

The Immigration Advisers Complaints and Disciplinary Tribunal

For more information visit www.justice.govt.nz/tribunals

IACDT Number _____

Which party are you? (Please tick one)

- Complainant
- Immigration Adviser

Statement of Reply

A When to use this form

Use this form if you disagree with anything in a Statement of Complaint that the Immigration Advisers Authority has referred to the Tribunal and you are either:

- The adviser who is the subject of the complaint, or
- The complainant who initiated the complaint

You are not required to file a Statement of Reply. If you choose not to do so, the Tribunal will consider that you accept the content of the Statement of Complaint.

B Timeframe for filing a Statement of Reply

The Tribunal will give you written notification of the date by which the Statement of Reply must be received by the Tribunal.

Generally, this will be 10 working days after the date on which you are notified that the complaint has been referred and are provided with a copy of the Statement of Complaint.

NOTE: The Tribunal must receive the Statement of Reply within the specified timeframe. Be sure to allow enough time for it to arrive at the Tribunals Unit in Wellington.

- A working day is defined as any day apart from a Saturday, Sunday, public holiday or a day in the period commencing on 25 December and ending with the close of 15 January the following year.

C How to complete this form

- You must complete this form in English.
- Use CAPITAL LETTERS if filling out by hand.
- Answer every question on the form unless instructed otherwise.
- Provide a copy of all relevant documents in support of your Statement of Reply (eg. correspondence, evidence, or any reports).
- All documents must be in English or translated into English by a certified translation service.

D Sending additional documentation and evidence

You should send additional documentation and evidence supporting any claim you may make in this form. You do not need to resend any documentation or evidence you have already provided to the Authority or Tribunal.

E Procedure following Statements of Reply

Once the timeframe for filing Statements of Reply has expired, parties will be able to file

Answers to any Statements of Reply filed. Once that timeframe expires, the Tribunal will usually issue a decision 'on the papers.' This means there will be not be an oral hearing and the Tribunal will without further notice issue a decision based on the written material provided by the parties.

In some instances the Tribunal will decide to hold an oral hearing to hear from parties and witnesses in person before making its decision.

If you believe an oral hearing is appropriate you may request one in Part 4 of this form.

For more information on any of these procedures see the Tribunal's Practice Notes.

F Filing and Serving

You need to file this Statement of Reply with the Tribunal and serve it on the other parties. Information on how to do this is provided at the end of this form and in the Tribunal's Practice Notes.

Part 1 Identify the Parties to the Complaint

Please provide the following details of the parties to the complaint:

Name of complainant

And

Name of immigration adviser

IACDT number

Part 2 Personal Contact Details

You are required to maintain current contact details with the Tribunal; you must notify the Tribunal, Immigration Advisers Authority and other parties of any change of details. Failure to do so may mean you do not receive documents which are deemed to have been effectively served on you.

- My contact details/the contact details of my representative are the same as those previously provided (move on to Part 3).
- My contact details/the contact details of my representative differ from those previously provided (To update details complete a Change of Personal Details form and attach it to this document. Change of Personal Details forms can be found on the Tribunal's website).

Part 3 Challenging the Statement of Complaint

In making its decision the Tribunal will assess the Statement of Complaint against the law and other evidence provided. If you disagree with anything in the Statement of Complaint you should set out what it is you disagree with and why. This will ensure that your arguments and evidence are directly before the Tribunal when it makes its decision.

Fill in the following sections that are relevant to you. Please also:

- Refer to the paragraph numbers used in the Statement of Complaint when you are identifying the parts you disagree with.
- Attach any additional documentation and evidence which support any claims you make.

Part 3A Facts

Complete this section if you disagree with anything the Statement of Complaint says about what happened in the lead up to the complaint.

Please set out your version of the facts below in chronological order.

(If you need more space please attach a separate page)

Part 3B Grounds of Complaint

If you are the **complainant** (please tick the applicable box or boxes):

- | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> I agree with the grounds of complaint referred and do not want the Tribunal to consider further grounds.

(If so, move on to Part 4) | <input type="checkbox"/> I disagree with some or all of the grounds of complaint referred.

(If so, please state which grounds you disagree with and why.) | <input type="checkbox"/> I would like to add further grounds of complaint.

(If so, please specify which aspects of the Act or Code of Conduct you consider have been breached and why.) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

If you are the **immigration adviser** (please tick the applicable box):

I admit all of the grounds of complaint referred.

(If so, move on to Part 4)

I admit some of the grounds referred, and deny others.

(If so, please state which grounds you accept and which you deny. For each ground you deny, please specify the reasons why you consider that you have not breached the Act or Code in the respect alleged)

I deny all the grounds referred.

(If so, please specify the reasons why you consider you have not breached the Act or Code in each of the respects alleged.)

(If you need more space please attach a separate page)

Part 4 Requesting an Oral Hearing

The Tribunal is required to decide complaints on the papers. In particular cases, the Tribunal may request that parties or witnesses appear before it and give oral evidence. If you consider that the Tribunal should exercise these powers in your case, you may request an oral hearing. The Chair of the Tribunal will decide whether an oral hearing is required.

Do you request an oral hearing? (please tick applicable box)

No (move on to Part 5)

Yes (please complete this part)

If you are requesting an oral hearing, please provide the following details:

- A written statement from your witness outlining what they intend to say in giving oral evidence, and
- Reasons why the Tribunal should hear this evidence in person rather than 'on the papers'

(If you need more space please attach a separate page)

Part 5 Signature

By signing this form, you are certifying that the information contained in this form is true and correct, to the best of your knowledge.

If you are completing this form electronically, you may type your full name in the 'Your Signature' box in lieu of providing a written signature.

Your Signature

Date / / (dd/mm/yyyy)

Part 6 Checklist

Before you file this form with the Tribunal, please check that you, or your representative, have:

- Answered every applicable question.
- Attached a copy of any additional evidence that supports your case (if applicable).
- Attached a Change of Personal Details form (if your contact information differs from that previously provided).
- Signed and dated this form.

You must also serve a copy of this form on all other parties.

Part 6A Filing and Serving your Statement of Reply

The easiest way to file and serve this form with the Tribunal is by email, addressed to: IACDT@justice.govt.nz

The Tribunal will treat the document as having been sufficiently served on another party, if:

- You copy that party into the email used to file the documents with the Tribunal, and
- That party provides you with an email expressly acknowledging receipt of service.
- You have used the email address on file for that party

If you are unsure, please check with the Tribunal to confirm that you have correct email addresses for the other parties.

For information on how to file and serve this form, please refer to the Tribunal's Practice Notes which are available on its website.

NOTE: If the document you are filing and serving by email is larger than ten pages in length, you must also send or deliver a paper copy to the Tribunal and to each party.

Tribunal Contact Details

Immigration Advisers Complaints and Disciplinary Tribunal
Tribunals Unit
Private Bag 32-001, Featherston Street, Wellington 6011

Ph: (04) 4626660

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www.justice.govt.nz/tribunals