

**CITATION:** *Queensland College of Teachers v WPJ* [2017] QCAT 54

**PARTIES:** Queensland College of Teachers  
(Applicant)  
v  
WPJ  
(Respondent)

**APPLICATION NUMBER:** OCR021-17

**MATTER TYPE:** Occupational regulation matters

**HEARING DATE:** On the papers

**HEARD AT:** Brisbane

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

**DELIVERED ON:** 23 February 2017

**DELIVERED AT:** Brisbane

**ORDERS MADE:**

- 1. The suspension of the registration of WPJ as a teacher is continued.**
- 2. Other than to the parties to this proceeding and until further order of the Tribunal, publication is prohibited of any information which may identify WPJ.**

**CATCHWORDS:** EDUCATION – TRAINING AND REGISTRATION OF TEACHERS – suspension of teacher – where charged with serious offence – 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), s 10*  
*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] The Queensland College of Teachers suspended WPJ's teachers registration on 20 January 2017 pursuant to s 48 of the *Education (Queensland College of Teachers) Act 2005* (Qld) ('QCT') on the grounds that he had been charged with Rape, pursuant to s 349(1) of the Criminal Code (Qld).
- [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.<sup>1</sup>
- [3] Directions were made by QCAT inviting WPJ to file submissions as to why this is an exceptional case for ending the suspension of his teachers registration. WPJ notified the Tribunal through his solicitors on 23 February that he would not make submissions.
- [4] As such there is no evidence before the Tribunal that this is an exceptional case for ending the suspension of the registration of WPJ 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] I order that teacher WPJ's teachers 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. Rape is one of the prescribed sexual offences.
- [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 WPJ 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 that until further order the Tribunal prohibit the publication of identifying information about WPJ.

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