

## VICTORIAN INSTITUTE OF TEACHING

### DECISION AND REASONS OF THE FORMAL HEARING

**NUMBER:** 007

**REGISTERED TEACHER:** AC

#### **PANEL MEMBERS**

Peter Ryan	Chairperson
Polly Flanagan	Registered Teacher
Loula Rodopoulos	Member

**TEACHER REPRESENTATION:** The teacher was represented by Mr John Handley of the Australia Education Union

**COUNSEL ASSISTING THE PANEL :** Ms Gail Hubble

**DATE OF HEARING:** 12 October 2004

#### **DECISION OF THE PANEL:**

On 12 October 2004 the Panel decided that the teacher remain registered as a teacher.

#### **EFFECT OF THE DETERMINATION.**

The effect of the determination is that the teacher retains her registration as a teacher under the Act.

# REASONS

## BACKGROUND

On 31 December 2002 the *Victorian Institute of Teaching Act 2001* (the Act) was proclaimed in full. On that date most teachers in Victorian schools were deemed registered as teachers. The teacher was deemed registered pursuant to section 91(1) of the Act because she was a person who was employed as a teacher in a State school in an ongoing position within the period of two years before the commencement of the Act.

By letter dated 21 October 2003 the employer advised the Victorian Institute of Teaching (the Institute) that it had taken action against the teacher regarding serious misconduct. In accordance with section 27 of the Act, it was required to notify the Institute that it had taken action against the teacher. Documentation that formed part of the internal enquiry was provided by the employer.

The Disciplinary Proceedings Committee, a committee of the Institute Council, considered the complaint and decided that this matter should be referred to a formal hearing. The teacher was sent a Notice of Formal Hearing with all relevant documents attached on 10 September 2004 advising her that the formal hearing would be held on 12 October 2004.

The Notice of Formal Hearing states that the Institute has received information from the employer that provides evidence of possible serious misconduct or lack of fitness to teach as follows:-

1. On or about 19 August 1997 the teacher consulted an employee from a business seeking a loan to finance her debts. The teacher thought she had a poor credit rating.
2. On the advice of the employee from the business, the teacher obtained identity documents in another name, her maiden name to establish a new credit rating. The teacher did this by purchasing a mobile telephone plan and changing her name at Vic Roads.
3. The employee from the business provided further advice on completing application forms for credit cards and instructed the teacher to complete a Myer card application form in the maiden name of the teacher.
4. On or about 21 August 1997 the teacher submitted a Myer Card application in her maiden name. She was issued a Myer Card by GE Capital Finance in her maiden name with a \$3000 limit. The teacher used the card. The account closed with a debt of \$3,300. GE Capital Finance would not have issued the card if they had known the teacher had changed her name to avoid a poor credit rating.
5. On or about 20 August 1997 the teacher completed a Commonwealth Bank MasterCard application form in her maiden name. The Commonwealth Bank issued her with a MasterCard in her maiden name with a \$3000 limit. The teacher used the card. The Commonwealth Bank would not have issued the

card if they had known the teacher had changed her name to avoid a poor credit rating.

6. On or about 14 September 1997 the teacher submitted a Diners Club application form in her maiden name. Diners Club International issued her with a Diners Club card in her maiden name with a \$3000 limit. The teacher used this card and the account was closed with an outstanding debt of \$6,429. Diners Club International would not have issued the card if they had known the teacher had changed her name to avoid a poor credit rating.
7. On or about 18 September 1997 the teacher submitted an American Express Application form in her maiden name. American Express International issued her with a Master card in her maiden name with a \$1,500 limit. The teacher used the card and the account was closed with an outstanding debt of \$1,588. American Express International would not have issued the card if they had known the teacher had changed her name to avoid a poor credit rating.
8. On 1 May 2003 the teacher was found guilty of four counts of obtaining financial advantage by deception pursuant to section 82(1) of the *Crimes Act* 1958, and placed on a good behaviour bond for a period of 12 months and fined \$800.
9. Between 20 November 2000 and 27 August 2001 the teacher produced and/or altered fourteen medical certificates and used these certificates to claim sick days from the school, where she was employed.
10. The teacher received payment, from her employer, the employer for these days.
11. On 5 February 2003 the teacher was found guilty of 15 counts of obtaining property by deception pursuant to section 81(1) of the *Crimes Act* 1958 and placed without conviction on a two year good behaviour bond.

## THE ISSUES

The issues the Panel must address in this matter are whether the evidence showed that the teacher was guilty of serious misconduct and/or not fit to teach. If the teacher was guilty of serious misconduct or if she was not fit to teach, what was the appropriate penalty?

## THE LAW

Section 27 of the Act states:

### **27. Employer to notify Institute of action against teacher**

*(1) The employer of a registered teacher must inform the Institute if the employer has taken any action against the registered teacher in response to allegations of serious incompetence of the registered teacher, serious misconduct of the registered teacher or that the registered teacher is unfit to be a teacher or any other actions that may be relevant to the registered teacher's fitness to teach.*

The terms *serious misconduct* and *unfit to be a teacher* are not defined in the Act. The panel was referred to case law regarding disciplinary proceedings in other jurisdictions.

According to the High Court in *Ziems v The Prothonotary of the Supreme Court of NSW* (1957) 97 CLR 279 the purposes of disciplinary proceedings in relation to a profession are:

- to protect the public
- to maintain proper standards of conduct for the profession, and
- to protect the reputation of the profession.

These procedures are not meant to punish the teacher although this may be an unintended consequence (see *New South Wales Bar Association v Evatt* (1968) 117 CLR 177). The purpose of these proceedings is to protect students in Victorian schools. A decision to deregister a teacher is very serious and requires great care (see *Victorian Lawyers RPA Ltd v Vodicka* (2000) VSC 272).

The standard of proof that applies in disciplinary proceedings is the *balance of probabilities*. The appropriate standard of proof that applies in civil matters was considered in *Briginshaw v Briginshaw* (1938) 60 CLR 336 where the High Court said that the ordinary standard of proof applied *subject only to the rule of prudence that any tribunal should act with much care and caution before finding that a serious allegation ... is established*.

And later:-

*The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal.*

The observations of the High Court have been followed in numerous cases and in particular in relation to disciplinary proceedings (see *Barwick v Law Society of New South Wales* [2000] HCA 2, and *Murphy v The Bar Association of NSW* [2001] NSWSC 1191).

Whether misconduct is serious will depend upon the facts of each case. Conduct would not be serious if it was trivial or of momentary effect at the time. To be serious, conduct must be a substantial departure from the accepted standards for the teaching profession, and the departure must be the fault of the teacher (see *Parr v Nurses Board of Victoria* decided VCAT 2 December 1998).

If the act or omission that constitutes the misconduct is within the will, power or control of the teacher it is more likely to be serious misconduct. If the act was done wilfully or recklessly without regard for the consequences, then it is more likely to be serious misconduct (see *Re: Christine Trigger and The Australian Telecommunications Commission* (1984) 4 FCR 242).

A failure by the teacher to understand that the conduct complained of was serious misconduct will indicate the teacher's unfitness to teach.

The **test** set out in the case law is conduct:

*which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency.* *Allinson v General Medical Council* [1891-4] All ER 768

The conduct the subject of the inquiry may indicate a character defect incompatible with a self respecting profession. Or the conduct may illustrate that the teacher

would not be able to work satisfactorily in a school environment. Whether conduct amounts to serious misconduct will depend on the minimum standards demanded by the teaching profession. Conduct that deserves disapproval may not be serious misconduct (see *Ziems*).

The degree of remoteness of the conduct in question from professional practice must also be considered according to *A Solicitor v The Council of the Law Society of New South Wales (2004) HCA* in which it is stated at paragraph 34:

*...the nature of the trust, and the circumstances of the breach, were so remote from anything to do with professional practice that the characterisation of the appellant's personal misconduct as professional misconduct was erroneous.*

A teacher's position is one of power and influence in relation to the student - a position of trust. The misconduct must reflect in a significant way on the suitability of the person to work as a teacher. It must illustrate attitudes or characteristics inconsistent with the moral qualities required of a teacher (see *Yelds v Nurses Tribunal & Ors (2000) NSWSC 755*; *New South Wales Bar association v Cummins (2001) NSWCA 284*).

The term *fit and proper person* is intended to cover conduct other than dishonesty and include significant impropriety, lack of integrity or bad faith. Persistent failure to meet a teacher's obligations to the education community shows a disregard for these obligations and not just carelessness, incompetence or lack of organisation. A failure by the teacher to understand that the conduct complained of was serious misconduct will indicate the teacher's unfitness to teach (see *Cameron v Bar Association of NSW [2002] NSWSC 191* and *Marten v Disciplinary Committee of the Royal College of Veterinary Surgeons [1965] 1 All ER 949*).

A continuing lack of moral responsibility and an absence of insight and understanding of right and wrong in the context of ethical fitness would be a strong indication of unfitness (see *New South Wales Bar Association v Cummins (2001) NSWCA 284* and *Siguenza v Secretary, Department of Infrastructure [2002] VSC 46*).

## **DOCUMENTS CONSIDERED**

The Panel was presented with documentary evidence as follows:

- Letter dated 6 August 2004 to the Institute from the employer
- Letter dated 23 June 2003 to the teacher from the employer
- Letter dated 24 April 2003 to the teacher from the employer
- Submissions of the employer dated 7 August 2003 concerning the hearing of charges under *Teaching Service Act 1981* against the teacher
- Submissions of the Australian Education Union (the AEU) at the penalty hearing of the teacher dated 11 August 2003
- Letter dated 18 August 2003 to the solicitors from the employer
- Letter dated 22 August 2003 to the employer from the AEU
- Letter dated 1 September 2003 to the employer from the solicitors
- Letter dated 27 June 2003 from the teacher to the employer
- Letter dated 13 May 2003 to the employer from the teacher
- Letter dated 9 May 2003 from Victoria Police
- Letter dated 1 May 2003 from employee from the school

- Undertaking with conditions dated 1 May 2003 imposed by the Magistrates Court
- Undertaking with conditions dated 5 February 2003 imposed by the Magistrates Court
- Statement by the teacher to Victoria Police dated 14 April 2003
- Record of meeting at the school dated 16 October 2003
- Notes of preliminary meeting with the Employer dated 22 July 2003
- Reprimand in relation to findings of charges under section 66 of the *Teaching Service Act 1981* dated 16 October 2003
- Letter dated 8 October 2003 to the teacher from the employer
- Determination of penalty dated 8 September 2003 by the employer
- Letter 21 September 2001 to the Principal from Doctor 1
- Letter 10 September 2001 to the Principal, from the school from Doctor 2
- Letter 21 September 2001 to the Principal from the school from Doctor 3
- Application for leave from the teacher signed 31 July 2001
- Medical certificate from Doctor 1's surgery dated 27 June 2001
- Application for leave from the teacher
- Medical certificate from Doctor 1's surgery dated 25 July 2001
- Application for leave from the teacher
- Medical certificate from Doctor 1's surgery dated 31 May 2001
- Application for leave from the teacher
- Medical certificate from Doctor 1's surgery dated 24 May 2001
- Application for leave from the teacher absent 18 June 2001
- Medical certificate from Doctor 1's surgery 5 June 2001
- Medical certificate from Doctor 2's surgery dated 20 November 2000
- Application for leave from the teacher absent 15 June 2001
- Medical certificate from Doctor 1's surgery
- Application for leave from the teacher absent date 27 August 2001
- Medical certificate from Doctor 1's surgery certificate dated 27 August 2001
- Application for leave from the teacher absent 8 October-1 November 2001
- Medical Certificates from another medical centre dated 11 and 18 October 2001
- Application for leave from teacher dated 31 October 2001 absent 8 June 2001 - 11 June 2001
- Medical certificate from Doctor 1's surgery dated 8 June 2001
- Application for leave from teacher dated 13 August 2001
- Medical certificate from Doctor 1's surgery dated 13 August 2001
- Application for leave from the teacher dated 3 August 2001
- Medical certificate from Doctor 1's surgery dated 3 August 2001
- Application for leave from the teacher dated 22 August 2001
- Medical certificate from Doctor 1's surgery dated 22 August 2001
- Application for leave from the teacher dated 14 March 2001
- Application for leave from the teacher dated 14 March 2001
- Medical certificate from Doctor 3's surgery dated 13 March 2001
- Printout 21 September 2001 of the teacher's leave entitlement
- The school's Teachers Code of Practice

*Police Brief*

- Brief Head in the name of the teacher date of offence 20 August 1997
- Summary of Charges

- Brief of Evidence, Witness listing
- Charge and Summons
- Fax coversheet dated 20 August 1997 of the business which provided the teacher with financial advice
- Birth Certificate, of the teacher
- Mobile phone order dated 20 August 1997 from the business which provided the teacher with financial advice
- Driver Licence of the teacher expiry 17 December 2002
- Letter Education Victoria 19 August 1997
- Transmission verification report 20 August 1997
- Cardpac – total customer liability
- Myercard Application Form 21 August 1997 signed the teacher
- Roads Corporation Certificate 30 July 1998
- MAI – SIS 29 December 1998, in the name of the teacher
- Commonwealth Bank Credit Card Application Form 18 August 1997 signed the teacher
- MAI – SIS 29 December 1998, in the name of the teacher
- Commonwealth Bank Credit Card Application Form 20 August 1997 signed the teacher
- Credit Reference Association of Australia– Individual Credit Report 21 October 1998 in the name of the teacher
- Credit Reference Association of Australia– Individual Credit Report 21 October 1998 in the name of the teacher
- Diners Club Membership application 14 September 1997 signed the teacher
- Member Notes Display 13 May 1999
- Diners Club International – The teacher’s Total Account Summary issue date 5 November 1997, 5 December 1997, 5 January 1998, 5 February 1998, 5 March 1998, 5 April 1998, 5 May 1998, 5 June 1998
- American Express Credit Card Application 18 September 1997 signed by the teacher
- American Express statement concerning the teacher 9 November 1997, 9 December 1997, 11 January 1998, 9 February 1998, 9 March 1998, 9 April 1998, 11 May 1998, 9 June 1998,
- Statement third party
- Statement third party
- Statement third party 5 June 2002
- Statement third party 17 January 2003
- Transcription of audio tapes – record of interview of the teacher 13 December 2002

*Police Brief*

- Brief Head in the name of the teacher date of offence 20 November 2000-27 August 2001
- Summary of Charges
- Charge and Summons
- Witness List
- Statement third party
- Statement third party
- Statement third party
- Statement third party
- Statement third party

- Exhibit List
- Exhibits 1-15
- Patrol duty return 4 December 2001
- Incident field report 4 December 2001
- Multiple sub-incident report 6 December 2001
- Add/update offender/caution/intent to summons 4 December 2001
- Leap – Victoria Police incident report and case progress 4 December 2001
- Transcription of audio tapes– record of interview of the teacher 4 December 2001

At the hearing Mr Handley submitted three testimonials dated 11/10/2004 written on behalf of the teacher signed by three teaching colleagues at the school.

The Panel also had access to *Teaching Service Orders* 1998 – Order No 165

## **THE EVIDENCE**

The Institute did not call any witnesses. Mr Handley called the teacher.

At the commencement of the hearing Mr Handley conceded that the teacher was guilty of serious misconduct under the Act. It was not contested that the teacher was found guilty of a number of criminal offences. In 1997 she was charged with four counts of deception entailing her application for and receipt of four credit cards in her maiden name. This deception arose in circumstances designed to avoid detection of her adverse credit rating in her married name. To facilitate this deception the teacher likewise changed the name of her driver's licence and purchased a mobile telephone to establish a new credit rating. These offences occurred when she was a teacher employed at another school. The Magistrates Court placed her on a good behaviour bond without conviction and she was required to pay \$800 to the Court fund.

In December 2001 the teacher was charged with forging and falsifying medical certificates to obtain payments for sick leave taken between the period of 20/11/00 and 27/08/01 when employed at the school. The teacher also faced two charges of obtaining property by deception. The teacher pleaded guilty to these charges and she was placed on a good behaviour bond for two years without conviction.

Arising from these criminal charges the teacher was the subject to disciplinary proceedings by the employer in October 2003. In reprimanding her, the employer fined her the maximum fine of \$2000 for each offence (total of \$4000). The teacher is paying the fine by instalments.

The teacher gave her evidence under oath. The Panel places on record the responses of the teacher to questioning by Counsel Assisting and Mr Handley as to the circumstances surrounding her conduct. In sum the teacher told the Panel that:-

- She had left school at a young age and undertook tertiary studies to qualify as a teacher as a mature aged student.
- One of her children has significant disabilities the nature of which became more apparent to the family later in the child's life.
- Her husband was supportive of her undertaking tertiary studies but things changed when she commenced employment.



- It was when her husband was hospitalised with a medical condition and suffered depression in 1997 that “everything fell to her” including the handling of finances.
- The credit card and related charges arose as she endeavoured to avoid burdening her husband with the financial difficulties surrounding the repayment of their bank and other loans.
- She attributed the difficulties that arose with the credit cards taken in her maiden name to the business she sought financial advice from who advised her to do so. At the time she was “overstretched” financially and had “hit a brick wall.” It was a solution at the time. She borrowed the money without thinking how she would repay it.
- She claimed that the Magistrate had told her that using her maiden name was not illegal and did not itself constitute a crime.
- She claimed that in the country she was born in, it was culturally acceptable for a woman to use her maiden name.
- She accepted responsibility for her actions stating that she did not always do what other people told her to do apart from her husband.
- She explained that the forged medical certificates were prepared without malice and in order
  1. to avoid her losing pay
  2. to cover times when she experienced difficulties in organising her disabled child to get to school on time
  3. to avoid angering her husband if the bank account did not reflect the amounts he anticipated
  4. on occasions, to give time to herself which she needed “in many ways” to relax.
- The teacher said that she was not always in perfect health and was “totally sorry” for what she had done. She knew it was wrong.
- She claimed that her husband now controls the finances and her salary is deposited into his account. She receives an allowance and has to argue with him if she asks for more.

In admitting her deceit the teacher expressed her regrets in comments such as “I am not shying away from anything”; “The only person I deceived was myself”; “I did not mean my employer any harm”; “I don’t think it was the right thing”; and “It was not proper at all.”

Counsel Assisting questioned the teacher in detail about the loans, mortgages and properties purchased and sold by the family. Significantly she sought explanations as to whether rental received offset loans and why property was not sold to alleviate their financial difficulties. The teacher could not always recall the details of the financial transactions and urged Counsel to contact pertinent parties for the details. She explained that her husband had “expected to have more than we had” and that she did not want to get into arguments with him. She stated that “most people do not know my husband ... he was interested in buying properties all the time...” Asked why they had purchased a new car in the circumstances the teacher said “We just needed a new car.”

Questioned closely about her credit card spending by Counsel for the Institute, including the purchase of over \$5,000 worth of 18 carat gold jewellery in a few days in 1997, the teacher said that she had repaid monies to her sister, and was desperate at the time as “if I am going to buy something I am going to buy it ...” She said that

she did not know what she was thinking at the time and that it was not easy to explain to persons if they were not in her situation. The jewellery was for her children. The teacher said that "deep down she knew that she should not be doing it". She agreed that information supplied in her credit card applications in her maiden name was deceptive.

The teacher reiterated that she understood that her teaching career was at stake and that her job was very important to her. She said that she had always been caring, honest and reliable in her professional duties. She would "never, never" do anything to harm her students. She saw her role as helping students to make their life better. Her personal misconduct did not impact on her classroom activities.

The Panel closely questioned the teacher about her assertions that she had forged some of the medical certificates, covering more than a day because she "needed a rest" or "time to herself". At this point, highly distressed, the teacher revealed that some medical certificates were forged to enable her to take days off to hide physical injury or to recuperate from an argument with her husband that had arisen the night before. The teacher said that her husband controlled the bank accounts and admonished her if her salary deposit was lower than he expected. In a three month period in 1998-1999 she left her husband and went interstate. Family members persuaded her to return as separation and divorce was not culturally acceptable.

The teacher claims that she has not sought medical or counselling intervention in her interpersonal problems and that only her sister and some teaching colleagues are aware of her true circumstances. On one occasion she spoke to the Vice Principal at the school and broke down and took some time off. She also spoke to a school counsellor and attended three sessions with the employer's counsellor who asked her why she had not left her husband. She is not currently undergoing counselling and recognises that she has to confront her situation but commented that when "you are married, you are married".

## **DISCUSSION OF THE EVIDENCE AND SUBMISSIONS**

Counsel Assisting submitted that the issue before the Panel is whether the teacher's behaviour indicates that her personal attributes and characteristics are contrary to her public standing as a registered school teacher.

Mr Handley submitted that the teacher acknowledged that her behaviour constituted serious misconduct and that she had admitted to the charges and repaid the monies owing. The employer had conducted an investigation and not dismissed her from the teaching service on compassionate grounds and an undertaking that she would not re-offend. In addressing the question of penalty in these circumstances it was questionable whether the Panel should make a finding of deregistration as these transgressions had not impacted on her professionalism as a teacher. Mr Handley urged the Panel to take into account the leniency of the Magistrate's sanctions and questioned the Panel revisiting issues already covered in the employer's investigation. The Panel explained that the employer investigation addressed employment issues. The task of this Panel is different from that of the courts and the employer. The former considers criminal matters, the latter, employment matters. The function of this Panel is to assess the teacher's fitness to teach and whether or not she is guilty of serious misconduct and thereby to

determine whether her registration as a teacher in Victoria under the Act should be retained or whether another penalty should be imposed.

The Panel observes that throughout her oral evidence the teacher repeatedly affirmed that she had admitted her guilt in that she had acted in a dishonest and deceptive manner. She indicated that there were serious family and interpersonal circumstances that had impacted adversely on her behaviours. She understood that the Panel could deregister her. The Panel initially gained the impression that the responses to the questions about the behaviours in question reflected poorly on her credibility. (For example, blaming the business she sought financial advice from for encouraging her to forge her maiden name). However, after close questioning about the teacher's domestic situation, the Panel is satisfied that there are serious mitigating circumstances that must be taken into account when reaching its determination.

It was clear to the Panel from her responses that the teacher was fearful of the repercussions on the "peace" in the household if the salary deposits into the bank account varied. It was also clear to the Panel that she has not sought assistance or support to address her domestic difficulties. The Panel accept that the teacher fully understands the serious nature of her actions and the contributing domestic stressors that must be addressed if she is to ensure that the behaviours, that have given rise to her misconduct, do not recur.

#### **FINDINGS OF FACTS**

After considering all the evidence the Panel finds that:-

- On 1 May 2003 the teacher was found guilty of four counts of obtaining financial advantage by deception pursuant to section 82(1) of the *Crimes Act* 1958, placed on a good behaviour bond without conviction for a period of 12 months and fined \$800.
- On 5 February 2003 the teacher was found guilty of 15 counts of obtaining property by deception pursuant to section 81(1) of the *Crimes Act* 1958 and placed without conviction on a two year good behaviour bond.
- Serious domestic difficulties have significantly contributed to the teacher committing the above offences.

And that

- The teacher has not sought counselling or support to address these domestic difficulties.
- The teacher is a registered teacher and there is no evidence to suggest that the above conduct has impacted on her duties as a teacher.

#### **DECISION OF THE PANEL:**

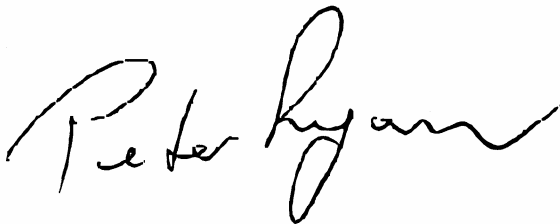
At the commencement of the hearing Mr Handley on behalf of the teacher conceded that the teacher was guilty of serious misconduct. It is not in issue that in 2003 the teacher was found guilty of a total of 19 dishonesty offences. The first of these offences occurred in August and September 1997. The teacher obtained credit with four different organisations where, if the organisations had known the teacher's circumstances the credit would not have been given. The remaining offences occurred between November 2000 and August 2001. The teacher fraudulently claimed to be sick and received payment from her employer. The Panel had to decide whether the above conduct was behaviour that would be regarded as *disgraceful or dishonourable* by her teaching colleagues.

The Panel was of the view that the teacher's behaviour would be regarded as dishonourable by members of the teaching profession. However, whether or not her dishonourable behaviour constituted *serious* misconduct depends upon the circumstances. The Panel finds that The teacher's conduct was deserving of disapproval. However as was noted in *Ziems* this does not mean that her conduct was serious misconduct. For serious misconduct there must be a substantial departure from the accepted standards of the teaching profession. This departure is more likely to be serious if it was within the control of the teacher. In the teacher's case her conduct was a departure from the accepted standards of the teaching profession. The Panel found that there were mitigating circumstances in this case that significantly impacted on the teacher's capacity to fully control her behaviour. For this reason the Panel finds that although the teacher was guilty of misconduct her misconduct did not amount to serious misconduct.

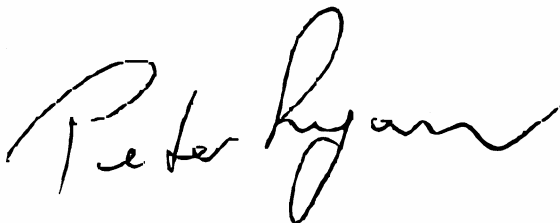
The Panel then considered whether the teacher was fit to teach. The Panel finds that the actions here considered that constitute misconduct are "remote" from her duties as a teacher and do not impact on her fitness to teach.

**DETERMINATION.**

The determination of the Panel is that the teacher retains her registration a teacher under the Act.



.....  
**Peter RYAN, CHAIRPERSON**



.....  
**Polly FLANAGAN, REGISTERED TEACHER**

A handwritten signature in black ink that reads "Peter Ryan". The signature is fluid and cursive, with the first name "Peter" and the last name "Ryan" clearly distinguishable.

.....  
Loula RODOPOULOS, MEMBER