

TEACHING COUNCIL

NEW ZEALAND | Matatū Aotearoa

Complaints Assessment Committee (CAC) v Justin Raymond Timoti

NZTDT 2018-62

Mr Justin Timoti was alleged to have kicked a student and thrown PE cones at another student on the same day. The CAC and Mr Timoti agreed on the facts and that the conduct amounted to serious misconduct.

The result: Mr Timoti was censured for serious misconduct and conditions were placed on his practicing certificate. Mr Timoti was also required to contribute to the CAC's costs. There are no non-publication orders for this case.

On 7 June 2019 the Disciplinary Tribunal released its decision in relation to Mr Timoti.

The parties filed an agreed statement of facts which records that on 1 May 2018 Mr Timoti was teaching a physical education class on the sports field at Kingslea School, where Mr Timoti was employed. Kingslea School is located at a youth justice facility. During touch rugby drills, Student J knelt down to tie his shoelaces. Mr Timoti told Student J to hurry up before kicking him and pushing Student J's upper leg with the sole of his foot. Student J was not injured or harmed. Student T took exception to Mr Timoti's actions and had a verbal altercation with Mr Timoti. In the course of the argument, Mr Timoti threw a handful of plastic cones (that were being used for the drills) at Student T, with some hitting Student T in the face.

Police investigated Mr Timoti's actions and referred the matter involving Student J to Te Pae Oranga panel (an Iwi Community Panel). The panel and Mr Timoti implemented a plan (three counselling sessions) to address Mr Timoti's actions. Police took no further action in relation to the matter involving student T.

Mr Timoti explained his actions to the CAC by stating that he was encouraging Student J to hurry up and that he had used a controlled kick to move him rather than cause him any harm. Mr Timoti stated that Student T's behaviour made him feel anxious and that as he felt unsafe with Student T he threw the cones out of fear, and that he had not intended to hit Student T with the cones. Mr Timoti stated that following the incidents he realised that his actions were not of a professional standard.

The Tribunal found the factual allegations to be proved and that each charge amounted to serious misconduct.

The Tribunal considered the conduct towards Student J was an assault, and that Mr Timoti's behaviour was likely to cause upset and indignation in any student. The Tribunal considered it to be very foolish behaviour that constituted physical abuse under Rule 9(1)(a), but not at the most serious end of the scale.

The Tribunal considered the conduct towards Student T was more serious, finding that "there is simply no excuse for throwing anything at a student". It was likely to cause harm and adversely affect the wellbeing of Student T and others around him.

The Tribunal agreed with the penalties sought by the CAC (censure, conditions imposed for a period of mentoring and for Mr Timoti to attend an appropriate course on student management) but also imposed another condition requiring Mr Timoti to tell any current, prospective or future employer about this matter.

Mr Timoti applied for permanent non-publication of his name and the facility. The Tribunal found, having regard to the public interest test and the students in this case, that it was not proper to make an order for non-publication of his name.



BEFORE THE NEW ZEALAND TEACHERS DISCIPLINARY TRIBUNAL

NZTDT 2018-62

IN THE MATTER of the Education Act 1989

AND

IN THE MATTER of a charge referred by the Complaints Assessment
Committee to the New Zealand Teachers
Disciplinary Tribunal

BETWEEN **COMPLAINTS ASSESSMENT COMMITTEE**

AND **JUSTIN RAYMOND TIMOTI**

Respondent

TRIBUNAL DECISION

7 JUNE 2019

HEARING: Held at Wellington on 7 February 2019 (on the papers)

TRIBUNAL: Theo Baker (Chair)
Stuart King, David Hain (members)

REPRESENTATION: Ms J O'Sullivan and Mr D Moore for the CAC
Ms D King for the respondent

1. The Complaints Assessment Committee (**CAC**) has referred to the Tribunal a charge of serious misconduct and/or conduct otherwise entitling the Tribunal to exercise its powers. There are two allegations contained in an Amended Notice of Charge: Charge 1 is that on 1 May 2018, the respondent kicked a student, Student J, and Charge 2 is that on the same day, he threw PE cones at another student, Student T.
2. It is alleged that the conduct amounts to serious misconduct pursuant to s 378 of the Education Act 1989 (**the Act**) and rr 9(1)(a) and/or (o) of the Education Rules 2016¹ (**the Rules**) or conduct otherwise entitling the Disciplinary Tribunal to exercise its powers under s 404 of the Act.
3. The parties conferred and agreed on the facts, and that the conduct amounts to serious misconduct. We must still consider the evidence and satisfy ourselves of those matters.

Summary of decision

4. We found that each charge amounted to serious misconduct.
5. We imposed the following penalty:
 - a. The respondent is censured under s 404(1)(b).
 - b. Under s 404(1)(c), we imposed the following conditions on his practising certificate:
 - ii. A period of mentoring by a senior teacher of at least 8 years' practice experience for a period of 12 months; and
 - iii. To attend and complete an appropriate course on student management, or such other course as agreed by the Teaching Council.
6. We ordered the respondent to pay costs to the CAC of \$1,717.55.
7. We declined to make a final order for non-publication of the respondent's name, but extend the existing interim order for 20 working days from the date of this decision, to allow the respondent time to inform family and friends.

Evidence

8. Before the hearing the parties conferred and filed a Summary of Facts, which is set out

¹ The amendments made by the Education Council Amendment Rules 2018 do not apply to conduct before 18 May 2018. See Schedule 1 Part 2.

in full:

1. *The respondent is a teacher at Kingslea School (the **school**). The school is located at Te Maioha o Parekarangi, which is a youth justice facility (the **facility**). The students at the school reside at the facility following remand or sentence by the Youth Court.*
2. *The respondent has been employed as a teacher at the school since 2014.*
3. *On 1 May 2018, the respondent was teaching a physical education class on a sports field at the school.*

Charge 1

4. *Two students (one of whom will be referred to as Student T) were doing touch rugby drills, as directed by the respondent. Another student, Student J, decided to join the drill.*
5. *Student J knelt down to tie his shoelaces. While he was kneeling, the respondent told him to hurry up. The respondent then walked up to Student J and kicked him, pushing Student J's upper leg with the sole of his foot.*
6. *This kick caused Student J to be turned around, but did not cause any injury or harm.*

Charge 2

7. *Student T took exception to the respondent's actions, and had a verbal altercation with the respondent. The respondent and Student T came close to each other and stood in a fighting stance, but soon stopped and the respondent walked away.*
8. *Several minutes later, the respondent and Student T began arguing again. The respondent was picking up a number of plastic cones that were being used for the touch rugby drills. In the course of the argument, he threw a handful of cones at Student T, with some hitting Student T in the face.*
9. *Student T again stood as though he was going to fight the respondent. Staff at the school responded to this, and entered the field. Due to the actions of the staff, the situation between the respondent and Student T then deescalated.*

Subsequent Police investigation

10. *Police investigated the respondent's actions.*

11. *Police referred the matter involving Student J to Te Pae Oranga panel. Te Pae Oranga is an Iwi Community Panel which considers minor criminal matters as a lower-level and rehabilitative alternative to proceeding with criminal charges in the District Court. The panel and respondent implemented a plan to address the respondent's actions, which consisted of the respondent undergoing three counselling sessions. In addition, the Chair of the panel wrote a letter to the facility asking for further support to be given to staff on how to deal with such incidents. The respondent also provided a letter of apology to Student J.*
12. *Police elected to take no further action in relation to the matter involving Student T.*

Teacher's response

13. *The respondent provided a written response to the CAC.*
14. *In relation to the incident involving Student J, the respondent stated that he was encouraging the student to hurry up as the other students were waiting for him. He stated that he had pushed the student with a controlled kick, to move him rather than cause any harm.*
15. *In relation to the incident involving Student T, the respondent stated that the student's initial behaviour made him feel anxious, and that he attempted to deescalate the situation by moving backwards. As he felt unsafe with Student T, his instincts were to move back towards Student T with his arms up in case the student attacked him. He also advised that the other staff at the facility had failed to respond to the situation.*
16. *The respondent stated that following the initial altercation, he attempted to apologise, but Student T responded with verbal abuse and aggressive body language. Student T then approached the respondent while swearing, and the respondent threw the cones at him out of fear. He also stated that he had not intended to hit Student T with the cones.*
17. *The respondent advised the CAC that following the incidents he realised that his actions were not of a professional standard, and were not consistent with his personal philosophy supporting mutual respect, a safe environment and building positive relationships. He also advised that he had undergone counselling to gain a further understanding of where his anxiety had come from.*

18. We must be satisfied that the agreed facts support the allegations contained in the charge. The evidence to support the allegation in Charge 1 is found in paragraph 5 of the Summary of Facts, and for Charge 2, in paragraph 8. The factual allegations in the Notice of Charge are therefore proved.

Serious misconduct

19. We must now decide whether the established conduct amounts to serious misconduct (or conduct otherwise entitling the Tribunal to exercise its powers).

20. Section 378 of the Act provides:

serious misconduct means conduct by a teacher—

(a) that—

(i) adversely affects, or is likely to adversely affect, the well-being or learning of 1 or more students; or

(ii) reflects adversely on the teacher's fitness to be a teacher; or

(iii) may bring the teaching profession into disrepute; and

(b) that is of a character or severity that meets the Education Council's criteria for reporting serious misconduct.

21. The criteria for reporting serious misconduct are found in r 9 of the Rules. The CAC relies on rr (a), and (o):

Criteria for reporting serious misconduct

(1) *The criterion for reporting serious misconduct is that an employer suspects on reasonable grounds that a teacher has engaged in any of the following:*

(a) *the physical abuse of a child or young person (which includes physical abuse carried out under the direction, or with the connivance, of the teacher):*

...

(o) *any act or omission that brings, or is likely to bring, discredit to the profession.*

22. The CAC submitted that all three limbs of the definition in s 378 were met and that for the same reasons, it was of the character that meets rr 9(1)(a) and (o) of the Rules.

23. The CAC referred to the Council's Code of Ethics for Registered Teachers (**the former Code**) and the Code of Professional Responsibility and Standards for the Teaching Profession (**the current Code**). Although the CAC indicated that these incidents predated the current Code, according to the Notice of Charge and the Summary of Facts, the events happened on 1 May 2018, about 10 months after the current Code took effect.² In any event, we are not sure that reference to the Code adds much to our determination of serious misconduct as it sits under the Act and Rules which apply to

² By Gazette Notice, the current Code took effect on 30 June 2017

this conduct.³

24. The CAC submitted that although Student J (who was kicked) did not express any upset, the respondent's actions were likely to adversely affect the wellbeing of both students, and noted that the kick appears to have caused an emotional response in Student T. It was further submitted that these were particularly vulnerable students, being in the custody of a youth justice facility, which the CAC described as a challenging living and learning environment, with students having limited ability to seek assistance of family, whānau or other adults when facing issues with teachers.
25. The CAC referred to some similar cases⁴ and submitted that the respondent's behaviour reflects adversely on his fitness to teach and that reasonable members of the public, informed of the facts and circumstance could reasonably conclude that the respondent's behaviour brings or is likely to bring the teaching profession into disrepute.⁵ It was submitted that teachers are expected to be positive role models for their students and that this is particularly important for students being held in youth justice facilities, where they have limited day-to-day contact with adults from outside the facility.
26. The CAC submitted that the respondent's conduct was of a character and severity that amounts to physical abuse. It involved the intentional application of force for a corrective purpose prohibited by s 139A of the Act, and that it was also an act that was likely to bring discredit to the teaching profession.
27. The respondent accepted that his behaviour constitutes serious misconduct.

Discussion

28. The Notice of Charge is framed so that we are invited to make a separate finding of serious misconduct or conduct otherwise entitling us to exercise our powers for each allegation.

Charge 1

29. The respondent has accepted that his contact with Student J amounts to a "controlled kick". His explanation that he was trying to hurry the student up has not been disputed.

³ For conduct alleged to have occurred on or after 19 May 2018, the criteria under r 9 include a serious breach of the current Code (Teaching Council Rules 2016, Schedule 1, cl 3)

⁴ *CAC v Welch* NZTDT 2018-4, 23 July 2018; *CAC v Taylor* NZTDT 2018-20, 16 November 2018

⁵ applying the test in *Collie v Nursing Council of New Zealand* [2001] NZAR 74 at [28]

On his description of events, we find the behaviour inappropriate, but not as serious as his later action.

30. That said, this conduct was still an assault, and students in a school or facility have the same rights to be free from assault (including restraint) as any citizen. We were not assisted by reference to any school policies or training, but we would have expected that a teacher in this environment would use his skills to de-escalate menacing behaviour.⁶
31. We agree with the CAC that the behaviour was likely to adversely affect the wellbeing of one or more students. Being kicked is likely to cause upset and indignation in any student. It would hardly have been acceptable if one of the students had done this to the respondent.
32. We also consider it was very foolish behaviour for the respondent to indulge in, and that it reflects adversely on his fitness to be a teacher. We think that the CAC's submission that teachers are expected to be positive role models for students is relevant to this limb of the definition of serious misconduct as well as the third one (bringing the profession into disrepute), particularly in the context of a youth justice facility.
33. We accept that this behaviour constitutes physical abuse under r 9(1)(a), but not at the most serious end of the scale.
34. We also find that it is conduct that brings discredit to the profession under r 9(1)(o), and that it meets the test in *Collie*.⁷

Charge 2

35. The conduct covered by Charge 2 in our view is more serious. The respondent threw a number of cones, hitting Student T in the face. There is simply no excuse for throwing anything at a student. Not only was it likely to cause harm, therefore adversely affecting the wellbeing of Student T and others around him, but it could have escalated and led to serious injury of a student (or the respondent) had other staff not intervened.

⁶ This was discussed in *CAC v Teacher R NZTDT 2017-26*, 5 May 2018, a case concerning the treatment of a student in a justice facility

⁷ Above, n 5

36. This conduct clearly reflects adversely on the respondent's fitness to teach, and brings the teaching profession into disrepute. We also find that it amounts to physical abuse under r 9(1)(a) and conduct likely to bring discredit to the profession under r 9(1)(o).

Penalty

37. In *CAC v McMillan*⁸ 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 do the public and profession know what is expected of teachers, but the status of the profession is preserved.

38. Section 404 of the Act 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:*

⁸ NZTDT 2016/52, 23 January 2017, paragraph 23.

- (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.*

39. The CAC referred to several cases to guide us on penalty:

CAC v Mackey NZTDT 2016-60⁹ in which we emphasised the relevance of the Vulnerable Children Act 2014 in reinforcing the importance of our obligation to closely scrutinise the ongoing fitness to teach where the behaviour is of a type that may pose an ongoing risk to students. This case involved a teacher pushing a student against a wall when the student had disobeyed her instructions. We took into account the steps taken by the teacher to minimise the risk of repeating the behaviour.

CAC v Usofono NZTDT 2017-30,¹⁰ a case where the teacher grabbed a student by the collar, accidentally scratching the student on the neck. Again it was relevant that the teacher had received ongoing training and mentoring following the incident, there had been no concerns since, and he had provided a valuable contribution to his school.

CAC v Welch NZTDT 2018-4¹¹ where the teacher's acknowledgement of wrongdoing and willingness to attend a remedial course led to a penalty of censure and conditions.

In contrast, in *CAC v Taylor* NZTDT 2018-20¹² we cancelled a teacher's registration where he had previously been involved in a similar incident and had exhibited a clear lack of insight and rehabilitation.

40. The CAC submitted that the appropriate penalty for the respondent is censure and conditions. The CAC acknowledged steps taken by the respondent as part of Te Pae Oranga process, including counselling. The CAC also submitted that the respondent had demonstrated insight in his response to the CAC, as outlined in paragraph 17 of the Summary of Facts.

⁹ *CAC v Mackey* NZTDT 2016-60, 24 February 2017

¹⁰ *CAC v Usofono* NZTDT 2017-30, 26 April 2018

¹¹ *CAC v Welch* NZTDT 2018-4, 23 July 2018

¹² *CAC v Taylor* NZTDT 2018-20, 16 November 2018

41. The conditions sought were:
- a. A period of mentoring by a senior teacher of at least 8 years' practice experience for a period of 12 months; and
 - b. To attend and complete an appropriate course on student management, or such other course as agreed by the Teaching Council.
42. For the respondent, Ms King advised that the respondent did not disagree with the proposed penalty. She emphasised that he is deeply ashamed of his actions, has expressed remorse and demonstrated insight into his actions. He has not sought to do anything other than accept responsibility. Ms King said that students at the school are vulnerable and difficult and the respondent deeply regrets his failure, particularly in view of the increased susceptibilities of students. Ms King submitted that by demonstrating remorse and insight, the respondent has shown that he is highly unlikely to be a risk in the future to students or to act in a manner that would impair the status of the teaching profession.
43. We must impose a penalty that is consistent with the Teaching Council's purpose of ensuring "safe and high quality leadership, teaching, and learning for children and young people in early childhood, primary, secondary, and senior secondary schooling" through raising the status of the profession as found in s 377 of the Act. That cannot be raised if teachers who are unsuited to the role remain in the profession.
44. We have previously said that the use of physical force, even at a lower level, is unacceptable in New Zealand schools,¹³ and that any teacher who uses physical force contrary to the prohibition in the Act¹⁴ puts his or her status as a teacher in peril.
45. We acknowledge that where a teacher has remained in the teaching profession despite serious misconduct of this severity, it has often been on the basis of the rehabilitative steps the teacher has already started. This cannot be the sole determining factor. There will be occasions where the facts of the case mean that it is not appropriate that the teacher remains in the profession.
46. We agree that the respondent has made a good start with his rehabilitation through the Te Pae Oranga process. He has acknowledged that he has failed to meet his own standards. It is unclear to us what training the respondent received or what policies

¹³ NZTDT 2014-49, 20 May 2016

¹⁴ The decision refers to s 149, but we take it to mean s139A

were in place for de-escalation of challenging behaviour.

47. We agree with the penalties sought by the CAC, but also impose another condition that the respondent tell any current, prospective or future employer about this matter. We therefore impose the following penalty:

- a. The respondent is censured under s 404(1)(b).
- b. Under s 404(1)(c), we impose the following conditions on his practising certificate:
 - i. A period of mentoring by a senior teacher of at least 8 years' practice experience for a period of 12 months;
 - ii. To attend and complete an appropriate course on student management, with a particular emphasis on students with challenging and aggressive behaviour or such other course as agreed by the Teaching Council, such course to be completed within 12 months of this decision, or as agreed by the Teaching Council;
 - iii. For a period of 18 months from the date of this decision, the respondent is to provide a copy of this decision to any current, prospective or future employer.

Costs

48. The parties agree that costs of 40% are appropriate. Because of the delay in issuing this decision, we have decided not to order Tribunal costs under s 404(1)(h).

49. The Tribunal orders the respondent to pay 40% of the CAC's actual and reasonable costs. The CAC has submitted a schedule of costs totalling \$4,293,87, of which 40% is \$1,717.55. This amount is the total ordered under s 404(1)(h).

Non-publication

50. The respondent¹⁵ has applied for permanent non-publication of his name on the grounds that publication:

- a. Would adversely affect his mother's health.

¹⁵ Although Mr Timoti is the applicant in the application for non-publication of name, we have referred to him as the respondent throughout this decision.

b. Could lead to identification of the students

51. The respondent has also applied for non-publication of the name of the facility on the basis that it would be in the interests of the students.
52. In support of this application, we received a letter dated 22 January 2019 from the respondent setting out two exploratory procedures (a scope and a biopsy) that his mother had undergone. These were referred to in a copy of the discharge summary also supplied
53. Ms King further submitted that there is no persuasive public interest in publication of the respondent's name, saying that while in some cases there is a genuine public interest, in many cases what is called "public interest" is nothing other than an interest in salaciousness and a commercial interest by newspapers.
54. Ms King submitted that the public interest is served by knowing that issues regarding the failure to maintain appropriate boundaries are dealt with properly by the Tribunal. She said that this will be evident from the decision and that naming the respondent with its concomitant risk of identifying the student, adds nothing to that.
55. Ms King added that if there is a public interest in this matter, it is to ensure that vulnerable students are not exposed to the risk of being identified, and that should be the pre-eminent consideration.
56. The CAC opposes this and made some general submissions about the presumption of publication, the need for transparency in disciplinary proceedings and that it is inevitable that such proceedings will have an impact on the teacher concerned and his or her family.
57. The CAC submitted that the respondent had failed to provide any evidence of the impact that publication would have on his mother, but has simply expressed his opinion.
58. The CAC agreed that the identity of the students should be suppressed, but that the degree of risk of identification of the students from the publication of the respondent's name is not evident from Ms King's submissions. Counsel advised that the school had been notified of the right to apply for suppression.

Discussion

59. Section 405(3) of the Act provides that hearings of this Tribunal are in public. This is

consistent with the principle of open justice. The provision is subject to subsections (4) and (5) which allow for whole or part of the hearing to be in private and for deliberations to be in private. Subsection (6) provides:

(6) If the Disciplinary Tribunal is of the opinion that it is proper to do so, having regard to the interest of any person (including (without limitation) the privacy of the complainant (if any)) and to the public interest, it may make any 1 or more of the following orders:

...

(c) an order prohibiting the publication of the name, or any particulars of the affairs, of the person charged or any other person.

60. Therefore, the starting point is that all hearings are in public. In deciding if it is proper to make an order prohibiting publication, the Tribunal must consider the interests of the applicants, as well as the public interest. If we think it is proper, we may then make such an order. This is a discretionary decision, and so we are not obliged to make an order. However, we cannot make the order unless we have first reached a decision that it is proper. That is why discretionary decisions are sometimes referred to as a two-step process.¹⁶
61. In *CAC v Teacher / NZTDT 2017-12*,¹⁷ we summarised the legal principles as follows:
- a. There is a presumption in favour of openness, and therefore the starting point is that all names should be published.¹⁸
 - b. There is no onus on the applicant and that the question is simply whether the circumstances justify an exception to the fundamental principle.¹⁹
 - c. The correct approach is to strike a balance between the open justice considerations and the interests of the party who seeks suppression.²⁰²²
 - d. In exercising its discretion, the Tribunal may have regard to the interest of any person, then decide if it is “proper” to order non-publication of any aspect of the evidence.

¹⁶ See *CAC v Finch* 2016-11

¹⁷ *CAC v Teacher / NZTDT 2017-12*, 18 January 2018

¹⁸ Section 405 Education Act 1989

¹⁹ *ASB Bank Ltd v AB* [2010] 3 NZLR 427(HC) at [14]

²⁰ *Hart v Standards Committee (No 1) of the New Zealand Law Society* [2012] NZSC4 at [3]

e. "Proper" is not as high a threshold as "exceptional".²¹

62. Public interest includes the protection of the public. It may be appropriate that the public including schools or other employers are aware of a teacher's previous conduct so that they can make informed decisions.
63. As we have said in other cases, the principle of open justice is not the same as the protective function of disciplinary proceedings. In *CAC v Teacher S 2016-69*,²² we noted that the principle of open justice exists regardless of any need to protect the public.
64. We accept the CAC's submission that there is insufficient evidence to support the respondent's ground regarding his mother's health. We accept that the respondent's mother and his family will have been through an upsetting time with concerns about her health, but there is no expert opinion on the likely impact of publication of the respondent's name on her health.
65. We also agree that there is insufficient evidence to show that publication of the names of the respondent or the school will lead to identification of the students, whose names are not in any of the documents before us.
66. Having regard to the public interest, the interests of the respondent's mother and the students in this case, we do not consider it is proper to make an order for non-publication of the respondent's name.



Theo Baker
Chair

²¹ Canterbury Westland Standards Committee No.2 v Eichelbaum [2014] NZLCDT 23

²² *CAC v Teacher S 2016-69*, 14 June 2017, referring to the Court of Appeal decision in *R v Liddell* [1995] 1 NZLR 538 at 546.

NOTICE - Right of Appeal under Section 409 of the Education Act 1989

1. This decision may be appealed by teacher who is the subject of a decision by the Disciplinary Tribunal or by the Complaints Assessment Committee.
2. An appeal must be made within 28 days after receipt of written notice of the decision, or any longer period that the court allows.
3. Section 356(3) to (6) applies to every appeal under this section as if it were an appeal under section 356(1).