

IN THE MATTER OF the Education Act 1989  
AND a charge of serious misconduct referred by a  
Complaints Assessment Committee to the New  
Zealand Teachers Disciplinary Tribunal  
BETWEEN Complaints Assessment Committee  
AND **PAUL NORTHWOOD**  
Respondent

---

**DECISION OF TRIBUNAL – COSTS**  
**21 FEBRUARY 2017**

---

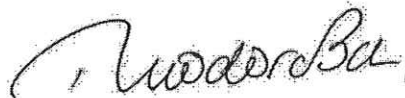
Counsel for the CAC: Mr Kaminski

The respondent in person

1. In a decision dated 18 January 2017 the Tribunal indicated that a payment of 50% of the CAC and Tribunal costs was reasonable. The Tribunal delegated to the Chair the power to make orders as to costs upon receipt of submissions.
2. The costs in this case are considerable. The CAC fees total \$33,470.82 and for the Tribunal, \$23,813. This makes a total of \$57,283.82.
3. The respondent has a very low income. However, in this instance we do not see that as a bar to ordering costs of 50%. It is for the Education Council to decide how or whether they wish to pursue this debt.
4. For the CAC, Mr Kaminski submits:
  - a. This matter was time-consuming, not because the respondent represented himself, but because he refused to listen to any views or advice that did not correlate to his views.
  - b. The Council had to listen to many recordings submitted by the respondent in order to determine their relevance.
5. I agree that the respondent conducted the case in a matter that was unnecessarily time-consuming. For example:
  - a. Despite being directed to file proofs of evidence, the respondent chose to

send a series of emails with attachments, culminating in over 500 pages.

- b. The respondent was sent information regarding possible costs orders.
  - c. Even though he had been served with statements from the CAC, the respondent issued documents to a number of people (including CAC witnesses) purporting to summons them.
  - d. After a pre-hearing conference on in which it was explained to him that a summons had to come from the Chair, the respondent filed a further memorandum arguing that he could issue them.
  - e. Throughout the hearing he raised issues that were not relevant to the charge.
  - f. There were many factual matters that were not in dispute. The hearing time for this matter could have been considerably less, had the respondent been inclined to accept any matters.
6. I accept Mr Kaminski's submission that it was the respondent's attitude, rather than his lack of representation, that protracted matters. Having observed him during a pre-hearing conference, and over three days, it is difficult to imagine him accepting advice. He must bear some burden of the cost of his personal style of advocacy.
7. Accordingly, the respondent is ordered to pay costs as follows:
- a. To the CAC pursuant to s 404(1)(h) the sum of \$16,735.41
  - b. To the Education Council pursuant to s 404(1)(i) the sum of \$11,906.50.



---

Theo Baker, Chair