

**BEFORE A JUDICIAL COMMITTEE
APPOINTED BY THE VETERINARY COUNCIL OF NEW ZEALAND**

DECISION NO: 001/Jud25/39

IN THE MATTER OF disciplinary proceedings under Part 3 of the Veterinarians Act 2005

IN THE MATTER of a charge laid by a **COMPLAINTS ASSESSMENT COMMITTEE** appointed by the Veterinary Council of New Zealand under section 39 of the Veterinarians Act 2005 against **LEO JOHN MOLLOY** registered veterinarian of Auckland

Hearing held on Tuesday, 2 December 2025 by audio-visual link

Judicial Committee: Mrs J C Hughson (Chairperson),
Mr B Davidson, Mr C Hunger and Mr S Hopkinson
(veterinarians) and Mrs S D'Ath (lay member)

Appearances: Mr F G Biggs for the Complaints Assessment
Committee

Mr Q Duff, for Mr Molloy

Mr L J Molloy

Decision: Wednesday, 21 January 2026

Summary

- [1] Dr Molloy is a registered veterinarian who lives and works in Auckland. He graduated with a BVSc from Massey University in 1988 and that year, registered as a veterinarian¹.
- [2] Dr Molloy has been registered as a veterinarian for over 36 years. He practised as a veterinarian for small and large animals over this time until he changed his career to focus on hospitality, in the 2000's.²
- [3] At all material times, Dr Molloy was registered and held an annual practising certificate.³
- [4] Dr Molloy's status on the Register of Veterinarians was changed to "Registered – Retired" on 1 April 2023. For the purposes of these proceedings it did not matter when Dr Molloy last held a practising certificate or whether he would ever apply for another one. That is because at all relevant times Dr Molloy was registered and therefore, as he accepted, he was a "specified person" for the purposes of the disciplinary provisions in Part 3 of the Veterinarians Act 2005 (the Act) ⁴.
- [5] Dr Molloy has a profile in the horse racing community. Although he has not worked in veterinary practice for over ten years⁵, he has provided voluntary work and advice to the New Zealand racing industry and has attended veterinary industry professional development conferences overseas relevant to this work. Dr Molloy has given evidence for many years on behalf of owners and trainers and drivers as part of his involvement with the Racing Integrity Unit, and he has been a critic of some of the prosecutions carried out in that forum. His ongoing registration status as a

¹ Agreed Summary of Facts (ASF) at [2].

² Affidavit of Leo John Molloy sworn on 14 October 2025 at [6].

³ ASF at [4].

⁴ The Judicial Committee's jurisdiction and Dr Molloy's liability are founded on registration rather than practising certificate status. "Specified person" is defined in section 34 of the Veterinarians Act 2005. It is not a requirement that the person held a current annual practising certificate as a veterinarian at the time of the relevant conduct, although in this case, Dr Molloy did hold one at the time he deliberately breached the name suppression order in question.

⁵ Affidavit of Leo John Molloy at [19].

veterinarian has been important to him, so that he could continue to have an impact in that forum.⁶

[6] On 29 April 2021, Dr Molloy pleaded guilty to and was convicted by the District Court at Auckland-Tāmaki Makaurau of one charge of knowingly publishing a name in breach of a suppression order, namely an interim suppression order granted by the High Court⁷. This is an offence under section 211(1) of the Criminal Procedure Act 2011 (the conviction), for which the maximum sentence is six months' imprisonment.

[7] The background to this matter was the murder trial in respect of English backpacker, Grace Millane. Mr Jesse Kempson stood trial for Ms Millane's murder in 2019. Mr Kempson was also charged with raping two other women. Separate trials were scheduled to take place after the murder trial, to determine those charges. On 20 February 2019 the High Court in the murder charge proceedings made an interim order suppressing publication of Mr Kempson's name to preserve his fair trial rights in the relation to the rape charges.

[8] On Friday, 22 November 2019, the last day of Mr Kempson's murder trial, Dr Molloy deliberately breached this interim suppression order by making two social media posts on a forum called Main Street Café which was within the New Zealand Premier Racing community website, a specialist website for those in the racing community.

[9] Dr Molloy made his first post at 4.54am, titled "*This is Grace Mullane [sic] murderer*". The post read:

He got name suppression because he's also up on another independent rape charge...he needs a bullet.

Scooby I put it here because this forum has the traffic and people need to know about this dog.

[10] The jury delivered a guilty verdict on the murder charge after 5pm on 22 November 2019. At 8.58pm Dr Molloy made his second post in breach of the suppression order, which read:

⁶ Affidavit evidence given by Dr Molloy in the District Court at Auckland – Tāmaki Makaurau, as referred to by Judge P Winter in *New Zealand Police v Leo John Molloy* [2021] NZDC 7886.

⁷ Certified Copy of the Permanent Court Record of proceedings in the District Court at Auckland – Tāmaki Makaurau dated 30 June 2025.

Jesse Kempson was an employee of my sisters at her restaurant bar, Oyster & Chop, and he flatted with my niece for a short period before he was asked to leave due to his inappropriate behaviour. Just saying, and that is a fact.

- [11] Dr Molloy had applied for a discharge without conviction⁸, but his application was declined⁹. He was convicted by the District Court and sentenced to 250 hours of community work and fined \$15,000.
- [12] The High Court dismissed Dr Molloy's appeal against both the discharge without conviction decision and the sentence imposed by the District Court.¹⁰
- [13] By Amended Notice of Charge dated 3 June 2025, the Complaints Assessment Committee (the CAC) charged that Dr Molloy's conviction reflects adversely on his fitness to practise as a veterinarian¹¹ and/or amounts to professional misconduct in that it has brought or was likely to bring discredit to the profession¹².
- [14] Before the Judicial Committee, Dr Molloy admitted his conduct and the conviction but argued that the conviction does not reflect adversely on his fitness to practise as a veterinarian, and further, that he was not guilty of professional misconduct.
- [15] As was announced at the hearing, and for the reasons which follow, the Judicial Committee found the Charge made out to the extent that the conviction reflects adversely on Dr Molloy's fitness to practise as a veterinarian. Having made that finding the Committee did not consider it necessary to go on and consider whether the same conduct amounted to professional misconduct. In any event, the Judicial Committee's penalty and costs decisions would not have been any different had a finding of professional misconduct also been made.
- [16] The Judicial Committee is ordering that Dr Molloy be censured, to mark the Committee's disapproval of his conduct and to maintain professional standards. He is also being ordered to pay 45% of the total reasonable costs and expenses incurred by the CAC in their investigation and prosecution, and of the Veterinary Council

⁸ Under section 106 of the Sentencing Act 2002.

⁹ *Police v Molloy* [2021] NZDC 7886. [Sentencing Notes of Judge P Winter].

¹⁰ *Molloy v Police* [2021] NZHC 2025. The appeal was dismissed on 10 August 2021.

¹¹ Section 50(1)(a) of the Veterinarians Act 2005. Amended Notice of Charge signed by Brendon Bullen, Chair of the CAC.

¹² Section 50(1)(c) of the Veterinarians Act 2005.

associated with the hearing. In terms of quantum, a contribution of \$17,721 towards the CAC's costs and \$5,314 towards the Veterinary Council's Judicial Committee costs is being ordered. The reasons for these decisions, and the Judicial Committee's formal orders, follow.

[17] Dr Molloy did not seek name suppression. The Judicial Committee is aware that his name has already been published in connection with these proceedings since the hearing, including in national news media.

Facts and circumstances of offending

[18] The facts and circumstances of Dr Molloy's conviction are set out in the sentencing notes of District Court Judge P Winter¹³ and in the High Court appeal decision¹⁴.

[19] As noted, on 20 February 2019, Mr Kempson was granted interim name suppression in the High Court at Auckland. This order was to remain in effect until further order of the Court.

[20] On the final day of Mr Kempson's high-profile trial, Friday, 22 November 2019, Dr Molloy started a social media discussion. He was a member of the New Zealand Premier Racing community's website and was known on this site by the name "*pound for pound*". Dr Molloy started a post as "*pound for pound*" on a forum called Main Street Café, within this website. The evidence in the District Court was that this social media site had a membership of over 2,483 members¹⁵.

[21] Dr Molloy made his first post on Main Street Café at 4.54am ("*he got name suppression because he's also up on another independent rape charge. He needs a bullet. Scooby, I put it here because this forum has the traffic and people need to know about this dog*"). "*Scooby*" is the name of the owner of the website, Mr Philip McKenzie.

[22] It was following the guilty verdict that Dr Molloy made his second post (at 8.58pm), again as "*pound for pound*". This was the post in which he referred to Mr Kempson as having worked for his sister and flattered with his niece before being asked to leave due to his inappropriate behaviour, which he stated was "*a fact*".

¹³ *New Zealand Police v Leo John Molloy* [2021] NZDC 7886 – Ruling of Judge P Winter [on s 106 application] (Sentencing notes of Judge Winter)

¹⁴ *Leo John Molloy v New Zealand Police* [2021] NZHC 2055, Brewer J.

¹⁵ Sentencing Notes of Judge P Winter at [3].

- [23] In explanation to the District Court, Dr Molloy stated that Mr Kempson had no rights: “*Why should he be protected when this poor little girl wasn’t, and her family wasn’t*”, referring to Ms Millane.
- [24] When declining Dr Molloy’s application for a discharge without conviction, the Judge noted, relevantly:
- (a) Dr Molloy’s publication of Mr Kempson’s name occurred during a high-profile criminal trial. The High Court suppression orders were in place to protect the integrity of the justice system including to administer justice duly, impartially, and with reference solely to the facts judicially brought before it. Contempt of court orders is a serious matter¹⁶.
 - (b) The contempt of court publication provided information that indicated that Mr Kempson was of bad character and was to face another criminal trial. The first post identified that this was a rape trial. The second post provided information about Mr Kempson’s character which was described as a “*fact*”. The Judge accepted that Dr Molloy did not know at the time that Mr Kempson was in fact facing two further trials (which by the time of Dr Molloy’s sentencing had been resolved and Mr Kempson was convicted before a judge alone in relation to both matters).
 - (c) Dr Molloy submitted that the gravity of his offending was low, whereas the prosecution submitted that it was moderately grave. Dr Molloy referred to the fact that there had already been a large number of breaches including by international media and the *New Zealand Herald*. He also submitted that the effect of his publication would have been low because of the “*relatively few number of viewers involved in the racing website world in which the publication was made. It is argued that that was a specialist site for those in the racing community, and few people in effect, would be exposed to it.*” The Judge stated that there were a number of people who would have access to it and referred to Dr Molloy seeming to be a “*prolific poster of communications on the racing website and he had a following. Not only that, but those who did have access to the website could then disseminate the information to others*”.

¹⁶ The Judge referred to the decision of Woolford J in *Solicitor-General v APN New Zealand Ltd* HC, Auckland, CIV-2011-404-004713, 20 October 2011 quoting *R v Parke* [1903]2 KB 432.

- (d) The evidence before the District Court, in an affidavit sworn by Mr McKenzie, was that there were 11,000 members of the Main Street Café website and 150 were actively posting at the time of Mr Molloy's posts. The Judge noted, *"you do not, it seems, have to be a member to view posts on the Main Street Café website, and that was the forum under which Mr Molloy was known to post, and did post the objectionable material previously named, using the username "pound for pound"*.
- (e) Dr Molloy's conduct involved him deliberately ignoring a court order that he was well aware of, and risked undermining the fairness of any subsequent trials: *"in effect, what Mr Molloy's posts did was potentially risk the complainants in the subsequent two trials obtaining justice, which, despite Mr Molloy's own feelings, would potentially have had a considerable impact on those seeking justice before the Courts."*¹⁷
- (f) The evidence of Detective Andrea Quinn was that following her research into the website on which the postings were made, it could not be said exactly how many times the site was viewed, *"however, the disputed post placed on the website by Mr Molloy may have had many more views than others on the website because of Mr Molloy's profile within the racing community, and his following"*. Detective Quinn pointed to the text of the first posting where Mr Molloy stated: *"Scooby, I put it there because this forum has the traffic and people need to know about this dog"*.¹⁸
- (g) When assessing the gravity of Dr Molloy's offending, the District Court Judge said:
- I assess the offending as moderately serious. That is even after consideration of the defendant's guilty plea and other mitigating factors. That is for the reason that this information was published at a critical time. The contents of the publications were serious. The defendant had knowledge of the ongoing prosecution involving the defendant in the Grace Millane trial. The defendant had an awareness of the consequences of his publication, in that he must have known that he was breaching a High Court order. He is an intelligent man, has

¹⁷ Sentencing Notes at [17].

¹⁸ Sentencing Notes at [18]. The owner of the website removed the posts after being contacted by Police, also on 22 November 2019 High Court appeal decision at [9].

trained as a veterinarian and practises as one. He would be aware that the High Court has imposed the name suppression order for a very good reason. Despite that, and for reasons best known to himself, he decided to make the publication that he did, against the background of the ongoing order in forced [sic] from the High Court.

The Judge went on to conclude that the gravity of the offence outweighed identified consequences for Dr Molloy.

- (h) In this regard, in reliance on an affidavit Dr Molloy had filed, it was submitted by his counsel that a conviction may have an impact on his veterinary work: *"[Mr Molloy] is a qualified veterinarian. The Veterinary Council of New Zealand is, I understand, aware of the present charges. That has been confirmed by Mr Jones [KC] to me in court today"*.

Further:

[25] I understand that Mr Molloy's veterinary practicing [sic] certificate has been renewed. However, the Veterinary Council of New Zealand can disqualify a person from registration as a vet, if they are convicted of an offence that would affect their ability to practice [sic] as a veterinarian. Mr Molloy has been a vet for over 30 years, I have been informed. He does not, however, practice [sic] as a vet, as I understand it, by way of his professional income, but provides voluntary work and advice to the New Zealand racing industry. I accept that a conviction would trigger the professional registration provisions. However, I note that [Mr Molloy] has, under those same provisions, the ability to satisfy the Council that the offence does not reflect adversely on his fitness to practice [sic] as a veterinarian.

[26] No evidence has been provided by [Mr Molloy] in support of the likelihood of deregistration...

...

[35] Next, [Mr Molloy] submits that his overseas travel would be affected should he be convicted. He says he requires to undertake continuing education in particular, within the veterinarian industry, by way of overseas conference travel. He has given evidence for many years on behalf of owners and trainers and drivers as part of his involvement with the Racing Integrity Unit, and he has been an outspoken critic of some of the prosecutions carried out in that forum. He therefore requires, he says, his veterinary licence to continue to have an impact in that forum.

[36] ... none of that information [that should be provided where it is submitted that overseas travel would be affected by a conviction] has been provided to me.”

[25] On appeal, the High Court found similarly that Dr Molloy’s offending was moderately serious, taking into account factors that reduced the characterisation of his offending from serious to moderately serious, including Dr Molloy’s guilty plea, expression of remorse and his good character¹⁹. The Court noted that Dr Molloy’s posts were made to a website available to be accessed by the public, on which Dr Molloy posted frequently and on which he had a following. His Honour Justice Brewer accepted “*that the website was a specialist one and that Mr Molloy would not have expected his posts to be viewed by the wider public. However, information posted on social media can be shared widely and easily by even a single reader who decides to do so... the risk was there*”. The first post made it clear Dr Molloy intended it to be read by “*the traffic*” and the timing of the posts was significant (“*the final stage of the murder trial when public interest in the trial was at its height*”) and more likely to attract readers. His Honour took into account the reference to the rape proceedings in Dr Molloy’s first post (which was not widely known at that time), and to the content of the posts, and ultimately, that the posts went directly to a risk of infringing Mr Kempson’s fair trial rights.

[26] Although the High Court accepted that Dr Molloy’s motive in publishing the posts did not extend to preventing Mr Kempson from having a fair trial, his affidavit evidence was that he wanted to stop Mr Kempson from “*being protected by the law*”.²⁰

[27] When dismissing the appeal, the High Court held that Judge Winter did not err when he was identifying the direct and indirect consequences of a conviction for Dr Molloy or when he concluded that those consequences would not be out of all proportion to the gravity of Dr Molloy’s offending.

[28] Dr Molloy’s conviction came to the attention of the Veterinary Council through media attention. The Council approached the District Court for further information.²¹ Dr

¹⁹ Referring to Dr Molloy as a “*community-spirited person. He contributes generously to charity. He is, effectively, a first offender*”. Dr Molloy had previous convictions for road transport related charges (excess alcohol and driving matters) in the 1970’s, but he had not appeared before the Court on any similar charges. Judge Winter had put those historical convictions aside and approached Dr Molloy as a first offender.

²⁰ Brewer J at [21].

²¹ ASF at [9].

Molloy also disclosed his conviction when he applied for an annual practising certificate in 2020.²²

[29] The Council established the CAC to investigate the conviction. Dr Molloy met with the CAC during their investigation. He explained that he did not consider his conviction could have any impact on the public's view of the veterinarian profession and he felt he was on the right side of history and had no regret breaking the law. However, he accepted that he had been convicted, that it was common knowledge he was a veterinarian, and that arguably reflected badly on the profession.²³

[30] Before the Judicial Committee Dr Molloy deposed²⁴:

[13] When I made the posts in November 2019, I was motivated by strong feelings of frustration of what I perceived to be injustice and unfairness in the treatment of the victim, Ms Millane. This stemmed both from the defence's approach of putting Ms Millane on trial and from my personal knowledge of Mr Kempson through prior dealings that members of my family had with him. While those emotions were sincerely held, I accept that they did not excuse my actions.

Liability

Legal principles

[31] The burden of proving the Charge lay with the CAC, on the balance of probabilities²⁵.

[32] The grounds on which a veterinarian may be disciplined are specified in section 50 of the Act. The CAC relied on sections 50(1)(a) ('offence conviction') and 50(1)(c) ('professional misconduct'):

50 Grounds for discipline of specified person

(1) The Council may take 1 or more of the actions set out in section 51 against a specified person if, at the conclusion of a disciplinary hearing, it is satisfied that –

(a) **both** of the following matters apply:

²² ASF at [10].

²³ ASF at [11].

²⁴ Affidavit of Leo John Molloy sworn on 14 October 2025.

²⁵ The Charge had to be proved to a standard commensurate with the gravity of what was alleged: *Dr D* Jud18/37 at [15]-[18]; *Z v Dental Council Complaints Assessment Committee* [2009] 1 NZLR 1 (Supreme Court).

- (i) the specified person has been convicted within the last 7 years, whether before or after he or she was registered, by any court in New Zealand or elsewhere of-
 - (A) any offence punishable by imprisonment for a term of 3 months or more; or
 - (B) any other offence against this or any other Act that has a direct bearing on the veterinary profession; or
 - (C) an offence against the Agricultural Compounds and Veterinary Medicines Act 1997, the Animal Welfare Act 1999, the Medicines Act 1981, or the Misuse of Drugs Act 1975, or any offence against any regulations made by or under those Acts; and
 - (ii) the commission of the offence reflects adversely on the person's fitness to practise as a veterinarian; or
- (b)
-
- (c) the specified person has been guilty of professional misconduct because of any act or omission that, in the opinion of the Council, has brought or was likely to bring discredit to the profession...
- ...

Offence conviction ground

[33] In relation to the offence conviction ground specified in section 50(1)(a), as well as the requirement that the offence in question must be a qualifying offence for the purposes of (A), (B), or (C), the commission of the offence must also be established as reflecting adversely on the person's fitness to practise as a veterinarian. This requirement makes it clear that not all qualifying convictions entered against a veterinarian will give rise to grounds for professional discipline.

[34] The Judicial Committee, when it is considering a charge brought on this ground, is not required to assess whether the respondent veterinarian is unfit to practise. The test for whether the commission of the offence reflects adversely on the person's fitness to practise, is simply whether the veterinarian's conduct casts doubt on their fitness to practise.

[35] Liability under section 50(1)(a) is not limited to conduct occurring in a clinical or professional setting. "Fitness" in section 50(1)(a)(ii), extends beyond competence

issues and includes conduct that, when considered objectively, will have a negative impact on the trust and confidence which the public is entitled to have in the veterinarian, and the veterinarian profession as a whole. That is, it includes conduct which falls below the standards legitimately expected of a member of the profession, whether of a clinical character or not.²⁶

[36] There is a similar provision in the health practitioner disciplinary jurisdiction, and in other professional disciplinary regimes, including social workers. Referring to section 100(1)(c) of the Health Practitioners Competence Assurance Act 2003, the High Court stated in the case involving registered nurse and euthanasia campaigner, Lesley Martin, who had been convicted of attempting to murder her terminally ill mother²⁷:

“Fitness” often may be something different to competence. That Ms Martin maintains a commitment to a particular viewpoint which of necessity involves a rejection of the criminal law of New Zealand, and a rejection of ethical standards, showed no remorse, and has expressed that she would not personally be deterred from future conduct, are telling factors. Aspects of general deterrence as well as specific deterrence remain relevant. So, too, is the broader consideration of the public or community’s confidence and the upholding of the standards of the nursing profession.

Professional misconduct

[37] As for professional misconduct, there must be established an act or omission that was a departure from acceptable or expected professional standards and which, in the Council’s opinion has brought or was likely to bring discredit to the profession. The High Court in *Knight v Veterinary Council of New Zealand*²⁸ explained that professional misconduct must be assessed objectively against the prevailing standards of the profession and what is expected of a member of the profession of good repute and competency. The conduct in question does not need to have had any actual or foreseeable adverse effects on the public, the veterinary industry or, if

²⁶ This is the approach taken to “fitness to practise” for the purposes of the Health Practitioners Competence Assurance Act 2003. See *PCC v Martin* High Court, Wellington CIV-2006-485-1461, 27 February 2007 at [46] and *Collie v Nursing Council of New Zealand* [2001] NZAR 74 at [25] and [28].

²⁷ *PCC v Martin* High Court, Wellington, CIV-2006-485-1461, 27 February 2007 at [46].

²⁸ *Knight v Veterinary Council of New Zealand*, High Court, Wellington CIV-2007-485-1300, 19 May 2009 at [118]-[121].

applicable, the patient. Nor does the conduct need to be of a continuing or frequent nature.²⁹

[38] “Bringing discredit” has been considered by the High Court in the professional disciplinary context. In *Collie v Nursing Council of New Zealand*³⁰ the High Court stated:

Definitions encompassing all situations are to be avoided in this field. In the end the individual circumstances of each case have to be viewed as against the statutory test. The professional colleagues of nurses, comprising the Nursing Council are entrusted with bringing their judgment to individual factual situations and to determine as representatives of the profession as a whole, whether the conduct is likely to bring discredit on the nursing profession. In doing so the decision of the Council is not immune to review, given the statutory right of appeal, but clearly the judgement of the Council must be given proper weight.

...

To discredit is to bring harm to the repute or reputation of the profession. The standard must be an objective standard with the question to be asked by the Council being whether reasonable members of the public, informed and with knowledge of all the factual circumstances, could reasonably conclude that the reputation and good-standing of the nursing profession was lowered by the behaviour of the nurse concerned.

[39] Before a Judicial Committee can conclude that a respondent veterinarian is guilty of professional misconduct, the Committee is also required to assess whether the conduct in question is sufficiently serious to warrant (attract) discipline. This is a “threshold” step rather than a “substantive hurdle”³¹. The threshold is not unduly high but is to be reached with care, having regard to the purpose of the Veterinarians Act and the implications for the practitioner³². It is not necessary to show the

²⁹ *Knight*, above at [123].

³⁰ *Collie v Nursing Council of New Zealand* [2001] NZAR 74 at [25] to [28].

³¹ *Professional Conduct Committee v R* [2018] NZHC 2532 at [31].

³² See *Professional Conduct Committee v R* above fn. 31 at [31].

practitioner's conduct was as serious as that of others who have received disciplinary penalties. Relative seriousness beyond the threshold is a matter for penalty.

[40] Subjective matters that are personal to the respondent veterinarian are not to be considered in any significant way when the Judicial Committee objectively assesses whether a ground for discipline has been established. Personal factors are more appropriately considered at the penalty stage, if a charge is found to have been established.³³

Relevant standards

[41] As noted, Dr Molloy's conduct was required to be assessed against the standards of the veterinarian profession that applied at the time it occurred.

[42] The relevant professional and ethical obligations of veterinarians are set out in the Code of Professional Conduct for Veterinarians (the Code of Conduct) and the Competence Standard and Performance Indicators for Veterinarians (the Competence Standards).

[43] The Professional Integrity section of the Code of Conduct states as the guiding principle that veterinarians must act in a manner that promotes public trust and confidence in the profession; and in terms of understanding this principle:

- a. Public trust and confidence in the veterinary profession are vital pre-requisites if veterinarians are to carry out their expected roles and functions in society. Public perceptions about veterinarians are influenced by the actions of veterinarians as well as the standards of integrity and competence that veterinarians are held accountable to.
- b. Registration as a veterinarian conveys certain rights and responsibilities but these will only last as long as the exercise of professional duties is carried out with appropriate diligence. Any loss of public confidence could result in removal of the profession's rights and a diminution of responsibilities.

[44] Section 8 of the Competence Standards states that veterinarians should practise in a professional, legal and ethical manner. This includes the expectation that a veterinarian "*practises ethically and upholds the public's trust in, and integrity of the profession including by ...maintaining an appropriate standard of personal and professional behaviour*".

³³ See *CAC v DR A VCNZ 29* at [44]-[50].

[45] The Judicial Committee accepted the CAC's submission that while Dr Molloy's conduct did not occur in the course of the execution of professional duties as a veterinarian, as to the relevance of professional standards:

- (a) Both the Code of Conduct and the Competence Standards are concerned with how a veterinarian's actions are perceived by the public and the impact that has on the reputation of the profession. That must extend to a veterinarian's personal actions, as expressly recognised by the Competence Standards.
- (b) Posting on a racing community website forum is not completely removed from Dr Molloy's identity as a veterinarian as at the relevant time, he worked in the racing industry and held himself out as an expert in that area³⁴. He also held a practising certificate as a veterinarian at the time he made the posts in question.

Dr Molloy's offence in context

[46] Counsel for the CAC pointed out, appropriately, that harm in the context of breaching a suppression order during a murder trial and ahead of a separate rape trial, risks a breach of fair trial rights. Not only was that a matter of contempt of Court processes and Mr Kempson's fair trial rights but it was also an affront to fundamental community values. A full bench of the High Court in *Solicitor-General v TV3 Network Services Limited*³⁵ observed:

We need to emphasise, and the penalty has to recognise, the importance of preservation of the right to fair trial. This is not a matter of an affront to the Court, or the protection of Judges. The right to a fair trial is a community value. The identity or background of the person whose trial is affected is irrelevant. One of the measures of the standards of human rights available in a community is the value it places upon the rights of all citizens to a fair trial. Dilution of that right weakens community values. See generally *R v David Syme & Co Ltd* [1982] VR 173, 177. The entire community has an interest in ensuring the fair trial of persons accused of criminal offences. Outside influences affecting jury deliberations would result in a loss of confidence in the judicial system: see *A-G for NSW v United Telecasters*, at p 43.

³⁴ Sentencing Notes at [126].

³⁵ (1998) 16 CRNZ 401 (HC) at [413].

- [47] The Judicial Committee accepted the CAC’s submission that for the purposes of the conduct under review, the identity or background of Mr Kempson was irrelevant, and it did not matter that he was ultimately found guilty with no suggestion that he suffered any prejudice. As was submitted by the CAC, “*suppression during a trial is a precautionary step and Mr Molloy’s actions risked upsetting those precautions*”.
- [48] The Judicial Committee considered the case of *National Standards Committee (No 1) of the New Zealand Law Society v Susan Grey*³⁶ which involved inadvertent breaches of a High Court suppression order by a lawyer, which were not charged by Police. In that case the Lawyers and Conveyancers Disciplinary Tribunal found that the inadvertent breaches were “*unsatisfactory conduct*”. The case is a useful guide as to how another disciplinary tribunal has considered broadly similar conduct (albeit that was not the subject of a Court conviction), noting that Dr Molloy’s breaches were deliberate rather than inadvertent and recognising that there are differences as lawyers have obligations to the Court and therefore, it is arguable that a higher standard of behaviour is expected of lawyers.

Discussion and findings on the Charge

- [49] The certificate of Dr Molloy’s conviction that was before the Judicial Committee proves that he committed the offence underlying his conviction³⁷.
- [50] The conviction for knowingly publishing a name in breach of a suppression order under section 211(1) of the Criminal Procedure Act 2011 is a qualifying conviction for the purposes of section 50(1)(a)(i) -(A). This is because it is an offence punishable by imprisonment for a term of 3 months or more. This offence is punishable by up to six months’ imprisonment,
- [51] As for the second requirement for a disciplinary offence under section 50(1)(a), the CAC submitted that this conviction and the commission of the offence which led to the conviction, reflects adversely on Dr Molloy’s fitness to practise as a veterinarian.
- [52] It was submitted for Dr Molloy that his actions were “*wholly unconnected with veterinary affairs*” and therefore had no bearing on his fitness to practise or on the wider profession³⁸. In his affidavit, Dr Molloy deposed that he did not accept that his

³⁶ [2024] NZLCDT 36 LCDT 025/23

³⁷ Agreed Bundle of Documents at page 40. Section 47(10) of the Evidence Act 2006.

³⁸ Submissions of Counsel dated 2 December 2025 at [3.3].

conviction “*genuinely*” reflects adversely on his fitness to practise as a veterinarian, or that it brought discredit upon the profession. He stated, “*my actions had no connection to veterinarian practice, animal welfare, veterinary ethics or any aspect of my professional competence or duties as a veterinarian. The offending was also entirely unrelated to the profession and reflects a personal misjudgement outside of my professional role*”. That said, he went on to state, “*Despite my personal views, I recognise the statutory language of the Act is broad enough for the Committee to find me liable if it is motivated to do so...*”³⁹

[53] The Tribunal accepted the following submissions that were made for the CAC as to why Dr Molloy’s conviction reflects adversely on his fitness to practise as a veterinarian:

- (a) As a starting point, responsible professionals, including veterinarians, do not knowingly breach the law.
- (b) The nature of Dr Molloy’s offending casts doubts on his integrity and judgement. His actions are indicative of a failure of good judgement. These are fundamental traits for any professional. Veterinarians are expected to observe the law and to conduct themselves ethically.
- (c) Although the offending did not occur in the workplace, respecting confidence and not allowing emotions to cloud decision-making are essential traits of all veterinarians.
- (d) The offending suggests an emotionally driven short-sightedness that all professionals should avoid. Dr Molloy’s actions had ramifications for the justice system, Mr Kempson as the defendant, the victims of Mr Kempson’s offending, and the public. Those ramifications far outweigh Dr Molloy’s philosophical grievance with the interim name suppression order.

[54] As was submitted for the CAC, veterinarians are not expected to agree with every court decision they may read or learn of. They are entitled to have their own opinions. However, veterinarians are expected to observe court suppression orders, and “*they are expected to exercise judgement when faced with difficult situations. They will routinely encounter sensitive information and they are expected to treat it with care and respect, regardless of their personal views on the matter. These are*

³⁹ Affidavit of Leo John Molloy at [16]

fundamental – and minimum- standards for any professional and the fact that they were not observed casts doubt on Mr Molloy’s fitness to practise,”

[55] Dr Molloy’s actions in publishing Mr Kempson’s name in breach of the High Court suppression order involved him failing to act in the best interests of the community and put the community at risk. Dr Molloy failed to conduct himself ethically and with integrity as was expected of him as a registered veterinarian. The standards of the veterinary profession have not been maintained.

[56] As a result, Dr Molloy’s conduct risked bringing discredit to his profession, in the Judicial Committee’s opinion. The Committee agreed with the CAC that the public would expect a veterinarian not to divulge confidential, sensitive information on a public social media forum, particularly when that has been expressly prohibited by a court, regardless of the veterinarian’s personal views. This is a further factor which led the Judicial Committee to form the view that Dr Molloy’s conviction reflects adversely on his fitness to practise as a veterinarian.

[57] For those reasons, the Judicial Committee was of the view that considered objectively, Dr Molloy’s conviction and his commission of the offence in question, reflects adversely on his fitness to practise as a veterinarian. It follows that there is an established ground for discipline, pursuant to section 50(1)(a)(i) and (ii) of the Veterinarians Act 2005.

Re professional misconduct charge

[58] As noted, Dr Molloy also faced what was pleaded as either an alternative or an additional charge of professional misconduct arising from his same conduct.

[59] Having found that Dr Molloy’s conviction and commission of the offence of knowingly publishing a name in breach of a suppression order reflects adversely on his fitness to practise as a veterinarian, the Judicial Committee did not consider it necessary to go and consider whether Dr Molloy’s same actions amounted to professional misconduct.

[60] Parliament has expressly signalled that where a qualifying conviction has been entered against a veterinarian in respect of the commission of a criminal offence that is reasonably believed to reflect adversely on the veterinarian’s fitness to practise, a charge may be brought under section 50(1)(a). Likewise, Parliament could be said to have contemplated that conduct that is criminal in nature, but which in respect of

which a veterinarian has not been convicted by a court, could be charged as professional misconduct under section 50(1)(c).

[61] Section 51(2) provides that no fine may be imposed under section 51(1) in relation to an act or omission that constitutes an offence for which the specified person has been convicted by a court. Section 51(1)(i) provides that in any case to which section 50(1)(b) or (c) (professional misconduct) applies a fine not exceeding \$30,000 may be ordered. This appears to signal that Parliament did not intend or contemplate that conduct that is the subject of a criminal conviction, would also be charged as professional misconduct, in the Judicial Committee's view.

[62] In any event, although we accepted that the focus of a conviction referral and a charge of professional misconduct arising from the same criminal conduct is potentially different, and that there is no express restriction in the Act precluding a CAC from doing so, the Judicial Committee questioned the need for a charge of professional misconduct to have been brought against Dr Molloy.

[63] The making of an adverse finding of professional misconduct against a registered veterinarian is a serious matter. Having already made an adverse finding in respect of the conviction itself and the commission of the offence, we considered it was unnecessary for the purposes of maintaining standards and public confidence in the profession, to go on and consider whether the same conduct was also professional misconduct. Ultimately the penalty outcome would have been the same even had we gone on and made a finding of professional misconduct.

Penalty

[64] Having made an adverse disciplinary finding that Dr Molloy's conviction and his commission of the offence in question reflects adversely on his fitness to practise as a veterinarian, the Judicial Committee was entitled to exercise our powers under section 51 of the Act. The Committee could do one or more of the things set out in section 51(1) apart from imposing a fine⁴⁰. We could also order Dr Molloy to pay the costs and expenses of, and incidental to, the disciplinary hearing and any investigation made by the CAC, under section 51(3).

⁴⁰ As noted, Section 51(2) provides that "*no fine may be imposed under subsection (1)(i) in relation to an act or omission that constitutes an offence for which the specified person has been convicted by a court*". In any event, the CAC did not seek an order that Dr Molloy pay a fine.

[65] It goes without saying that the penalty that is imposed must be appropriate for the charge that has been established.

[66] The primary purposes of the imposition of disciplinary penalties against veterinarians who have been found guilty of a disciplinary offence are the maintenance of professional standards (through general and/or specific deterrence), the maintenance of the public's confidence in the profession, and the protection of the public interest by ensuring veterinarians are competent to practise⁴¹.

[67] In previous decisions, the Judicial Committee has accepted as the appropriate penalty principles those identified by the High Court in *Roberts v Professional Conduct Committee of the Nursing Council*⁴². The Judicial Committee should impose the penalty which:

- (a) most appropriately protects the public.
- (b) facilitates the Committee's important role in setting and maintaining professional standards.
- (c) punishes the practitioner (although punishment is of secondary importance, especially where a practitioner has already been punished in criminal proceedings⁴³)
- (d) where appropriate, allows for the rehabilitation of the practitioner.⁴⁴
- (e) promotes consistency with penalties imposed in similar cases.
- (f) reflects the seriousness of the misconduct in the light of the range of penalties available (with the maximum penalties being reserved for the worst offenders).
- (g) is the least restrictive that can reasonably be imposed in the circumstances; and

⁴¹ Section 3 of the Veterinarians Act 2005.

⁴² *Roberts v Professional Conduct Committee* [2012] NZHC 3354 at [44]-[51].

⁴³ *Singh v Director of Proceedings* [2014] NZHC 2848. Punishment is incidental to, rather than a focus, of setting penalty.

⁴⁴ *CAC v Teacher* NZTDT 2016/55 at [30].

(h) looked at overall, is the penalty which is “*fair, reasonable, and proportionate in the circumstances*”.

[68] As was noted by the CAC, consistency can be observed in the same way as it is observed in the criminal jurisdiction, by setting penalties by reference to a starting point and then adjusting this to take account of aggravating and mitigating factors that are personal to the respondent veterinarian. This approach has been discussed in the High Court in *Professional Conduct Committee v Brown*⁴⁵ involving a health practitioner, and in *National Standards Committee (No 1) of the New Zealand Law Society v Gardner-Hopkins*⁴⁶.

[69] Each case must be decided on its own facts, and a reference point is useful but not essential when imposing penalty. There is the broadly analogous case of *National Standards Committee (No 1) of the New Zealand Law Society v Susan Grey*⁴⁷ in which the New Zealand Lawyers and Conveyancers Disciplinary Tribunal imposed a penalty at the lower end of what was available to it, in circumstances where Ms Grey had been found guilty of unsatisfactory conduct for her actions in breaching a court suppression order through mistake, rather than through wilfulness or recklessness. The Judicial Committee was assisted by this case, as a reference point, as the CAC submitted that it too was seeking a penalty “*at the low end of things*”⁴⁸. There appear to be no analogous cases in this jurisdiction, or in the health practitioner disciplinary jurisdiction. There are some reported decisions of other Judicial Committees relating to criminal convictions, but these are not factually similar. They relate to convictions for the sale of veterinary steroids for human use⁴⁹, common assault and unlawful possession of a firearm⁵⁰, and selling unregistered agricultural compounds⁵¹.

⁴⁵ *Professional Conduct Committee v Brown* [2024] NZHC 990.

⁴⁶ *National Standards Committee (No 1) of the New Zealand Law Society v Gardner-Hopkins* [2022] 3 NZLR 452.

⁴⁷ [2025] NZLCDT 13. LCDT 025/23.

⁴⁸ Hearing Transcript, page 40 L1-4.

⁴⁹ VCNZ 17.

⁵⁰ VCNZ 20

⁵¹ VCNZ 23.

Submissions for the CAC

- [70] The CAC submitted that as a starting point, the appropriate disciplinary response to Dr Molloy's conduct was an order of censure, and an order that he practises subject to conditions if he were to obtain a practising certificate. It was submitted that Dr Molloy's responses to the Courts and the CAC suggested that further education is necessary and should be ordered as a condition. The CAC rightly acknowledged that the offending does not suggest a public safety issue that may make a suspension of registration (or cancellation) appropriate.
- [71] As was submitted, Dr Molloy's conduct was moderately serious offending and although it did not occur in the workplace or involve veterinarian duties, the issues it raises (integrity, confidence, critical thinking and judgement) are fundamental requirements for veterinarians.
- [72] The CAC referred to relevant aggravating and mitigating factors, discussed below, including with reference to Dr Molloy's affidavit evidence.
- [73] The CAC submitted that there must be a practical aspect to the penalty imposed in this case because although Dr Molloy does not hold a practising certificate, he remains registered and does hold himself out as a veterinarian. The Judicial Committee agreed that would give Dr Molloy credence in acting as an expert or advocate in the racing integrity area. In any event, he remains registered and he is therefore required to comply with and uphold the standards of the profession⁵². In circumstances where there has been moderately serious criminal conduct which has resulted in a conviction and which reflects adversely on fitness to practise as a veterinarian, there is a need to promote and maintain the standards of the profession.
- [74] The CAC submitted that Dr Molloy cannot reasonably be said to have shown insight or contrition and so deterrence is necessary. It was submitted that while he accepted in these proceedings that his actions were an error of judgement, his responses to the CAC including during his interview, suggested he continued to hold strongly to the view that he was morally right in publishing Mr Kempson's name despite that it had been suppressed by the High Court.

⁵² Again, the disciplinary regime under the Veterinarians Act 2005 is concerned with all those persons who are registered, rather than only those with a practising certificate.

[75] It was accepted that the penalty imposed should not be punitively focussed as Dr Molloy has already been punished by the criminal court. The penalty proposed by the CAC was, rightly, to maintain standards and public confidence in the veterinary profession.

[76] As an end point the CAC submitted that the appropriate penalty orders would be orders of censure and imposing a condition that if Dr Molloy obtains a practising certificate then within 12 months of him obtaining one he must complete to the Council's satisfaction, an appropriate course of education on professional ethics, whether formal or self-directed, and provide the Council with a reflection on how that relates to his conduct.

[77] It was submitted: *"the issue in this case remains that Mr Molloy considers he was right to act as he did; that he was obligated to break the law because he disagreed with it. His affidavit does not strongly disavow that view or offer any explanation to suggest meaningful insight. The CAC's proposed penalty is aimed at ensuring Mr Molloy engages critically with the questions of why his conduct was unbecoming of a veterinarian and why it risked bringing the profession into disrepute"*.

Evidence and submissions for Dr Molloy

[78] Dr Molloy submitted that no more than a costs order would be sufficient to meet the Judicial Committee's *"mandate, without being unduly punitive"*.

[79] Dr Molloy's affidavit contained evidence relevant to penalty. His evidence may be summarised as follows:

- (a) He has already *"met"* the penalties imposed by the criminal court and complied with them fully. The criminal proceedings concluded more than four years ago and there has been no further conduct of concern either before or since then. The offending in question was an isolated incident and unique to the circumstances that he was facing at the time.
- (b) He is retired from practising as a veterinarian and has not worked in veterinary practice for more than 10 years. He does not hold a practising certificate and so is not entitled to practise as a veterinarian. He is not engaged in veterinary practice and has no intention of returning to *"active practice"* in future. His conduct *"had no connection to veterinary practice or animal welfare"*.

- (c) He has cooperated with the CAC investigation and these proceedings, meeting with the CAC, agreeing the evidence to be produced to the Judicial Committee and avoiding any steps that would unnecessarily delay or complicate matters. His aim has been to assist an efficient resolution and minimise time and cost for all involved.
- (d) He has reflected on matters and “*there is no risk of repetition.*”
- (e) His charitable and community contributions (including his contributions voluntarily to the New Zealand racing industry and to wider community⁵³) reflect positively on his character in a personal and professional capacity.
- (f) Cancellation of registration would be a disproportionate response. He came from humble beginnings and worked extremely hard to obtain his degree and his registration. To remove his name from the register after 36 years of an otherwise unblemished career as a veterinarian would serve no protective purpose and would be unduly punitive. A suspension would have no practical effect as he is retired and does not hold a practising certificate.
- (g) He acknowledged that the Judicial Committee may consider that a “*formal*” censure would be appropriate to mark disapproval of his conduct. Against this, this was a first offence in what was a long career and is likely to be the only disciplinary matter he will face given his retired status.
- (h) He accepted the inevitability of a costs order being made if liability was established.

[80] Dr Molloy deposed that he accepted the Judicial Committee must uphold the integrity and standing of the veterinary profession. He apologised for his actions. He asked that the context, his unblemished history, and the absence of any ongoing risk or pattern of conduct be taken into account.

⁵³ Dr Molloy deposed that his charitable work has included providing approximately 156,000 meals annually to community organisations such as the Grace Foundation, a transitional housing provider, funding of more than \$200,000 to establish a Community Kitchen in South Auckland for Buttabeau Motivation and helping to organise fundraisers that have collectively raised more than \$500,000 for charitable causes.

[81] Counsel for Dr Molloy, in his liability submissions, relied on several subjective factors that were described as mitigatory. The Judicial Committee considered these when we were considering penalty, as follows:

- (a) That Dr Molloy's actions were "*altruistic, born out of frustration with the perceived injustice in the treatment of murder victim, Ms Millane*⁵⁴. He was not simply acting on media reports, but on firsthand accounts of Mr Kempson's conduct."
- (b) The posts were made on a social media page with a limited number of participants.
- (c) Despite his altruistic motivations, he has expressed remorse and accepted the offending was an error of judgement⁵⁵. This was recognised as a discrete mitigating factor by the High Court in his appeal. In his affidavit, Dr Molloy opined that with the benefit of time and reflection he has accepted that his actions were an error of judgement. It was submitted that his current position differs from the position he conveyed when he was interviewed by the CAC in August 2023 (from which it was possible to impute a lack of remorse).
- (d) He has accepted the offending and has already received a criminal penalty.
- (e) Dr Molloy has maintained a "*spotless*" record during his 36 years of registration.

[82] Counsel for Dr Molloy submitted, based on Dr Molloy's evidence, that the following factors are relevant to penalty:

- (a) Dr Molloy has already been sentenced and punished for his criminal offending.
- (b) This is Dr Molloy's first disciplinary sanction in a career of 36 years.
- (c) Dr Molloy is retired and does not hold a current practising certificate.
- (d) Dr Molloy's conduct was unconnected with veterinary practice.

⁵⁴ Affidavit of Dr Molloy at [13].

⁵⁵ Affidavit of Dr Molloy at [12] and *Molloy* [2021] NZHC 2055 at [25].

- (e) Dr Molloy has cooperated fully with the CAC investigation.
- (f) Dr Molloy has expressed remorse for his actions and acknowledged his error of judgment,
- (g) There is no risk of repetition or any further misconduct given Dr Molloy's retired status.
- (h) Dr Molloy's significant charitable contributions in his personal and professional life which reflect positively on his character.

Findings on Penalty

[83] Dr Molloy's submission that an order for costs should be the only 'penalty' order made against him, was in effect that no penalty orders should be made. In disciplinary proceedings, an order for costs is not in the nature of a penalty or to punish⁵⁶. Costs orders reflect the well-established principle that a practitioner who is found guilty of a disciplinary offence should make a proper contribution to costs and the profession should not be expected to fund all the costs of a disciplinary investigation or a prosecution.⁵⁷

[84] Taking all relevant matters into account, the Judicial Committee concluded it was appropriate and necessary to exercise our discretion to impose a formal penalty.

[85] Dr Molloy's deliberate publication of Mr Kempson's name on a racing industry social media forum in breach of a High Court suppression order and his conviction for this offending reflect adversely on his fitness to practise. Dr Molloy's conduct in posting on a specialist racing community website was not wholly unconnected from his identity as a veterinarian given that he works in the industry and holds himself out as an expert in that area.⁵⁸ In the Judicial Committee's opinion, the imposition of a disciplinary penalty is a principled response to what was moderately serious misconduct and is warranted to maintain professional standards and public confidence in the veterinary profession.

⁵⁶ *Gurusinghe v Medical Council of New Zealand* [1989] 1 NZLR 139 at 195.

⁵⁷ *Professional Conduct Committee v Brown* [2024] NZHC 990 at [86]-[92]. *Vatsyayann v Professional Conduct Committee* [2012] NZHC 1138 at [34]. *O'Connor v Preliminary Proceedings Committee* High Court, Wellington AP 280/89, 23 August 1990 at [13] per Jeffries J.

⁵⁸ Sentencing Notes of Judge P Winter at [25].

- [86] The Judicial Committee considered the mitigating factors identified by Counsel for Dr Molloy.
- [87] We did not accept that the fact that the posts were made on a social media page with a limited number of participants, was mitigatory. As both the District and High Courts observed, those who did access the posts could then disseminate the information in them to others who had not accessed them. Further, Dr Molloy's stated reason for making his first post was because "*this forum has traffic and people need to know about this dog*".
- [88] The CAC disagreed with Dr Molloy's characterisation of remorse, which was pleaded as a mitigating factor, along with insight. It was submitted that it could fairly be said that across these proceedings Dr Molloy has shown varying degrees of remorse and insight. The CAC referred to the fact that when he pleaded guilty to the criminal charge he argued that a conviction should not be entered against him because his offending was not serious and was perhaps morally justified. It was submitted that Dr Molloy, in exercising his rights in this way, "*has displayed an unequivocal acceptance of wrongdoing*". Then, before the CAC, his view was "*significantly more trenchant -that he positively was morally right to breach suppression*". As noted, before the Judicial Committee, Dr Molloy disputed his actions reflect adversely on him as a veterinarian or had any connection with his professional role. It was submitted by the CAC that in those circumstances it is difficult to see that Dr Molloy has genuinely reflected on why his actions were wrong.
- [89] The Judicial Committee accepted Mr Molloy's evidence that he has reflected and now accepts that he made an error of judgement, which will not be repeated.
- [90] We factored in the other mitigating features identified by and on behalf of Dr Molloy.
- [91] We considered that the least restrictive penalty which meets the seriousness of the case and discharges our obligations to the public and the veterinary profession is a censure, and we are making an order accordingly. This order is being made to express the Committee's disquiet about and disapproval of Dr Molloy's conduct. A censure is not an insignificant penalty and is necessary for the maintenance of professional standards. We are sending a message to Dr Molloy and to other veterinarians that conduct of the nature Dr Molloy was convicted for, is not acceptable for a member of the profession, and members can reasonably expect disciplinary consequences to follow from similar offending in similar circumstances.

[92] The Judicial Committee considered the CAC's submission that it would be appropriate to make an order imposing a condition on practice should Dr Molloy successfully reapply for a practising certificate in future. We did not consider we had the power to make such an order under section 51(1)(h). That subsection specifies an order that for a period not exceeding 3 years, the specified person may practise only subject to the conditions of practice specified in the order. As of the hearing date, Dr Molloy did not hold a practising certificate, to which any conditions could attach. He indicated he did not intend to apply for another practising certificate. Had Dr Molloy held a practising certificate then we would have been minded to impose a condition requiring him to undertake a course of education on professional ethics, and structured reflection. We considered that if Dr Molloy does apply for a practising certificate in future, the Veterinary Council, through the Registrar, will be best placed to assess whether a condition of this nature ought to be imposed on any practising certificate that is to be issued to Dr Molloy.

[93] As noted, we did not have the power to make an order that Dr Molloy pay a fine⁵⁹.

[94] We did not consider that any further penalty orders were necessary or appropriate in all the circumstances.

Costs

[95] It is usual for an award of costs to be made against a veterinarian once a charge is established. A veterinarian who comes before the Judicial Committee should expect to make a proper contribution towards the reasonable costs that have been incurred both by the CAC and the Veterinary Council.

[96] Because an order of costs and expenses is not a payment for a service provided to the respondent veterinarian, no GST is payable on any award of costs or expenses.

[97] The CAC sought a contribution towards its costs. Total CAC costs were indicated as being \$39,379.92 (excluding GST).⁶⁰ It was submitted that a 40% to 45% contribution would be appropriate, taking into account that there ought to be an adjustment for Dr Molloy agreeing a summary of facts which reduced the required hearing time.

⁵⁹ Section 51(2) of the Veterinarians Act 2005.

⁶⁰ Penalty Submissions for the CAC.

- [98] Dr Molloy accepted the inevitability of a costs order being made. He did not seek a reduced order, and it was likely for that reason that he did not provide any evidence of his current financial means.
- [99] The Judicial Committee decided that a 45% contribution to the CAC's costs and expenses as claimed, would be reasonable and appropriate in this case⁶¹. A 5% reduction from the usual starting point of 50% has been made for Dr Molloy's cooperation in terms of agreeing the evidence (which shortened the amount of hearing time required)⁶².
- [100] Accordingly, the Judicial Committee is ordering pursuant to section 51(3) that Dr Molloy is to pay the sum of \$17,721.00 to the CAC.
- [101] As for the costs and expenses of and incidental to the hearing that the Veterinary Council has incurred, these were estimated to be \$11,810.07⁶³. The Judicial Committee is ordering Dr Molloy to make a 45% contribution towards those costs, being payment of the sum of \$5,314.00 to the Veterinary Council. This order is also made under section 51(3).

Conclusion and formal orders

- [102] The Charge is established. Dr Molloy's conviction and the commission of the criminal offence for which he was convicted (knowingly publishing a name in breach of a suppression order being an offence against section 211(1) of the Criminal Procedure Act 2011), reflects adversely on his fitness to practise as a veterinarian.
- [103] The Judicial Committee's formal orders under the Veterinarians Act 2005, which will take effect when this decision is served⁶⁴, are:
- (a) Dr Molloy is censured, pursuant to section 51(1)(g).

⁶¹ In this and other disciplinary jurisdictions, 50% of total reasonable costs is taken as a guide to a reasonable order for costs "and [the Court or the Council] has in individual cases where it has considered it is justified gone beyond that figure. In other cases where it has considered that such an order is not justified because of the circumstances of the case, and counsel has referred me to at least two cases where the practitioner pleaded guilty and lesser orders were made" – *Cooray v Preliminary Proceedings Committee* Unreported, AP23/94, Wellington Registry, 14 September 1995, at 9, Doogue J.

⁶² *Professional Conduct Committee v Brown* [2024] NZHC 990 at [4].

⁶³ Schedule of estimated hearing costs of the Judicial Committee.

⁶⁴ Section 53(1) of the Veterinarians Act 2005.

- (b) Dr Molloy is to pay \$17,721.00 to the CAC as a contribution to its costs, pursuant to section 51(3),
- (c) Dr Molloy is to pay \$5,314.00 to the Veterinary Council in respect of the costs and expenses of, and incidental to the Judicial Committee's hearing, also pursuant to section 51(3).

Dated at Wellington this 21st day of

January 2026



Jo Hughson

**Chairperson of the Judicial
Committee duly appointed by the
Veterinary Council of New
Zealand**

NOTICE

- 1 A specified person who is the subject of a decision of the Veterinary Council of New Zealand to impose 1 or more of the penalties in Part 3 of the Veterinarians Act 2005 may appeal against that decision to the District Court (section 64(3)).
- 2 An appeal must be lodged within 20 working days after notice of the decision or any action is communicated to the appellant, or within any further time a District Court Judge allows on application made before or after that period expires (section 64(4)(b)).

An appeal must be brought to the court by way of an originating application in accordance with the rules of court (section 64(4)(a)).