

QCAT Practice Direction no 3 of 2011

Matters under *Education (Queensland College of Teachers) Act 2005*

Updated 16 September 2011

1. Suspensions of an approved teacher's registration or permission to teach under section 48 of the *Education (Queensland College of Teachers) Act 2005* will be dealt with as follows:
 - i) On receipt of a referral from the Queensland College of Teachers under section 50(5) of the *Education (Queensland College of Teachers) Act 2005*, QCAT will make the following directions
 - a) The approved teacher may file in the Tribunal written submissions as to 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;
 - b) The approved teacher must file the submissions within 35 days of the date of the directions;
 - c) The approved teacher must send a copy of its submissions to the Queensland College of Teachers at the same time as filing the submissions in the Tribunal;
 - d) The Queensland College of Teachers may file in the Tribunal written submissions in response within 7 days of receipt of the approved teacher's submissions;
 - e) The Queensland College of Teachers must send a copy of its submissions to the approved teacher at the same time as filing the submissions in the Tribunal;
 - f) A decision on the continuation of the suspension will be made by a member of the Tribunal on the papers not later than 14 days after the period in paragraph (b) ends or 14 days after the Tribunal receives the approved teacher's submissions, whichever is the earlier;
 - g) Either the approved teacher or Queensland College of Teachers may within 14 days of receipt of these directions ask the Tribunal to conduct an oral hearing about whether to continue the suspension of the approved teacher's registration or permission to teach.
 - ii) A decision on the continuation of the suspension will be made by a single member of QCAT on the papers based on the referral by the Queensland College of Teachers and any written submissions filed by the parties, unless QCAT determines that an oral hearing should be conducted.

2. Referrals of disciplinary matters under section 97(3) of the *Education (Queensland College of Teachers) Act 2005* following suspension of an approved teacher's registration or permission to teach under section 49 of that Act will be dealt with as follows:
 - i) A single member of QCAT will commence a hearing of the disciplinary matter by making directions for the further conduct of the disciplinary matter;
 - ii) Further directions hearings may be conducted by a single member of QCAT until all of the evidence and submissions to be relied on by the parties in the disciplinary proceeding have been filed in QCAT; and
 - iii) The final hearing of the disciplinary proceeding will be conducted by a three member panel constituted in accordance with section 124 of the Act.

3. Hearings of the following applications will be conducted on the papers by a single member of QCAT, unless that member determines that it is more appropriate that they be dealt with in an oral hearing:
 - i) Applications for non publication orders under section 66 of the *Queensland Civil and Administrative Tribunal Act 2009*;
 - ii) Any other applications requiring QCAT to exercise its procedural powers, including:
 - a) adjournments;
 - b) directions;
 - c) extensions of time;
 - d) leave to withdraw an application.

4. Directions hearings for any type of matter not already specified in paragraphs 1 and 2 of this Practice Direction will be conducted by a single member of QCAT.

*Justice Alan Wilson
President*

16 September 2011