

BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL

NZTDT 2025-20

the Education and Training Act 2020

RARO TE MANA O TE
UNDER THE

MŌ TE TAKE
IN THE MATTER OF

of a charge referred to the Tribunal

I WAENGA I A
BETWEEN

**COMPLAINTS ASSESSMENT
COMMITTEE**
Kaiwhiu | Prosecutor

ME
AND

[REDACTED]
(Authorisation **[REDACTED]**)
Kaiurupare | Respondent

Tribunal
Nohoanga | Hearing
Representation:

J O’Sullivan, N Coe, T Rifle.
24 June 2026 (Papers)
E Mok, A Mateni for the CAC
Respondent, self-represented.

DECISION

8 July 2026

Charge, Facts and Procedural History

[1] [REDACTED] is a fully registered teacher, first provisionally registered on 7 March 2011 and moving to full registration on 16 January 2013. He held a full practising certificate which expired on 7 March 2023 and had not applied to renew it as at the date of the agreed summary of facts. He was not employed as a teacher at the time of the offending and did not hold a current practising certificate.

[2] In 2024, Mr [REDACTED] appeared in the District Court and was convicted of three offences committed in July 2023, and sentenced to one year’s supervision, for:

- (a) Cultivating a prohibited plant, namely cannabis, carrying a maximum penalty of seven years’ imprisonment;¹

¹ Contrary to s 9(1) of the Misuse of Drugs Act 1975.

- (b) Possession of a Class C controlled drug, namely cannabis, carrying a maximum penalty of three months' imprisonment or a fine not exceeding \$500;²
- (c) Possession of a Class B controlled drug, namely Ecstasy (MDMA), carrying a maximum penalty of three months' imprisonment or a fine not exceeding \$500.³

[3] The facts underpinning these convictions are, in summary, that:

- (a) At approximately 9:25 pm on 27 July 2023, Police arrived at Mr [REDACTED] home address and located him sitting in his vehicle in the driveway. There was a strong smell of cannabis emanating from the vehicle.
- (b) As one of the constables introduced themselves, Mr [REDACTED] asked the constable if he could roll them a "joint". Mr [REDACTED] was subsequently arrested and a warrantless search for drugs invoked.
- (c) Upon searching his vehicle, home and outbuildings, Police located two rooms being used for the cultivation of cannabis, containing a total of nine cannabis plants in various stages of maturity.
- (d) Police also located eleven pre-packaged amounts of cannabis in small zip-lock bags along with other drug paraphernalia, and over 30 grams of MDMA (Ecstasy).⁴

[4] The CAC referred these convictions to the Tribunal on 13 June 2025 under s 497(5) of the Education and Training Act 2020 (**the Act**). The matter initially proceeded towards a formal proof hearing following Mr [REDACTED] non-engagement after the first Pre-Hearing Conference on 5 November 2025, which he did not attend. Mr [REDACTED] subsequently re-engaged, and the parties reached an agreed summary of facts filed on 23 February 2026.

[5] On 28 April 2026, counsel for the CAC emailed Mr [REDACTED] to confirm whether any further evidence or submissions would be filed. Mr [REDACTED] responded confirming that the only document he had submitted was the letter from his doctor requesting non-publication. No further submissions were filed on Mr [REDACTED] behalf.

² Contrary to s 7(1)(a) and (2)(b) of the Misuse of Drugs Act 1975.

³ Contrary to s 7(1)(a) and (2)(b) of the Misuse of Drugs Act 1975.

⁴ This is a significant quantity given that the presumption for supply is 5 grams (Misuse of Drugs Act 1975, Schedule 5). Nevertheless, the charge is only for possession simpliciter, and we have proceeded on that basis.

Adverse Finding

[6] A referral of a criminal conviction to the Tribunal does not need to be framed as a charge of serious misconduct, but the Tribunal must reach an adverse finding as to the teacher's fitness to practise before exercising its disciplinary powers. The Tribunal may make an adverse finding where the behaviour that resulted in the conviction reflects adversely on the respondent's fitness to be a teacher.

[7] In assessing a teacher's fitness, the Tribunal considers whether the teacher's conduct departs from the standards expected of a teacher, including pedagogical, professional, ethical and legal standards, and whether that departure might be viewed with disapproval by a teacher's peers or by the community. While the Tribunal is not required to make a formal finding of serious misconduct in a conviction referral, the threshold for serious misconduct under s 10(1) of the Act may assist the Tribunal in determining whether an adverse finding should be made.

[8] Section 10(1) requires conduct that: (a) reflects adversely on the teacher's fitness to be a teacher or may bring the teaching profession into disrepute; and (b) is of a character or severity that meets the Teaching Council's criteria for reporting serious misconduct under r 9 of the Teaching Council Rules 2016. Relevantly here r 9(1)(j) captures an act or omission that may be the subject of a prosecution for an offence punishable by imprisonment for a term of three months or more, and r 9(1)(k) captures conduct likely to bring the teaching profession into disrepute.

[9] The Tribunal makes an adverse finding. Mr [REDACTED] conduct warrants an adverse finding for the following reasons:

- (a) While the offending did not occur in Mr [REDACTED] professional capacity, it is well established that a teacher's responsibilities do not begin and end at the school gate, and that teachers are unquestionably role models for their students with a responsibility to model appropriate behaviour. High standards of behaviour and integrity are expected from teachers, including upholding the law in their personal lives.
- (b) Mr [REDACTED] was located by Police on his driveway with the strong smell of cannabis emanating from his vehicle and offered one of the attending constables a joint. A subsequent search of his premises revealed two rooms being used for the cultivation of cannabis containing nine plants, eleven pre-packaged quantities of cannabis in zip-lock bags, other drug paraphernalia,

and over 30 grams of ecstasy. This conduct involved the possession and cultivation of controlled drugs and demonstrates a significant disregard for the law. Such conduct would reasonably be viewed with disapproval by Mr [REDACTED] teaching peers and by the wider community.

- (c) In engaging in this criminal conduct, Mr [REDACTED] breached the standards expected of him under the Code of Professional Responsibility, in that he failed to demonstrate a high standard of professional behaviour and integrity. Those standards require teachers to act lawfully and responsibly, including in their personal lives, and to avoid conduct that undermines trust and confidence in them as professionals. His conduct reflects adversely on his fitness to be a teacher and may bring the teaching profession into disrepute.
- (d) All of Mr [REDACTED] convictions are for offences punishable by a maximum penalty of imprisonment for three months or more. The conduct also meets r 9(1)(k) as conduct likely to bring the teaching profession into disrepute.

[10] While a formal finding of serious misconduct is unnecessary in a conviction referral, the conduct plainly meets that threshold. An adverse finding is therefore warranted, and the Tribunal may exercise its powers under s 500.

Penalty

[11] The purposes of professional disciplinary proceedings are to ensure public protection, the maintenance of proper professional standards through general and specific deterrence, and the maintenance of public confidence in the profession. The purpose of disciplinary proceedings is not to punish the teacher, although achieving those purposes may mean the outcome is seen as punitive from the teacher's perspective. The Tribunal must arrive at an outcome that is fair, reasonable and proportionate in the circumstances.

[12] The Tribunal has noted that cancellation is required in two overlapping situations: first, where the offending is sufficiently serious that no outcome short of deregistration sufficiently reflects the adverse effect on fitness or its tendency to lower the reputation of the profession; and second, where the teacher has not taken adequate rehabilitative steps or has shown insufficient insight to mitigate their risk.

[13] The Tribunal considered the four comparable decisions cited by the CAC:

- (a) *CAC v Teacher (NZTDT 2013/22)*: Nine drug-related convictions including supply of Class B and Class C controlled drugs; sentenced to 11 months' home detention; penalty of cancellation and censure.
- (b) *CAC v Cachia (NZTDT 2015/4)*: Three convictions for cultivating, possessing and selling cannabis; sentenced to ten months' home detention; penalty of cancellation and censure by consent.
- (c) *CAC v Bradfield (NZTDT 2019/134)*: Convictions for possession of methamphetamine, cannabis and a utensil; sentenced to 50 hours' community work; penalty of censure, annotation and conditions.
- (d) *CAC v White (NZTDT 2015/13)*: One conviction for cultivating cannabis; sentenced to community work; penalty of censure and conditions.

[14] Mr [REDACTED] offending is less serious than that in *Teacher (2013/22)* and *Cachia*, both of which involved supply or sale of controlled drugs and attracted cancellation. His offending is more serious than in *White* (one cultivation conviction) and *Bradfield* (no cultivation conviction), both of which attracted censure. Given its scale, organisation, and duration, the offending cannot properly be characterised as isolated or merely personal use. This combination of features elevates the seriousness of the offending and supports a starting point closer to cancellation than to cases in which censure and conditions have been sufficient.

[15] The Tribunal acknowledges the following mitigating factors:

- (a) Mr [REDACTED] pleaded guilty to all charges, and acknowledged his wrongdoing and expressed remorse;
- (b) He voluntarily engaged in the Teaching Council's Impairment Process;
- (c) The Impairment Report prepared by [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] and concludes that the impairment directly contributed to Mr [REDACTED] conduct;

(d) Mr [REDACTED] experienced a range of external stressors contributing to the offending, including marriage breakdown, relocation, reported unhealthy work environments, Covid-related stressors and the subjective experience of bullying;

(e) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(f) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]";

(g) He agreed to the summary of facts and engaged with the Tribunal process;

(h) He did not hold a practising certificate at the time of the offending and the mandatory reporting obligations under s 493 of the Act did not apply.

Our assessment

[16] The appropriate starting point is cancellation.

[17] The Tribunal has carefully considered whether the mitigating factors, and in particular the evidence of impairment, are sufficient to displace the starting point of cancellation, and whether a penalty short of cancellation can sufficiently meet the purposes of a penalty. The Tribunal concludes that they are insufficient to displace the starting point.

[18] The offending is moderately serious. For the reasons discussed above, its scale, organisation and duration place it well beyond personal use or possession alone. The cultivation conviction carries a maximum penalty of seven years' imprisonment and reflects sustained engagement with controlled drugs.

[19] The Tribunal acknowledges and gives weight to the 2024 Impairment Report prepared by [REDACTED]. The report identifies [REDACTED]
[REDACTED]
[REDACTED] - and concludes that those conditions, in combination with external stressors, contributed to Mr [REDACTED] conduct. The 2024 Impairment Report supports a return to teaching and recommends conditions to manage risk.

[20] By contrast, the letter from Mr [REDACTED] GP, Dr [REDACTED], dated 14 March 2026, presents a concerning clinical picture. Dr [REDACTED] states that Mr [REDACTED] is currently subject to a Compulsory Treatment Order, is in a very fragile mental state, and is at high risk of self-harm and suicide. The threshold for a [REDACTED]

[21] The evidence is also inconsistent as to whether Mr [REDACTED] intends to return to teaching. Accordingly, the Tribunal is unable to determine whether a return to practice is realistically contemplated in the near future.

[22] The CAC has proposed conditions on any future practising certificate comprising three-monthly drug-free test reports for one year and disclosure of the Tribunal's decision to employers for two years. The Tribunal has considered whether such conditions would be adequate to protect the public and to manage the risks identified in the evidence.

[23] In light of the current clinical evidence, including the risks identified by the GP, the existence of the [REDACTED], and the absence of any current assessment of fitness to practise, the Tribunal is not satisfied that it has sufficient information to formulate conditions capable of adequately protecting the public.

[24] We considered whether a lesser outcome, including adjournment for further evidence, imposition of conditions, or a period of suspension, would adequately address the purposes of penalty. We are not satisfied that such alternatives are appropriate in the present case. The respondent has had ample time and opportunity to provide further material and has not done so. Nor would suspension address the underlying issue that the Tribunal lacks a sufficient evidential foundation to conclude that a return to practice, whether immediate or deferred, could be safely managed.

[25] The decision is not driven by the fact of diagnosis. Rather, it reflects the seriousness of the offending, the evidence that the impairment materially contributed to it, and the Tribunal's present inability to be satisfied that any identified risks can be appropriately managed through conditions. In those circumstances, the Tribunal cannot be satisfied that censure and conditions would adequately meet the objectives of public protection, maintenance of professional standards, and public confidence. Cancellation is therefore necessary.

[26] The absence of a current practising certificate does not make cancellation

unnecessary. Registration itself signifies that a person meets the standards of fitness to teach. Where those standards are no longer met, cancellation serves an important regulatory function by maintaining confidence in the profession and the integrity of the register.

[27] Cancellation does not preclude Mr [REDACTED] from applying for re-registration in the future. The Tribunal encourages Mr [REDACTED] to reapply for registration when he is able to demonstrate that he is fit to teach and that he is able to practise safely. At that point, the Teaching Council will be in a position to consider appropriate conditions to support a safe return to the profession.

[28] The CAC does not seek costs. The Tribunal accepts that this is not an appropriate case in which to order costs.

Non-publication order application

[29] Interim non-publication orders have been in place since 5 November 2025, prohibiting publication of Mr [REDACTED] name and information relating to his mental health and other medical details, including the Impairment Report. Mr [REDACTED] seeks permanent name suppression. His application is supported by a letter from his General Practitioner. The CAC is neutral on the question of permanent non-publication and will abide.

[30] The default position is publication, consistent with the principle of open justice. The question is whether the evidence filed is sufficient to satisfy the Tribunal that the stated risks of publication are likely to occur, and if so, whether suppression is proper in the circumstances because those risks outweigh the public interest in publication.

[31] It may be proper to order suppression where there is a real risk that publication will adversely affect a teacher's rehabilitation and recovery [REDACTED]. However, the evidence filed in support of such an application must provide a sufficiently detailed explanation of the relevant condition, its likely duration, and its associated risks. A bare assertion that a condition or risk exists will not suffice.

[32] Dr [REDACTED] assesses the respondent as being in a very fragile state and at high risk of [REDACTED], and considers that publication of his name would only increase this risk. Read together with the Impairment Report, this establishes in our view a real and appreciable risk that publication of Mr [REDACTED] identity would cause serious harm to his health and safety. The Tribunal is satisfied that in the particular circumstances of this case, this outweighs the public interest in publication of his identity.

[33] Accordingly, the Tribunal grants permanent non-publication orders in respect of Mr [REDACTED] name.

[34] The Tribunal accordingly orders:

- (a) Permanent non-publication of Mr [REDACTED] name in connection with this proceeding;
- (b) For the avoidance of doubt, the above order does not restrict the communication of information to those with a proper interest, including any employer or prospective employer of Mr [REDACTED] if he is teaching or applying for a teaching role.

ORDERS

[35] The Tribunal orders as follows:

- (a) An adverse finding is made in respect of Mr [REDACTED] three convictions;
- (b) Pursuant to s 500(1)(b) of the Act, Mr [REDACTED] is censured;
- (c) Pursuant to s 500(1)(e) of the Act, Mr [REDACTED] registration as a teacher is cancelled;
- (d) Any medical (including mental health) information redacted from the published version of this decision is not to be published.
- (e) The following details are also prohibited from publication:
 - (i) Mr [REDACTED] name and identity in connection with this proceeding;
 - (ii) Details likely to lead to the identification of Mr [REDACTED]



Jamie O'Sullivan

Chair, New Zealand Teachers Disciplinary Tribunal

NOTICE OF RIGHT OF APPEAL

A person who is dissatisfied with all or any part of a decision of the Disciplinary Tribunal under s 500 of the Education and Training Act 2020 may appeal to the District Court.

An appeal must be made within 28 days of receipt of written notice of the decision, or within such further time as the District Court allows.