penalty is that which:<sup>7</sup>

- (a) most appropriately protects the public and deters others;
- (b) facilitates the Tribunal's important role in setting professional standards;
- (c) punishes the practitioner;
- (d) allows for the rehabilitation of the practitioner;
- (e) promotes consistency with penalties in similar cases;
- (f) reflects the seriousness of the misconduct;
- (g) is the least restrictive penalty appropriate in the circumstances; and
- (h) looked at overall, is the penalty which is fair, reasonable and proportionate in the circumstances.

## DISCUSSION

[44] The Tribunal found Ms Hill to have breached the Code in the following respects:

- (1) Failing to personally engage with the complainant, in breach of cl 2(e);
- (2) Failing to ensure that the claimed work experience details were correct, which amounted to a failure to exercise diligence and due care, in breach of cl 1; and
- (3) Failing to ensure there was a written agreement, in breach of cl 18(c).

[45] Ms Hill has always admitted a failure to have a written agreement, but at no stage has she accepted wrongdoing in any meaningful way in relation to her lack of engagement with the complainant or her lack of due care in failing to check the accuracy of the claimed work experience.

[46] At the hearing, Ms Hill claimed to have fully engaged with the complainant. As for the wrong information given to Immigration New Zealand about the complainant's work experience, Ms Hill blamed the complainant at the hearing. She did not acknowledge any fault on her part.

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<sup>7</sup> *Liston v Director of Proceedings* [2018] NZHC 2981 at [34], citing *Roberts v Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354 at [44]–[51] and *Katamat v Professional Conduct Committee* [2012] NZHC 1633, [2013] NZAR 320 at [49].

[47] As for Ms Hill's stance now in relation to the lack of engagement, she accepts having slipped up, but nonetheless contends it is very minor in a relative sense. There is still no acknowledgment from her that the unlicensed Mr Gu controlled the relationship with the complainant. As for her failure to check the information on the form, it is apparent Ms Hill continues to blame the complainant for inserting it. She diminishes her role, as a professional person filing an application, in checking the accuracy of information set out.

[48] There is no remorse, no apology and no apparent learning from the wrongdoing. Ms Hill's approach to sanctions belies her claim to be treating her misconduct seriously. This is a relevant consideration in assessing sanctions.

[49] It is a serious breach of an adviser's professional obligation to offload client engagement and contact to an unlicensed person. The Code requires that a licensed adviser personally establish and control the relationship and engagement with the client, in addition to personally undertaking the immigration work. While Ms Hill did perform the work (the applications, the correspondence with Immigration New Zealand and composing the communications sent in the name of Mr Gu to the complainant), she was a completely silent partner in the relationship. She left all the contact and engagement to the unlicensed Mr Gu. The complainant did not even know of her existence as a licensed adviser.

[50] The failure to have a written agreement is also a serious breach of an adviser's professional obligations. An agreement complying with the prescriptive requirements of the Code provides critical information to a client. It is a protection not just for the client but for the adviser as well.

[51] Mr Jenkin raises the contentious issue as to responsibility for the incorrect information given to Immigration New Zealand and what have turned out to be severe consequences for the complainant as a result of this. There are two points I will make.

[52] The first is to note, as Mr Jenkin observes, that I made no finding as to who inserted the incorrect information into the expression form. It could have been the complainant, Ms Hill or even Mr Gu. Ms Hill and the complainant blame each other and I cannot resolve who actually did it.

[53] However, irrespective of who physically inserted the information on the form, what is critical is that Ms Hill failed to check the information recorded when filing it. A diligent adviser exercising due care is responsible for checking the accuracy of information provided to Immigration New Zealand. Had the form been checked, she would have

known without even asking the complainant that the details were inaccurate. Ms Hill knew that the complainant was not working in the provincial city and she knew also that the complainant had no approval to work as a manager prior to October 2016. It is the filing of the residence form containing the incorrect information, without checking it, that enabled Immigration New Zealand to make the adverse finding.

[54] This brings me to the issue as to whether Ms Hill should be responsible for the adverse character finding by Immigration New Zealand, which was the reason for residence to be declined. As I said in the earlier decision, there was no justification for Immigration New Zealand making a character finding against the complainant. While the information on the form itself was plainly incorrect, the evidence showing the correct work experience details was either known by Immigration New Zealand (the agency's consent to work as a manager) or was provided with the residence application (the general manager's letter). The agency cannot claim to have been misled at the time of the residence application.

[55] The blame for Immigration New Zealand's unjustified character finding cannot be laid at the door of Ms Hill merely because she was the last person in the chain who could have corrected the misinformation. This has consequences for her compensation claim which I will assess shortly.

[56] I will now consider the potentially appropriate sanctions.

#### *Caution or censure*

[57] I accept Ms Thompson's submission that Ms Hill should be censured. A caution would not reflect the gravity of Ms Hill's failure to engage with her client.

#### *Training*

[58] There were multiple breaches of the Code by Ms Hill. In reality, even now, she only concedes one, the failure to have a written agreement, a violation she has always acknowledged. Ms Hill remains equivocal about the other breaches, being the lack of engagement and the lack of diligence in providing information to Immigration New Zealand. There is no expression of any learning or change of practice. It would therefore be appropriate for Ms Hill to undertake further training, being the LAWS7015 (Professional Practice) paper offered by Toi-Ohomai Institute of Technology. It is a course which covers Ms Hill's failings.

### *Financial penalty*

[59] The use of Mr Gu as an unlicensed adviser to conduct the engagement with the client is a form of what is known as rubber stamping. It is not the most serious form of rubber stamping, as Ms Hill retained responsibility for the immigration advice work herself. She offloaded her client to an unlicensed person, but not her client's applications.

[60] Ms Hill's wrongdoing in regard to delegating engagement to an unlicensed person bears some similarities with Mr Chiv who was penalised \$7,000 for such wrongdoing relating to seven clients.<sup>8</sup> However, no two cases are identical. There was other wrongdoing by Mr Chiv, as there is for Ms Hill. A similarity is that both of them substantially failed to acknowledge their wrongdoing. On the other hand, Ms Hill's misconduct involved only one client.

[61] To the rubber stamping misconduct must be added Ms Hill's other breaches of the Code. She failed to check the accuracy of the information in the residence form. The presentation of inaccurate information to Immigration New Zealand led to serious consequences for the complainant, though they are not Ms Hill's responsibility. There was also the failure to have a written client agreement, the breach of an important obligation of an adviser.

[62] The penalty will be \$2,500.

### *Compensation*

[63] The complainant contends that as a direct result of Ms Hill's misconduct in providing incorrect information to Immigration New Zealand, the agency made an adverse character finding against her which has had serious and long-lasting consequences. It led her to incur legal costs in an appeal to the IPT and making character waiver submissions for the renewal of a work visa. There will be ongoing costs as there remains a real risk of the decline of future work visa renewals. This has also led to the complainant enduring anguish and distress, again ongoing due to the continued uncertainty of the fate of future applications.

[64] The following Table of Losses has been produced:

Disbursement-Fee to INZ for EOI	\$ 530
Disbursement-Fee to INZ for Residence Application	\$ 2,470

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<sup>8</sup> *Immigration New Zealand (Calder) v Chiv* [2019] NZIACDT 78 at [36] & [38] and the decisions collated there at n 7.

Fee to consultant IPT appeal	\$ 5,500
Disbursement-Fee IPT appeal	\$ 700
Legal Fees Character Waiver	\$ 5,750
Legal Fees Complaint to IACDT	\$ 23,575
Disbursement-Complaint to IACDT	\$ 121.10
Emotional distress	\$ 15,000
Fees yet to be invoiced by lawyers	\$ 10,999.75
	<b>\$ 64,645.85</b>

[65] I will start with the fees and disbursements concerning the complaint in this Tribunal. As the Act does not expressly permit the recovery of costs and expenses associated with a complaint against an adviser, I do not accept such costs are recoverable. Parties must bear their own costs in the Tribunal.<sup>9</sup>

[66] More generally, Mr Jenkin notes that the Tribunal has doubted it has jurisdiction to award large sums in compensation.<sup>10</sup>

[67] I will put to one side whether the Tribunal has jurisdiction to award a sum as high as almost \$65,000, since barring the item for emotional distress this claim for compensation fails in any event. The losses claimed do not arise out of Ms Hill's professional violations. To the extent that the Tribunal can award modest sums for compensation, the loss must in some material way have been caused by or relate to or arise from the wrongdoing upheld by the Tribunal.<sup>11</sup>

[68] The losses claimed by the complainant arise from the failure of the residence application. The reason given by Immigration New Zealand was the presentation of false information, giving rise to an adverse character finding. I have already found that the character finding was unjustified and cannot be blamed on Ms Hill. But even without that character finding, could the application have succeeded?

[69] I agree with Mr Jenkin that it has not been established that the residence application would have succeeded had Ms Hill been diligent and exercised due care. It has not been shown that the complainant had sufficient points to succeed in obtaining residence. If the residence application would have failed in any event, it is difficult to see how Ms Hill's misconduct materially caused the claimed losses.

<sup>9</sup> *KIT v Zhu* [2019] NZIACDT 46 at [39].

<sup>10</sup> *Zhang & Cao v Chen* [2019] NZIACDT 11 at [67]–[68].

<sup>11</sup> *KIT v Zhu* [2019] NZIACDT 46 at [35]–[36], *NLT v Coetzee* [2020] NZIACDT 7 at [47]–[49].

[70] The total fees of \$3,000 (\$530 + \$2,470) paid to Immigration New Zealand for the expression and residence application, are not recoverable. They would have been incurred anyway and do not arise out of any proven wrongdoing of Ms Hill. These costs are not recoverable merely because the application failed. They might be recoverable if the application was futile, but this has not been alleged by the Registrar. No such complaint has been upheld by the Tribunal.

[71] The legal fees and disbursement for the IPT appeal and character waiver submissions arise out of the unjustified character finding of Immigration New Zealand, not Ms Hill's misconduct in permitting a residence application with incorrect details to be filed. Nor can they be said to arise from the other violations of the Code by Ms Hill.

[72] This brings me to the item for emotional distress, with \$15,000 claimed. Such an award can be made to compensate for the anguish, stress, disruption and difficulties due to professional misconduct.<sup>12</sup>

[73] I accept that the complainant has suffered distress and anxiety as a result of the decline of her residence application, but this has largely arisen from Immigration New Zealand's unwarranted adverse character finding.

[74] While Ms Hill was not primarily responsible for that, it is true that had Ms Hill been diligent and exercised due care, the mistake in the work experience details would have been discovered and corrected. It is therefore understandable that the complainant's distress has been exacerbated by the carelessness of her professional adviser. There is also the adviser's failure to engage at all with her. Ms Hill allowed the complainant to be misled into believing Mr Gu was the immigration agent. This would also be distressing for the complainant. It is a cause of distress independent of Immigration New Zealand's unjustified character finding.

[75] I consider that Ms Hill should pay a modest sum in amends for her role in the complainant's predicament, and as an expression of remorse. The Tribunal's decisions show that sums of \$4,000 to \$5,000 are at the higher end of awards for distress. This case is not at the higher end as Immigration New Zealand is largely responsible for the complainant's stress. I will award \$2,000.

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<sup>12</sup> *Ikbarieh v Hammadih* [2014] NZIACDT 111 at [41]–[42], *Unnikrishnan v Goldsmith* [2017] NZIACDT 22 at [30]–[31], *DKD v Smith* [2020] NZIACDT 9 at [45].

## **OUTCOME**

[76] Ms Hill is:

- (1) censured;
- (2) directed to complete the LAWS7015 (Professional Practice) paper offered by Toi-Ohomai Institute of Technology at its next intake;
- (3) ordered to immediately pay to the Registrar \$2,500; and
- (4) ordered to immediately pay to the complainant \$2,000.

## **ORDER FOR SUPPRESSION**

[77] The Tribunal has the power to order that any part of the evidence or the name of any witness not be published.<sup>13</sup>

[78] There is no public interest in knowing the name of Ms Hill's client, the complainant.

[79] The Tribunal orders that no information identifying the complainant is to be published other than to Immigration New Zealand.

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D J Plunkett  
Chair

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<sup>13</sup> Immigration Advisers Licensing Act 2007, s 50A.