

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Queensland College of Teachers v Teacher TI* [2018]
QCAT 448

PARTIES: **QUEENSLAND COLLEGE OF TEACHERS**
(applicant)
v
TEACHER TI
(respondent)

APPLICATION NO/S: OCR294-18

MATTER TYPE: Occupational regulation matters

DELIVERED ON: 19 December 2018

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Senior Member Aughterson

ORDERS: **1. The suspension of the registration of Teacher TI 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 Teacher TI, any complainant or alleged victim, or the relevant school.

CATCHWORDS: EDUCATION – TRAINING AND REGISTRATION OF TEACHERS – suspension of teacher – where charged with serious offence – whether exceptional case – whether suspension should continue

Criminal Code (Qld), s 210(1)(a), s 210(3)
Education (Queensland College of Teachers) Act 2005 (Qld), s 48, s 50(1), s 50(2)(c), s 50(5), s 53, s 54(1)(a), Schedule 3
Queensland Civil and Administrative Tribunal Act 2009 (Qld), s 66

REPRESENTATION:

Applicant: Self-represented

Respondent: None

APPEARANCES:

This matter was heard and determined on the papers pursuant to s 32 of the

Queensland Civil and Administrative Tribunal Act 2009 (Qld).

REASONS FOR DECISION

- [1] The Queensland College of Teachers ('the College') suspended Teacher TI's teacher registration on 5 November 2018 under s 48 of the *Education (Queensland College of Teachers) Act 2005 (Qld)* ('the Act') on the grounds that the Teacher had been charged with indecent treatment of children pursuant to s 210(1)(a) and (3) of the *Queensland Criminal Code*.
- [2] By s 48 of the Act, the College must suspend the registration of an 'approved teacher' immediately after becoming aware that the teacher is charged with a 'serious offence'.¹ Notice of the suspension is given to the teacher pursuant to s 50(1) of the Act, which notice must include a statement that QCAT will review the continuation of the suspension to decide whether it is an exceptional case in which the best interests of children would not be harmed if the suspension were ended.²
- [3] In accordance with s 50(5) of the Act, the College has referred the continuation of the suspension to QCAT for review pursuant to s 53 of the Act. By s 53(1) the Tribunal must decide whether to continue the suspension, while s 53(3)(a) requires the Tribunal to continue the suspension unless satisfied that the matter is an exceptional case in which the best interests of children would not be harmed if the suspension were ended.
- [4] As required by s 54(1)(a) of the Act, directions were made by the Tribunal inviting the Teacher to show why the matter is an exceptional case in which the best interests of children would not be harmed if the suspension of the registration or permission to teach were ended.³ No submissions have been received from the Teacher.
- [5] As such there is no evidence before the Tribunal that this is an exceptional case for ending the suspension of the registration of Teacher TI 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.
- [6] I order that Teacher TI's teacher's registration suspension continue.

Non-publication order

- [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. The Tribunal may do so on the application of a party or on its own initiative.⁴
- [8] Neither the College nor Teacher TI has made any submissions concerning a non-publication order under s 66. However, I am satisfied that it would be contrary to the public interest for information to be published which may identify the Teacher, any

¹ As to the meaning of the terms 'approved teacher' and 'serious offence', see the Act at Schedule 3.

² See s 50(2)(c) of the Act. The review is conducted in the original jurisdiction of the Tribunal: see s 53(2) of the Act.

³ The Tribunal Directions were made on 13 November 2018 and amended on 14 November 2018, requiring any submissions by 11 December 2018.

⁴ Section 66(3) of the *Queensland Civil and Administrative Tribunal Act 2009 (Qld)*.

complainant or alleged victim, or the relevant school. This non-publication order can be revisited in any subsequent proceedings.

- [9] I make orders pursuant to s 66 of the QCAT Act prohibiting the publication of that information.