



BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL

NZTDT 2025-48

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 (CAC)
	Kaiwhiu Prosecutor
ME AND	Ilai Liugalua (Authorisation 367437)
	Kaiurupare Respondent

Nohoanga Hearing Hei Māngai Appearance	4 June 2026, AVL (Teams) (on the papers). R. Georgetti, the Teaching Council for the CAC Mr Liugalua, Self-represented
Tribunal	C Garvey (Deputy Chair), R McInerney and T Rifle

DECISION ON LIABILITY AND PENALTY

DATED: 8 JUNE 2026

INTRODUCTION

[1] The respondent, Ilai Liugalua, was referred to the Tribunal in respect of three convictions entered in May 2023, including two convictions for assault. By consent, the Tribunal proceeded with a hearing on the papers and determined that the respondent’s conduct reflects adversely on his fitness to be a teacher. For the reasons set out below, the Tribunal imposed censure, conditions on Mr Liagalua’s practising certificate and

annotation of the register for a period of two years.

THE NOTICE OF REFERRAL

[2] Mr Liugalua self-reported his convictions to the Teaching Council on 19 February 2025. The Triage Committee referred the convictions to the Complaints Assessment Committee (CAC) in June 2025. Following an investigation which Mr Liugalua participated in, the CAC determined to refer the matter to the Tribunal on 6 November 2025. Because Mr Liugalua did not initially engage with the Tribunal proceedings, the matter was to proceed by way of formal proof, however Mr Liugalua did then indicate his intention to participate and provide information to the Tribunal. The proceedings were somewhat delayed because of this.

[3] The particulars of the Notice of Referral read as follows:

TAKE NOTICE that a Complaints Assessment Committee (CAC) has determined, in accordance with section 497(5) of the Education and Training Act 2020 to refer Mr Ilai Giovanni Liugalua's convictions to the New Zealand Teachers Disciplinary Tribunal (the Tribunal).

- (a) Conviction on 31 May 2024 for offending on 22 January 2023, Assault with intent to injure – Crimes Act 1961 section 193
- (b) Conviction on 31 May 2024 for offending on 22 January 2023, Speaks Threateningly – Summary Offences Act 1981 section 21(1)(a)
- (c) Conviction on 31 May 2024 for offending on 22 January 2023, Assault with intent to injure - Crimes Act 1961 section 193

(together, the **Convictions**)

Reasons for Referral

- 1 The teacher has been convicted and sentenced in the Auckland District Court for the offences outlined at paragraphs (a) and (c) above.
- 2 The teacher has been convicted and discharged in the Auckland District Court for the offence outlined at (b) above.
- 3 The teacher did report the convictions referred to in paragraphs (a), (b), and (c) above to the Teaching Council of Aotearoa New Zealand (the Council) as

required by section 493 of the Education and Training Act 2020.

- 4 The teacher has one previous conviction for driving with excess blood alcohol. The date of the offence was 30 April 2021, and the conviction was entered on 18 July 2022. Mr Liugalua self-reported the conviction to the Council.
- 5 The CAC considers that should an adverse finding be made, either the power to suspend the teacher's practising certificate or authority under s 500(1)(d) of [the] Education and Training Act 2020, or to cancel the teacher's registration or authority or practising certificate under s 500(1)(g) Education and Training Act 2020 is likely to be considered to address this matter.

THE FACTS

[4] Mr Liugalua obtained provisional registration in March 2018 and full registration on 19 April 2021. He does not hold a current practising certificate, having allowed this to lapse in April 2024. He is not currently teaching and is working in another profession in Australia but has stated his intention to return to teaching in the future.

[5] The CAC filed an affidavit from Teaching Council Investigator Angelique Stanton dated 5 May 2026 which annexes the Charging Documents, the Police Summary of Facts, a Certified Copy or Extract of the Permanent Court Record, evidential photographs, the Sentencing Notes, various certificates and letters as evidence that Mr Liugalua satisfactorily completed his sentencing requirements, and character references.

[6] The assaults referred to at (a) and (c) of the referral occurred when Mr Liugalua was socialising in central Auckland one night in January 2023. They were unprovoked and caused injury to the two victims. The offence of speaks threateningly occurred during the same incident, involving a third victim. An offence under s 193 of the Crimes Act carries a maximum penalty of three years imprisonment.

[7] Mr Liugalua pleaded guilty and was sentenced to 150 hours community work and 14 months intensive supervision (which was subsequently reduced by six months because of Mr Liugalua's behaviour). The Court imposed conditions requiring the respondent not to possess, consume or use any alcohol or drugs during the supervision period; to attend an assessment and if appropriate to complete a stopping violence

programme or counselling, and to undertake and complete any other programme or counselling directed by a probation officer.

LIABILITY PRINCIPLES

[8] On the referral of a conviction the Tribunal is not required to determine whether the conduct amounts to serious misconduct, but whether it reflects adversely on the teacher's fitness to practice as a teacher.¹ The test is:²

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

[9] While the Tribunal often refers to the conjunctive test for serious misconduct as a yardstick when determining whether an adverse finding should be made, it is not necessary to step through s10 (which defines serious misconduct) in this case. It is sufficient to note that under r 9(1)(j) of Teaching Council Rules 2016 (Rules) an offence that carries a penalty of imprisonment for three months or more is one that must be reported to the Teaching Council as possible serious misconduct.³

[10] The Tribunal has regard to the Code of Professional Responsibility which sets high expectations of professional conduct for all teachers and extends to conduct in the personal sphere that may be seen to impact on the teacher's fitness and/or lower the good standing of the teaching profession. Relevant to the present case, clause 1.3 of the Code expects that teachers will maintain public trust and confidence in the profession by demonstrating a high standard of professional behaviour and integrity. This includes taking care that a teacher's actions outside of work do not affect the trust and confidence others have in the teacher or reflect badly on the teaching profession.⁴

CAC Submissions

[11] The CAC submits that Mr Liugalua's convictions cumulatively warrant an adverse finding, relying on the Tribunal's consistent stance that a conviction for assault,

¹ *Complaints Assessment Committee v S* Auckland District Court CIV 2008-004001547, 4 December 2008.

² *CAC v Crump* NZTDT 2019/12 at [42].

³ r 9(1)(j) requires an employer to report an act or omission that may be the subject of a prosecution for an offence punishable by imprisonment of a term of 3 months or more.

⁴ The Code of Professional Responsibility: Examples in Practice, Education Council June 2017, p 7.

regardless of whether it occurs in a school or elsewhere, will likely reflect adversely on that teacher's fitness to teach. The Tribunal must assess the circumstances of the offending that lead to the conviction, and the seriousness of that offending.

[12] The CAC submits that Mr Liugalua's conduct is incompatible with the professional responsibilities of a teacher, and that the use of violence by a teacher sets a poor example to the children they are responsible for. Further, that the conduct shows a lack of judgment and a lack of emotional regulation, which are important considerations in a profession that involves working with young people. For the same reasons the CAC submits that Mr Liugalua's conduct also brings the teaching profession into disrepute, noting the fact of multiple convictions, the level of violence, and the impact on the victims (as referred to in the Sentencing Notes).

[13] The CAC also submits that the respondent's conduct engages rules 9(1)(j) and (k) of the Rules lending weight to an adverse finding. These rules provide:

- (a) 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.
- (b) rule 9(1)(k) - an act or omission that brings, or is likely to bring, the teaching profession into disrepute.

Respondent's Position

[14] Mr Liugalua filed a Reflective Statement for penalty purposes. This makes clear that he accepts the charge, in that he acknowledges that:

I recognise that my actions on the night of 22 January 2023 could reasonably be seen by a member of the public as incompatible with the trust placed in teachers. I accept that conduct occurring outside school hours and off school premises can still affect the profession's standing. I understand that the Tribunal's role includes protecting public confidence in the teaching profession.

LIABILITY FINDINGS

[15] The Tribunal has no hesitation in finding the charge proved. The respondent's conduct which led to his convictions was serious and unprovoked. The Code is clear that conduct in a teacher's personal life may have ramifications for their professional role if that conduct is of a nature that reflects adversely on their fitness to teach or lowers the standing of the profession. That Mr Liugalua has demonstrated insight and remorse and

has taken many steps to address his conduct is acknowledged, but these are matters that go to penalty. Likewise, that he was experiencing a high level of stress at the time of the offending is also a potential mitigating factor. When determining liability however, we are required to assess the conduct without undue regard to subjective factors.⁵

[16] Any conviction for assault will almost inevitably raise questions about a teacher's fitness to practice. This is for reasons including that they are responsible on a daily basis for guiding learners not only in the curriculum but in their inter-personal interactions, by teaching and role modelling appropriate behaviour. Teachers are of course entitled to a private life but when behaviour that occurs in their personal sphere is of a criminal nature or otherwise in apparent breach of the Code, then it can be put under scrutiny. The conduct outlined in the Police Summary of Facts and the Sentencing Notes is of such a nature and gravity that in our view, an adverse finding must follow.

PENALTY

[17] Having found the charge proved the Tribunal must determine an appropriate penalty under s 500 of the Act. The purposes of penalty in professional disciplinary proceedings are well established and where the charge arises from a criminal conviction it is not the Tribunal's purpose or intention to punish a teacher a second time. Rather, disciplinary proceedings are to meet the purposes of the Act which include providing safe and high quality teaching. It is established that the relevant principles of disciplinary penalty are:⁶

- (a) Protecting the public.
- (b) Setting professional standards.
- (c) While not intended to be punitive penalty may have a punitive factor.
- (d) Rehabilitation.
- (e) Consistency with similar cases.
- (f) Reserving the most severe penalties for the worst offences.
- (g) Imposing the least restrictive outcome appropriate in the circumstances.

⁵ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2024] NZAR at [71].

⁶ *Roberts v Professional Conduct Committee of the Nursing Council* [2021] NZHC 3354 at [44]-[51].

- (h) Imposing a penalty that is fair, reasonable and proportionate in all the circumstances.

[18] The most severe penalty available to the Tribunal is cancellation of registration or (where the teacher holds a current practising certificate) suspension of that practising certificate. Cancellation is reserved for cases where:

- (a) the conduct is sufficiently serious such that no outcome short of deregistration will sufficiently reflect its adverse effect on the teacher's fitness to teach and/or its tendency to lower the reputation of the profession;
- (b) the teacher has not demonstrated adequate insight or rehabilitative prospects meaning there is an apparent ongoing risk that leaves no alternative but to deregister.

CAC SUBMISSIONS

[19] After setting out the established legal principles, the CAC focussed on a proportionate response to Mr Liugalua's offending by reference to several comparator cases (where the criminal convictions were for conduct outside of the professional setting). The CAC submits that an appropriate penalty is censure, conditions, and annotation of the register. In *CAC v Hyland* the teacher was convicted for an assault on her 70-year-old father in which she pushed him to the floor and pulled him by the hair when he attempted to get up.⁷ The Tribunal said that "*willingness to engage in violence is inimical to the teaching profession and therefore in most (although not necessarily all) cases offending of this nature will reflect adversely on fitness to be a teacher. Teachers engaging in violence sends a poor signal to the children they are responsible for supervising and moderating that it is acceptable to use force to resolve conflict.*"⁸ The Tribunal had some reservations that it lacked full information about the circumstances of the offending (with the implication that these may have been mitigating) and imposed an indicative penalty of censure and a condition requiring notification of the Tribunal's decision to future employers.

[20] In *CAC v Evans* the teacher was at a bar and intoxicated due to the combined effect of alcohol and prescribed medication, and without provocation, punched another patron in the face.⁹ The respondent self-reported the conviction, was remorseful and undertook rehabilitative steps for his mental wellbeing and undertook further study to

⁷ *CAC v Hyland* [2020] NZTDT 38.

⁸ Above n 7 at [25].

⁹ *CAC v Evans* [2018] NZTDT 68.

support his continued teaching practice. The Tribunal made similar observations as in *Hyland* as to the poor signal sent to learners when a teacher reverts to violence, and found that the assault undermined the high standard of professionalism and integrity the public expects of those in the teaching profession.¹⁰ The Tribunal considered that the evidence of remorse, the circumstances of the offending, the teacher's strong desire to remain in the teaching profession and his co-operation with the disciplinary proceedings all militated against cancellation. Censure, annotation of the register and a disclosure of the decision were imposed.

[21] In *CAC v Selby-Rickit*¹¹ the teacher was provoked by a racial slur and pushed the victim, wrestled them to the ground and kicked them in the head with sufficient force to cause two fractures to the jaw and damage to the victim's teeth. The teacher self-reported the conviction. The Tribunal confirmed that the question is not whether an incident took place in a teacher's private or professional capacity but whether the teacher's actions reflect adversely on their fitness to be a teacher.¹² The Tribunal noted the need to consider whether the conduct discloses any predisposition to violence that may arise in interactions with students, the example that the conduct sets and that "*teachers should uphold the law and not engage in behaviour that would not be tolerated in students.*"¹³ However, the Tribunal was satisfied that cancellation was not warranted, by reference to the teacher's engagement with the CAC and the disciplinary proceedings, remorse and insight, evidence of rehabilitation, character references, and commitment to teaching. The Tribunal imposed censure, annotation of the register and a disclosure condition.¹⁴

[22] In this case the CAC submits that the following aggravating factors are present, relying on uncontested facts set out in the court documents:

- (a) The number of victims.

¹⁰ Above n 9 at [8].

¹¹ *CAC v Selby-Rickit* [2020] NZTDT 21.

¹² Above n 11 at [18].

¹³ At [21].

¹⁴ The CAC also referred to *CAC v Houston* NZTDT 2022/73 in which the teacher was referred for a conviction for assault, and the Tribunal ordered censure and a disclosure condition. Mr Houston has since been the subject of another disciplinary charge involving the use of unjustified force on a learner. His registration has been cancelled. This highlights the need to carefully consider the risk posed by a teacher who engages in violence in their personal life, and the importance of evidence of rehabilitative steps, insight and remorse. See *CAC v Houston* NZTDT 2025/37, 2 June 2026.

- (b) The unprovoked and impulsive nature of the violence, noting that the first victim was knocked unconscious by the punch immediately.
- (c) The third victim was trying to assist the first and was attacked and knocked to the ground while trying to do so.
- (d) The nature of the injuries sustained by the victims.
- (e) Mr Liugalua's previous conviction history, a driving charge involving excess alcohol.

[23] The CAC acknowledges as mitigating factors that Mr Liugalua has engaged with the CAC and has completed various court-ordered programmes and other counselling. That Mr Liugalua self-reported is something of a neutral factor, given that it is a mandatory requirement on all teachers to self-report a qualifying conviction under s 493, and the delay in reporting.

RESPONDENT'S REFLECTIVE STATEMENT

[24] Mr Liugalua's Reflective Statement acknowledges the seriousness of the offending and provides some background to his state of mind at the time. Like many, Mr Liugalua experienced significant upheaval during the COVID-19 pandemic (his vaccination stance no doubt exacerbated this, meaning he was unable to work as a teacher). Mr Liugalua says that he experienced financial stress, strain on his relationship, and increased alcohol consumption. However, he states:

Since the offence, I have undertaken several steps to address contributing factors. Including: men's group attendance; one-on-one Pacific counselling, and private counselling [REDACTED] I have changed my behaviour regarding alcohol. I was sober for 24 months following the incident and now typically consume no more than three alcoholic beverages on occasions when I drink. I have learned tools to manage anger, including communicating early when issues arise and working toward agreed resolution.

[25] This is borne out by the material obtained by the CAC. The documents annexed to Ms Stanton's affidavit confirm that Mr Liugalua completed alcohol counselling through a Te Whatu Ora service, a non-violence programme, a Living Well programme, a Men D programme, community service, and intensive supervision. It is also apparent from the Sentencing Notes that the Judge accepted that the assault was aberrant conduct for Mr Liugalua and the sentence imposed was intended to allow him to continue teaching,

by not requiring a period of community detention.¹⁵

FINDINGS

[26] The Tribunal has been assisted by the detailed information comprising the court records and supporting material submitted by Mr Liugalua. We agree that this is an appropriate case in which to step back from cancellation. The importance of evidence of insight and rehabilitative steps to provide reassurance that learners will not be placed at risk cannot be understated.

[27] Because Mr Liugalua does not hold a current practising certificate any conditions must be imposed on a subsequent practising certificate, which the Tribunal is empowered to order pursuant to s 500(1)(j). We accept the CAC's submissions in this regard and consider that the only necessary condition is one of disclosing the Tribunal's decision to a prospective employer in the teaching profession. The evidence as to Mr Liugalua's insight and rehabilitative steps is such that conditions with a rehabilitative focus are not required. Annotation of the register is also important, particularly if the respondent intends to teach in Australia and we consider that a period of two years is appropriate. We also impose a censure.

COSTS AND NON-PUBLICATION

[28] The CAC does not seek costs in reliance on this matter being a referral of a conviction under s 493 and the related prohibition on costs under s 500 (2) of the Act.

[29] No orders for non-publication have been sought, and we do not consider that there is any need to make orders of our own volition other than the suppression of sensitive information in Mr Liugalua's Reflective Statement.

ORDERS

[30] For the reasons set out above the Tribunal makes the following orders pursuant to s 500 of the Act:

- (a) Censure.

¹⁵ *New Zealand Police v Ilai Giovanni Liagalua* Notes of Judge Nicola Mathers on Sentencing CRI-2023-004-000563, [2024] NZDC 18008, 31 May 2024. [NB spelling of the respondent's surname as recorded on the intituling of the Sentencing Notes].

- (b) A condition on any subsequent practising certificate issued to Mr Liugalua for a period of two years requiring that he disclose a copy of the Tribunal's decision to a prospective employer (in a teaching position).
- (c) Annotation of the register for a period of two years.

APPEAL RIGHTS

[31] The parties' attention is drawn to s 504 of the Act, which provides for an appeal against any decision of the Tribunal under s 500 of the Act, to be brought within 28 days or any longer period allowed by the court.



Catherine Garvey
Deputy Chair of the
New Zealand Teacher's Disciplinary Tribunal