



NCAT
NSW Civil &
Administrative Tribunal

ADMINISTRATIVE REVIEW APPLICATION FORM

ADMINISTRATIVE AND EQUAL OPPORTUNITY DIVISION

FILED

File number *for office use only* 1410487

- 3 SEP 2014

PARTIES

Applicant

ARH

NSW
CIVIL & ADMINISTRATIVE
TRIBUNAL

Respondent

(Director General) Office of the Children's Guardian

DECISION FOR REVIEW

I attach a copy of the decision to be reviewed/ set aside: NB Reasons not yet made available.

The date I was notified about the decision is

25 AUGUST 2014

GROUND FOR APPLICATION

The grounds for review are:

1. The Administrator erred in exercising its powers and discretions and in its findings, further particulars of which will be provided upon receipt of the reasons for the Administrative Decision. Errors include but are not limited to wrongly acting on a purported prior offence, when there was none in fact.
2. The Applicant is entitled to continue to work in his profession as a teacher, in which profession he has been engaged for more than 22 years and up until the date of the Administrator's Decision, more so in circumstances where:
 - a. he was not prohibited under the prior Act (Child and Young Persons (Care and Protection) Act 1998, from teaching, notwithstanding that the matter which purportedly required the risk assessment underpinning the Administrative decision was reported to the prior authority;
 - b. and he has existing students most of whom are preparing to sit examinations, including the Higher School Certificate (HSC);
 - c. he has no other means of earning an income;
 - d. the Applicant has had no conviction for any criminal offence.
3. It is in the public interest that the applicant should not be precluded from teaching those existing students who are candidates for pending examinations including the HSC without a substantial cause being shown and no such cause is set out in the Administrator's Decision and the Administrator has not yet given reasons.

INTERNAL REVIEW OR OBJECTION

The decision attached was made after the agency conducted an internal review or objected to the original decision YES or NO

If the Tribunal can only review the decision if:

- The application is urgent. An application for stay or interim order must be filed with this application or
- The decision is exempted by law from internal review or objection or
- I have made an application for internal review or objection and the agency has not responded within the time allowed (deemed refusal)

LATE APPLICATIONS

- The application is lodged within the time allowed under the relevant legislation OR
- The reason the application is lodged outside the time allowed is:

PARTY DETAILS**APPLICANT**

| | |
|---------------------|--|
| Name | ARH |
| Address for service | C/ Millards Lawyers 8/20 Avalon Parade Avalon Beach NSW 2107 |
| Phone | 02 9918 0222 |
| Fax | 02 9918 2833 |
| Email | office@millardslawyers.com.au |

**Details of Applicant's legal representative

Legal Practitioner's name Mrs Helen Harton
 Firm Millard's Lawyers
 Address 8/20 Avalon Parade Avalon Beach 2107 NSW
 Telephone 02 9918 0222
 Facsimile 02 9918 2833
 Email office@millardslawyers.com.au
 File reference ARH

RESPONDENT

Respondent's details

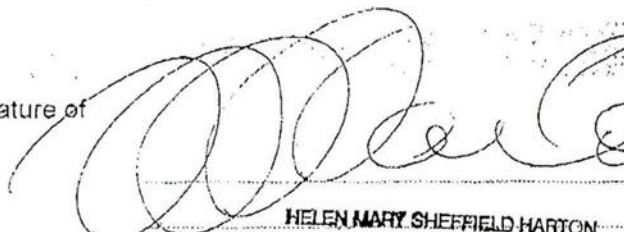

Name Director General of the Office of the Children's
 Guardian
 Address c/ Level 13, 418A Elizabeth Street Surry Hills NSW
 2010

SIGNATURE

Your signature or the signature of
 your representative

Name

Date

HELEN MARY SHEFFIELD HARTON
 SOLICITOR
 2nd September, 2014

REGISTRY DETAILS

Administrative and Equal Opportunity Division
 Level 10 86-90 Goulburn Street Sydney NSW 2000
 Tel 1300 006 228 | TTY (02) 9377 5859 | Fax 02 9377 5723
 www.ncat.nsw.gov.au