

CODE OF CONDUCT

Preface

Professions are largely self-regulating. Their members are expected to observe higher ethical standards than those generally applying to other citizens.

The Institute provides an effective link between the lawyers and advocates practising in this specialist jurisdiction who make up its membership.

Practical training and educational courses in employment law practice and procedure are provided by the Institute for its lawyer and advocate members and also for its members who provide employment services but do not practice as advocates.

This Code establishes ethical standards for the members of the Institute in keeping with those contained in the New Zealand Law Society's ethical rules. It recognises the special obligations which all members necessarily incur when they provide professional services.

Every member owes it to their colleagues and the public to achieve and maintain high professional standards in accordance with the content and spirit of this Code.

CONTENTS

Introduction

Definitions

Part 1	General Rights, Duties & Responsibilities: Independence of Practitioners: Conflicts of Interest Rules 1.01 – 1.05
Part 2	Conduct of Practice Generally Rules 2.01 – 2.02
Part 3	Relations: Practitioners and Clients Rules 3.01 – 3.02
Part 4	Information about Services Dissemination Rules 4.01 – 4.03
Part 5	Handling of Clients' Money Rule 5.01
Part 6	Relations between Practitioners Rules 6.01 – 6.04
Part 7	Employment Court and ERA Proceedings and Practice
Annex 1	Professional Development
Annex 2	Enforcement procedure and penalties

INTRODUCTION

The provisions of this Code are largely based on the New Zealand Law Society's ethical rules, which apply to members who are also members of the New Zealand Law Society.

The primary purposes of this Code are to provide:

- a) guidance on ethical principles and standards to members of the Institute who are not members of the New Zealand Law Society; and
- b) sanctions for infringements of its provisions.

The enforcement procedures and sanctions for infringements are set out in Annex 2.

DEFINITIONS

In this Code:

- a) "the Institute" means The Employment Law Institute of New Zealand Incorporated.
- b) "the Executive" means the Executive of the Institute.
- c) "the President" means the President of the Institute.
- d) "the Secretary" means the Secretary of the Institute.
- e) "member" means a member of the Institute.
- f) "New Zealand Law Society" means the New Zealand Law Society as defined in the Lawyers and Conveyancers Act 2006.
- g) "practitioner" means a member.
- h) "Authority" includes the Employment Relations Authority.

Part 1

Practitioners' Rights, Duties and Responsibilities Generally

Independence of Practitioners: Conflicts of Interest

1.01 Rule

The relationship between practitioner and client is one of confidence and trust, which must never be abused.

Commentary

- (1) The professional judgement of a practitioner should at all times be exercised within the bounds of the law solely for the benefit of the client and free of compromising influences and loyalties.
- (2) The practitioner should never seek an advancement of personal interest or position at the expense of a client.
- (3) The practitioner will always work with the best interests of the client and should always work in accordance with the client's instructions.

1.02 Rule

A practitioner must not act or continue to act for any person where there is a conflict of interest between the practitioner on the one hand and an existing or prospective client on the other hand.

Commentary

- (1) The rule is based on the premise that a person who occupies a position of trust must not permit their personal interests to conflict with the interests of those whom it is that person's duty to protect.
- (2) The rule is intended to protect a client in situations where the interest or position of the practitioner would or could make the practitioner's professional judgement less responsive to the interests of the client.
- (3) The existence of a personal interest of a practitioner should be disclosed to the client or prospective client irrespective of a perceived lack of conflict. The practitioner should consider carefully whether a personal interest is directly or indirectly in conflict with the interests of the

client and refuse to act if there is any such direct or indirect conflict.

- (4) A practitioner may not enter any financial, business or property transaction with a client if there is a possibility of the fiduciary relationship between practitioner and client being open to abuse. This applies even if the practitioner does not propose to act for the client on a particular issue or matter.
- (5) It is impossible to detail all the situations which arise where a practitioner should not act or where independent representation or advice must necessarily be obtained under this rule. A personal financial commitment to a client should exclude a professional relationship. The practitioner must ensure that a client receives independent competent advice where appropriate.
- (6) This Rule will apply to any interest or dealing through the practitioner's family or relatives or any company, trust, partnership, or other body in which the practitioner has or exerts a material measure of control or influence. It will also include interests which are not personal in the strict sense but are representative in character, such as directorships and trusteeships.
- (7) In the context of this Rule the word "client" has an extended meaning. It will, for example, ordinarily include any company, trust, or other body in which the client has a significant interest or exercises a material measure of control.

1.03 Rule

A practitioner shall not contemporaneously act for clients which interests conflict or potentially conflict without the prior consent of all such clients.

Commentary

- (1) A conflict of interest does not exist between parties simply because the practitioner is acting for more than one of them.
- (2) A practitioner should exercise careful professional judgement to ensure that a conflict of interest does not exist and is not likely to arise.

1.4 Rule

1.4A Information communicated to a practitioner by a client, or former client, or otherwise received by a practitioner on behalf of a client or former client is confidential and, with certain statutory exceptions, privileged from disclosure.

Commentary

- (1) Confidentiality and privilege of client information are among the prime principles of professional practice. The practitioner must bear in mind that confidentiality and privilege belong to the client and not to the practitioner.
- (2) A client's address and any information which might indicate the client's residence or business are part of the confidential information held by a practitioner on behalf of the client. They must not be disclosed without the client's consent.
- (3) A practitioner may receive from a third party a letter addressed to the client care of the practitioner and undertake to forward it on to the client.
- (4) These Rules are subject to the law relating to privileged communications.
- (5) A practitioner must comply with all provisions of the Privacy Act 2020 in all matters.

1.4B In most circumstances, a practitioner is bound to disclose to the client all information received by the practitioner which relates to the client's affairs.

Commentary

- (1) There are certain exceptions which include cases where:
 - (i) such disclosure is prohibited by an order of a court or other competent body;
 - (ii) the client consents to non-disclosure;
 - (iii) the practitioner has inadvertently received information that, if disclosed to the client, could be hurtful or damaging;
 - (iv) on humanitarian grounds, the practitioner should exercise discretion not to disclose
 - (v) the information.
- (2) A practitioner should take all reasonable steps to prevent a situation arising where confidential information is received on the basis that it is not to be disclosed to a client.

- (3) If a practitioner receives information on a basis of confidence as against the client, then a conflict of interest may have been created. If such a situation seems to have arisen, the practitioner must advise the client of it and of the client's right to seek independent advice. It then becomes a matter of professional judgement on the part of the practitioner as to whether or not to continue to act in the particular transaction in the interests of the client.
- (4) If having so considered the matter, the practitioner decides that it would be wrong to continue to act in the matter, the client must be advised accordingly. The client should be told to seek the services of another practitioner and that the first practitioner in those circumstances will not act in any way against the interests of the person who becomes the former client.

1.05 Rule

Where a practitioner becomes aware of a potential claim for negligence, the practitioner must advise the client to seek independent advice in connection with the matter and must inform the client that the practitioner can no longer act in the matter unless the client having been independently advised, requests it.

Commentary

- (1) A practitioner who is requested to hand the relevant papers to a new practitioner instructed by the client should, as a matter of prudence, take copies of relevant papers which may be material in the practitioner's defence.
- (2) Practitioners conducting their practices via limited liability companies should make intending clients aware of the extent of the limited liability before accepting instructions to represent them.

Part 2

Conduct of Practice Generally

2.01 Rule

The name of a practitioner's firm or sole practice must not be one likely to:

- (i) be misleading as to the nature of structure of the firm or practice;**
- (ii) bring the practice of Employment Law, or the Institute, into disrepute; or**
- (iii) be unfair to other practitioners or the public.**

Commentary

- (1) The name of a firm or practice must be consistent with the requirements of professional standing.
- (2) The name of a firm must not be misleading, nor should it unfairly describe the firm or practice. It should not, for instance, give an impression to the public that the firm is multi-partnered and broadly based when in fact, it is a very small firm or a sole practice.
- (3) When using a name such as "Newtown Employment Law Clinic" or "Cashmere Employment Law Service", for example, care should be taken to expressly disclaim that the firm or practice is a public legal aid agency or solicitor's firm.

2.02 Rule

On the letterhead of a firm or practice and on all other publications or literature issued by a firm or practice, or in an advertisement of services offered by the firm or practice, neither the public nor other practitioners are to be misled about the structure of the firm or practice, or about the competence or status of any person named in such letterhead or publicity.

Commentary

- (1) If the names of principals, partners, consultant partners, consultants, or associates are shown, their status should be indicated.

- (2) If a person whose name is included is not a principal, partner, consultant partner, consultant or associate, this should be made clear by the use of appropriate descriptions of their actual status.
- (3) A firm must ensure that the public and other practitioners dealing with a principal or an employee of the firm or practice know the status of the person with whom they are dealing.
- (4) No practitioner shall hold out themselves or another person as a practising Solicitor where they, or the other person, does not hold a current Solicitor's Practising Certificate.

Part 3

Relations: Practitioners and Clients

3.01 Rule

A practitioner shall charge a client no more than a fee which is fair and reasonable for the work done, having regard to the interests of both client and practitioner.

Commentary

- (1) Charges must be fair and reasonable in all circumstances and be based on the following principles:
 - (A) The charges by practitioners for all professional work shall be calculated to give a fair and reasonable return for the services rendered, having regard to the interests of both client and practitioner. Such charges shall take account of all relevant factors and, in particular:
 - (a) the skill, specialised knowledge, and responsibility required;
 - (b) the time and labour expended;
 - (c) the value or amount of any property or money involved;
 - (d) the importance of the matter to the client and the results achieved;
 - (e) the complexity of the matter and the difficulty or novelty of the questions involved;
 - (f) the number and importance of the documents prepared or perused;
 - (g) the urgency and circumstances in which the business is transacted; and
 - (h) the reasonable costs of running the practitioner's practice.The relative importance of the factors set out above will vary according to the particular circumstances of each transaction.
 - (B) A practitioner shall be at liberty to charge less than an amount calculated in accordance with the principles set out in Paragraph (A).
- (2) A practitioner may at any time request a review by the Executive Committee of any fee charged by them. The Executive may choose to form a sub-committee.
- (3) A client dissatisfied about a fee who continues to express dissatisfaction with it after being given an explanation of it by the practitioner charging it shall be entitled to request a revision of it by the Executive Committee.
- (4) Practitioners shall comply with a decision of the Executive Committee following a review under

either paragraphs (2) or (3) of this particular commentary.

- (5) Any agreement regarding payment by way of a contingency fee will be subject to the provisions of this Rule.
- (6) The practitioner will ensure that the client is presented with clear Terms of Trade (or fee arrangements) and will not commence services or receive instruction until express permission is provided.

3.02 Rule

A practitioner must not receive a reward, whether financial or otherwise, of which a client is unaware, in respect of services rendered to the client.

Commentary

- (1) Practitioners must all times observe the provisions of the Secret Commissions Act 1910 and make appropriate disclosure to a client.

Part 4

Information about Services: Dissemination

4.01 Rule

Any practitioner is at liberty to advertise the practitioner's services or the services of the practitioner's firm to the public but should do so in a manner consistent with the maintenance of proper professional standards.

Commentary

- (2) The advertising must not be false, misleading or deceptive or likely to be so, or has the potential to be so.
- (3) Advertising should not misrepresent the services or the standard of services provided by other practitioners or by the practitioner.
- (4) Advertising may indicate fields of practice in which the practitioner is prepared to practise.
- (5) Where any advertisement contains or refers to any testimonials or endorsements about the practitioner or the services offered, the practitioner must be able to show on inquiry by the Executive Committee that such testimonials or endorsements were not provided for monetary or other reward. The genuineness and veracity of any testimonials or endorsements might be put to a test on enquiry by the Executive Committee.

4.02 Rule

In offering services direct to members of the public other than by normal advertising channels, a practitioner must ensure that approaches to persons who are not existing clients are made in a manner which does not bring the profession into disrepute. Approaches must be made in accordance with proper professional standards and not in a way that is intrusive, offensive, or inappropriate.

Commentary

- (1) A direct approach should not misrepresent the standard of services provided by other practitioners or firms or by the practitioner.
- (2) The manner and frequency of such approaches and the circumstances in which they occur may

be taken into account in assessing the propriety of the practitioner's actions.

4.03 Rule

A practitioner may not, without the specific consent of a client, give any interview or make any public statement relating to the client or the affairs of the client, whether or not the client is involved in a matter of public knowledge.

Commentary

- (1) The practitioner/client privilege may not be broken without the explicit consent of the client.
- (2) That consent is not something to be obtained by representatives of the news media and can be given only after a proper discussion between the practitioner and the client.

Part 5

Handling of Clients' Moneys

5.01 Rule

A practitioner must keep books and account, in particular for moneys received and/or held for or on behalf of clients.

Commentary

- (1) A practitioner must not receive monies on behalf of their clients unless they have a dedicated Trust account.
- (2) Practitioners should be aware that clients' funds that are not lodged and retained in such accounts could be appropriated by the practitioner's Bank if the Bank takes debt recovery action against the practitioner. The client must be informed of this risk.

Part 6

Relations between Practitioners

6.01 Rule

A practitioner must promote and maintain proper standards of professionalism in relations with other practitioners (Colleagues, Courts, Authority, and mediation services).

Commentary

- (1) A practitioner shall treat professional colleagues, Courts, Authority, mediation services, and clients with courtesy and fairness at all times but consistent with the overriding duty to the client.
- (2) No practitioner shall discriminate against or treat unfairly any other practitioner by reason of the colour, race, ethnic or national origin, sex, marital status or religious or ethical belief of that other practitioner (in accordance with the Human Rights Act 1993).
- (3) There are many occasions when a practitioner needs to rely on information given by another practitioner. Professionalism demands that such reliance should not be misplaced. Whether the information is given in writing, or orally, or is in the form of an oral or written undertaking, the practitioner receiving the information or undertaking is entitled to be able to rely and act on it with impunity.
- (4) Wherever possible oral undertakings should be avoided in favour of written undertakings.
- (5) Practitioners should not communicate or correspond in an atmosphere of acrimony or discourtesy notwithstanding the nature of the relationship between their respective clients".
- (6) While it is not always possible to immediately respond to communications from another practitioner, such communications should be returned at the earliest opportunity.
- (7) It is an invasion of a person's privacy to tape a conversation without that person's consent. It is unprofessional and discourteous for one practitioner to do so in respect of another practitioner or an employee of another practitioner. If a practitioner wishes a conversation by telephone or otherwise to be taped, the specific consent of the other practitioner or employee must first be obtained.

- (8) These principles extend to all dealings in social media. A practitioner should not post any content on any social media platform (including websites) which undermines the above principles and which aim to derogate from a professional and productive relationship

6.02 Rule

It is only in very exceptional cases that a practitioner should communicate either directly or in writing with the client of another practitioner in relation to a matter in which the practitioner is or has previously been dealing with the other practitioner.

Commentary

- (1) A practitioner may suggest to a client that an approach by that client to the other practitioner's client might be appropriate or useful.
- (2) If a practitioner has tried unsuccessfully for a reasonable period to obtain a response from the other practitioner in the matter, then it may be appropriate for the client of that other practitioner to be approached. This action should, however, be regarded as most unusual and be used only in extreme circumstances. In any event, the action should be taken only after advice to the other practitioner of the practitioner's intention to do so.

6.03 Rule

A client has an unequivocal right to change from one practitioner to another.

Commentary

- (1) A practitioner has no proprietary interest in a client. It is permissible to inquire why a client is changing, but it is not permissible to exert persuasion, influence or pressure on the client to return to the practitioner.
- (2) On a change of practitioner, an authority to uplift specific documents should be acted upon without undue delay, subject only to any lien that the holding practitioner may claim. It is, however, recognised that documents may be required for a short time for costing purposes.
- (3) Even when a practitioner does have a lien over documents, the urgency of a situation may demand that, as a matter of courtesy, that practitioner will make the documents available to the client's new adviser on receipt of an appropriate undertaking as to the payment of the practitioner's fee.

- (4) Efforts should be made in the interests of the former client and of the profession to facilitate the transfer of files on a change of practitioner. There could be circumstances, such as a revision of costs, where delays might occur, which would be harmful to the client's interest unless the file was handed to the new practitioner against appropriate undertakings.
- (5) Practitioners should not retain possession of passports or work permits without the client's express permission. Even where that permission has been previously given, such documents must be released to the client immediately upon the client's request. No term or stipulation imposed by the practitioner shall operate to override this requirement.

6.04 Rule

Every practitioner has a professional duty to honour an undertaking, written or oral, given in the course of legal proceedings or in the course of practice, and this rule applies whether the undertaking is given by the practitioner personally or by a partner or employee in the course of the practice.

Part 7

Employment Court, Authority and Mediation Service (and their respective staff, judges and members) Proceedings and Practice

7.01 Rule

In the interests of the administration of justice, the overriding duty of a practitioner involved in proceedings before the Employment Court, Authority or Mediation Services is to the Court or the Authority or Mediation Services. Subject to this, the practitioner has a duty to act in the best interests of the client.

Commentary

- (1) A practitioner must never deceive or mislead a government department and/or other parties to the employment dispute (or their Representatives).
- (2) The practitioner must at all times be courteous to the Court or the Authority or Mediation Services.
- (3) The practitioner, whilst acting in accordance with these duties, must fearlessly uphold the client's interests without regard for personal interests or concerns.
- (4) The practitioner has an obligation when conducting a case to put all relevant authorities known to the practitioner, whether decided cases or statutory provisions, before the court - whether they support the practitioner's case or not.
- (5) If a point of law which affects the case is discovered by the practitioner sometime after the hearing but before the decision has been given, the practitioner has a duty to bring it to the attention of the Court or Authority or Mediation Services and to provide a copy of the reference to the practitioner acting for the other party or parties in the matter.
- (6) Subject to the interests of the client, a practitioner must, in the conduct of proceedings, treat other practitioners with courtesy.
- (7) Except in cases of urgency or where an ex parte application is justified, a practitioner must not discuss the merits of a case or matter with the Judge or other presiding officer either formally or informally, without the consent of the other practitioner, and such discussion should be held only

in the presence of the other practitioner unless they consent otherwise. In any event, natural justice demands that, generally, there should not be unilateral communications with the Court or Authority.

- (8) Disparaging or derogatory remarks or comments are not to be made in the course of hearings before the Court or the Authority or Mediation Services about another practitioner.
- (9) The practitioner is to adhere to any directions that the Court, Authority or Mediation Services requests of them (including but not limited to non-publication, timetabling, etc.) unless leave is sought in advance or by way of other exceptional circumstances.

7.02 Rule

A practitioner must exercise care in the court and in the Authority about naming persons not involved in the proceeding and must refrain particularly from making scandalous or unnecessary allegations against such persons.

Commentary

- (1) If it is necessary to name a person in a way that, if published, might damage that person's reputation or character, the court or the Authority should be asked to receive the name and information confidentially in writing or 'in chambers'.
- (2) A practitioner must also bear in mind the power of the court and the Authority to prohibit publication of a particular part of evidence given in a case where potentially damaging evidence has been given without there having been a prior application to receive it in confidence.
- (3) This rule applies equally both in hearings during the course of proceedings and 'out of court' by inclusion of statements in documents which are to be filed in the court or the Authority.
- (4) A practitioner should not be a party to the ruling of a pleading or other court or Authority document containing an allegation of fraud, dishonesty, undue influence, duress or other reprehensible conduct unless the practitioner has first satisfied themselves that such allegation can be properly justified on the facts of the case. For a practitioner to allow such an allegation to be made without the fullest investigation could be an abuse of the protection which the law affords to the practitioner in the drawing and filing of pleadings and other court and Authority documents. Practitioners should also bear in mind that costs can be awarded against a

practitioner for unfounded allegations of fraud.

- (5) If necessary, a practitioner must test the instructions which have been given, by independent inquiry, before making such allegations.

7.03 Rule

No practitioner engaged in a proceeding has the sole right to call or discuss the case with a witness.

Commentary

- (1) If an expert witness has, to a practitioner's knowledge, been retained by the other party, the practitioner should not, without the consent of the practitioner acting for the other party, approach the expert witness. To do so could possibly read the expert witness into a breach of fiduciary duty.
- (2) Subject to commentary (1) above, it is permissible for a practitioner acting for one party to interview a witness or prospective witness at any stage prior to the hearing whether or not that witness has been interviewed by the practitioner acting for the other party or called as a witness.
- (3) A practitioner who calls a witness at a hearing may discuss matters with the witness at any stage up to the commencement of cross-examination. If discussion with the witness is sought during the course of cross-examination or re-examination, this can only be permitted with the consent for good reason) of the presiding Judge or Employment Authority Member and opposing counsel. This applies even during adjournments of the hearing.

7.04 Rule

A practitioner must not act as a representative or counsel and as a witness in the same matter.

Commentary

- (1) If there is any reason for a practitioner to think that they may be required as a witness in a matter, the practitioner should decline to act as a representative at the hearing.
- (2) The same principle applies to making an affidavit in a contentious matter where the practitioner is involved in the proceedings as a representative of a party.

- (3) If having started to appear in the proceedings as a representative of a party, the practitioner finds it necessary to make an affidavit in respect of the matter concerned; then the practitioner must immediately retire from the position of representative unless the Court or Authority, in the particular circumstances directs that it is still appropriate for the practitioner to continue to act.
- (4) Even where an affidavit might appear to be in respect of a formal or non-contentious fact, it is prudent for the practitioner to have it made and sworn by some other person.
- (5) Where a practitioner, having already accepted instructions to act as a representative or a party, becomes aware that a partner or employee of the practitioner might be called as a witness for the client, the practitioner must exercise care and professional judgement in deciding whether or not to continue to act in the matter.

7.05 Rule

A practitioner appearing for a party shall not seek or agree to a consent order or settlement without the client's Authority, preferably to be obtained in writing.

Commentary

- (1) Where a practitioner appearing for a party informs the Court or the Authority that they consent to an order on behalf of the party, the Court or Authority and the representatives of other parties are entitled to rely on that information.
- (2) The rule applies whether
 - (i) the client is present and makes no demur; or
 - (ii) the client is absent.

ANNEX 1

Professional Development

Practitioners are expected to undertake and maintain a minimum of five (5) hours per month of Continuing Professional Development (CPD) which may include but is not limited to:

- (a) reading case law and other employment law publications;
- (b) attending relevant courses, seminars, roadshows and conferences;
- (c) attending observer opportunities (e.g. Authority, Mediation, Court).

ANNEX 2

Enforcement procedures and sanctions for infringements.

For the purposes of this Annexure "professional misconduct" means:

- (a) conviction of a criminal offence for which the member is liable (including but not limited to fraud, dishonesty, etc.) or any other offences of a serious nature;
- (b) conduct that members would reasonably regard in good standing as disgraceful or dishonourable or that may bring the Institute or the legal or advocacy professions into disrepute;
- (c) infringement of the Code of Conduct;
- (d) adjudication as bankrupt;
- (e) Removal from another professional association.

All matters of professional misconduct or infringement of the Code of Conduct shall be dealt with as follows.

1. Any complaint against a member shall be referred by the Secretary to the Executive Committee, who, if satisfied that further action is warranted, shall refer it to a subcommittee of the Executive that they form for the purpose - consisting of three Executive members, including a Chair nominated by the President.
2. That subcommittee shall inquire into the complaint, give the member complained about an opportunity to be heard in accordance with the principles of natural justice, and report to the Executive with findings based on a balance of probabilities.
 - a. During an investigation, the Executive has the right to suspend membership in the interim.
3. The Executive may:
 - (a) Decide to resolve the matter between the complainant and the member informally;
 - (b) lay a charge of professional misconduct or infringement of the Code of Conduct; or
 - (c) direct that the parties explore the possibility of resolving the complaint by negotiation, conciliation or mediation; or
 - (d) decide to take no action on the complaint.
 - (e) Refer the matter to a subcommittee.
 - (f) Or other appropriate steps, including but not limited to mentoring, reporting requirements, and/or to undergo further professional development/training.

4. If the Executive lays a charge of professional misconduct or infringement of the Code of Conduct against a member, the Secretary shall forthwith:
 - (a) advise the member in writing of the charge with particulars;
 - (b) provide the member with copies of all documents and material relevant to the charge;
 - (c) give the member not less than one month's notice of the date, time and place of the Executive meeting at which the charge will be heard;
 - (d) invite the member to provide the Executive with evidence and/or submissions at least one week before the hearing.
5. The Executive shall provide the member with a full opportunity to be heard at the hearing. They have the right to be represented by counsel or advocate.
6. If the Executive directs that the parties explore the possibility of resolution of the complaint, a member of the Executive will:
 - (a) advise the parties accordingly and inform them if a resolution is not achieved within a notified time, then the matter will again be considered by the Executive on notice to the parties;
 - (b) if a resolution is not achieved within the notified time, notify the parties of the date, time and place when the Executive will reconsider the matter.
7. On such reconsideration, the Executive may decide to do either 3(a) through 3(f) above.
8. If the Executive decides that a member has engaged in professional misconduct or infringed the Code of Conduct, it may impose one or more of the following:
 - (c) a censure or reprimand;
 - (d) order the member to apologise to the complainant;
 - (e) order the member to reduce or refund fees to the complainant;
 - (f) order the member to take advice in relation to the management of their practice;
 - (g) order the member to undergo practical training or education;
 - (h) order the member to pay the Institute a fine not exceeding \$3000;
 - (i) order the member to pay costs to the Institute not exceeding \$3000;
 - (j) expel the member from membership of the Institute.

9. The decision is final. There shall be no right of appeal within the Institute from any such order.

10. The Executive shall decide whether or not to notify the collective membership of any such orders.