

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 **DEVI NORONHA**

Respondent

DECISION OF TRIBUNAL – COSTS

13 MARCH 2017

Representation: For the CAC, Ms Claire Patterson
For the respondent, Mr Werner van Harselaar

1. In a decision dated 10 October 2016 the Tribunal ordered payment of 50% on the basis of the parties' agreement. The Tribunal delegated to the Chair the power to fix the quantum of costs upon receipt of submissions.
2. Schedules of costs have been filed. The Tribunal's costs amount to \$3,440, and the CAC's \$7,630.30.
3. For the respondent, Mr Werner submitted that his client had admitted to serious misconduct, from the beginning of the legal proceedings and that the dispute was on the facts, which was dealt with based on written material and the defendant's oral evidence.
4. There were two key allegations. One involved squirting liquid soap into the mouth of a young student with autism. This was not in dispute. The facts in dispute concerned the respondent's actions when the boy had counters in his mouth. Had she accepted the particulars of the charge, the matter might have been dealt with on the papers.
5. There is no reason to deviate from the original order of 50%. Therefore I order
 - a. Pursuant to s 404(1)(h) costs of \$1,720.

b. Pursuant to s 404(1)(i) costs of \$3,815.

A handwritten signature in cursive script, appearing to read "Theo Baker".

Theo Baker, Chair