

CITATION: *Queensland College of Teachers v JG* [2016] QCAT 154

PARTIES: Queensland College of Teachers
(Applicant)
v
JG
(Respondent)

APPLICATION NUMBER: OCR003-16

MATTER TYPE: Occupational regulation matters

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: **Senior Member O’Callaghan**

DELIVERED ON: 16 March 2016

DELIVERED AT: Brisbane

ORDERS MADE:

- 1. The suspension of the registration of JG as a teacher is continued.**
- 2. Publication is prohibited of any identifying information about the teacher the subject of this application until further order.**

CATCHWORDS: OCCUPATIONAL REGULATION – suspension of teacher – whether exceptional case – whether suspension should continue

Education (Queensland College of Teachers) Act 2005 (Qld), s 48, s 53, s 54, s 55
Criminal Law (Sexual Offences) Act 1978 (Qld)
Queensland Civil and Administrative Tribunal Act 2009 (Qld), s 66

APPEARANCES:

This matter was heard and determined on the papers pursuant to s 32 of the *Queensland Civil and Administrative Tribunal Act 2009 (Qld)* (QCAT Act).

REASONS FOR DECISION

[1] Queensland College of Teachers suspended JG’s teachers registration on 12 January 2016 pursuant to s 48 of the *Education (Queensland College*

of Teachers) Act 2005 (Qld) ('QCT') on the grounds that he had been charged with 11x indecent assault of children under 16 and 2x attempted indecent assault of children under 16.

- [2] In accordance with s 50(5) the QCT has referred the continuation of the suspension to QCAT for review. QCAT must decide whether to continue the suspension or whether it is an exceptional case in which the best interests of children will not be harmed if the suspension were ended.¹
- [3] Directions were made by QCAT inviting JG to file submissions as to why this is an exceptional case for ending the suspension of his teachers registration. No submissions have been received from JG.
- [4] As such there is no evidence before the Tribunal that this is an exceptional case for ending the suspension of the registration of JG as a teacher. I am not satisfied that it is an exceptional case in which the best interests of children would not be harmed if the suspension were to be ended before the criminal charges had been finalised.
- [5] As such I order that teacher JG's teacher registration suspension continue.
- [6] Section 10 of the *Criminal Law (Sexual Offences) Act 1978 (Qld)* prohibits publication of identifying information about a person charged with certain prescribed sexual offences before the alleged offender is committed for trial or sentenced upon the charge.
- [7] Pursuant to s 66(1)(c) of the *Queensland Civil and Administrative Tribunal Act 2009 (Qld)* the Tribunal can make an order prohibiting the publication of information that may enable a person who has appeared before the Tribunal to be identified.
- [8] In this case JG has not been committed for trial and is entitled to have his identity protected.
- [9] As such I have initiated an application under s 66 and think it appropriate to order until further order the Tribunal prohibit the publication of identifying information about JG.

¹ Section 53(1) and (3) of the *Education (Queensland College of Teachers) Act 2005 (Qld)*.