
NEW ZEALAND ASSOCIATION FOR MIGRATION AND INVESTMENT

REGULATION 3 - COMPLAINTS

These Regulations replace Regulation 2 from the date of approval by the Board pursuant to Rule 17

1. Definitions

- 1.1 “Board” means the Board of NZAMI;
- 1.2 “breach” means a breach of the Rules, the Regulations or the Code;
- 1.3 “Chairperson” means a chairperson of a Committee appointed pursuant to cl. 13.1 of the Rules;
- 1.4 "Committee" means an Investigation Committee of NZAMI established under cl. 13.1 of the Rules;
- 1.5 “Member” means a Member of NZAMI as defined in cl. 2.1 of the Rules.
- 1.6 "Rules", "Regulations" and "Code of Ethics" are deemed to be references to the Rules etc. of NZAMI;
- 1.7 “subject Member” means a Member about whom a complaint has been made and has the meaning ascribed in cl. 13.2 of the Rules, and also means a Member who is being considered for suspension pursuant to cl. 5.

2. Initial Complaint

- 2.1 The Board may approve the following from time to time as it deems fit:
 - (a) The manner in which a complaint shall be recorded and documented including the contents and order of a complaint file;
 - (b) Procedures for communications with parties to the complaint not otherwise covered by this Regulation;
 - (c) The form of standard letters and communications.
- 2.2 NZAMI shall not investigate a complaint in the following circumstances:
 - (a) The subject Member is not a Member at the time the complaint is received; and
 - (b) The subject Member belongs to the class of persons described by cl. 12.2 of the Rules.
- 2.3 For the avoidance of doubt, where the conduct of a Member is not subject to other regulation as per cl. 12.2 of the Rules then cl. 2.2 shall be deemed not to apply and NZAMI shall have jurisdiction to consider the complaint.
- 2.4 If cl. 2.2 does not apply the Secretary shall initially assess whether the complaint indicates a breach and may refer the matter to the Chairperson for clarification. The Secretary may seek further information from the complainant to clarify the grounds of the complaint.

- 2.5 If cl. 2.2 applies or the complaint does not appear to disclose a breach the Secretary shall write to the complainant to explain accordingly.
- 2.6 If the Secretary determines that a breach may have occurred the Secretary shall
- (a) Set up a complaint file;
 - (b) Write to the complainant advising that the matter has been accepted and summarizing the process to be followed; and
 - (c) Write to the subject Member setting out the complaint and the process to be followed, and inviting a response to the complaint within 10 working days of the date of the Secretary's letter.
- 2.7 If the subject Member does not respond within the stipulated time the Secretary shall send a further letter to the subject Member requesting a response within a further 5 working days. If the subject Member does not respond the Secretary shall refer the complaint file to the Committee.
- 2.8 If the subject Member responds the Secretary shall send that response to the complainant inviting the complainant to reply within 10 working days.
- 2.9 If the complainant does not reply the matter may, at the discretion of the Chairperson, be deemed to lapse and the Secretary shall write to the subject Member and the complainant accordingly. Otherwise the Secretary shall refer the complaint file to the Committee.

3. Investigation by Committee

- 3.1 The Secretary shall provide a copy of the complaint file to all members of the Committee in such form as the Committee deems fit – for instance, in hard copy or in scanned electronic format.
- 3.2 The Chairperson shall nominate himself or herself or a member of the Committee (“the designated member”) to review the complaint. The designated member shall circulate a report as to whether the complaint is made out, and possible sanctions, to all Committee members for comment.
- 3.3 The Committee may meet to discuss any complaint as it deems fit. The Committee may meet by teleconference or by electronic means as it sees fit. The Committee may, through the Secretary, request further information from the complainant, the subject Member or any relevant third party.
- 3.4 The Chairperson shall finalise the designated member's report for presentation to the next Board meeting as interim recommendations.
- 3.5 Any interim or final recommendations of the Committee shall:
- (a) include a summary of the complaint;
 - (b) identify perceived breaches;
 - (c) suggest sanctions (if any) against the subject Member permitted under cl. 13.7 of the Rules; and/or
 - (d) recommend that the subject Member be counseled pursuant to cl. 13.9 of the Rules.

4. Board Determination

- 4.1 The Board is not bound by any interim or final recommendations of the Committee. The Board may refer the matter back to the Committee for reconsideration, appoint a new Committee to reconsider the case, or act as it sees fit in the circumstances.
- 4.2 If the Board determines that suspension is required then the provisions of cl. 15 of the Rules shall apply.
- 4.3 In any other case the Board may instruct the Secretary to send a letter of interim findings to the subject Member requiring a final response from the subject Member within 5 working days. The Chairperson shall provide a draft of the interim findings letter to the Secretary.
- 4.4 If the subject Member does not respond to the interim findings letter the Secretary shall send a further letter to the subject Member requiring a response in a further 5 working days, failing which a decision may be made on the information to hand.
- 4.5 The subject Member may request attendance at the next Board meeting at which the complaint will be considered.
- 4.6 On receipt of the subject Member's response, or following expiry of the deadline referred to in cl. 4.4, the Chairperson shall prepare final recommendations for the Board.
- 4.7 Following the Board's final decision on the complaint the Chairperson shall provide the Secretary with a final findings letter to be sent to the subject Member and to the complainant.
- 4.8 The Secretary shall record the outcome of the complaint against the subject Member's file and, where applicable, any change in the subject Member's membership status shall be published in accordance with the Rules and Regulations. The Secretary shall also notify the Chairperson if the subject Member has not complied with any sanctions imposed under the Rules.
- 4.9 After the final findings letters have been sent the Committee shall send the originals of any documents relating to the complaint to the Secretary. The Committee shall keep confidential all information acquired during the course of the investigation except where disclosure is required pursuant to the Rules or Regulations.

APPROVED by the Board this 27th day of July 2010

M. J. Hastings

Secretary