

Social Workers Disciplinary Tribunal

Social Workers Registration Act 2003

BEFORE THE SOCIAL WORKERS COMPLAINTS AND DISCIPLINARY TRIBUNAL

REF **SWCDT26/25P**

UNDER the Social Workers Registration Act (“the Act”)

IN THE MATTER of a disciplinary charge laid under Part 4 of the Act.

BETWEEN **A PROFESSIONAL CONDUCT COMMITTEE appointed**
by the SOCIAL WORKERS REGISTRATION BOARD
Applicant

AND **Carrie Anne Matkovich** of Omokoroa, registered social
worker (Regn. No. 11901)
Practitioner

TRIBUNAL Ms C Garvey, Ms S Jarvis, Ms A McKenzie, Ms J Pearse, Mr M Veldmeijer

REPRESENTATIVES Ms E Mok for the Professional Conduct Committee (PCC)

Ms Matkovich – no appearance

DECISION ON LIABILITY, PENALTY AND NON-PUBLICATION

DATED: 21 NOVEMBER 2025

INTRODUCTION

1. The respondent Carrie Matkovich faces a disciplinary charge of professional misconduct, or alternatively, conduct unbecoming that reflects adversely on her fitness to practise as a social worker in relation to conduct with a client (Mr P) between April and June 2021.¹ The charge alleges that while employed as a social worker for Families Achieving Balance Charitable Trust (FAB) in Tauranga, Ms Matkovich wrote a character reference for Mr P, misled the Department of Corrections, and dishonestly obtained an exception to Mr P's electronically-monitored (EM) bail conditions which he utilised on four occasions.
2. Ms Matkovich met with the Professional Conduct Committee (PCC) but did not engage with the Tribunal. The Tribunal was satisfied that all pre-hearing directions, information regarding the proceedings and the notice of the hearing was served on Ms Matkovich.² Ms Matkovich advised the PCC of her intention not to participate.³ The hearing proceeded in person in Ms Matkovich's absence on 25 September 2025.
3. For the reasons set out below the Tribunal found the charge of professional misconduct proved and determined to impose a censure and cancellation of Ms Matkovich's registration. By Minute dated 26 September 2025 the Tribunal set out an indication of its findings on liability and penalty and made directions for the filing of submissions and evidence from the respondent in relation to costs. Nothing further was received from the respondent in the time directed, and costs were addressed on the papers.

NOTICE OF CHARGE

4. The respondent was the subject of a mandatory report to the Social Workers Registration Board (the Board) by FAB on 4 August 2021 following her dismissal, and the Board appointed a PCC. The PCC was aware of a possible criminal charge against Ms Matkovich in relation to

¹ Notice of disciplinary charge 16 May 2025.

² Minutes issued by the Tribunal set out matters relevant to the hearing of the charge, including Ms Matkovich's right to representation, the right to be heard, that the Tribunal may proceed in the absence of a respondent, and potential liability for costs.

³ Pre-hearing Conference Minute dated 16 June 2025 at [3].

her misrepresentations to Corrections, meaning the commencement of the investigation was delayed until notice from the Police confirming that no further action was taken.⁴

5. The PCC experienced some difficulties in serving Ms Matkovich leading to further delays. After meeting with Ms Matkovich in January 2025, the PCC determined to lay a charge in May 2025, the particulars of which are as follows:

Particulars of the charge

- 1 Pursuant to s 72(3) of the Act, the PCC charges Carrie Matkovich (Ms Matkovich), a registered social worker, with:
 - a. Professional misconduct pursuant to s 82(1)(a) of the Act, in that she engaged in conduct which breached the Code of Conduct issued by the Board pursuant to s 105 of the Act (Code) and/or conduct which brought, or was likely to bring, discredit to the social work profession; or
 - b. In the alternative, conduct unbecoming of a social worker that reflects adversely on her fitness to practise as a social worker pursuant to s 82(1)(b) of the Act.
- 2 In particular, while working as a social worker at Families Achieving Balance (FAB), Ms Matkovich engaged in any or all of the following conduct:
 - a. On or about 29 April 2021, Ms Matkovich wrote and signed a character reference on FAB's letterhead for a client, Mr P, who had attended a FAB parenting course, at his request. This was despite Ms Matkovich's manager not having authorised the reference, and contrary to her manager's earlier instruction that she was to have no further contact with Mr P.
 - b. On or about 21 June 2021 (and on a subsequent phone call on or about 24 June 2021), unbeknownst to FAB, Ms Matkovich lied to the Department of Corrections (Corrections) by advising that FAB was offering a course which Mr P could attend, when no such FAB course existed.
 - c. On the basis of the information Ms Matkovich provided outlined in paragraph 2(b) above, Corrections' EM Bail Team granted an exception to Mr P's electronically-monitored bail conditions permitting him to attend the non-existent course every Monday, beginning on Monday 28 June 2021.
 - d. On the basis of the information Ms Matkovich provided outlined in paragraph 2(b), unbeknownst to FAB and contrary to her manager's earlier instruction, Ms Matkovich met with Mr P on 28 June 2021, 5 July 2021, 12 July 2021, and 19 July 2021 to visit Mauao.
- 3 By engaging in the conduct above at paragraphs 2(a) to 2(d), Ms Matkovich breached any or all of Standards 1.1, 1.3, 1.4, 1.5, 4.2, 4.3, 4.8, 6.2, 6.3, 6.6, 9.1, 9.4 and 9.6 of the Code, and in doing so, she engaged in conduct that has brought, or was likely to bring, discredit to the social work profession.
- 4 The nature of Ms Matkovich's conduct, as set out above at paragraphs 2(a) to 2(d), also reflects adversely on her fitness to practise as a social worker.

⁴ Affidavit of Karen Schulze affirmed 25 July 2025, at [3.5] and [4.1].

ADMISSION OF TRANSCRIPT OF PCC INTERVIEW

6. In light of Ms Matkovich's lack of engagement once the disciplinary charge was issued, the PCC prepared and filed affidavit evidence from three witnesses. The affidavit of Karen Schulze, presiding member of the PCC, exhibited a redacted copy of the transcript of Ms Matkovich's meeting with the PCC.⁵ In a pre-hearing Minute the Tribunal indicated that the admissibility of the transcript would be addressed at the hearing.⁶
7. Ms Matkovich did not have legal advice or take a support person to the PCC meeting. She was advised of the potential outcomes of the PCC investigation in writing in advance of the meeting⁷, and orally during the meeting⁸. She was advised that the meeting would be transcribed and an opportunity given to comment on it, and that the PCC would make a decision after considering her comments.⁹ There is however nothing in the transcript to indicate that Ms Matkovich was expressly advised that it could be produced to the Tribunal.
8. The PCC submitted that the transcript was admissible, and that all evidence gathered by the PCC as part of its investigation potentially may form the basis for the PCC's determination and be referred to the Tribunal. The grounds on which the PCC relies are:¹⁰
 - a. Ms Matkovich made admissions or partial admissions that are relevant to the charge, including being dishonest to Corrections, and meeting with Mr P. The Evidence Act 2006 applies to the Tribunal as if it were a court¹¹ and therefore all relevant evidence is admissible unless some other rule of law excludes it or causes it to be inadmissible.
 - b. Ms Matkovich did not attend the hearing and give evidence, therefore is not a witness. However, defendant statements offered by the prosecution fall within an exception to the rule against hearsay under s27(1).

⁵ KS-16, Bundle of Documents pp 85 – 106. Counsel advised that the redactions were prejudicial or irrelevant material.

⁶ Pre-Hearing Conference Minute 15 August 2025.

⁷ KS-13 Bundle of Documents p 73: letter to respondent 26 June 2024; email PCC legal advisor to respondent 10 October 2024

⁸ KS-16, Bundle of Documents at p87.

⁹ Above n 8.

¹⁰ These are taken from counsel's opening submissions at [2.8], with some abridging.

¹¹ Social Workers Registration Act 2003, Sch 2 cl 6(4).

- c. there was no unfairness involved in the interview, for example, statements were not improperly obtained from Ms Matkovich who was aware of the purpose of the interview and that her statements would be taken into account by the PCC when making its decision, which included the possibility of a referral to the Tribunal.
 - d. there was no requirement that Ms Matkovich attend the interview and nor was there any suggestion that her attendance was mandatory. Ms Matkovich was encouraged to seek support and to take legal advice. She indicated a desire to attend to “*explain [her] side of events*” and to “*acknowledge [her] mistakes and show [her] remorse.*”¹²
 - e. any concern about the circumstances in which the statements were made based on the conversational tone of parts of the interview is relevant to weight.
 - f. the Tribunal has a broad power to admit any evidence that may assist it regardless of whether it would be inadmissible in court.¹³
 - g. the PCC does not rely solely on the transcript to prove the charge. Ms Matkovich’s statements are consistent with the other documentary evidence obtained in the course of the PCC investigation.
 - h. a copy of the transcript was provided to Ms Matkovich with the opportunity to provide any comment. Ms Matkovich acknowledged receipt, and no challenge was raised with the content of the transcript.
9. The Tribunal accepted the PCC’s submissions. While Ms Matkovich was not explicitly told that statements made during the interview would (or could) be used in disciplinary proceedings¹⁴, nor was there any representation that what she said would be privileged. The PCC’s legal advisor clearly stated that the information gathered during the interview would form part of the PCC’s decision making, which could include a referral to the Tribunal.

¹² KS-15, Bundle of Documents p 82.

¹³ Social Workers Registration Act 2003, Sch 2 cl 6(1).

¹⁴ And see *A Professional Conduct Committee v Health Practitioners Disciplinary Tribunal* [2021] NZHC 2249, 30/8/21 at [99] and generally for a detailed discussion of the approach to admissibility of such a transcript under the Health Practitioners Competence Assurance Act 2003.

10. The Tribunal ruled that it would admit the redacted transcript. Its admission does not unfairly prejudice Ms Matkovich, whose statements are largely consistent with the PCC evidence on the key allegations in the charge. The transcript also includes some evidence of Ms Matkovich’s reflection on the events and the context for her decision-making in relation to Mr P.

11. This finding is not to suggest that in every case the transcript of a PCC interview will be admissible.

THE EVIDENCE

12. The PCC prepared a draft summary of facts however the Tribunal understands that the respondent did not engage with the draft and indicated to counsel for the PCC that she did not intend to participate in the proceedings.¹⁵ Timetabling directions allowed for Ms Matkovich to file evidence or submissions, which she did not do.

13. The PCC produced affidavits from the following witnesses:

- a. Karen Schulze, presiding member of the PCC.¹⁶
- b. Maxine Dyer, registered social worker and Acting Manager of Families Achieving Balance in 2021.¹⁷
- c. Fiugalu Isaac Hunter, Practice Leader Electronic Monitoring (EM) Operations, Department of Corrections.¹⁸

14. The Tribunal heard from Ms Dyer and Ms Schulze but did not require Mr Hunt for questioning. Ms Dyer was Ms Matkovich’s manager and supervisor at all material times. FAB was a not-for-profit organisation based in Tauranga which provided a range of social services including the delivery of a course titled “Building Awesome Whānau Parenting Course”

¹⁵ Above n 3.

¹⁶ Affidavit of Karen Schulze affirmed 25 July 2025.

¹⁷ Affidavit of Maxine Dyer affirmed 28 July 2025.

¹⁸ Affidavit of Fiugalu Isaac Hunt sworn 29 July 2025.

(Building Awesome Whānau).¹⁹ According to Ms Dyer, Ms Matkovich was employed by FAB for some time prior to obtaining provisional registration on 23 April 2021 and continued in employment until July 2021. Ms Dyer provided internal supervision and Ms Matkovich also had access to external supervision.

15. Ms Matkovich was involved in delivering the Building Awesome Whānau course weekly between 11 March 2021 to 15 April 2021.²⁰ Ms Dyer said that at least one other social worker was present at all times and Ms Dyer was herself present for two sessions.

16. One attendee at the course was Mr P, who was on EM bail. The purpose of EM bail is:²¹

... to restrict and monitor a defendant's movements to mitigate the risks of the defendant failing to appear in court on the next appearance date, interfering with witnesses or evidence, and committing any offence while on bail. EM bail can only be granted if the Court considers that other restrictive bail conditions would not suffice to address these risks.

17. Persons on EM bail are required to remain at an approved address and be monitored 24 hours a day, seven days a week, leaving the address only with authorisation from Corrections. GPS monitoring occurs when the person leaves the approved address. Mr P was on EM bail while facing family violence charges. He was granted authorised absence to attend the Building Awesome Whānau course from 11 March 2021 to 15 April 2021, and Ms Matkovich dealt with Corrections to obtain that authorisation.²²

18. Ms Dyer explained that she was concerned when observing Mr P's interactions with Ms Matkovich at the two sessions she attended, as follows:

As early as 18 March 2021, I became concerned that Mr P was attempting to emotionally manipulate Ms Matkovich. This was based on my observations of how Mr P would interact with Ms Matkovich (for example he would only focus on and engage with her, not other facilitators), but also what other social workers running the course were reporting to me (for example Mr P taking steps to speak with Ms Matkovich alone outside of group settings). I was concerned that there was a risk that professional boundaries, which social workers are meant to maintain with their clients, would be crossed.

¹⁹ Ms Dyer advised that FAB ceased operating in October 2024 due to funding difficulties.

²⁰ Above n 17 at [3.2].

²¹ Above n 18 at [2.2].

²² Above n 18 at [3.2].

I spoke to Ms Matkovich regarding my concerns in the last week of March 2021. I warned Ms Matkovich of her professional obligations under the Board's Code of Conduct. I also instructed Ms Matkovich to not speak alone with Mr P, to which she agreed.

I reiterated my instruction to Ms Matkovich not to speak to Mr P alone or engage with him outside the parenting course during a supervision session I had with Ms Matkovich on 14 April 2021. Ms Matkovich advised me she had blocked Mr P on social media, and that she was not in contact with him outside the course.

19. Ms Dyer also gave evidence that Mr P was discussed in supervision on 3 May 2021 and that Ms Matkovich stated she was not in contact with him, but asked about providing a reference for Mr P. Ms Dyer explained that FAB could confirm his attendance at the course (a Programme Report), and Ms Matkovich could do this but was to show it to Ms Dyer first. Ms Dyer made handwritten notes of the supervision sessions in which Mr P was discussed.²³

20. Ms Matkovich provided a character reference for Mr P addressed 'to whom it may concern' and dated 29 April 2021.²⁴ In addition to confirmation of Mr P's attendance at the parenting course, Ms Matkovich commented positively on Mr P's engagement, demeanour and his future intentions, and advised that she could be contacted to provide further information. The evidence did not establish whether Mr P in fact used the reference, and Corrections had no record of receiving a copy.²⁵

21. On 21 June 2021 Ms Matkovich emailed the EM Operations Team from her work email address to state:²⁶

Tena Koe

[Mr P's name has been] put forward to join our Monday mental well being course which started today 21/06/2021 and will run every Monday of winter.

We would like to request [] join and we will pick him up every Monday at 9am and meet at the summit of Mauoa (sic). This should approximately be finished up by 1pm.

²³ Above n 16, KS-12, Bundle of Documents tab 6 pp 67-70.

²⁴ Above n 16, KS-03, Bundle of Documents p 35.

²⁵ KS-04, Bundle of Documents p 36 email EM Team Operations to Ms Dyer stating "*I do not believe we have received any character references for [Mr P].*"

²⁶ KS-07, Bundle of Documents pp 42 - 50. Several versions of the email were provided as the respondent did not initially correctly type the recipient's email,

If you require any further information please do not hesitate to contact me on my details below or reply to me via this email.

- 22.** This email was followed up with a phone call by a member of the EM Team to Ms Matkovich. Mr P's attendance was approved by Corrections²⁷ and he met with Ms Matkovich on 28 June, 5 July, 12 July and 19 July 2021. In her interview with the PCC Ms Matkovich said that others accompanied them on the walk except on one occasion when they were alone. Ms Matkovich was adamant that they did walk Mauao as described, and this appears to have been verified by Police who requested the GPS tracking data for Mr P for the four absences.²⁸
- 23.** Ms Dyer discovered the email to Corrections while accessing Ms Matkovich's work computer when she was absent from work. Ms Dyer notified Corrections by email on 22 July that FAB was not running any programme on Mondays, was not involved in Mr P's transport or activities and had not been aware of Ms Matkovich's actions.²⁹ Ms Dyer wrote that FAB was *"...very concerned about the potential impact of this matter on our reputation with your Department."*
- 24.** Ms Dyer also located a 'selfie' of Ms Matkovich and Mr P which she had forwarded from her personal email to her work address on 27 April 2021.³⁰
- 25.** According to Mr Hunt's affidavit, Mr P was arrested on or about 3 August 2021 for breach of bail on the grounds of misuse of an approved absence.³¹ An investigation was commenced into both Mr P and the respondent for the offence of 'perverts the course of justice'.³²
- 26.** FAB conducted an employment investigation culminating in Ms Matkovich's dismissal and the mandatory report to the Board, sent on 4 August 2021. With respect to the delay between the mandatory report and the PCC investigation, Ms Schulze advised that the Police

²⁷KS-08 Bundle of Documents pp 51-2, letter Maxine Dyer to Operations Supervisor-Electronic Monitoring contains reference to an email from Corrections to Ms Matkovich dated 24 June 2021: *"As confirmed over the phone, [Mr P] can start attending the Mental Awareness Program every Monday starting next week, Monday 28 June 2021..."*

²⁸ KS-11 Bundle of Documents p 62, Police Jobsheet.

²⁹ Above n 27.

³⁰ KS-02, Bundle of Documents p 34.

³¹ Above n 10 at [3.6].

³² KS-11 p62.

confirmed to the Board that Ms Matkovich had not been charged on 29 November 2023. The Board referred the matter to a PCC on 8 May 2024 and a PCC was appointed on 6 June 2024. The PCC's first correspondence to Ms Matkovich is dated 26 June 2024.³³ Ms Schulze outlined the steps taken by the PCC to ensure that this was received by Ms Matkovich, enlisting a process server who was able to serve the correspondence on 2 September 2024.

27. Ms Matkovich corresponded with the PCC on 20 September and 11 October 2024 stating that she wanted to meet with the PCC to explain her side of the situation and said:³⁴

As a new social worker at the time I admit my faults but as Māori we don't necessarily practice as a tick box system holistic practice has always been my go to and it worked for the accused [Mr P] as well as many of my clients I did great work with. I had zero to no support and was placed under so much responsibility and pressure as a new social worker there is more proof of neglected support from families achieving balance as my ex employer then made out.

28. Ms Matkovich met with the PCC on 15 January 2025. Addressing the particulars of the charge Ms Matkovich's evidence is summarised as follows:

- a. her role at FAB was her first as a social worker and she did not receive training in the Building Awesome Whānau course and was required to deliver the course on her own.
- b. that she lacked supervision or "real mentoring" and told Ms Dyer that she felt uncomfortable delivering the programme as a new social worker.
- c. that she did not work for FAB on Mondays and voluntarily ran a "*mental wellbeing course*" in which she would "*take people up the Mount for a walk, release and talk.*" There were four people at most.
- d. Ms Matkovich invited Mr P to attend and contacted Corrections to gain approval for him to do so "*and made out that it was FAB's when it was my own- not a project but my own sort of thing.*"

³³ Above n 7.

³⁴ KS-15, Bundle of Documents p 78, email respondent to PCC legal advisor 20 September 2024.

- e. Mr P *“was picked up with the goodness of my own heart, out of my pocket. We’d go for a walk and meet a couple of other people that would come with us. That was it.”*
- f. *“I do admit that I did cross a lot of and break a lot of rules, and I did use FAB’s name when I shouldn’t have...”* although Ms Matkovich said she maintained a professional relationship with Mr P and did not cross boundaries *“Apart from the lying... I mean, I didn’t put any emotional stuff on him, or use his situation being vulnerable to manipulate or take advantage, or anything for my own gain.”*
- g. Ms Matkovich prepared an affidavit and presented this in court to explain that Mr P was not aware the course was not mandated.
- h. her motivation was to help Mr P. Ms Matkovich told the PCC *“It was just I wanted to help this guy. [REDACTED] He was on home-detention stuck in the house all day and nothing to have that outlet. [REDACTED] [REDACTED] He had already lost everything and I just honestly had so much empathy for him.”* The only contact they had was the Monday walks.
- i. [REDACTED]
- j. Ms Matkovich did not agree with Ms Dyer’s perception that Mr P may have been manipulating her.

29. The Tribunal asked Ms Dyer to address Ms Matkovich’s statements around the delivery of the Building Awesome Whānau course. Ms Dyer explained that the programme was prepared by The Parenting Place and that it was *“very structured”* with a curriculum, session plan and videos.³⁵ Ms Dyer explained that to the best of her recollection Ms Matkovich had shadowed another social worker on an earlier course and was never the sole social worker present when delivering the March-April course.³⁶ Ms Dyer agreed that Ms Matkovich raised that she felt uncomfortable delivering the course, but considered this a natural response to learning a new task, and that she was supported through the process.³⁷

³⁵ Transcript of evidence p 15.

³⁶ Transcript of evidence pp 15-16.

³⁷ Transcript of evidence p 25.

30. Ms Dyer acknowledged that she did not know the date on which the character reference was prepared for Mr P and that it may have been done before the supervision meeting when the possibility of a reference was discussed. When asked about the photograph, Ms Dyer said that it was not taken at the building where FAB was located, by reference to the background wall visible in the image.³⁸

LIABILITY

Principles and Submissions

31. The grounds on which the Tribunal may make an order following the hearing of a charge are set out in s 82 of the Social Workers Registration Act 2003 (the Act). Ms Matkovich is charged with professional conduct for engaging in conduct that breached the Code and in doing so engaged in conduct that brought or was likely to bring the social work profession into disrepute.

32. The Tribunal takes a two-step approach to determining whether a charge of professional misconduct is proved, namely:

- a. an objective analysis of whether or not the respondent's acts or omissions can reasonably be regarded as constituting a breach of the Code; and
- b. whether the Tribunal is satisfied that the respondent's acts or omissions require a disciplinary sanction for the purposes of protecting the public or enhancing the professionalism of social workers.

33. The Code applies to all members of the social work profession and sets out ten overarching principles which are the minimum professional standards of integrity and conduct that apply to social workers and the profession generally.³⁹

34. The charge identifies no fewer than 13 provisions of the Code that the PCC submits were breached by Ms Matkovich's conduct. The crux of the PCC's allegations is dishonesty in the

³⁸ KS-02, p 34. At p 27.

³⁹ See the introduction to the Code,

course of the respondent's social work role with respect to each of the particulars, and a lack of transparency with her employer in relation to her conduct with Mr P. The CAC relies on principles 1.1, 1.2, 1.4, 1.5 and 9.6 as requiring social workers to act honestly, ethically and professionally with clients, colleagues, employers and the Board, in keeping with the position of trust that registration as a social worker affords. The PCC also relies on principle 6.2, which requires social workers to behave in a professional manner, and principle 9.1, which requires social workers to maintain a high standard of professional and personal behaviour.

35. In breach of each of these principles the PCC submits that the respondent was dishonest in maintaining contact with Mr P outside of the Building Awesome Whānau programme, and unprofessional in preparing a character reference for Mr P and failing to disclose to her supervisor that she had done so. Ms Mok agreed that it appears that Ms Matkovich persisted in having contact with Mr P after the Building Awesome Whānau programme ended, despite assurances to the contrary. This is in light of the date of the character reference (29 April 2021); that Ms Matkovich made contact with Mr P to ascertain his interest in meeting with her on Mondays; and the fact that Ms Matkovich was aware of Mr P's court date in August 2021. Ms Matkovich also said that Mr P wrote her a letter, the inference being that this was after the investigation into her conduct began.⁴⁰

36. The PCC contends that Ms Matkovich's misrepresentations to Corrections are of particular concern, as she knew or ought to have known that authorisation would not be granted if accurate information was provided. These misrepresentations undermined the integrity of the court-governed EM bail. Counsel emphasised that the purposes of bail conditions are to minimise the risk that may be posed by a person facing a criminal charge, in this case, a charge of family violence⁴¹ and that this is inconsistent with principles 4.2 and 4.3, which expect a social worker to work in accordance with the law and to work in a safe way. Further:

Ms Matkovich's actions meant that a person facing family violence charges was allowed absences from his EM bail address for a fictitious course, without any formal oversight or supervision as would generally be required for those on EM bail attending rehabilitative courses or programmes. For that reasons standard 9.4, which requires social workers to "protect yourself and other people from unnecessary risk", was also breached.

⁴⁰ KS-16 at p 92: "*I also did get him to provide a letter, just in case one day I did have the balls to address this...*"

⁴¹ Above n 18 at [3.1].

37. The PCC also submits that as a newly qualified social worker Ms Matkovich acted outside of the limits of her practice and failed to seek appropriate guidance, in breach of principle 4.8. In particular:

Ms Matkovich was engaging with individuals, including Mr P, to provide an initiative with a mental health focus without any professional oversight or supervision, and in circumstances where she was only newly registered and subject to ongoing supervision requirements.

38. Finally, the PCC submitted that Ms Matkovich's conduct was a breach of Mr P's trust, as he was unaware that the approval for the exception to his bail was granted on false grounds. That Mr P was arrested and required to appear in court was a significant adverse consequence of Ms Matkovich's actions.

39. As for s 82(2)(d), the PCC submitted that Ms Matkovich's conduct brought or was likely to bring discredit to the profession as it was contrary to professional standards, breached the trust that Corrections placed in Ms Matkovich as a social worker to act honestly, and risked undermining the trust Corrections had in FAB and social workers generally.

40. The PCC submits that the respondent's conduct was of a nature and gravity to meet the threshold for a disciplinary finding.

41. The alternative charge of conduct unbecoming also involves an objective test. Counsel referred to the affirmation of the well-established test in *Complaints Assessment Committee v Harrison* in which the Tribunal stated:⁴²

[33] This Tribunal has previously considered the test for "conduct unbecoming" in relation to charges involving practising without an [annual practising certificate]. The term is familiar in professional discipline and the decision in *B v Medical Council* continues to provide the yardstick:

The classification requires assessment of degree. But it needs to be recognised that conduct which attracts professional discipline, even at the lower end of the scale must be conduct

⁴² *Complaints Assessment Committee v Harrison* RSW3/D1/SWDT/2019, 29 February 2020, citing *B v Medical Council* [2005] 3 NZLR 810 (HC).

which departs from acceptable professional standards. The departure must be significant enough to attract sanction for the purposes of protecting the public...

[34] Referring to the Medical Practitioners Act 1995, but equally applicable to the regime under the SWRA the decision goes on:

The structure of the disciplinary processes set up by the Act, which rely in part upon judgment by a practitioner's peers, emphasises that the best guide to what is acceptable professional conduct is the standards applied by competent, ethical and responsible practitioners. But the inclusion of lay representatives in the disciplinary process and the right of appeal to this court indicates that usual professional practice, while significant, may not always be determinative: the standards applied must ultimately be for the court to determine, taking into account all the circumstances including not only usual practice but also patient interests and community expectations, including the expectation that professional standards not be permitted to lag. The disciplinary process in part is one of setting standards.

42. The PCC submits that the charge under s 82(1)(b) is proved on the basis of the same criticisms of Ms Matkovich's conduct outlined above as involving a serious departure from the professional standards set out in the Code. The PCC concludes that the conduct outlined in the charge:

...raises serious concerns about her character and indicates that she poses a risk of harming members of the public if she were to resume practising as a social worker. Therefore, Ms Matkovich's conduct reflects adversely on her fitness to practise as a social worker.

Discussion

43. The Tribunal is satisfied that the PCC has proved on the balance of probabilities that the respondent is guilty of professional misconduct. While not expressly stated, we approach the charge as if particulars (a) and (b) are to be dealt with separately or cumulatively, and particulars (c) and (d) outline the consequences of Ms Matkovich's conduct as particularised in (b), meaning they are to be considered cumulatively.

44. First, addressing the character reference for Mr P this was created on letterhead and signed by Ms Matkovich as a community social worker employed by FAB. Both the use of FAB's name and Ms Matkovich's role as a community social worker give a perception of legitimacy

to the reference. While there was some discussion in Ms Matkovich's interview about a template letter for all programme participants, the Tribunal is satisfied that the character reference was created specifically for Mr P and was not a template or standard reference. The Tribunal did not go so far as to find that a social worker writing a reference for a client is inherently unprofessional, but in the circumstances it was inappropriate. That is, Ms Matkovich did not seek guidance on the writing and content of the reference, and it was written after Ms Dyer had advised her not to have contact with Mr P outside of the programme. Ms Matkovich did she disclose that she had written the reference even once Ms Dyer had advised that a Programme Report was permitted but wished to see it before sending.⁴³ The Tribunal also accepts Ms Dyer's evidence on the supervision meeting on 14 April 2021. The caution to Ms Matkovich about Mr P's behaviour and the discussion of professional boundaries and the Code ought to have prompted her to seek further supervision about her interactions with Mr P.⁴⁴

45. Secondly Ms Matkovich was dishonest in her written and oral communication with Corrections staff when she asserted that FAB was running a mental wellbeing course, and implied that Mr P's invitation to attend was sanctioned by FAB by the use of FAB letterhead the word "we". It is likely that Corrections relied on Ms Matkovich's role as a social worker with FAB and in obtaining approval for his attendance at the parenting course. This was a significant breach of trust in relation both to FAB and Corrections, which also had the potential to cause reputational harm to them.

46. With respect to Ms Matkovich's continued contact with Mr P, this was unprofessional in a number of respects including:

- a. maintaining contact with after the Building Awesome Whānau programme ended, in the absence of any professional reason to do so.
- b. Ms Matkovich was aware that Corrections relied upon her representations to allow Mr P to leave his bail address and showed disregard for the court-ordered EM bail.

⁴³ KS-12, Bundle of Documents p 70.

⁴⁴ Above n 43.

- c. there is no evidence that Ms Matkovich considered the purpose of the bail conditions and the potential risks of Mr P leaving his bail address with her, including non-compliance with the intended plan of walking up Mauao.
- d. Ms Matkovich transported Mr P in her personal vehicle. While some agencies may approve the use of personal vehicles, Ms Matkovich appears to have been alone with Mr P, without a safety plan and without permission from her employer, which is not acceptable practice.
- e. the potential consequences for Mr P do not appear to have been considered.
- f. even if well-intentioned, Ms Matkovich also acted out of personal interest, telling the PCC that the walking group was *“experimental of my practice and my own frameworks, but just done really stupidly with not listening and taking the right advice, or doing it the right way.”*⁴⁵

47. [REDACTED]
[REDACTED] Ms Matkovich who was essentially practising in an unsupervised manner. She said she thought at the time simply, *“I’m the social worker and of course I can do this. I’m not harming anybody.”*⁴⁶

Professional Misconduct – Breach of Code

48. The Tribunal accepts the PCC’s submissions as to the breaches of the Code pleaded in the charge. For the reasons outlined above the Tribunal finds that the respondent did not act with integrity and honesty in relation to Mr P.⁴⁷ Ms Matkovich did not protect the rights and promote the interests of Mr P⁴⁸ and did not understand the limits of her own practice or

⁴⁵ KS-16 Bundle of Documents at p 100, transcript of interview.

⁴⁶ KS-16 Bundle of Documents at p 91, transcript of interview.

⁴⁷ Principle 1.

⁴⁸ Principle 5.

appreciate the importance of supervision as a provisionally registered social worker.⁴⁹ This conduct was likely to damage public trust and confidence in the social work profession.⁵⁰

49. While it is not strictly necessary to consider the Code further in light of our findings, the Tribunal finds that the respondent's relationship with Mr P was inappropriate. Principle 5 expects that social workers will protect the rights and promote the interests of clients and includes the following:

- a. principle 5.4 - recognise and use responsibly the power that comes from any social work role, keeping the dignity of the client front of mind.
- b. principle 5.8 - maintain personal and professional boundaries and not form inappropriate relationships with clients or those close to them.

50. While the guidance to principle 5 in the Code focusses on sexual boundaries with current and former clients, an inappropriate relationship may arise in the absence of a sexual relationship. It is likely to be inappropriate if a social worker acts to fulfil their own needs rather than the needs of the client. Examples of behaviour that suggests an inappropriate relationship include forming a friendship, spending the social worker's own money on a client, obtaining money or other benefits from a client, or using social media or private messages to communicate with a client.⁵¹ It is the responsibility of the social worker to maintain professional boundaries and when those boundaries are crossed there is a potential for harm not only to the client but also to the social worker. Ms Matkovich disregarded the advice and guidance of her supervisor to maintain contact with Mr P around professional boundaries. That she facilitated exceptions to Mr P's bail conditions on false grounds is a clear act of professional boundaries being crossed. If, as asserted to the PCC, Mr P's mental wellbeing was poor and he was suicidal, then Ms Matkovich ought to have

⁴⁹ Principle 4

⁵⁰ Principle 9.

⁵¹ These are intended as general guidance and not an exhaustive list. See also cases involving an inappropriate relationship such as *PCC v Capper* 24/24P, 10 February 2025 (reissued 7 March 2025); *PCC v Harrison* RSW11/D3/SWDT/2020; *PCC v Kathleen Noble* RSW 13/D1/SWDT/2020; *PCC v Surowiez-Leper* RSW3/D3/SWDT/2015; *PCC v Austin* RSW2/D2/SWDT/2016.

discussed this with her supervisor and considered an appropriate referral. This exemplifies the impact that an erosion of boundaries may have on the exercise of professional judgment.

Conduct Unbecoming

51. Having found that the breaches of the Code outlined above meet the disciplinary threshold for professional misconduct, it is not necessary to discuss the alternative charge of conduct unbecoming that reflects adversely on the social worker's fitness to practise.

PENALTY

Principles and Submissions

52. When a charge is proved the Tribunal must consider whether to impose a penalty pursuant to s 83 of the Act. Penalty is the means by which the Tribunal can meet the purposes of the Act which are set out in s 3 as follows:

- a. to protect the safety of members of the public, by prescribing or providing for mechanisms to ensure that social workers are –
 - i. competent to practise; and
 - ii. accountable for the way in which they practise; and
- b. for the purposes of paragraph (a), to create a framework for the registration of social workers in New Zealand and determine their scopes of practice, and –
 - i. establish a board to register social workers, and provide for its powers; and
 - ii. establish a tribunal to exercise the disciplinary powers over social workers conferred by this Act; and
- c. (repealed)
- d. to enhance the professionalism of social workers.

53. The principles that the Tribunal considers when determining penalty follow those set out by the High Court in *Roberts v Professional Conduct Committee of the Nursing Council of New Zealand*.⁵² In short, the penalty imposed should be fair, reasonable and proportionate and the least restrictive that is appropriate in the circumstances of the case. The Tribunal should

⁵² [2012] NZHC 3354, at [44] to [55].

also strive for consistency with comparable cases. The primary intention is not to punish a respondent, but to protect the public and set professional standards.

54. Of the available penalties, cancellation of registration is the most serious and reserved for cases where no other penalty will meet the purposes of the Act. The Tribunal must not make an order for cancellation unless it has first considered suspension of the social worker's registration or practising certificate, or the imposition of conditions on the social worker's scope of practice: s 82(2).

55. Ms Matkovich advised the PCC during her interview that she did not intend to return to social work practise.

56. The PCC submitted that cancellation is appropriate, on the grounds that Ms Matkovich's conduct involved outright and repeated dishonesty, including the deception of a government department and a failure to be open with her employer, indicating that she was aware that her conduct was wrong. The PCC submits that Ms Matkovich has shown limited evidence of remorse or insight but rather sought to downplay her actions to the PCC.⁵³ Ms Mok submitted:

Given the nature and gravity of Ms Matkovich's conduct, cancellation of her registration as a social worker is the only appropriate penalty to ensure public protection and the maintenance of proper professional standards. The PCC also seeks that Ms Matkovich be censured to mark the Tribunal's disapproval of her conduct. A lesser penalty than cancellation, such as suspension, will not adequately ensure public protection or deterrence given the seriousness of Ms Matkovich's conduct and her lack of genuine insight into the gravity of her actions. Further, given Ms Matkovich's lack of engagement in this proceeding, the PCC submits that the Tribunal can have little confidence that less orders, for example orders with a rehabilitative focus, would be meaningfully engaged in and thereby mitigate the risk of repeat behaviour. Nor would they be sufficient to mark the seriousness of the conduct.

57. The Tribunal was referred to three cases for comparative purposes and in support of cancellation as the appropriate penalty in the circumstances of this case. In *PCC v Wastney* the social worker worked for a community trust whose primary role to provide community

⁵³ KS-16, at p 86 and 103. Ms Matkovich refers to "*this naughtiness of mine*" and comments that the consequences of her actions including the investigation are "*a little bit too dramatic for what actually happened.*"

housing services.⁵⁴ Ms Wastney was charged in relation to dishonestly taking food parcels intended for clients of her employer, and taking supermarket vouchers worth \$320, also intended for clients. Whether or not the use of the food parcels was for personal gain was not established and that allegation did not form part of the charge. The Tribunal did find that the supermarket vouchers were used for Ms Wastney's personal benefit and that she was dishonest in her conduct when replacing the vouchers. The Tribunal made a finding of professional misconduct under s 82(1)(a), in reliance on a breach of principles 1 and 9 of the Code. The Tribunal also found that the conduct reflected adversely on Ms Wastney's reputation and the reputation of the profession. The Tribunal concluded that:

...dishonesty connected with social work practice inherently is conduct that warrants discipline for the purposes of protecting the safety of the public and maintaining the standards of the social work profession...

58. By way of penalty the Tribunal considered that the appropriate starting point in the circumstances was suspension and would have imposed this but for evidence from Ms Wastney's current employer, and the length of time (approximately four years) since the offending, during which time she had continued to practise as a social worker without further incident. The Tribunal was concerned at the respondent's apparent lack of acceptance of significant wrongdoing and lack of reflection on her practice, and imposed conditions intended to address this, as well as a prohibition on employment in any position involving responsibility for financial matters, and a disclosure requirement.

59. In *PCC v Alazay Noble* the social worker was convicted of theft of over \$11,500 from her employer (a liquor outlet), in which offending she involved her teenage daughter.⁵⁵ This was a qualifying offence under s 63 of the Act and so the conviction was referred to the Board. Ms Noble was also employed in social work roles working with youth. The Tribunal suspended Ms Noble pending the hearing of the charge, and following a hearing by way of formal proof imposed a penalty of cancellation of registration. The Tribunal found that the conduct was at the serious end of the spectrum and had no evidence to demonstrate that

⁵⁴ *Professional Conduct Committee v Wastney* 001/SWCDDT21/17P.

⁵⁵ *Professional Conduct Committee v Alazay Noble* RSW12/D2/SWDDT/2020, 12 May 2021.

Ms Noble had taken any rehabilitative steps to mitigate the risk of similar conduct in the future, or any evidence of remorse. The Tribunal also ordered a censure.

60. In *Professional Conduct Committee v Kathleen Noble* the Tribunal considered a charge of professional misconduct in relation to accepting money from a very vulnerable client.⁵⁶ Ms Noble drove her client to a bank to obtain the money, having disclosed personal issues that the money was intended to help with. She did not repay the money until her employer deducted it from her wages. The Tribunal considered that there was a breach of trust arising from Ms Noble's breach of boundaries and said that "[s]ocial workers who lack the ability to maintain appropriate professional boundaries complicate relationships with clients in a way that is likely to be damaging to the client. This is not an acceptable discharge of a social worker's professional and ethical obligations."⁵⁷

61. The Tribunal ordered a six-month suspension of Ms Noble's registration together with censure and a condition requiring professional development in the area of professional boundaries and ethical practice.

Findings

62. The Tribunal accepts the submissions for the PCC. For an early career social worker an error of judgment is understandable, and a rehabilitative approach is desirable if possible. However, the facts of this case go substantially further and reflect an ongoing course of conduct that was deliberate, dishonest and potentially harmful. There is little if any evidence that Ms Matkovich considered the possible risks of her conduct or the gravity of making misrepresentations to Corrections.

63. It is not for the Tribunal to order cancellation simply because a social worker indicates that they do not intend to practise. Any penalty should be appropriate to meet the circumstances of the case. The Tribunal's options are limited. Ms Matkovich does not hold a current practising certificate meaning that we cannot impose conditions, even if that were an adequate response. As required by the s 83(1)(a)(i) of the Act, the Tribunal considered

⁵⁶ *Professional Conduct Committee v Kathleen Noble* RSW13/D1/SWDT/2020, 21 May 2021.

⁵⁷ Above n 56 at [75].

suspension of registration. However given the nature of the findings and the time elapsed the Tribunal considers that cancellation is appropriate so that, should Ms Matkovich apply to re-register in the future, that application and any conditions imposed can be assessed by the Board in light of her current circumstances, and this decision.

64. The Tribunal will also order a censure.

NON-PUBLICATION

65. Pursuant to s 79 of the Act the Tribunal may make orders for non-publication on application or of its own motion after having regard to the interests of any person and the public interest. Section 79(2) provides for non-publication orders as follows:

- a. that the whole or any part of a hearing must be held in private;
- b. prohibiting the publication of any report or account of any part of a hearing, whether held in public or in private;
- c. prohibiting publication of the whole or any part of any books, papers, or documents produced at a hearing;
- d. prohibiting the publication of the name, or any particulars of the affairs, of any person.

66. Ms Matkovich did not make an application under s 79. In light of the information before it, the Tribunal does not consider it is desirable to make an order of its own motion.

67. The PCC sought a permanent order for non-publication of Mr P's name and identifying particulars, on the grounds that there is no public interest in these details being published. The PCC submitted that there is no evidence to support that an order in favour of Mr P would be compromised by the naming of the respondent. The Tribunal agrees that it is desirable to make the order sought. [REDACTED]

[REDACTED]

[REDACTED]

68. The Tribunal notes the evidence from Ms Dyer that FAB has not be operating since around October 2024. Given that and the time elapsed since the subject events, we do not consider it necessary to make an order in favour of that organisation.

COSTS

69. Section 83(1)(e) of the Act provides that the Tribunal may order a social worker to pay or all part of the costs and expenses of and incidental to PCC inquiry, the prosecution of the charge and the hearing. The CAC provided a Costs Schedule totalling \$6,279.25 for the PCC investigation and \$23,391 for the prosecution of the charge. The PCC seeks an order for a contribution of 50% of its total costs, being \$14,835.50.

70. The principles considered by the Tribunal when making an order for costs include:

- a. the full cost of investigating and prosecuting a disciplinary charge should not fall on the social work profession as a whole.
- b. social workers who appear on disciplinary charges should make a proper contribution towards the costs of the investigation, prosecution and the hearing.
- c. costs are not intended to punish.
- d. a social worker's means are to be taken into account, if known.
- e. a social worker has the right to defend the charge and should not be deterred by the risk of a cost order.
- f. in general, 50% of reasonable costs is a guide to an appropriate starting point and may be revised up or down in the Tribunal's discretion.

- 71.** In its Minute dated 26 September 2025 the Tribunal allowed Ms Matkovich the opportunity to provide any evidence and submissions relevant to costs, including evidence as to her financial ability to meet a costs order. Nothing was received from Ms Matkovich; therefore, her financial means are not known and cannot be taken into account.
- 72.** On the basis of the costs schedules provided by the PCC, the Tribunal will make an order for a 50% contribution in the sum of \$11,695.50 pursuant to s 83(1)(e)(ii), (iii) and (iv) of the Act. Section 82(1)(e)(iv) also covers the costs of the hearing relevant to the Tribunal itself. The total costs of the Tribunal are \$17,265.58, and a schedule itemising this amount was provided to Ms Matkovich together with the Tribunal's Minute. An order for 50% of those costs is also made.
- 73.** The Tribunal is aware that this is a significant sum. Social workers who face a disciplinary charge must be aware that even if they choose not to take part in proceedings they may still be liable for costs. The Code of Conduct contains an expectation that social workers will cooperate fully with any formal inquiries of any kind: principle 9.7. There are degrees of involvement, and other than the professional obligation imposed by the Code, a social worker cannot be compelled to participate in a complaint or disciplinary inquiry however more likely than not it is wise to do so and may have the outcome of reducing costs and impacting penalty, for example where an agreed summary of facts can be reached or elements of the charge are successfully defended.

ORDERS

- 74.** For the reasons set out above the Tribunal makes the following orders pursuant to s 83 of the Act:
- a. Censure.
 - b. Cancellation of Ms Matkovich's registration.
 - c. Costs in favour of the Professional Conduct Committee in the sum of \$14,835.50.
 - d. Costs in relation to the Tribunal's role in hearing the charge in the sum of \$8,632.80.

75. Pursuant to s 79(2)(d) permanent non publication is ordered as follows:

a. the name and identifying particulars of Mr P.

b. [REDACTED]
[REDACTED]

DATED this 21st day of November 2025.



C Garvey
Chairperson
Social Workers Complaints and Disciplinary Tribunal