

BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL

NZTDT 2023/09

**KEI RARO I TE MANA O**  
*Under*

of the Education Act 1989 (the Act)

**I TE TAKE O**  
*In the Matter of*

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

**KO**  
*Between*

**COMPLAINTS ASSESSMENT  
COMMITTEE**

*Kaiwhiu | Prosecutor/Referrer*

**ME**  
*And*

[REDACTED]  
(Registration [REDACTED])

*Kaiurupare | Respondent*

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

Dated 8 November 2023

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**NOHOANGA:** 28 September 2023 on the papers via Teams  
*Hearing*

**TE TARAIPUNARA:** Ian Murray (Tiamana Tuarua)  
**The Tribunal** Rose McInerney raua ko Gael Ashworth (Ngā mema o te  
Taraipunara)

**NGĀ ROIA ME NGĀ**

**KAIAWHINA:** E Mok for Complaints Assessment Committee  
*Representation* J Martin for the Respondent

**Hei timatanga kōrero – Introduction**

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

TAKE NOTICE that a Complaints Assessment Committee (the CAC) has determined that in accordance with section 497 of the Education and Training Act 2020:

- (a) Information received from the mandatory report provided by [REDACTED] about the conduct of [REDACTED] [REDACTED] should be considered by the New Zealand Teachers Disciplinary Tribunal (the Disciplinary Tribunal).
- (b) The CAC charges that the teacher has engaged in serious misconduct and/or conduct otherwise entitling the Disciplinary Tribunal to exercise its powers.

**Particulars of the Charge**

1. The CAC charges that [REDACTED], registered teacher, of Christchurch, on 16 December 2018:
  - a. Engaged in inappropriate behaviour towards Student A (aged [REDACTED]) including:
    - i. Hugging Student A;
    - ii. Kissing Student A on the cheek; and
    - iii. Telling Student A he “loved her like a daughter”.
2. The conduct alleged in paragraph 1, and its subparagraphs, 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)(e) and/or (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 charge filed by the CAC refers to the Education and Training Act 2020 but, in their submissions, they acknowledged that the historical nature of the charge mean that the charge needs to be determined under the Education Act 1989. We will consider the case under that Act.
3. The CAC contends that the Tribunal should find that this conduct amounts to serious misconduct.

#### **Whakarāpopoto o te whakataunga – Summary of decision**

4. We concluded that the charge was established, and the conduct amounted to serious misconduct. We imposed censured the respondent, annotated the register with the decision for two years and imposed a condition that the respondent notify any future employer of the decision for two years. We ordered the respondent to pay 40% of the costs and also granted final name suppression for him, his wife and her medical condition and the school.

#### **Ko te hātepe ture o tono nei – Procedural History**

5. The conduct involved in this case is historical, occurring in 2018. The complainant notified the school approximately 18 months after the tramp, and the school made the mandatory report to the Teachers Council. The matter was referred to the CAC and a charge was filed on 22 February 2023. A teleconference was convened on 16 June 2023 when the matter was set down as a hearing on the paper, initially on 11 September 2023 but ultimately it took place on 28 September 2023.

#### **Kōrero Taunaki - Evidence**

6. 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:

**SUMMARY**  
**OF FACTS**

**Background**

1. The respondent, [REDACTED] (Mr [REDACTED]), is a fully registered teacher, with a practising certificate valid until November 2024. He was first registered as a teacher in October 1994.
2. At all material times, Mr [REDACTED] worked as a teacher at [REDACTED] [REDACTED], a [REDACTED] secondary school located in [REDACTED], Christchurch [REDACTED].
3. As of the date of this summary of facts, [REDACTED] is working in the teaching profession and remains employed at [REDACTED].

**Engaged in inappropriate behaviour towards a young person**

4. In 2018, Mr [REDACTED] was working as a science teacher at [REDACTED]. Student A, a [REDACTED]-year-old student, was in Mr [REDACTED] year [REDACTED] science class in 2018.
5. In addition to teaching science, Mr [REDACTED] owned [REDACTED]  
[REDACTED]  
[REDACTED]
6. Between 14 and 16 December 2018, Student A participated in a tramp at the [REDACTED] to achieve her silver award for DoE. This tramp was facilitated by [REDACTED]. There were six people on the tramp in total, four students, and two instructors. Mr [REDACTED] who was one of the instructors.
7. Student A chose [REDACTED] as the provider for her DoE award because of her relationship with Mr [REDACTED] as a teacher at [REDACTED]
8. The first two days of the tramp went well and there were no issues.

9. On the last day of the tramp, 16 December 2018, Mr [REDACTED] woke up with a migraine. The group was spread out and walking on the riverbed. Student A and her friend fell behind the group on the open riverbed. They blew their whistles to signal the group to wait for them. The group did not hear the whistles but eventually stopped and Student A and her friend caught up. When they caught up with the group, Mr [REDACTED] yelled at Student A and her friend and told them off for being behind. The group then kept walking.
10. A few hours later, Mr [REDACTED] asked Student A to walk at the back of the group with him. He apologised for being unnecessarily aggravated when speaking to her earlier. Mr [REDACTED] told Student A that, “[he] loved her like a daughter and [he’d] never get mad at anyone he loved”. In one quick movement, he then put one arm around Student A’s shoulder, hugging her, and kissed her briefly on the cheek (which Student A later described as being like a “greeting kiss”).
11. As Student A and Mr [REDACTED] were at the back of the group, no one else saw what happened.
12. On the car ride home from the DoE tramp, Student A told her mother about what had happened. Her mother asked whether what had happened with Mr [REDACTED] was sexual, and Student A said no, but that his actions made her feel uncomfortable. Student A also told her father who wanted her to say something. However, the incident was not reported immediately, as Student A and her parents were unsure where to report it because the DoE tramp was not a school trip and as Mr [REDACTED] owned [REDACTED]. Shortly after the trip, Student A’s father ‘liked’ Facebook a post about the trip and posted a comment, “Fabulous photo collection”.

#### **Reporting of the incident and school investigation**

13. On 10 August 2020 (approximately 18 months after the incident occurred), Student A made a complaint to [REDACTED]. She was a year 13 student at [REDACTED] at the time. [REDACTED] subsequently commenced an investigation into the complaint.

14. On 15 September 2020, [REDACTED] provided an initial investigation report to the Board of Trustees (Board) regarding Student A's complaint. It recorded that, on 7 March 2020, a meeting was held with Mr [REDACTED] regarding the complaint. At this meeting, Mr [REDACTED] said that, as the trip was in 2018, he found it difficult to recall events. He noted that he had a migraine, and he could not remember if he took medication. He acknowledged that he would have been curt but denied yelling at Student A. He said he did not recall hugging Student A and this would have been difficult as he was wearing both a front pack and a backpack. He denied kissing Student A on the cheek.
15. On 30 November 2020, Mr [REDACTED] responded to the initial investigation report. He explained that he did not remember the incident happening as Student A had described. He remembered Student A and her friend being behind the group and being frustrated by their decision-making that day. He remembered being short with Student A that day but had no recollection of hugging her, kissing her or telling her that he loved her like a daughter.
16. Mr [REDACTED] added that he was willing to offer a genuine and heartfelt apology for any discomfort he had caused Student A, as this was never intended.
17. On 18 December 2020, [REDACTED] final investigation report was completed and provided to the Board. A disciplinary meeting was then held with Mr [REDACTED] on 10 March 2021. The outcome of the school investigation was that Mr [REDACTED] was issued a written warning on 7 April 2021.
18. On 28 March 2021, in a written response to the school investigation, Mr [REDACTED], through his representative stated:

While I am disappointed in your findings, I would like to reiterate that I have always had the best intentions towards the students and would never intentionally cause distress

and I am committed to moving forward with an improved and more positive environment.

I am eager to engage in any PLD that can be provided to improve my understanding of how students express their discomfort and ways to improve communication with students. I would like to request additional support for my classroom practice, through the use of SCT or an experienced female teacher colleague, so that I can develop a practice that is safe for students and me.

#### **Report to Teaching Council**

19. On 26 July 2021, the then Principal of [REDACTED] (Mr [REDACTED]) submitted a mandatory report to the Teaching Council | Matatū Aotearoa (Council).
20. On 21 September 2021, the Triage Committee referred the matter to a Complaints Assessment Committee (CAC) for investigation.
21. On 26 January 2023, the CAC determined to refer the matters referred to in the mandatory report to the Teachers Disciplinary Tribunal.

#### **Teacher's comments**

22. On 16 September 2021, in a written response to the mandatory report, Mr [REDACTED] representative explained that Mr [REDACTED] was unaware of the DoE incident until receiving Student A's complaint more than 18 months after the tramp. The response further noted:

[REDACTED] agrees that the behaviour described by Student A is not appropriate for a teacher. He does not believe that the event occurred as described by Student A but does not have a clear recollection of the day in question that would

enable him to refute the allegations. He has, with the help of his doctor, recently changed his migraine medication to one that does not impair his cognitive function to the same degree as the medication he was taking on the day of the river section of the DoE tramp.

[REDACTED] was wearing both a front-pack and backpack on the day which would make it almost impossible for the events to have occurred in the way described, and [REDACTED] is confident that they would have been following standard practice of being within earshot of and with being on the riverbed clearly visible to the rest of the group.

23. Mr [REDACTED] chose not to respond to the final investigation report in advance but wished to provide a further response at the CAC hearing.
24. Mr [REDACTED] attended the CAC hearing on 23 January 2023 and provided a further response through his representative. At the hearing, Mr [REDACTED], through his representative explained that he takes about 15 DoE trips a year, and that he did not remember the incident at all. He said he had a migraine on the day and was grumpy. He explained that no one else remembered anything unusual from that day. He acknowledged through his representative that a hug and a kiss is not appropriate and hope[d] that as an unusual action, it would have stood out in his memory as being unusual or disturbing.
25. Regarding the comment to Student A, that he “loved her like a daughter”, Mr [REDACTED] said he did not remember saying this specifically but acknowledged that he would say things like, if students were swept away in a river crossing, he would take action as if they were his children.

7. We must be satisfied on the balance of probabilities that the CAC has proved the particulars of the charge. In this case, the admissions in made by the respondent

provide an adequate basis to establish the particulars of the charge. Accordingly, we find that the particulars are established.

### **Serious misconduct**

8. Having found the particulars of the charge established we still need to turn to consider whether the proven behaviour amounts to serious misconduct.
9. Section 378 of the Act provides:

***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 Education Council's criteria for reporting serious misconduct.

10. The criteria for reporting serious misconduct are found in r 9 of the Rules. The CAC relies on rr 9(1)(d) and (k).

#### ***Criteria for reporting serious misconduct***

- (1) A teacher's employer must immediately report to the Education Council in accordance with section 394 of the Act if the employer has reason to believe that the teacher has committed a serious breach of the Code of Professional Responsibility, including (but not limited to) 1 or more of the following:
  - (e) breaching professional boundaries in respect of a child or young person with whom the teacher is or was in contact as a result of the teacher's position as a teacher;
  - (k) an act or omission that brings, or is likely to bring, the teaching profession into disrepute.

#### ***Ngā Kōrero a te Kōmiti – CAC Submissions***

11. The CAC argues that the criteria for serious misconduct under s 378(1)(a) of the Act are established and the reporting rules in s 378(1)(b) were also made out. Starting with the statutory limbs of the test, the CAC argued that all three of these

were established. The conduct was likely to affect both the physical and emotional wellbeing of the young person. While the actions were not sexual, the CAC argue that they still made Student A feel uncomfortable.

12. The CAC argued that engaging in physical contact with Student A was inappropriate, as were the comments made, both of which reflect adversely on the respondent's fitness to be a teacher.
13. The conduct involving students, albeit outside the classroom, nonetheless was a breach of physical and emotional boundaries and was of a nature that would generally bring the teaching profession into disrepute. In support of the argument that it was conduct capable of bringing the teaching profession into disrepute, the CAC noted the breach of ss 1.3 and 2.2 of the Code of Professional Conduct.
14. Turning to the reporting rules, the CAC argued that it was both a breach of professional boundaries and also conduct with a tendency to bring the teaching profession into disrepute so that those two reporting rules were established.

*Ngā kōrero a te Kaiurupare – Respondent's submissions.*

15. The respondent did not dispute that the conduct amounted to serious misconduct.

*Kōrerorero – Discussion*

16. While ultimately it is a matter for the Tribunal to decide whether or not conduct amounted to serious misconduct, the concession by the respondent in this case was reasonable and appropriate. We agree with the CAC that all of the alleged criteria are established. This was a significant breach of a teacher's responsibility to a student. It clearly had the ability to adversely affect the wellbeing of Student A.. It was a serious error of judgement which clearly undermined the respondent's fitness to be a teacher. Finally looked at, in all the circumstances, we consider that a reasonable member of the community, aware of all the facts of the case, would think that generally the teaching profession was lowered in the eyes of the public by this kind of behaviour. It was also clearly conduct which breached professional boundaries.

17. We were troubled by the aspect of the respondent behaviour of isolating Student A from the other people in the group before the incident occurred, however we accept that there was no underlying sexual motivation to the behaviour. In the end, we put the decision to speak to her alone probably was a result of the respondent's embarrassment at what he had done, and it was a very ill-advised attempt to try and make amends for his earlier outburst.

18. For all of those reasons, we find this conduct amounts to serious misconduct.

### **Whiu – Penalty**

19. Turning to consider the appropriate penalty, the Tribunal summarised the role of disciplinary proceedings against teachers in *CAC v McMillan*,<sup>1</sup> 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 do the public and profession know what is expected of teachers, but the status of the profession is preserved.”*

20. Our powers on finding serious misconduct are contained in section 404 of the Act:

- (a) any of the things that the Complaints Assessment Committee could have done under section 401(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.

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<sup>1</sup> *CAC v McMillan* NZTDT 2016/52, 23 January 2017, at [23].

*Ngā Kōrero a te Kōmiti – CAC Submissions*

21. With regard to penalty, the CAC argues that the appropriate penalty in this case is an order for censure, annotation of the public register for a period of two years and an order making the following conditions on the respondent's practising certificate:

- (a) That he engages in mentoring for a period of 12 months with two reports to be provided from his mentor to the Teaching Council; and
- (b) A requirement that he notify current and future employers in the teaching profession for a period of two years.

22. The CAC referred to similar cases:

- a. *CAC v Buchan*<sup>2</sup> involved a Deputy Principal putting his hands on the hips of a student who was sitting in front of him further duration of a dance performance. The conduct was found to be serious misconduct and he was censured and required to undertake professional development.
- b. *CAC v Teacher* involved a teacher who told a 16-year-old female student "I love you and I miss you" over a period of time. He made attempts at physical contact on a number of occasions involving touching the student with his leg or attempting to touch her hand in the classroom. Again, there did not appear to be a sexual aspect to the conduct. It was found to be misconduct, but not serious misconduct. It was distinguished from *Buchan* on the basis the physical contact was not intentional, and the teacher did not make any personal disclosures or private communications with the student. The teacher was censured, and conditions were imposed on his practice.
- c. *CAC v Driver-Burgess* involved a teacher admitted tickling the shoulders of four students aged 10 or 11 on one occasion and tickling another group of younger girls on a different occasion. Eventually he accepted it was a lapse of professional judgement. The Tribunal found it was not sexually motivated but made the students feel uncomfortable. The penalty was censure, annotation and conditions imposed to work with a mentor and notify future

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<sup>2</sup> *CAC v Buchan* NZTDT 2017/23, 8 February 2018

employers.

d. *CAC v Teacher A*: involved the teacher breached professional boundaries by going to an R16 movie with two 15-year-old students, knowing that they did not have permission to do that, and meeting with students at McDonalds, making inappropriate comments and contacting former students by email despite being told not to by the school. This conduct was found to be serious misconduct. The Tribunal again found no sexual element to the teacher's conduct and that it arose out of the misguided belief that she was obtaining the students' trust. The Tribunal censured the teacher, directed that the register be annotated for two years and imposed conditions on her practice being that she undertake professional development courses prior to returning to teaching and undergoing mentoring for two years as well as notifying current and prospective employers of the Tribunal's decision for two years.

23. The CAC submitted that these cases supported their proposed penalty.

*Ngā kōrero a te Kaiurupare – Respondent's submissions.*

24. With regard to penalty the respondent points to significant mitigating features that:

- a. he has accepted Student A's account,
- b. he has taken early ownership by offering to apologise to her which shows remorse,
- c. he is seeking to undertake professional development and
- d. he received a written warning from the school as well as being fully cooperative with the school and the Teaching Council processes.

25. The respondent did not challenge to CAC's proposed penalty apart from the mentoring condition. In respect to the mentoring condition, the respondent notes the time that has elapsed since the incident and the efforts he has undertaken since the misconduct.

*Kōrerorero – Discussion*

26. We see this as a relatively seriously breach of a teacher's fundamental responsibilities, but we balance that with the teacher's history of appropriate teaching practice.
27. Turning to the appropriate penalty in this case, the CAC and the respondent are on similar pages as to the appropriate penalty. We agree with the respondent's position. We do not consider, given the passage of time and the steps that the respondent has already taken to make changes to his teaching practice, that the mentoring condition is required.
28. However otherwise we consider that the CAC's proposed penalty of censure, annotation for two years and a condition that the respondent must notify current and prospective employers of this Tribunal decision for a period of two years is appropriate. Accordingly, we make orders to that effect.

**Utu Whakaea – Costs**

29. The CAC sought a contribution of 40% of its costs under s 404(1)(h). The respondent does not dispute that costs at that level are reasonable.
30. 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.
31. 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).
32. The CAC's costs were \$13,878.60. The 40% contribution to those fees is \$5,551.44. 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.

**He Rāhui tuku panui – Non-publication**

33. . The Tribunal has noted the importance of protecting the identity of the student which accords with Rule 34 of the Rules. To that end, we suppress the names of the

students who were on this tramp, particularly Student A. as well as the name of the other instructor.

34. Turning to suppression more generally, section 405(3) provides that hearings of this Tribunal are in public. This is consistent with the principle of open justice. The provision is subject to subsections (4) and (5) which allow for the whole or part of the hearing to be in private and for deliberations to be in private. Subsection (6) provides:
  - (6) *If the Disciplinary Tribunal is of the opinion that it is proper to do so, having regard to the interest of any person (including (without limitation) the privacy of the complainant (if any)) and to the public interest, it may make any 1 or more of the following orders:*
    - (a) *an order prohibiting the publication of any report or account of any part of any proceedings before it, whether held in public or in private;*
    - (b) *an order prohibiting the publication of the whole or any part of any books, papers, or documents produced at any hearing;*
    - (c) *an order prohibiting the publication of the name, or any particulars of the affairs, of the person charged or any other person.*
35. The respondent seeks suppression of both his name and also of his wife's medical conditions on the grounds that:
  - a. the potential harm that would occur to the respondent's wife's physical and mental health.
  - b. the potential harm that would occur to the respondent's mental health and well-being.
36. The school filed an application and memorandum in support of an order suppressing of the name of the school:
37. The grounds on which suppression is sought is set out in the school's application:
  - a. The real risk that publication of the school's name, particularly in the context of the Duke of Edinburgh Award tramp, may lead to the identification of Student A or affect her sister who is a current student at the school.
  - b. To avoid a real risk of unfair suspicion falling on other male teachers at the school, aside from the Respondent, if the school is named but the Respondent's name is suppressed.

- c. Publication may affect the ability of the Respondent to teach in the school with other students and teachers in circumstances where the charge relates to alleged events over four years ago.

*Ngā Kōrero a te Kōmiti – CAC Submissions*

38. The CAC responsibly accepts that suppression of the respondent's name and identifying particulars, his wife's medical conditions and the name of the school are appropriate in this case. They accept that the medical evidence in support of suppression appears to meet the threshold for the granting of such an order. They also recognise that the order for suppression of the school's name is necessary to preserve the suppression both of student A and of the respondent.

*Ngā kōrero a te Kaiurupare – Respondent's submissions*

39. The respondent points to the medical evidence of his history of [REDACTED] and [REDACTED], including [REDACTED] as a proper and sufficient basis for a suppression order. The respondent points to the medical evidence of the ongoing risk to his mental health and safety if his name was published. His application was supported by evidence from his wife as to the state of his mental health.
40. Further, his wife is [REDACTED] [REDACTED]. This has a significant impact both on her physical and mental health. The respondent argues that this is also a relevant feature supporting the grant of suppression. Overall, the respondent submits that there is a proper basis put forward for suppression of his name and his wife's medical condition.

*Ngā kōrero a te Kura – Schools's submissions*

41. The school argues that the trip in this case was a small one and material had been posted on social media about the trip so that there is a real risk, if the name of the school is published, that Student A and her sister (who is currently a student at the school) will be identified.
42. The school also argues that there is a limited pool of teachers at the school and if the respondent's name is suppressed but the school's name is not, then there is a

risk that male teachers at the school could be unfairly the subject of suspicion.

43. The school also argues that the respondent is still a teacher at the school and publication could affect the teacher's ability to continue to teach at the school.

### **Te Ture - The Law**

44. In deciding if it is proper to make an order prohibiting publication, we must consider the relevant individual interests as well as the public interest.

45. As we noted in *CAC v Finch*,<sup>3</sup> we apply a two-stage approach. The first stage involves an assessment of whether the particular consequence is "likely" to follow. This simply means an "appreciable" or "real" risk. If we are so satisfied, our discretion to forbid publication is engaged and we must determine whether it is proper for the presumption in favour of open justice to give way to the personal circumstances on which suppression is sought.

46. There is no onus on the applicant and the question is simply whether the circumstances justify an exception to the fundamental principle.<sup>4</sup> In essence we must strike a balance between the open justice considerations and the interests of the party who seeks suppression.<sup>5</sup>

47. The general principles for suppression of a school's name are set out in *CAC v Taylor*<sup>6</sup> as follows:

*"30. In order to justify a conclusion that it is proper to order name suppression for a school there must be some evidence of a real risk that publication will cause real adverse effects which are at least more than speculative. It must be clear that such potential effects are likely to go beyond the normal embarrassment or disruption a school might suffer where one of its teachers is found to have engaged in professional misconduct. A bare assertion by a school, without evidence, that it will suffer beyond the norm will not usually be enough, although that possibility cannot be excluded."*

### *Kōrerorero – Discussion*

48. We will deal with the issue of name suppression relatively succinctly because of the responsible position taken by the CAC and the compelling evidence in support of

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<sup>3</sup> *CAC v Finch* NZTDT 2016/11

<sup>4</sup> *ASB Bank Ltd v AB* [2010] 3 NZLR 427 (HC) at [14]

<sup>5</sup> *Hart v Standards Committee (No. 1) of the New Zealand Law Society* [2012] NZSC4 at [3]

<sup>6</sup> *CAC v Taylor* NZTDT 2019/92

suppression.

49. We agree that the medical evidence justifies the granting of name suppression so that it is proper for us to make such an order. In addition, we will also suppress the respondent's wife's name and medical details.
50. Having made these suppression orders and also the suppression orders of the names of the people on the Duke of Edinburgh tramp, we agree that it is necessary for us to also suppress the name of the school in order for those suppression orders to be effective. Accordingly, we will also suppress the name of the school. As a result, we do not need to consider the other bases on which the school has sought suppression.



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Ian Murray  
Deputy Chair