

**BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL**

**UNDER** Part 32 of the Education Act 1989

**IN THE MATTER** of a charge of serious misconduct and conviction referred by the  
Complaints Assessment Committee to the New Zealand Teachers  
Disciplinary Tribunal

**BETWEEN** **THE COMPLAINTS ASSESSMENT COMMITTEE**  
Referrer

**AND** **PAUL MAITLAND GAY**  
Respondent

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**DECISION OF THE TRIBUNAL**

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Tribunal: Ian Murray (Deputy Chair), Kiri Turketo and Nikki Parsons

Hearing: Held at Wellington on 11 October 2022 (on the papers)

Decision: 31 October 2022

Counsel: Elena Mok, Counsel for the CAC  
Alex Hope, Counsel for Mr Gay

## Charge

1. The Complaints Assessment Committee (CAC) has referred to the Tribunal a charge alleging serious misconduct and/or conduct otherwise entitling the Tribunal to exercise its powers. In a Notice of Charge dated 25 January 2022, the CAC allege that:
  - a. he breached professional boundaries by sending inappropriate and/or sexual text messages to a Year 13 student at the School who he had counselled while in his role as Guidance Counsellor at the School.
2. The CAC also referred to us a criminal conviction in the Hamilton District Court in March 2021, for committing an indecent act with intent to insult or offend.
3. The CAC contends that this conduct amounts to serious misconduct pursuant to s 378 of the Education Act 1989 (the Act) and Rules 9(1)(b) and/or (e) and/or (j) and/or (k) of the Education Rules 2016 (the Rules); or alternatively it is conduct that otherwise entitles the Disciplinary Tribunal to exercise its powers under s 404 of the Act.

## Factual background

4. The hearing took place on the papers. 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 (although the appendix with the text messages is not reproduced):

### Background

1. The respondent, Paul Maitland Gay, is a registered teacher.
2. Mr Gay no longer holds a valid practising certificate, and is no longer working in the teaching profession, or as a counsellor. He does not intend to work as a teacher or a counsellor in the future.
3. Mr Gay worked at Melville High School in Hamilton for a number of years as a guidance counsellor up until September 2018, when he resigned. After leaving Melville High School, Mr Gay began working as a guidance counsellor at Fraser High School in 2019.
4. At the relevant time, **Student A** was a female student who attended Melville High School between 2013 and 2019. Student A was in Year 12 in 2018 and in Year 13 in 2019.

### Inappropriate text messages

5. Student A regularly attended counselling sessions with Mr Gay throughout the period she attended Melville High School. Student A had a number of personal issues, and disclosed various difficult experiences to Mr Gay during these sessions, including of sexual assault.
  - a. Between September 2018 and October 2019, Mr Gay sent inappropriate, sexually explicit text messages to Student A, who was still a high school

student at Melville High School at the time. A copy of some of the messages exchanged over this period is attached to this summary of facts at **Tab 1**, and these messages form part of this summary of facts.

### **Police investigation and charges**

6. In or around October 2019, Student A disclosed to the Principal of Melville High School that Mr Gay had acted inappropriately towards her during counselling sessions, as well as sending her sexually explicit text messages. The matter was reported to the Police, and a mandatory report was submitted with the Teaching Council that same month.
7. The subsequent Police investigation into the allegations resulted in Mr Gay being charged with sexual offending in respect of Student A.
8. After being charged by the Police, Mr Gay ceased working as a counsellor, and indicated he would no longer be seeking to practice as a teacher.
9. On 19 March 2021, before the Hamilton District Court, Mr Gay pleaded guilty to a representative charge of doing an indecent act with intent to insult or offend, and was convicted of this offence. Doing an indecent act with intent to insult or offend is an offence under s 126 of the Crimes Act 1961, and carries a maximum penalty of two years' imprisonment. A copy of the summary of facts outlining the offending to which Mr Gay pleaded guilty is attached at **Tab 2**, and forms part of this summary of facts. In particular, in addition to sending Student A sexually explicit text messages, as referred to above, the offending also involved Mr Gay:
  - a. Placing his hands in his pockets and appearing to touch his genitals when Student A spoke of personal sexual matters during counselling sessions between 2017 and 2018;
  - b. Approaching Student A during a counselling session and lifting her shirt, exposing her stomach and bra, after questioning her about what she was wearing under her uniform; and
  - c. Grabbing Student A's hand during a counselling session, placing it on his knee, and  
sliding her hand up his thigh towards his crotch area.
10. On the same date on which Mr Gay pleaded guilty and was convicted of the offending, Mr Gay was sentenced to four months' home detention. A copy of the sentencing notes of Judge PR Connell (not including the parts of the Judge's decision relating to an application for permanent name suppression) are attached at **Tab 3**.

## Teacher's response

### *Text messages*

11. During the Complaints Assessment Committee's (CAC) investigation into the allegations in the mandatory report, Mr Gay stated in a written response dated 26 November 2020 that he accepted that the text messages he had exchanged with Student A were inappropriate, and that his conduct in sending these messages amounted to serious misconduct. He said that he wished to deregister as a teacher.
12. Mr Gay further stated that he had been undergoing difficult personal circumstances at the time he had sent the messages, and that he had sought therapeutic help for his personal issues. He indicated that he had experienced serious mental health issues, including stress, anxiety and PTSD, around the time the messages were sent, and noted that he was in a severely compromised state of mental health at the time.
13. Mr Gay further said that, on the day he sent the text messages in 2019, a colleague of his had disclosed her experiences with childhood sexual abuse, which Mr Gay believed were triggering for him (as he had his own personal experiences of this kind), and led to him sending the text messages.
14. At the CAC meeting, Mr Gay said that he had never provided his number to Student A, that she must have taken the number from a business card, and that she had initiated the conversation with him. He said the text messages he sent were out of character for him.
15. Mr Gay also read an apology he had written to Student A for sending her the text messages (which he had not sent to her) at the CAC meeting, stating that he took "full responsibility for what happened both as an adult and as a professional".

### *Conviction*

16. In both his written response and at the CAC meeting, in regard to his conviction for doing an indecent act with intent to insult or offend, Mr Gay stated that he had pleaded guilty for pragmatic reasons, and denied having assaulted or touched Student A in any way during their counselling sessions. Mr Gay stated that the pragmatic reasons for pleading guilty included: not putting the student or her whānau through the stress of court-related proceedings; his wife had lost her job due to his actions and their income "immediately went to zero"; he and his wife were reliant on his family to support their mortgage; Mr Gay and his wife were still supporting two of his wife's children at home, one of whom had mental health issues; and, having regard for the state of his mental health, depression, and suicidal thoughts, he could not contemplate the escalating stress for himself or his family.

17. He also denied having engaged in any prolonged inappropriate conduct towards Student A from the time she had started attending Melville High School in Year 9. He said that (in addition to the reasons set out above) he had pleaded guilty to avoid the high costs involved with a jury trial – having been told by his lawyer that a trial could exceed \$50,000 and had also done so to be accountable to Student A's family (for sending the text messages). He said that he had also been informed by his criminal lawyer that the nature of the texts along with the allegations the student gave to Police would place Mr Gay in a situation of higher risk at trial. Further, he said:

All the actions I have taken have been to be accountable to the victim, her family and my family and colleagues. I have been honest with my lawyers, my family and the health professionals I have been working with over the last 3 years.

The consequences of the conviction are numerous for myself and whānau but in short we are emotionally burnt-out and financially insecure. I accept also that there will be more financial costs but of greater concern to us is the impact of renewed public disclosure on our already fragile mental health and ability to recover going forward.

18. Finally, Mr Gay said that he accepted his conviction, but wished to provide an explanation to the CAC.

5. We must be satisfied on the balance of probabilities that the CAC has proved the charge. The defendant acknowledges his culpability for the text messages although he disputes that he committed the behaviour leading to his conviction. We have taken the conviction as “conclusive proof that the respondent committed the offence”.<sup>1</sup> On the basis of the ASF and his conviction, we concluded that the particulars of the charge are established.

### **Serious misconduct**

6. The respondent does not dispute that his conduct amounts to serious misconduct. Notwithstanding the defendant's concession, we must decide whether the conduct we found to be established amounts to serious misconduct (or conduct otherwise entitling the Tribunal to exercise its powers).
7. Section 378 of the Act provides:

***serious misconduct means conduct by a teacher—***

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<sup>1</sup> Evidence Act 2006, section 47.

- (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.*

8. The criteria for reporting serious misconduct are found in r 9 of the Rules. The CAC relies on Rules 9(1)(b) and/or (e) and/or (j) and/or (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:*
  - (b) *emotional abuse that causes harm or is likely to cause harm to a child or young person...*
  - (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; for example, —*
    - (i) *engaging in an inappropriate relationship with the child or young person:*
    - (ii) *engaging in, directing, or encouraging behaviour or communication of a sexual nature with, or towards, the child or young person:*
  - (j) *an act or omission that may be the subject of a prosecution for an offence punishable by imprisonment for a term of 3 months or more:*
  - (k) *an act or omission that brings, or is likely to bring, the teaching profession into disrepute.*

***CAC submissions***

9. The CAC noted that there were two different aspects of behaviour for consideration by the Disciplinary Tribunal. The sending of the inappropriate text messages was a referral for consideration of serious misconduct. The conviction for doing an indecent act with intent to offend was to be considered as a referral of a conviction.

However, they submit that the “*serious misconduct yardstick*” may still be a useful tool in determining whether to make an adverse finding in respect of the conviction.

10. The CAC considered the three-stage test for serious misconduct. In respect to the effect on the wellbeing or learning of Student A, they noted that the student was vulnerable due to her age, the age disparity between them, and that she had been receiving ongoing counselling from the respondent including in relation to previous sexual abuse. The summary of facts noted that Student A had been embarrassed, uncomfortable and distressed by the respondent’s actions at the counselling session. The CAC submitted that clearly there had been a risk of adverse impact on her wellbeing.
11. Turning to the fitness of the respondent to be a teacher, the CAC noted the abuse of position of trust and the relationship between the teacher and the student where he was meant to be counselling her. The CAC noted his conduct showed a lack of regard for students’ wellbeing and an ongoing lack of professional judgement. They noted his behaviour was inconsistent in key respects with the Code of Professional Responsibility. The CAC noted that the respondent departed from professional obligations under the Code in a myriad of respects which demonstrates that his conduct reflected adversely on his fitness to teach.
12. Assessing the impact on the teaching profession generally, the CAC submitted that the respondent’s unquestionably brought the teaching profession into disrepute.
13. The CAC then considered the reporting criteria and submitted that it was clearly emotional abuse given the counselling relationship between them and the effect on Student A. They submitted that it breached professional boundaries by involving communication of a sexual nature towards a child or young person, the behaviour could amount to a criminal offence with a maximum penalty of three months’ imprisonment. Lastly, for the same reasons, they submitted that the behaviour brought the teaching profession into disrepute.
14. As a result, they submit that the conduct was serious misconduct.

#### *Respondent’s submissions*

15. The respondent admitted the charge and agreed with the summary of facts. He argued that he accepted the conviction for the inappropriate behaviour at the counselling session but disputed the underlying facts. He provided an explanation

for why he pleaded guilty but denied the underlying conduct.

### *Analysis*

16. We must be satisfied that the respondent's conduct meets at least one of the definitions of serious misconduct in s 378 of the Act, and that it is of a character or severity that meets the criteria for reporting serious misconduct contained in r 9. We must assess the behaviour in this case against the two-stage test in s 378 and rule 9.<sup>2</sup> Because of the close connection between the two referrals for serious misconduct and for a conviction, we will consider the conduct globally.
17. Starting first with the effect of the behaviour on students. For the reasons set out by the CAC we, without hesitation, accept that this was clearly behaviour that was likely to impact on Student A. She was a vulnerable student and had been in a long term therapeutic and counselling relationship with the respondent. She came from a troubled background and the respondent knew that. There was a predatory element to the offending and the text messages were deeply disturbing. The combination of the text messages and the physical conduct was clearly likely to seriously and adversely affect Student A.
18. In those circumstances, we have no hesitation in concluding that the respondent's conduct was likely to adversely affect the wellbeing or learning of Student A.
19. Again, for the reasons set out by the CAC, we accept that the behaviour adversely reflected on the fitness of the respondent to be a teacher. His behaviour was the absolute antithesis of how a teacher should treat a student and we have concluded that he cynically exploited a vulnerable student for his own sexual gratification. We have absolutely no hesitation in concluding that the respondent's behaviour is utterly unacceptable and adversely affected his fitness to be a teacher.
20. The test for deciding whether a teacher's actions are likely to bring the teaching profession into disrepute is set out by the Court in *Collie v Nursing Council of New Zealand*.<sup>3</sup> It is an objective test and requires consideration of whether reasonable members of the public informed of the facts and circumstances, could reasonably conclude that the reputation and good standing of the profession is lowered by the

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<sup>2</sup> *Teacher Y v Education Council of Aotearoa New Zealand* [2018] NZDC 3141 at [64].

<sup>3</sup> *Collie v Nursing Council of New Zealand* [2001] NZAR 74.



respondent's actions.

21. In our view, this was behaviour that would undoubtedly bring the teaching profession into disrepute in the eyes of the public. It is hard to think of a worse type of teacher behaviour than to sexually exploit a vulnerable student. As we have noted, this is the absolute antithesis of how a teacher should treat a student and the public would rightly consider that the teaching profession, as a whole, was diminished by a teacher behaving in this way.
22. Moving on to our analysis of Rule 9, we have already concluded that this was an act or omission that was likely to bring the teaching profession into disrepute. We consider, for the reasons outlined by the CAC that all of the other three reporting rules are engaged. This was clearly behaviour that emotionally abused Student A. She was vulnerable and the respondent exploited those vulnerabilities for his own gratification. It was a clear breach of professional boundaries, and it was an utterly inappropriate relationship for him to have with a student, let alone one who was so vulnerable. It was also conduct that clearly amounted to the requisite criminal offence as well.
23. So, we are satisfied that the respondent's actions clearly breached these reporting rules. As a result, we conclude the respondent's conduct amounted to serious misconduct.

### **Penalty**

24. In *CAC v McMillan*,<sup>4</sup> we summarised the role of disciplinary proceedings against teachers 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*

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<sup>4</sup> *CAC v McMillan* NZTDT 2016/52, 23 January 2017, paragraph 23.

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

25. Our powers on a finding of serious misconduct (or an adverse finding) are contained in section 404 of the Act which provides:

**404 Powers of Disciplinary Tribunal**

- (1) *Following a hearing of a charge of serious misconduct, or a hearing into any matter referred to it by the Complaints Assessment Committee, the Disciplinary Tribunal may do 1 or more of the following:*
- (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 Education Council in respect of the costs of conducting the hearing:*
  - (j) *direct the Education Council to impose conditions on any subsequent practising certificate issued to the teacher.*

*CAC position*

26. The CAC argued that nothing short of cancellation is appropriate in this case. They say that this was such a serious breach of a teacher's obligations that cancellation is the only available outcome. The CAC referred to a number of cases involving

sexual offending against students.<sup>5</sup> The CAC noted that because of the mandatory cancellation rules that came into force with the Children's Act 2014, generally sex offending against students results in automatic cancellation rather than through a Tribunal hearing. It is only because the offence in this case was not a specified offence that we need to consider the case. As a result, there are limited recent cases of this kind, but we accept the principles outlined in the earlier cases and by analogy in the mandatory cancellation rules for other more serious sexual offending against students assist our determination.

#### *Respondent's position*

27. The respondent does not dispute that cancellation is the appropriate outcome.

#### *Analysis*

28. We agree that cancellation is the only possible outcome in this case. This was such serious misconduct that it has to be met by cancellation of the teacher's registration. We are bolstered in that conclusion by the respondent's attitude demonstrated in the material he submitted to us. He has, in our opinion, admitted only what he cannot deny, pleaded guilty in District Court, but sought to maintain plausible deniability to allow him to now dispute what he has already admitted to in Court. His self-serving and minimising behaviour reinforces our decision that he has no place in the teaching profession.

29. In order to recognise the seriousness of the misconduct and to protect students we are ordering cancellation of his registration

#### **Costs**

30. The CAC sought a contribution of 40% of its costs under s 404(1)(h). The respondent argues that no costs should be imposed.

31. In this case there are two parts to the alleged serious misconduct. One part relates to a conviction for doing an indecent act and if that was the only allegation then no costs could have been ordered.<sup>6</sup>

32. Because this case involves a mixture of a criminal referral and an allegation of

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<sup>5</sup> *CAC v Ashby* NZTDT 2015/49, *Dunn* March 2016, *CAC v Teacher X* NZTDT 2010/20, *CAC v Shaw* NZTDT 2014/39 and *CAC v Bond* NZTDT 2014/48

<sup>6</sup> Section 397 of the Act.

serious misconduct, we do have the power to order costs. However, in analogous cases we have not ordered costs to honour the spirit of s 397 of the Act which prevents us from ordering costs in cases where the respondent has been through the criminal process.<sup>7</sup>

33. In the end we concluded that because this case was partly a conviction cases so that the respondent had already had the expense of going through the criminal justice system, we would not order costs.

### **Non-publication**

34. We make an order prohibiting publication of the name of the student involved in the incident, Student A, in accordance with the protections afforded to young persons under Rule 34 of the Teaching Council Rules 2016. We also suppress the name of [REDACTED] who was referred to in the agreed summary of facts. That is necessary to maintain the suppression of Student A.
35. Additionally, the respondent seeks an order for permanent non-publication of his name and identifying details, and that of his wife's name. The respondent's grounds for non-publication are:
- a. That publication would have an adverse impact on his mental health;
  - b. The publication will impact his family, generally, and his partner in particular.
36. The respondent has provided medical evidence in support of his application for name suppression. He notes "I have been on medication for depression and anxiety since December 2019 but sought professional help for this and stress in 2016". He provided evidence of a risk of suicide and of mental health difficulties.
37. The respondent also argues that he has been unable to work due to anxiety and depression following the events that are the subject of these proceedings and also that at the age of 59 he is now unable to work in teaching or counselling (the two professions that he is trained in) and retraining at his age will be difficult and expensive.
38. The respondent also points to threats being made to him and his partner and also a letter sent to his partner from her ex-husband's sister in relation to the offending

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<sup>7</sup> See for example *CAC v Kaur* NZTDT 2021/49

that the respondent was convicted of.

39. He also argues that his wife's children have been deeply affected and they are now estranged from their father and his family. The respondent has an adult son from a previous relationship who also has a partner and a young child. This is an important relationship to the respondent and he argues that previous publicity significantly affected them.
40. As well as an affidavit from the respondent, we were also provided an affidavit from his wife. This was a troubling document and was largely unhelpful. In it his wife expressed strong views about the respondent's guilt. These should not have been included in that document. They were inconsistent with the respondent's own admissions, the presumption that a conviction is conclusive proof of the offending, and were not relevant to any decisions we were required to make. They also troubled us because we are concerned that his wife is supportive of his distorted and minimising views of his own actions. We are concerned that she is an enabler and while she continues to behave in that way, she is not able to truly help him. It especially troubled us because it attempted to portray her and the respondent as the true victims rather than Student A.

#### *CAC submissions*

41. The CAC does not oppose suppression for the respondent's wife (we understand she was subject to a suppression order in the District Court) but does oppose suppression for the respondent.
42. The CAC argue that the grounds for suppression are not made out. The CAC argue that the evidence provided in support of the application is inadequate to establish a sufficient risk of deterioration of the respondent's mental health if publication is made. While the evidence supports an ongoing mental health issue, there is no specific evidence of the risk associated with publication or any measures that might be or have been put in place to mitigate those risks. It is noted that no specialist evidence has been provided about measures that the respondent has taken to manage his mental health conditions which could mitigate the impact of publication.
43. It is noted that the respondent's name and the name of school was not suppressed

in the criminal proceedings and he has been the subject of media reports. The CAC argue it is difficult to see how further publication in this proceeding would further impact on the respondent's prospects of employment given the existing media articles about the criminal offending.

44. It is argued that any emotional impact of publication is nothing more than the ordinary consequences associated with proceedings of this kind.
45. The CAC also note that there is no evidence of any significant harm to the respondent as a result of publication in the criminal case.
46. The CAC's central submission is that it is not proper for the Tribunal to depart from the principle of open justice in this case.

#### *Legal principles*

47. 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.
48. As we noted in *CAC v Finch*,<sup>8</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.
49. There is no onus on the applicant and the question is simply whether the circumstances justify an exception to the fundamental principle.<sup>9</sup> In essence we must strike a balance between the open justice considerations and the interests of the party who seeks suppression.<sup>10</sup>

#### *Analysis*

50. We are not satisfied that there are sufficient grounds for suppression of the respondent's name in this case, although we do accept that his partner's name should be suppressed. We also note that his name was not suppressed in the

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<sup>8</sup> *CAC v Finch* NZTDT 2016/11

<sup>9</sup> *ASB Bank Ltd v AB* [2010] 3 NZLR 427(HC) at [14].

<sup>10</sup> *Hart v Standards Committee* (No 1) of the New Zealand Law Society [2012] NZSC4 at [3].

District Court and publication of his name and the details of the case occurred

51. Simply that the fact that a teacher suffers from mental health difficulties or even has made comments related to self-harm, is not on its own sufficient to displace the principle of open justice. In this case, we are not satisfied that the material provided establishes a sufficient basis on which we can grant suppression. The information is not sufficiently recent or detailed and there is no detailed material a specialist in the area. While we acknowledge that there will be some ongoing impact on the respondent with publication. Undoubtedly there will be some additional further media coverage which may impact on the respondent, but we do not accept that rises to the level which would justify suppression. Ultimately he has not convinced us of sufficient likely negative consequences from publication
52. The consequences on the respondent's employment and ability to retrain are inevitable consequences of having done what the respondent has done and any of those consequences will flow from the publication of the criminal case, so that further publicity will add little to the original publicity.
53. The respondent argues that the effect on his family justifies suppression. In *CAC v Teacher*, we considered family interests and said:<sup>11</sup>
- It is almost inevitable that a degree of hardship will be caused to the innocent family members of a teacher found guilty of serious misconduct. Such "ordinary hardships are not sufficient to justify suppression. However more acute forms of professional and familial embarrassment can make suppression the proper outcome.*
54. We acknowledge that there will be consequences for the respondent's family (as there always are when a member of the family behaves in such an unacceptable way) but we do not accept that these rise to a sufficient level so that suppression would be proper. Sadly, these consequences are far from outside the ordinary.
55. This being one of those cases where unfortunately the respondent and those around him will suffer media scrutiny as a result of his behaviour does not by itself permit us to order suppression. As a result, we reject the respondent's application

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<sup>11</sup> *CAC v Teacher* 2016-27, 25 October 2016, at para [65].

to suppress his own name but make the other suppression orders as we have indicated.

*Conclusion*

56. Having rejected all of the grounds for suppression in support of the application for name suppression, there is no basis on which we could make an order under s 405(6) for non-publication of the respondent's name. We suppress Student A's name, the name [REDACTED], and the respondent's wife's name.



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Ian Murray

Deputy Chair