

BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL
NZTDT 2023-68

RARO TE MANA O TE
UNDER THE

the Education and Training Act 2020
(**the Act**)

MŌ TE TAKE
IN THE MATTER OF

of a charge referred to the
Tribunal

I WAENGA I A
BETWEEN

**COMPLAINTS ASSESSMENT
COMMITTEE (Committee)**
Kaiwhiu | Prosecutor

ME
AND

HANNA-MARIE RUBY MORRISS
(Authorisation 373642)
Kaiurupare | Respondent

Tribunal
Nohoanga | Hearing
Hei Māngai | Appearance

J O'Sullivan (Chair), S Walker, N Parsons (Members)
22 April 2025, AVL and Papers.
J Avia and H Farquar, Luke Cunningham Clere for the
Committee.
No appearance by Respondent.

DECISION | WHAKATAUNGA

8 July 2025

Background | Tāhuhu kōrero

[1] The respondent is charged by the Committee with serious misconduct (or conduct otherwise entitling the Tribunal to exercise its powers). The charge particulars allege that, between 14 November and 6 December 2022, while a registered teacher, she:¹

(a) stole a Prezzy card from the manager's office; and

(b) incorrectly recorded hours worked on her timesheet.

[2] We considered all material before us, including the Bundle filed by the Committee and supporting submissions.

¹ Notice of charge dated 25 October 2023.

Kōrero Taunaki – Evidence

[3] The CAC has the burden of proof in this matter. It is required to prove the charge to the balance of probabilities.² This remains whether or not the respondent has engaged in the proceeding.

[4] The CAC alleges that Ms Morriss, while employed as a teacher at the Newstead Centre, stole a gift card from the office of Assistant Manager Ms Hamihana on or around 25 November 2022, and between 14 November and 6 December 2022, she incorrectly recorded hours worked on her timesheet.

[5] The evidence before the Tribunal includes briefs from several witnesses: Ms Harris (Operations Manager), who also made herself available to answer questions; Ms Bestwick (Assistant Manager at Morrinsville Centre), Ms Hamihana (Assistant Manager at Newstead Centre), and Ms Henderson (CAC Investigator).

[6] Ms Harris's evidence was central to the internal investigation and subsequent disciplinary action. She provided factual accounts of the events, including the disciplinary meeting, the admissions made by Ms Morriss, and the steps taken by the Centre in response to the misconduct.

[7] Ms Harris was informed by Ms Hamihana about concerns regarding the accuracy of Ms Morriss' timesheets and the disappearance of her "Prezzy card" from the office. The gift card belonged to Ms Hamihana, who had not given it to Ms Morriss, and it had been taken from her office drawer.

[8] Ms Hamihana had concerns about the accuracy of Ms Morriss's timesheets after reviewing them against the children's roll and sign-in/out times for swimming. The hours did not align, and this was reported to Ms Harris.

[9] Ms Harris invited Ms Morriss to a disciplinary meeting to discuss both the alleged theft of the gift card and the timesheet discrepancies.

[10] At the meeting on 9 December, attended by Ms Harris, Ms Bestwick, Ms Hamihana, and Ms Morriss, Ms Harris presented Ms Morriss with her timesheets from 14 November 2022 to 6 December 2022, with corrections marked in pink pen. Ms Harris told Ms Morriss there were 31.75 hours of unaccounted time on her timesheets.

² *Z v Complaints Assessment Committee* [2008] NZSC 55.

[11] During her evidence, Ms Harris suggested that these timings were supported by the Centre's surveillance footage, but that material was not provided to us, nor was there analysis of it or direct reference to it in the material. We put that comment to one side as it does not assist us in determining the accuracy of the timing.

[12] At the disciplinary meeting Ms Morriss admitted to taking the Prezzy card on 25 November 2022 when nobody was in the office. She stated that the card was wrapped up in a Bunnings receipt. She accepted she had added extra time to her timesheets, stating, "I literally have no idea why I did that, I'm so sorry" and "I don't have any excuse I'm so sorry".

[13] Ms Harris submitted a mandatory report to the Teaching Council outlining that Ms Morriss had inaccurately recorded hours worked and had used the stolen gift card in two locations. Ms Harris was responsible for communicating the outcome of the disciplinary process to Ms Morriss, which resulted in her dismissal from the Centre. The money owing from the gift card and incorrect timesheets was deducted from Ms Morriss' final pay.

[14] Ms Morriss, in her response to the draft investigation report, did not agree with all corrections to the timesheets but acknowledged, "nothing I can say will prove or correct anything as I was in the wrong and I will continue to acknowledge that I have done wrong regardless".

[15] We were not provided any CCTV footage. Ms Harris said that she and Ms Bestwick had viewed CCTV footage at the Warehouse of Ms Morriss using the card, but the Centre was not provided with a copy of the footage. The Police indicated to the CAC that they did not hold the footage, and that it would be for the Centre to obtain the material itself. It is unclear to us exactly what has happened there, and we do not need to resolve it. Ms Morriss admitted to the conduct, and we found Ms Harris's evidence that she had viewed the footage to be credible.

[16] When Ms Harris gave evidence, she referred to other concerns held by the Centre or team, outside of the matters referred to us and also made reference to Ms Morriss' personal circumstances. We have put that material relating to other concerns entirely to one side and disregard it in our assessment of the material before us. It was not in our view gratuitous or malicious, Ms Harris was just answering questions and trying to give full answers, but it does not meet the test for admission, and it is appropriate to put it to one side.

[17] We also heard evidence relating to Ms Morriss' personal circumstances. We have not referred to the detail of that in this decision out of sensitivity to the nature of that material,

because some of it was speculative, and because we have not heard from Ms Morriss on it. We do think it is fair to say that Ms Morriss was having considerable struggles in her personal life, whatever the genesis of those.

[18] Ms Morriss has not participated in the Tribunal process, but her admissions and correspondence are included in the evidence, and we have considered that material.

Analysis

[19] We find that the evidence establishes that Ms Hamihana discovered her gift card missing and reported it to both the Operations Manager and the Police.³ Transactions on the card were traced to Ms Morriss, who admitted at a disciplinary meeting to taking and using the card, as well as to adding extra hours to her timesheets without justification.

[20] Ms Morriss did not have permission to use the card, nor was there justification for it. It was dishonest. The particulars of the charge uses the term “stole”. The Crimes Act 1961 defines theft, dishonesty and claim of right.⁴ The charge is not a criminal charge, but we have considered those definitions. We are satisfied that Ms Morriss took and spent the gift card knowing that she did not have permission or authority from the owner, and that she did not think she was entitled to do so, and that she intended to spend the money depriving the owner permanently of the value of the gift card spent.

[21] The discrepancies in the timesheets amounted to an alleged 31.75 unaccounted hours. We are not satisfied that this entire amount is attributable to a deliberate falsification of Ms Morriss’ time. The material provided in support of this was not sufficient in our view to establish the entire amount. However, we are satisfied given Ms Morriss’ admissions to Ms Harris, that it is more likely than not that a reasonable proportion of that time was incorrectly recorded by Ms Morriss and was deliberate in the sense that it was not accidental or mistaken. We think this aspect of the conduct is likely attributable to the difficulties Ms Morriss was having and that she was coming in late or leaving early, and that she was not reflecting this in her timesheets. We do not see it as calculated conduct, but it was unprofessional.

³ The Centre notified Police because a member of staff had been recommended that course of action by a person close to them who was a police officer.

⁴ Crimes Act 1961, see ss 219, 217 and 2, respectively.

[22] In short, we find on the basis of the evidence before us that we have accepted, the particulars of the charge proven, namely that Ms Morriss stole a “Prezzy” gift card from the manager’s office and incorrectly recorded hours worked on her timesheet.

Haepapatanga - Liability

Legal Principles | Ngā Mātāpono

[23] Section 10(1) of the Act defines “serious misconduct” as conduct by a teacher:⁵

- (a) that—
 - (i) adversely affects, or is likely to adversely affect, the well-being or learning of one 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

[24] In relation to the impact on the well-being or learning of a student, the Tribunal in *Complaints Assessment Committee v Marsom* stated that:⁶

... “real”, “appreciable”, “substantial” and “serious” are qualifying adjectives for “likely” and bring out that the risk or possibility is one that must not be fanciful and cannot be discounted.

[25] When considering whether the conduct “reflects adversely on the teacher’s fitness to be a teacher” under s 10(1)(a)(ii) the Tribunal has focused on:⁷

[...] 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. The views of the teachers on the panel inform the view taken by the Tribunal.

[26] A teacher’s obligations under the Code of Professional Responsibility (the **Code**), and whether the Code has been departed from, is relevant to the assessment of fitness.⁸

⁵ Education and Training Act 2020, s 10.

⁶ *CAC v Marsom* [2018] NZTDT25 at footnote 10. Subsequently adopted by the Tribunal in *CAC v Teacher S* at [7].

⁷ *CAC v Crump* [2019] NZTDT 12, cited in *CAC v Teacher S* at [8].

⁸ *Complaints Assessment Committee v Stokes* [2021] NZTDT 34 at [63].

[27] The Tribunal has consistently adopted the approach in *Collie v Nursing Council of New Zealand* when assessing whether the teaching profession has been brought into disrepute.⁹

[28] To discredit is to bring harm to the repute or reputation of the profession. The standard must be an objective standard with the question to be asked by the Council being whether reasonable members of the public, informed and with knowledge of all the factual circumstances, could reasonably conclude that the reputation and good standing of the nursing profession was lowered by the behaviour of the nurse concerned.

[28] If the conduct meets the first limb of the definition of serious misconduct under s 10(a), then it will amount to misconduct simpliciter.¹⁰ For the Tribunal to make a finding of serious misconduct, the conduct *must* also meet the definition's second limb: conduct that is of character or severity that meets the Teaching Council's criteria for reporting serious misconduct.¹¹ We accept that serious misconduct as described in r 9(1) may be a single act or acts forming a pattern of behaviour, even if some of the acts in isolation are minor.¹²

Teaching Council Rules 2016 and the Code of Professional Responsibility

[29] Rule 9 of the Teaching Council Rules 2016 (the **Rules**) establishes the criteria for reporting serious misconduct. Rule 9(1) provides that a teacher's employer must immediately report to the Teaching Council if the employer has reason to believe that the teacher has committed a serious breach of the Code. Relevant here are the following:³⁰

- (a) Rule 9(1)(g): acting dishonestly in relation to the teacher's professional role, or committing theft or fraud;
- (b) Rule 9(1)(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; and
- (c) Rule 9(1)(k) an act or omission that brings, or is likely to bring, the teaching profession into disrepute.¹³

[30] The Code sets high standards for ethical behaviour and affirms that teachers must: "respect [their] trusted position in society." Learners, families, and whānau, and the wider community place a significant amount of trust in teachers to guide their children and young

⁹ *Collie v Nursing Council of New Zealand* [2001] NZAR 74 (HC).

¹⁰ *Evans v Complaints Assessment Committee* [2020] NZDC 20062 at [42]; *Teacher Y v Education Council of Aotearoa New Zealand* [2018] NZDC 3141 at [64]; *Teacher Y v Education Council of Aotearoa New Zealand* [2019] NZCA 637 at [67].

¹¹ Education and Training Act 2020, s 10(b). Teaching Council Rules 2016, r 9.

¹² Teaching Council Rules, r 9(2).

¹³ As the CAC notes, when considering r 9(1)(k), the Tribunal has previously applied a slightly modified form of the test in s 10(1)(a)(iii) of the Act, noting the differences in wording between r 9(1)(k) and s 10(1)(a)(iii). *Complaints Assessment Committee v Teacher V* NZTDT 2020/22 at [51], and *CAC v Crump* NZTDT 2019/12 at [42].

people on their learning journey and to keep them safe. By acting with integrity and professionalism, teachers and the teaching profession maintain this trust and confidence.¹⁴ Clause 1.3 provides “I will maintain public trust and confidence in the teaching profession by demonstrating a high standard of professional behaviour and integrity.” Clause 1.5 requires teachers to maintain public trust and confidence in the teaching profession by contributing to a professional culture that supports and upholds the Code.

Ngā kōrero a te Kōmiti – Submissions of the Committee

Liability

[31] The CAC’s case is that Ms Morriss’ conduct with respect to both the gift card and the timesheets (separately or cumulatively) meets the first limb of the test for serious misconduct because it both reflects adversely on her fitness and may bring the profession into disrepute. The CAC submits:¹⁵

- (i) Ms Morriss’ conduct reflects adversely on her fitness to be a teacher. Her conduct with respect to the Prezy Card was dishonest. She took and used a Prezy card from Ms Hamihana’s office and only accepted responsibility after being confronted by Centre staff, similar to the teacher in *Stevenson*. The CAC further submits that Ms Morriss’ inaccurate time recording is aggravating, with a 31.75 hour discrepancy across a three week period that did not match up with hours worked. Her conduct reflects adversely on her fitness to be a teacher.
- (ii) Ms Morriss’ conduct in stealing a Prezy card may bring the teaching profession into disrepute and has the potential to undermine public confidence in the profession. Reasonable members of the public would expect teachers to act with honesty and professionalism. The CAC accepts that on the evidence before the Tribunal it would be open to it to find that Ms Morriss’ inaccurate timesheets were a lapse of judgment, rather than deliberate dishonesty, as found by the Tribunal in *CAC v Teacher* and that accordingly the conduct with respect to the timesheets is unlikely to bring the profession into disrepute.

[32] The CAC likewise submits that the tests in rules 9(1)(g), (j) and (k) of the Rules are made out with respect to the conduct with the gift card. The CAC submits that the conduct therefore meets the second limb of the s 10 test for serious misconduct because:

- (a) Rule 9(1)(g) is engaged as Ms Morriss stole a gift card (committing theft).
- (b) Rule 9(1)(j) is engaged as her conduct in stealing a Prezy card and using it on two occasions are acts that may be the subject of a prosecution for an offence punishable by imprisonment for a term of 3 months or more.¹⁶ The Tribunal in *Stevenson* had no doubt the teacher’s conduct of stealing her colleague’s cash and attempting to use

¹⁴ Teaching Council Code of Professional Responsibility.

¹⁵ CAC submissions, at 44.1 and 44.2.

¹⁶ Her conduct could be charged as theft under ss 219 and 223(d) of the Crimes Act 1961 which has a maximum penalty of 3 months’ imprisonment or dishonestly using a document under s 228 which has a maximum penalty of 7 years’ imprisonment.

her credit card met the definition of theft under rule 9(1)(h) (though of course the CAC accepts that the value stolen in this case was much less).

- (c) Rule 9(1)(k) is engaged with respect to the Prezzy Card for the same reasons as the CAC submits that s 10(a)(iii) is engaged. Ms Morriss' conduct is likely to lower the good standing of the teaching profession.

[33] With reference to the Code, the CAC submitted that Ms Morriss' conduct failed to demonstrate a high level of professional behaviour and integrity.

Penalty

[34] The CAC submits that, should the Tribunal find the conduct and liability established, the appropriate penalty for Ms Morriss is likely to be censure, annotation of the register, and the imposition of conditions on her practising certificate.

[35] The legal principles guiding penalty in professional disciplinary proceedings, as discussed in *CAC v McMillan* and affirmed in subsequent Tribunal decisions, focus on three key and overlapping purposes: protection of the public through the provision of a safe learning environment for students, maintenance of professional standards, and maintenance of the public's confidence in the profession.

[36] The CAC submits that the Tribunal's role is to maintain standards so that the public is protected from poor practice and from people unfit to teach. This is achieved by holding teachers to account, imposing rehabilitative penalties where appropriate, and removing them from the teaching environment when required. The process also serves to inform the public and the profession of the standards expected of teachers and the consequences of failing to meet those standards, thereby preserving the status of the profession. The Tribunal must arrive at an outcome that is fair, reasonable, and proportionate in the circumstances, identifying the least restrictive option that meets the seriousness of the case and fulfils its obligations to the public and the profession.

[37] The CAC identifies several aggravating factors. Ms Morriss did not accept responsibility for stealing and using the gift card, or for inaccurately recording her timesheets, until after being confronted by staff. The CAC submits that there is nothing to suggest that she would have come forward but for being discovered. Additionally, that Ms Morriss breached her colleague's trust.

[38] The CAC acknowledges mitigating factors. Ms Morriss was a relatively inexperienced teacher and had not previously been subject to disciplinary proceedings. She expressed remorse during the Centre's investigation, and the money owing from the discrepancy in

timesheets and the amount spent on the gift card was deducted from her final pay. The CAC accepts that the seriousness of the conduct in this case is less than that in *Stevenson*¹⁷ and *Coldstream*,¹⁸ where censure, annotation, and conditions were imposed. The conduct regarding timesheets was submitted to be of a similar level of seriousness to that in *CAC v Teacher*.¹⁹

[39] Comparable cases referenced by the CAC involved teachers who expressed remorse for their conduct and had taken steps to address their underlying issues. In *Stevenson*, the teacher had taken steps to address her mental health and financial issues, and in *Coldstream*, the teacher had done everything she could to address her gambling addiction. In contrast, Ms Morriss has not engaged in these proceedings, so it is unknown what personal circumstances she may have been experiencing at the time of her conduct or what steps, if any, she has taken to rehabilitate herself.

[40] Acknowledging that Ms Morriss was a relatively inexperienced teacher with no disciplinary history, the CAC submits that the appropriate penalty in this case is censure, annotation of the register for a period of two years, and conditions on any future practising certificate

Kupu Whakatau – Decision

Haepapatanga - Liability

[41] On the basis of our factual findings and assessment, we considered the applicable legal principles relating to serious misconduct as set out above.

[42] We are satisfied that the conduct in particular 1(a) is proven, that is in relation to the taking of the gift card, and that the conduct amounts to serious misconduct of itself. While we are satisfied that particular 1(b) is proven, we are not satisfied that the extent of the conduct alleged is made out as to the number of incorrect hours recorded. We do not find that this conduct would necessarily amount to serious misconduct on its own, but we need not determine that issue given our finding in relation to the first particular.

[43] Dishonesty, as occurred in this case reflects adversely on fitness and may bring the profession into disrepute and is inconsistent with the Code. While not the most serious level

¹⁷ CAC v Stevenson NZTDT 2019/2

¹⁸ CAC v Coldstream NZTDT 2019/18.

¹⁹ CAC v Teacher NZTDT 2021/59

of dishonesty and involving a small value, it nevertheless is of a *character* that it meets the referral criteria and was aggravated by the fact that the property belonged to a colleague.

Utu Whiu – Penalty

[44] We are disappointed that Ms Morriss did not engage with the proceedings, as we expect this from professionals. Despite the obvious difficulties the Centre had with Ms Morriss during her time teaching there, Ms Harris said that prior to these events she could be “phenomenal” and that to begin with she was loved by staff, children and the families.

[45] As we have noted before, the Tribunal process was preceded by a CAC process in which Ms Morriss engaged, having provided a response to the investigation report (referred to in the brief of Ms Henderson, CAC investigator). It appears that Ms Morriss expressed some contrition during this process, as well as lamenting the time the process had then taken. Of course, Ms Morriss had already had to deal with Police and employment proceedings. It appears to likely here that Ms Morriss ceased to engage because she wanted to move on without also having to deal with the Tribunal process.

[46] We considered the cases referred to by the CAC, and the submissions. We consider that the censure, annotation and conditions are appropriate, but that a period of 18 months is sufficient in the circumstances of this case.

Costs

[47] The costs sought by the CAC have been reviewed by us and are reasonable. The CAC was put to the trouble of repeated efforts to engage Ms Morriss and preparing evidence as no summary of facts could be agreed. We have ordered Tribunal costs as if this matter proceeded as a papers hearing, although we heard evidence from a witness.

He Rāhui Tuku Pānui - Non-Publication

[48] There were no applications for permanent non-publication orders for us to determine. Interim non-publication orders made previously now lapse. We order that there is to be no publication, however, of the personal circumstances of Ms Morriss referred to in the oral evidence of Ms Harris.

Whakamutunga - Conclusion

[49] The Charge is established.

[50] The Tribunal's formal orders under the Education and Training Act 2020 are:

- (a) Ms Morriss is censured for serious misconduct pursuant to section 500(1)(b).
- (b) Ms Morriss is to pay to the CAC as a contribution to its costs, pursuant to section 500(1)(h), \$8,259.32.
- (c) The register is to be annotated with this disciplinary finding pursuant to section 500(1)(e) of the Act for a period of 18 months.
- (d) Ms Morris must provide a copy of this decision to any and all prospective and/or future employers in the teaching sector for a period of 18 months from the date of this decision. This condition is to attach to Ms Morriss' current practising certificate and any subsequent practising certificate for an 18 month period from the date of this decision.
- (e) Ms Morriss is to pay Tribunal costs to the Teaching Council in the sum of \$582 pursuant to section 500(1)(i) of the Act.



J M O'Sullivan
Chair of the New Zealand Teacher's Disciplinary
Tribunal

NOTICE

1. The teacher who is the subject of a decision by the Disciplinary Tribunal made under section 500 of the Education and Training Act 2020 may appeal against that decision to the District Court (section 504(1)).
2. The CAC may, with the leave of the Teaching Council, appeal to the District Court against a decision of the Disciplinary Tribunal made under section 500 (section 504(2)).

3. An appeal under section 504 must be made within 28 days after receipt of written notice of the decision, or any longer period that the court allows (section 504(3)).
4. Clause 5(2) to (6) of Schedule 3 applies to an appeal under section 504 as if it were an appeal under clause 5(1) of Schedule 3.