

BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL

NZTDT 2023/25

KEI RARO I TE MANA O
Under

the Education Act 1989 (**the Act**)

I TE TAKE O
In the Matter of

a conviction and a charge referred by
the Complaints Assessment
Committee to the New Zealand
Teachers Disciplinary Tribunal

KO
Between

**COMPLAINTS ASSESSMENT
COMMITTEE**

Kaiwhiu | Prosecutor/Referrer

ME
And

AMANDA-JANE YOUNG
(Registration 228142)

Kaiurupare | Respondent

TE WHAKATAUNGA Ā TE TARAIPUNARA
DECISION ON PENALTY, LIABILITY, AND COSTS.

Dated 18 April 2024

NOHOANGA: 25 October 2023 on the papers via Teams
Hearing

TE TARAIPUNARA: Ian Murray (Tiamana Tuarua)
The Tribunal Simon Walker raua ko Louise Arndt (Ngā mema o te
Taraipunara)

NGĀ ROIA ME NGĀ

KAIABWHINA: M A Shaw / N B Murden for Complaints Assessment Committee
Representation The Respondent is self represented

Hei timatanga kōrero – Introduction

1. The Complaints Assessment Committee (CAC) has referred to the Tribunal both convictions incurred by the respondent and also a charge of serious misconduct and/or conduct otherwise entitling the Tribunal to exercise its powers. The particulars of the charge are that:

“The CAC charges that on Saturday 1 May 2021, AMANDA JANE YOUNG, registered teacher of AUCKLAND was under the influence of alcohol when she drove to and arrived at Rosebank School, for the purpose of chaperoning Rosebank School students to a school event in the community.

The conduct described in paragraph 5 separately or cumulatively, amounts to serious misconduct pursuant to section 10 of the Education and Training Act 2020 and any or all of rule 9(1)(h) and (k) of the Teaching Council Rules 2016 or alternatively amounts to conduct which otherwise entitles the Disciplinary Tribunal to exercise its powers pursuant to section 500 of the Education and Training Act 2020.”

2. The CAC contends that the Tribunal should find that this conduct amounts to serious misconduct and/or make an adverse finding against the respondent on the basis of her recent convictions.

Whakarāpopoto o te whakataunga – Summary of decision

3. We concluded that the charge was established. We also make an adverse finding on the basis of her convictions for driving with excess breath alcohol and careless driving and that her conduct amounts to serious misconduct.
4. We censured the respondent, annotated the register with the decision for 5 years and imposed conditions as follows:
 - a. that she must not resume teaching until she provides to the Council a report from her doctor or registered psychologist that she is fit to return to teach,
 - b. she must provide to the Council a health and relapse prevention plan,
 - c. she is to engage with a mentor in her school for a period of one year,

- d. she must undergo random drug and alcohol tests as required by any employer, and
 - e. that she must disclose the Tribunal's decision in this matter to her employer, in the education sector and any subsequent within 5 years.
5. We ordered the respondent to pay 40% of the CAC and Tribunal's costs.

Ko te hātepe ture o tono nei – Procedural History

- 6. The conduct involved in this case occurred in May 2021. The school made the mandatory report to the Teachers Council after the respondent resigned on 9 August 2021 (after she was on a period of sick leave). The respondent was convicted and sentenced in the Waitakere District Court on 27 October 2021. Ms Young did not disclose these convictions as she was required to do.
- 7. The mandatory report was referred to the CAC. Finally on 1 August 2022, Ms Young disclosed the convictions to the Teaching Council during the CAC investigation.
- 8. The charge was filed on 13 February 2023. A teleconference was convened on 21 July 2023 and at that conference the matter was set down as a hearing on the papers on 24 October 2023.

Kōrero Taunaki - Evidence

- 9. Before the hearing the parties conferred and submitted an Agreed Summary of Facts (**ASF**), signed by the respondent and counsel for the CAC. The ASF is set out in full below:

“Background

- 1. The respondent, **AMANDA JANE YOUNG**, first became a fully registered teacher in May 2003. Ms Young's practising certificate expired on 30 May 2022.
- 2. Ms Young was employed as a teacher at Rosebank School (the School) for about four years (Rosebank School is situated in Auckland and has students from years 1 to 6). Following the incident on 1 May 2021, Ms Young went on extended sick leave.

On 3 November 2021, she told the Teaching Council of Aotearoa New Zealand (the Teaching Council) that she had 'resigned from teaching' and would not apply to renew her practising certificate when it expired on 30 May 2022.

Mandatory report: Intoxication at school

3. On Saturday, 1 May 2021, Ms Young arrived at the School to attend and chaperone students to a rugby game at Eden Park. She was heavily intoxicated and unable to fulfil her role for the night.
4. Seventeen students were going to be attending the trip. Ms Young and deputy principal, Kelly Fitzjames, were the teachers attending the trip and, therefore, the student to teacher ratio was about one to eight. Ms Fitzjames' partner and parent helper, Larnia Paikea, was also attending the trip as chaperone.
5. At about 4.40 pm on 1 May 2021, Ms Young drove to the School and, upon arrival, stumbled across the car park and sat down on a brick ledge. She did not acknowledge or make eye contact with Ms Fitzjames who had also just arrived at the School.
6. Ms Fitzjames got out of her car and greeted Ms Young. Ms Young had her eyes closed. She was asked by Ms Fitzjames how she was feeling and responded 'I'm ok'. Her speech was slurred and she smelt like alcohol. Ms Young became visibly upset. Ms Paikea also came over and comforted Ms Young.
7. Ms Fitzjames asked Ms Young whether she had been drinking. Ms Young responded that she had only had a couple but not to tell Mr Pirihi. She said she was still 'ok' to do the job. Ms Fitzjames told her that she could not attend the trip around children in her current state. Ms Young got upset again. Ms Fitzjames asked her how she had got to school and she responded that she had driven. Ms Fitzjames told her that she would need to go home and that Ms Fitzjames would order her an Uber as she could not drive. Ms Young refused to get an Uber.
8. As students started to arrive at the School, Ms Paikea walked Ms

Young back to her car which was parked a distance away from the School. Ms Young could not walk properly and Ms Paikea had to hold her. As they walked out of the School, parents and students were walking into the School saw the two of them. When they arrived at Ms Young's car, Ms Young drove herself home.

9. Ms Fitzjames and Ms Paikea reported the incident to Mr Pirihi.
10. The School placed its investigation of the conduct on hold as Ms Young subsequently went on extended sick leave.
11. On 9 August 2021, Ms Young resigned from the School and Mr Pirihi made a mandatory report to the Teaching Council in respect of this conduct.

Convictions

12. At about 9.01pm on 21 May 2021, Ms Young was driving, swerved across the road and crashed into a parked car. She drove off and was later stopped by Police. Ms Young's breath alcohol level was 1301 micrograms of alcohol per litre of breath. She told Police that she had consumed one bottle of wine prior to driving and she did not realise that she hit anything.
13. On 27 October 2021, Ms Young appeared in the Waitakere District Court in relation to two charges relating to this offending: driving with excessive breath alcohol (3rd or subsequent) and careless driving.
14. Ms Young pleaded guilty to both charges. On the excess breath alcohol charge, she was convicted and sentenced to intensive supervision for one year and six months, disqualified from driving for 28 days and an alcohol interlock sentence was imposed. On the careless driving charge, she was convicted and discharged.
15. Ms Young was required to self-report the convictions within seven days of conviction to the Teaching Council pursuant to section 493(1) of the Education and Training Act 2020. She did not comply with this obligation.
16. On 16 August 2022, Ms Young disclosed these convictions to the Teaching Council during the CAC investigation into the matters raised in Mr Pirihi's mandatory report.

17. On 23 September 2022, the Teaching Council's Triage Committee referred Ms Young's convictions outlined at paragraph 14 to the Complaints Assessment Committee (the **CAC**).

Relevant previous convictions and Teaching Council history

18. On 24 April 2008, Ms Young was convicted for driving with an excess breath alcohol level of 705 milligrams/litre of breath in the Waitakere District Court. She was fined \$400.00 and disqualified from driving for six months.
19. The CAC considered this conviction on 17 February 2010 and resolved to take no further action. However, the CAC reminded Ms Young's obligation to report convictions and expressed concern that she had not self-disclosed her conviction as required by section 139AP of the Education Act 1989.
20. On 6 December 2010, Ms Young was convicted for driving with an excess breath alcohol level of 1018 milligrams/litre of breath in the Waitakere District Court. She was fined \$1,500.00 and disqualified from driving indefinitely. She did not self-report this conviction to the Teaching Council at the time.
21. On 28 April 2014, Ms Young was convicted for driving with an excess blood alcohol level of 1,271 micrograms of alcohol per litre of blood (3rd or subsequent) in the Waitakere District Court. She was also convicted of willful trespass. She was sentenced to four months community detention, 80 hours community work and disqualified from driving for a period of 12 months with a zero-alcohol limit for three years.
22. On 21 August 2014, the CAC considered Ms Young's latest convictions in the context of the previous conviction considered by the CAC in February 2010. The CAC resolved not to refer the matter to the New Zealand Teachers Disciplinary Tribunal (the Tribunal). Instead, with Ms Young's agreement the CAC censured her, annotated the register and imposed conditions.
23. On 5 September 2014, Ms Young agreed to the following conditions on her practising certificate for a period of two years:

- a. To continue counselling through Community Alcohol and Drug Services (**CADS**) with such a frequency as the service recommends;
 - b. To continue to attend AA meetings with a frequency that is considered appropriate by CADS;
 - c. To continue to regularly see her general practitioner at intervals of no less than three months so that her depression can be monitored with a view to being able to reduce the use of antidepressants;
 - d. To abstain from drinking alcohol;
 - e. To undergo random drug and alcohol tests as required by the delegate of the CAC;
 - f. To show a copy of the decision of the CAC to her present employer and any employer at any other learning centre at which she is employed for more than 20 half days.
24. The register was also annotated to reflect that Ms Young was subjected to these conditions.
25. To the CAC's knowledge, Ms Young complied with these conditions and on 29 November 2016 the Teaching Council notified her that she was released from these conditions and that the annotation had been removed.

Teacher's response and rehabilitative efforts

26. During the CAC investigation, Ms Young underwent the voluntary impairment process, and the CAC was provided with a copy of the impairment report dated 4 May 2022.
27. The report writer, Dr Lynn McBain, reported that Ms Young suffers from long-term alcohol dependence. She noted that Ms Young had experienced a number of relapses resulting in convictions in the past and, on this occasion, a mandatory report. The report writer assessed that Ms Young was likely to have future relapses and recommended that if she was to return to teaching the conditions previously imposed by the CAC should be reimposed.

28. The Teaching Council invited Ms Young's response to the mandatory report. On 3 November 2021, Ms Young advised:
- a. She acknowledged the severity of the incident and was deeply ashamed of her behaviour;
 - b. In an effort to address the issue of alcohol in her life she has since resigned from teaching and has undertaken significant remedial steps including:
 - i. Undertaken 'Taking Action' and 'Mood Management' courses;
 - ii. Attending regular online AA meetings;
 - iii. Regularly meeting with a CADS counsellor;
 - iv. Regular contact and support from her sponsor.
29. The Teaching Council invited Ms Young's response to the impairment report. On 5 May 2022, Ms Young advised:
- a. She had not consumed alcohol since she was diagnosed with Bi Lateral Pulmonary Emboli on 26 May 2021 (a condition in which one or more arteries in the lungs become blocked by a blood clot).
 - b. She found the suggestion from the report writer that she would likely relapse again in the future negative and she was doing everything possible to maintain lifelong sobriety.
 - c. She had completed the second stage 'Making Change Happen' of the CADS abstinence course.
30. On 1 August 2022 she emailed the Teaching Council and disclosed the convictions outlined at paragraph 14 above. She explained that she was charged with this offending about a week after the incident at the School to which the mandatory report related. She described herself as 'hitting rock bottom' and all these events have been a catalyst for her finally getting the appropriate help and support.
31. The Teaching Council invited Ms Young's response to the Teaching Council Investigator's report. On 31 October 2022, Ms Young advised that she was physically and mentally in the best condition she has been in for a long time and would be attending the CAC hearing.

32. Ms Young attended the CAC hearing on 2 March 2023 with a support person.
33. At the CAC meeting, Ms Young told the CAC that at the time of the incident at the School she had recently relapsed. She knew she should not have gone to the School but her judgement was impaired and she did not want to let the children down. She admitted to consuming alcohol earlier that morning and arriving at the School under the influence of alcohol but stated that she did not realise how intoxicated she was. She told the CAC that Mr Pirihi was aware of her alcohol dependency.
34. Furthermore, she told the CAC that she missed teaching and wanted to return to teaching when she is well. She acknowledged that she would need to remain in recovery in order to teach again. In addition, she reiterated her apologies for the impact her actions have had on the teaching profession.
35. Ms Young's support person told the CAC that she was doing well in her recovery and had reached one year sobriety.
36. In relation to Ms Young's failure to self-report her most recent convictions she told the CAC that she had resigned herself to the fact that she would never teach again, and therefore did not report the convictions at the time."

10. We must be satisfied on the balance of probabilities that the CAC has proved the particulars of the charge. In this case, the admissions made by the respondent provide an adequate basis to establish the particulars of the charge. Accordingly, we find that the particulars are established.

11. We need to separately consider the different parts of the charge, Firstly we look at the convictions to decide whether to make an adverse finding and then the mandatory report allegation to decide if they amount to serious misconduct.

Adverse finding

12. We begin by assessing the convictions. In such cases, we are not required to make a finding of serious misconduct, but simply have to make an adverse finding against the teacher before we are able to exercise our disciplinary powers. Before we can make an adverse finding, we need to be satisfied that the conduct reflects

adversely on the respondent's fitness to be a teacher.¹

13. While we are not required to make a formal finding of serious misconduct, the threshold for making such a finding will help inform our decision as to whether to make the adverse finding. In assessing whether a teacher's fitness to teach has been affected, the Tribunal has previously considered:¹⁷

...whether the teacher's conduct departs from the standards expected of a teacher. Those standards might include pedagogical, professional, ethical and legal. The departure from those standards might be viewed with disapproval by a teacher's peers or by the community.

14. Serious misconduct is defined in section 10 of the Act as:

serious misconduct means conduct by a teacher—

- (a) that—
 - (i) adversely affects, or is likely to adversely affect, the well-being or learning of 1 or more students; or
 - (ii) reflects adversely on the teacher's fitness to be a teacher; or
 - (iii) may bring the teaching profession into disrepute; and
- (b) that is of a character or severity that meets the Teaching Council's criteria for reporting serious misconduct.

15. In this case the relevant reporting rules alleged to be engaged:

- (j) an act or omission that may be the subject of a prosecution for an offence punishable by imprisonment for a term of 3 months or more;
- (k) an act or omission that brings, or is likely to bring, the teaching profession into disrepute.

Ngā Kōrero a te Kōmiti – CAC Submissions

16. The CAC noted the threshold for concluding it was proper to make an adverse finding. The CAC also referred to previous cases of teachers with excess breath alcohol convictions, noting that in those cases adverse findings had been made.

Ngā kōrero a te Kaiurupare – Respondent's submissions.

¹ *Complaints Assessment Committee v S*, Auckland DC, CIV 2008 004001547, 4 December 2008, Sharp J, at [47].

17. The respondent accepted responsibility for her behaviour without formally conceding that we could make an adverse finding, nor did she argue that it should not.

Kōrerorero – Discussion

18. In order to decide whether to make an adverse finding we will assess the behaviour against the test for serious misconduct in s 10 and the reporting criteria in rule 9 (the serious misconduct yardstick).
19. As the behaviour occurred outside the classroom and had no impact on students, we do not need to consider the first criteria.
20. Turning to the effect of the behaviour on the respondent's fitness to be a teacher, we ultimately concluded that this adversely affected the respondent's fitness to be a teacher. This is her fourth drunk driving conviction and her level was relatively high and also involved driving fault which is not behaviour befitting a teaching professional.
21. Turning to the impact of the convictions on the reputation of the teaching profession generally, the test for deciding whether a teacher's actions are likely to bring the teaching profession into disrepute is set out by the Court in *Collie v Nursing Council of New Zealand*.² It is an objective test and requires consideration of whether reasonable members of the public informed of the facts and circumstances, could reasonably conclude that the reputation and good standing of the profession is lowered by the respondent's actions.
22. We consider that that type of behaviour undoubtedly has the tendency to bring the teaching profession into disrepute. Members of the public can rightly expect that teachers will comply with the law and repeat drunk driving even without any connection to a school environment in our view has the necessary tendency to tarnish the teaching profession.
23. Turning to the reporting rules, we have already concluded that this behaviour had the tendency to bring the profession into disrepute. Also, the offence was clearly within the threshold of the type of offence contemplated in the reporting rules so

² *Collie v Nursing Council of New Zealand* [2001] NZAR 74.

that criteria is also engaged.

24. So, for all these reasons we conclude that the serious misconduct yardstick is made out, and that this is an appropriate case to make an adverse finding against the respondent.

Serious misconduct

25. Having found the particulars of the charge established we need to turn to consider whether the proven behaviour amounts to serious misconduct.

26. Serious misconduct is defined in section 10 of the Act as:

serious misconduct means conduct by a teacher—

- (a) that—
 - (i) adversely affects, or is likely to adversely affect, the well-being or learning of 1 or more students; or
 - (ii) reflects adversely on the teacher's fitness to be a teacher; or
- (iii) may bring the teaching profession into disrepute; and
- (b) that is of a character or severity that meets the Teaching Council's criteria for reporting serious misconduct.

27. In this case the relevant reporting rules alleged to be engaged:

- (i) an act or omission that brings, or is likely to bring, the teaching profession into disrepute.

Ngā Kōrero a te Kōmiti – CAC Submissions

28. The CAC argued that the behaviour meets all three parts of the statutory test for serious misconduct. Given this was a school trip and she was affected by alcohol when she was meant to be chaperoning the trip, there was a clear likelihood that she could adversely affect the wellbeing of the seventeen primary aged school children who were on the trip. Her behaviour when she was meant to supervise them had the risk of harming them or prejudicing their safety and her ability to protect them from harm.
29. The CAC also argued that the behaviour fell well short of the expectations of a teacher and reflected poorly on the respondent. She was meant to be a positive role model for the students and members of the public would rightly expect her to

demonstrate a high standard of professional behaviour and integrity in such circumstances, which she clearly did not.

30. Further, the CAC argued that the test for bringing the teaching profession into disrepute is clearly made out as this was a serious breach of the Code of Professional Responsibility and the respondent being responsible for a group of learners while impaired on alcohol clearly had the tendency to bring the teaching profession into disrepute.
31. As a result, the CAC argued this was a case of serious misconduct.

Ngā kōrero a te Kaiurupare – Respondent's submissions.

32. The respondent did not dispute that the conduct amounts to serious misconduct.

Kōrerorero – Discussion

33. We can deal with this aspect of the case relatively quickly. Clearly, this met all of the criteria for serious misconduct. An intoxicated teacher in charge of children clearly has a risk to their wellbeing. That is self-evident. Equally self-evidently such conduct adversely reflects on her fitness to be a teacher as it was such a serious breach of her teaching responsibilities. Further, we consider it is clear that an intoxicated teacher being in charge of children on a school trip has the tendency to generally bring the teaching profession down in the eyes of reasonable members of the public.
34. For all of those reasons, we find this conduct amounts to serious misconduct.

Whiu – Penalty

35. Turning to consider the appropriate penalty, the Tribunal summarised the role of disciplinary proceedings against teachers in *CAC v McMillan*,³ as:

“... to maintain standards so that the public is protected from poor practice and from people unfit to teach. This is done by holding teachers to account, imposing rehabilitative penalties where appropriate, and removing them from the teaching environment when required. This process informs the public and the profession of the standards which teachers are expected to meet, and the consequences of failure to do so when the departure from expected standards is such that a finding of misconduct or serious misconduct is made. Not only

³ *CAC v McMillan* NZTDT 2016/52, 23 January 2017, at [23].

do the public and profession know what is expected of teachers, but the status of the profession is preserved."

36. Our powers on finding serious misconduct are contained in section 500 of the Act:

- (a) any of the things that the Complaints Assessment Committee could have done under section 497(2):
- (b) censure the teacher:
- (c) impose conditions on the teacher's practising certificate or authority for a specified period:
- (d) suspend the teacher's practising certificate or authority for a specified period, or until specified conditions are met:
- (e) annotate the register or the list of authorised persons in a specified manner:
- (f) impose a fine on the teacher not exceeding \$3,000:
- (g) order that the teacher's registration or authority or practising certificate be cancelled:
- (h) require any party to the hearing to pay costs to any other party:
- (i) require any party to pay a sum to the Teaching Council in respect of the costs of conducting the hearing:
- (j) direct the Teaching Council to impose conditions on any subsequent practising certificate issued to the teacher.

Ngā Kōrero a te Kōmiti – CAC Submissions

37. The CAC identified a number of aggravating features:

- (a) This was the respondent's fourth conviction for driving with excess breath alcohol;
- (b) Although there was no impact on the students' behaviour, that was only because Ms Young was so intoxicated that other teachers intervened to get her to go home.

38. The CAC also identified mitigating features:

- (a) The respondent was remorseful and showed insight into her conduct;
- (b) The respondent has taken significant rehabilitative steps with the goal of maintaining lifelong sobriety;
- (c) As part of the CAC's investigation an impairment report was prepared which noted that the respondent was suffering from an impairment at the time of the behaviour, being alcohol dependence and problem drinking. The report noted that this alcohol dependence could be managed successfully with ongoing support and vigilance and recommended conditions be imposed on her practising certificate to assist her with rehabilitation.

39. The CAC compared this conduct with other similar cases and recommended the following penalty:

- (a) Censure;
- (b) Annotation of her registration for a period of two years;
- (c) Conditions be imposed on her practising certificate.

Ngā kōrero a te Kaiurupare – Respondent's submissions.

40. The respondent provided a letter outlining her struggles with addiction including a near fatal experience. She noted that she was now in the early stages of recovery and was taking responsibility for her behaviour. She spoke of her shame and guilt and accepted that she was an alcoholic and could not ever drink again.

41. She attached a number of certificates demonstrating the work she had done to rehabilitate herself and to manage her alcohol addiction. She noted how important teaching was to her life.

42. Ms Young also appeared in person by AVL to reinforce her shame and remorse and also to reinforce the steps she has taken to attempt to conquer her addiction. We were impressed by her honesty and courage in fronting up.

Kōrerorero – Discussion

43. Having heard from Ms Young it was clear to us that she is intelligent and capable but that her life has been blighted by alcohol. We hope that she has reached a crossroad and is willing and able to eliminate alcohol from her life.

44. There is no doubt that Ms Young's continued drink driving and her significant error in judgement in turning up to a school event intoxicated, has put her future in the teaching profession in jeopardy. That was made clear in the decision of *Fuli-Makaua*⁴ which considered the approach to teachers who had been convicted of alcohol impaired driving offences.

45. In this case, however, we can step back from cancellation of her registration because of the strong steps she has taken to attempt to rehabilitate herself. She is in the early stages of recovery from her alcohol addiction but has made some very

⁴ CAC v *Fuli-Makaua* NZTDT 2017/40.

positive steps on that course.

46. However, we agree with the CAC that she needs to demonstrate that she is fit and capable of teaching before she will be allowed back teaching children.

47. Accordingly, we impose the following penalty on her:

- a. censure,
- b. annotation of the register with the decision for 5 years and
- c. conditions:
 - i. that she must not resume teaching until she provides to the Council a report from her doctor or registered psychologist that she is fit to return to teach,
 - ii. she must provide to the Council a health and relapse prevention plan which identifies her stressors and strategies for managing these.,
 - iii. After resuming teaching she is to engage with a mentor in her school for a period of one year, the mentor to be agreed by the Teaching Council. The mentor must be aware of: this Tribunal decision; her background; and the health and relapse plan as prepared above. The mentor must report back to the Council on Ms Young's engagement with the mentoring every six months,
 - iv. she must undergo random drug and alcohol tests as required by any employer, and
 - v. she must disclose the Tribunal's decision in this matter to her employer, in the education sector and any subsequent within 5 years.

48. **Utu Whakaea – Costs**

49. The CAC sought a contribution of 40% of its costs under s 404(1)(h). The respondent does not make any submissions on costs.

50. The Tribunal has previously indicated that costs of 40% will ordinarily be appropriate in cases determined on the papers. We see no reason to depart from

our usual approach.

51. Therefore, the Tribunal orders the respondent to pay 40% of the CAC's actual and reasonable costs under s 404(1)(h) and the Tribunal's costs under s 404(1)(i).
52. The CAC's costs were \$ 6,933.04. The 40% contribution to those fees is \$2,773.22. The Tribunal's costs are \$1,455.00 and the 40% contribution to those fees is \$582.00. Accordingly, we order costs against the respondent in those sums.



Ian Murray
Deputy Chair