



NCAT
NSW Civil &
Administrative Tribunal

APPLICATION FOR STAY OR INTERIM ORDER

COPY

ADMINISTRATIVE AND EQUAL OPPORTUNITY DIVISION

File number (for office use only)

1410487

- 3 SEP 2014

NSW
CIVIL & ADMINISTRATIVE
TRIBUNAL

Review of decision on Application number APP01133987.

Date of Application: 20 August 2013.

PARTIES

Applicant/Appellant

ARH

Respondent

(Director General) Office of the Children's Guardian

ORDERS SOUGHT

The Applicant seeks pursuant to s.60(2) and s.62(2) of the ADR Act 1997:

- (1). An urgent order that the final decision of the respondent dated 25 August 2014 ("the Administrator's Decision") be stayed forthwith, pending the hearing of the application herein for order 2 below the applicant has no source of income other than his income as a private tutor from which he is disqualified by reason of the Administrator's Decision.
- (2). An order under s.60 of the ADR Act 1997 that the Administrator's Decision be stayed pending final resolution of these proceedings for review of the decision of the Office of the Children's Guardian made on 25 August 2014, and until final decision of the Tribunal on the substantive application in these proceedings takes effect.
- (3) Further or other order as the Tribunal thinks fit.

GROUNDS FOR APPLICATION OR ORDER

The grounds of the stay:-

1. It is in the interests of the Applicant to be entitled to continue to ply his profession as a teacher, in which profession he has been engaged since for 22 years until the date of the Administrative Decision, more so in circumstances where
 - (a) the Applicant has had no conviction for criminal offence
 - (b) he was not prohibited under the prior Act (Child and Young Persons (Care and Protection) Act 1998, from teaching;
 - (c) and he has existing students most of whom are preparing to sit examinations, including the Higher School Certificate (HSC),
 - (d) he has no other means of earning an income.

2. It is in the public interest that the Applicant should not be precluded from teaching existing students who are candidates for pending examinations including the HSC without substantial cause and no such cause is set out in the Administrator's Decision and the Administrator has not yet given reasons.

The Applicant also relies on the grounds set out in his substantive application to review the Administrator's decision.

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SIGNATURE

Applicant's/Appellant's signature or the signature of the legal representative



Name

HELEN MARY SHEFFIELD HARTON
 SOLICITOR

Date

2nd September, 2014

NOTICE OF LISTING (for office use only)

This matter has been listed for hearing of the stay application at 3 am/pm on

8/9/14

At Level 10, 86-90 Goulburn St Sydney

Registrar / date

3 SEP 2014



REGISTRY DETAILS

Administrative and Equal Opportunity Division
 Level 10 86-90 Goulburn Street Sydney NSW 2000