SUPREME COURT OF QUEENSLAND

CITATION:	*KZQ v Queensland College of Teachers* [2026] QSC 260
PARTIES:	**KZQ** (applicant) **v** **QUEENSLAND COLLEGE OF TEACHERS** (respondent)
FILE NO/S:	BS 123/26
DIVISION:	Trial Division
PROCEEDING:	Application
ORIGINATING COURT:	Supreme Court at Brisbane
DELIVERED ON:	30 October 2026
DELIVERED AT:	Brisbane
HEARING DATE:	13 April 2026
JUDGE:	McLeod J
ORDERS:	**1. The application for a statutory order of review is dismissed.** **2. I will hear the parties on costs and the form of any orders sought.**
CATCHWORDS:	ADMINISTRATIVE LAW – JUDICIAL REVIEW – REVIEWABLE DECISIONS – EXISTENCE OF OTHER REVIEW OR APPEAL RIGHTS - where the respondent refused to renew teacher registration under the *Education (Queensland College of Teachers) Act* 2005 (Qld) – where the applicant seeks, by way of a statutory order of review, to challenge that decision under the *Judicial Review Act* 1991 (Qld) – where the respondent has filed an application seeking the summary dismissal of the proceeding under s 13 or s 48 of the *Judicial Review Act* 1991 (Qld) – whether the application for statutory order of review should be dismissed – whether, in determining if it is the interests of justice to dismiss the application under s 13 of *Judicial Review Act* 1991 (Qld), there exists a public interest. *Education (Queensland College of Teachers) Act* 2005 (Qld), s 3, s 12, s 15, s 15AA, s 16, s 17, s 18 ,s 19, s 20, s 26, s 28, s 29, s 32, s 48, s 50, s 53, s 75, s 209, s 210, s 210B, s 215 *Human Rights Act* 2019 (Qld) *Judicial Review Act* 1991 (Qld), s 13, s 20, s 21, s 22, s 23, s 24, s 43, s 48

Queensland Civil and Administrative Tribunal Act 2009, s 6, s 7, s 17, s 19, s 20, s 24, s 61

BLD v Commissioner of Police [2026] QSC 183
Blundell v Queensland Building and Construction Commission [2018] QSC 58
Commissioner of Police Service v Magistrate Spencer [2014] 2 Qd R 23
Cousins v Construction Occupations Registrar [2023] ACTSC 305
Dunstan v Registrar of Births, Deaths and Marriages [2026] QSC 144
Electrical Licensing Committee v Whatalec Pty Ltd (2021) 8 QR 328
Gapes v State of Queensland [2023] QCA 45
Kay v Chief Executive of Queensland Corrective Services [2024] QSC 167
Kehl v Board of Professional Engineers of Queensland [2010] QCATA 58
Nelson v Q-Comp [2004] QSC 167
Oliver v Building and Construction Commission [2025] QSC 295
Perran v Frawley [2011] TASSC 27
Queensland Racing Integrity Commission v Queensland Racing Appeals Panel [2026] QSC 65
Reef House Property Pty Ltd v Commissioner of Liquor and Gaming Registration [2024] QCA 121
Sharples v Council of the Queensland Law Society Incorporated [2000] QSC 392
Shelton v Queensland Civil and Administrative Tribunal [2026] QSC 126
Stubberfield v Webster [1996] 2 Qd R 211
Turner v Valuers' Registration Committee of Queensland [2001] 2 Qd R 100

COUNSEL:	L.S Reidy for the applicant T.C Schmitt for the respondent
SOLICITORS:	Thomson Geer Lawyers for the applicant Queensland College of Teachers for the respondent

[1] By decision dated 18 December 2025, the respondent refused to renew the applicant's teacher registration under the *Education (Queensland College of Teachers) Act* 2005 (Qld) ("the Education Act"). The applicant seeks, by way of a statutory order of review, to challenge that decision under the *Judicial Review Act* 1991 (Qld) ("the JR Act").

[2] The respondent has filed an application seeking the summary dismissal of the proceeding under either s 13 or s 48 of the JR Act. Insofar relief is sought under s 48, subsections (1)(a) and (d) are relied upon: it would be inappropriate for the proceeding to continue and the application is an abuse of process.

Factual background

[3] One of the objects of the Education Act is for the respondent to grant "registration or permission to teach to persons" in Queensland: s 3(2)(b)(i). A person's eligibility for registration is regulated by Chapter 2, Part 1 of the Education Act. Since 5 January 1993, the applicant held registration from the respondent and was an "approved teacher" under the Education Act. The period of full registration is for five years from the day the respondent grants registration: s 26(1) of the Education Act. Section 26(4) provides if an application for renewal of registration is made before the period of the registration ends, the registration is taken to continue until the application is decided.

[4] The applicant's registration was due to expire on 31 December 2020. On or about 17 September 2020, he submitted a renewal application. The process for making an application for renewal of registration is set out in s 28 of the Education Act. Section 29 applies to the applicant because he seeks renewal of his full registration. Section 29(2) provides that the respondent may renew the applicant's registration if it is reasonably satisfied the applicant is suitable to teach.[1] Section 29(3) states that in deciding an application for renewal ss 15 to 19 apply. Relevant to the applicant, how the respondent may decide the application for renewal is addressed by s 32, namely, to renew registration with or without conditions or refuse to renew registration: s 32(1).

[5] On 26 November 2020, the respondent received notification from the Queensland Police Service ("QPS") under s 75 of the Education Act that the applicant had been charged with a number of criminal offences. The respondent categorised the charges as "serious offences" for the purposes the Education Act.

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[1] Other matters, which are not relevant for present purposes, are prescribed and require the respondent to be reasonably satisfied that such matters have been complied with: see s 29(2)(b) to (d).

[6] As a consequence of the notification, the respondent suspended the applicant's teacher registration on 26 November 2020: s 48(3) of the Education Act.

[7] On 22 December 2020, the respondent received the applicant's criminal history from the QPS.

[8] The decision to suspend the applicant was forwarded to the Queensland Civil and Administrative Tribunal ("the Tribunal") for review: ss 50(5) and 53 of the Education Act. By decision dated 4 January 2021, the Tribunal ordered that the applicant's suspension of registration as a teacher continue.

[9] The respondent decided, given the nature of the charges, that the applicant's renewal application was to be held in abeyance. Between October 2021 and 2025, the respondent monitored the progress of the applicant's outstanding criminal charges in light of ongoing court proceedings. However, by September 2025, it became apparent that the criminal proceedings had not been finalised. Consequently, the respondent formed the view that it would proceed to make a decision in respect of the applicant's renewal application because the next five-year renewal cycle was approaching.

[10] By letter dated 30 September 2025, the respondent determined that it could not be satisfied that the applicant was currently suitable to teach given the serious unresolved criminal charges. It followed that the applicant's renewal application was refused. The letter went on to state that an application for internal review of the decision was available: ("the original decision").

[11] Dissatisfied, the applicant subsequently sought an internal review of the original decision: s 210 of the Education Act. Nine review grounds were advanced.

[12] By letter dated 24 October 2025 to the Commissioner of Police, the respondent requested, pursuant to s 15(2)(a) of the Education Act, the provision of information relating to a brief description of the circumstances of the charges brought against the applicant. In addition, a copy or summary of evidentiary material relating to the offences was also requested: s 15AA(2)(a). The time for the QPS to comply with the request was 31 October 2025: s 15(4).

[13] By email dated 4 November 2025, the respondent advised the applicant of the material that it would take into account for the purposes of undertaking the internal review. In addition, the applicant was further advised that the Review Committee would undertake the internal review and there was a process in train to obtaining a report and information from the QPS. Upon receipt of such materials, it would be released to the applicant, with an opportunity to comment on the contents. An email from the Review Committee dated 20 November 2025, disclosed to the applicant a summary of the information that had been requested and received from the QPS.

[14] Thereafter, the applicant sought an extension of time, until 28 November 2025, to provide a response to the police information. That extension was granted by the Review Committee and the applicant's written submissions were served on 28 November 2025.

[15] The applicant was subsequently afforded the opportunity to make oral submissions before the Review Committee. However, by email dated 4 December 2025, the applicant advised that he did not wish to avail himself of this opportunity.

[16] By decision dated 18 December 2025, the Review Committee decided to confirm the original decision. The Review Committee's lengthy reasons were set out in correspondence to the applicant on the same date. The applicant was advised that if he wanted to appeal the decision he had 28 days to make an application for review to the Tribunal. That time has now expired. I note, however, that the Tribunal has power to extend the time within which to make an application for review: s 61 of the *Queensland Civil and Administrative Tribunal Act* 2009 (Qld) ("the QCAT Act").

Proceedings under the *Judicial Review Act* 1991

[17] On 15 February 2026, pursuant to the JR Act, the applicant filed an application for a statutory order of review of the Review Committee's decision. There are numerous grounds of challenge and they can be summarized as follows:

(a) the decision involved errors of law (s 20(2)(f) of the JR Act) by:

(i) an improper construction and application of s 32(1) of the Education Act;

(ii) an improper construction and application of s 210B of the Education Act;

(iii) an improper construction and application of the *Human Rights Act* 2019 (Qld);

(b) the decision-maker did not have jurisdiction to make the decision (s 20(2)(c) of the JR Act), the decision was without justification (s 20(2)(h) and s 24 of the JR Act), or the decision was contrary to law (s 20(i) of the JR Act) because:

(i) the Review Committee conducted a hearing *de novo* which was not authorised by s 210B of the Education Act;

(ii) the decision-maker failed to find the required jurisdictional fact of suitability to teach under s 12(3) of the Education Act, namely the behaviour, whether the behaviour satisfied the relevant standard and whether the behaviour demonstrated unfitness for registration;[2]

(c) the decision-maker failed to observe the procedures required by law to be observed (s 20(2)(b) of the JR Act) by failing to make a request of the Commissioner of Police as required by s 15 of the Education Act; [3]

(d) there was a failure to take account of relevant considerations (s 20(2)(e) and section 23 of the JR Act);

(e) the applicant was not given a fair hearing (s 20(2)(a) of the JR Act);

(f) the decision-maker failed to give reasons (s 20(2)(a) of the JR Act); and

(g) the decision is legally unreasonable (s 20(2)(e) and s 23(g) of the JR Act).[4]

[18] The relief claimed in the statutory order of review seeks the quashing of the Review Committee's decision; a number of declarations as to the proper construction of various sections of the Education Act and the *Human Rights Act* 2019 (Qld); various

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2 I note the applicant intends to amend grounds 6(d) and 6(e)(iv) to clarify the basis of challenge. Paragraph 22 applicant's outline of argument on respondent's dismissal application ("applicant's argument).

3 I note the applicant intends to apply to amend ground 5 to "improve clarity as follows: 'The decision maker failed to observe the procedures required by law, or did not have jurisdiction to make the decision, or improperly exercised its power under the Education Act or erred in law or made a decision contrary to law by failing to make the ~~making a~~ request under s 15 of the Education Act'". Paragraph 22 applicant's argument.

4 The summary of the grounds of review are conveniently uplifted from paragraph 22 of the applicant's argument.

directions and that the matter be remitted to the Review Committee "for further consideration according to law".[5]

[19] The applicant contends that the judicial review grounds advanced in the application (which rely on various legal and jurisdictional errors, along with denials of procedural fairness) are ones that cannot be agitated before the Tribunal on a review application.[6] In addition, it is asserted that it is less advantageous for the applicant to seek a review to the Tribunal because the Tribunal's powers and jurisdiction are not broad enough to permit the Tribunal to consider the numerous grounds of challenge.[7]

[20] Section 215 of the Education Act provides that if a person is dissatisfied with the decision of the Review Committee they may apply to the Tribunal for a review of that decision. That point was made clear to the applicant in correspondence from the Review Committee dated 18 December 2025.

[21] Section 17 of the QCAT Act relevantly provides:

> "(1) The tribunal's review jurisdiction is the jurisdiction conferred on the tribunal by an enabling Act to review a decision made or taken to have been made by another entity under that Act.
>
> (2) For this Act, a decision mentioned in *subsection* (1) is a '***reviewable decision***' and the entity that made or is taken to have made the decision is the '***decision-maker***' for the reviewable decision."

[22] It follows that the Education Act is the enabling Act for the purposes of s 17 of the QCAT Act. The relationship between the QCAT Act and the Education Act in conferring review jurisdiction on the Tribunal is governed by ss 6(4) and 7 of the QCAT Act.

[23] Sections 19 and 20 of the QCAT Act detail the nature of the Tribunal's review jurisdiction. In exercising its review jurisdiction, pursuant to s 19, the Tribunal;

(a) must decide the review in accordance with the QCAT Act and the Act under which the reviewable decision being reviewed was made;

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5 Paragraphs 14 to 18 of the application for a statutory order of review.
6 Paragraph 23, applicant's argument.
7 Paragraph 29, applicant's argument.

(b) may perform the functions conferred on the Tribunal by the QCAT Act or the enabling act; and

(c) has all the functions of the decision-maker for the reviewable decision being review.

[24] A review before the Tribunal involves a fresh hearing on the merits and the function of the Tribunal is to produce the correct and preferrable decision: s 20 of the QCAT Act.

[25] The Tribunal has various powers on review: it can confirm or amend the decision; set aside the decision and substitute its own decision or it may set aside the decision and return the matter for reconsideration to the decision-maker for the decision, with the directions the Tribunal considers appropriate: s 24 of the QCAT Act.

[26] If a party is dissatisfied with the Tribunal's decision an appeal can be brought to the QCAT Appeals Tribunal, or depending upon the status of the member, to the Court of Appeal.

Section 13 of the *Judicial Review Act* 1991

[27] The respondent seeks an order, pursuant to s 13 of the JR Act, that the applicant's application be dismissed on the basis that provision is made by the Education Act whereby the applicant is entitled to seek a review of the Review Committee's decision by the Tribunal.[8] Put simply, the respondent advances the argument that the Tribunal has jurisdiction to deal with the applicant's complaints concerning the Review Committee's decision.[9]

[28] Section 13 of the JR Act provides:

> "**13 When application for statutory order of review must be dismissed**
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> Despite section 10, but without limiting section 48, if—
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> (a) an application under section 20 to 22 or 43 is made to the court in relation to a reviewable matter; and

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8 Paragraph 18 of the respondent's outline of submissions, on the dismissal application ("respondent's submissions").

9 Paragraph 19 respondent's submissions.

> (b) provision is made by a law, other than this Act, under which the applicant is entitled to seek a review of the matter by another court or a tribunal, authority or person;
>
> the court must dismiss the application if it is satisfied, having regard to the interests of justice, that it should do so."[10]

[29] Section 13 operates "despite section 10". That section relevantly provides "the rights conferred by this Act on a person to make an application to the court in relation to a reviewable matter are in addition to any other rights that person has to seek a review of the matter (whether by the court, another court or a tribunal, authority or person)".

[30] In addition, s 13 does not expressly limit the operation of s 48 of the JR Act. Section 48 enables the Court to stay or dismiss an application for judicial review on various bases.

[31] Relevantly, s 13(b) refers to "a review of the matter by… a tribunal". Section 3 of the JR Act defines "review" to include "a review by way of – reconsideration, rehearing or appeal…" Section 13 requires various "thresholds" to be satisfied in order for it to be invoked. In *Electrical Licensing Committee v Whatalec Pty Ltd*[11] Holmes CJ observed that s 13 applies only where there is an application in relation to a "reviewable matter" and a provision entitling the applicant to seek review of the matter by another entity including a tribunal: at [15].

[32] In order for an application for a statutory order of review to be dismissed under s 13 the Court must be satisfied that:

(a) the application is under ss 20-22 or s 43 and is in relation to a reviewable decision;

(b) there is provision under another law which entitles the applicant for judicial review to seek a review by another court, tribunal, authority or person; and

(c) having regard to the interests of justice, the application for judicial review should be dismissed.

[33] As the Court of Appeal observed in *Gapes v State of Queensland*[12], the effect of s 13:

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10 A "reviewable matter" is defined in s 3 of the JR Act and relevantly includes "a decision": s 3(a).
11 (2021) 8 QR 328.
12 [2023] QCA 45 per Bond JA, Henry and Wilson JJ.

> "… is evidently calculated at summarily dismissing applications which will consume the resources of the Court unnecessarily on account of another path of review having been available."

[34] I am satisfied that the application for a statutory order of review has been made under the JR Act in respect to a reviewable decision being that of the Review Committee.

[35] The applicant accepts, on an application made under s 215 of the Education Act, that the Tribunal's jurisdiction is one that involves a fresh hearing on the merits and for the Tribunal to make the correct and preferrable decision.[13] The applicant relies upon the statement made by the Appeal Tribunal in *Kehl v Board of Professional Engineers of Queensland*[14] when considering the nature of the Tribunal's review jurisdiction:

> "[9] Unlike judicial review, the Tribunal's function is to review the decision – not the process by which it was arrived at, nor the reasons given for making it. Accordingly, the Tribunal is not required to identify the error in either the process or reasoning that led to the decision being made. There is no presumption that the original decision is correct: [s 20 of the QCAT Act]."

[36] The said statement in *Kehl*, is with respect, uncontroversial.

[37] The applicant contends that his judicial review proceeding is about errors in the process of the Review Committee's decision. That contention is correct and accords with what an applicant for judicial review must demonstrate. However, the applicant submits that the remedies sought under the statutory order of review are not available on a review application to the Tribunal and that the powers and jurisdiction of the Tribunal "are not broad enough to permit it consider the legal or jurisdictional errors and procedural unfairness" of the Review Committee's decision.[15] I do not accept these arguments.

[38] In the event the applicant was somehow denied procedural fairness by the Review Committee any such denial would be cured by the review proceedings before the Tribunal. I will return to this particular ground of challenge later in the reasons. As adverted to above, a review by the Tribunal is by way of a fresh hearing on the merits and the Tribunal's task is to undertake a review of the decision by way of a reconsideration of all the material that was before the Review Committee. If

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13 Paragraph 26, applicant's argument.
14 [2010] QCATA 58.
15 Paragraph 29, applicant's argument.

warranted an applicant can seek to adduce fresh evidence. If there were legal or jurisdictional errors in the Review Committee's decision-making process, or reasoning itself, any such errors are irrelevant to the Tribunal's function on a review application because the Tribunal's function is to produce the correct and preferrable decision. This approach was made clear by the Court of Appeal in *Reef House Property Pty Ltd v Commissioner of Liquor and Gaming Registration*[16]

> "[67] The Tribunal does not have a supervisory jurisdiction, and the exercise of its jurisdiction does not depend upon the identification of any error in the original decision-maker's reasons. Rather, it is required to arrive at 'its[own] conclusion, as to what is the correct decision, by concluding its own, independent, assessment and determination of the matters necessary to be addressed.' This is because 'the Tribunal is authorised and required to review the actual decision, not the reasons for it'." (citations omitted)

[39] The applicant referred to the statement made by Davis J in *Kay v Chief Executive of Queensland Corrective Services*[17] in the context of examining the ambit of ss 12(b) and 13(b) of the JR Act:

> "[67] … when considering whether 'adequate' provision is made for review other than via the JR Act or the interests of justice dictate that the application ought to be dismissed, it is necessary to compare the rights available to an applicant upon judicial review and the rights available through the appeal avenue." (underlining added)

[40] The above statement, with respect, sets out an appropriate approach to be undertaken when determining an application under s 13 of the JR Act.

[41] A number of arguments are advanced by the applicant in support of the contention that the Tribunal is "incapable" of dealing with his various grounds of challenge.

[42] First, and contrary to the respondent's argument, the applicant says that the Review Committee did not have jurisdiction to make its decision because it conducted a hearing *de novo* which was not authorised by s 210B of the Education Act. It was submitted that the Review Committee's function on a review is to examine whether the original decision-maker had complied, for example, with ss 15 and 16 of the Education Act. In addition, it was argued that the Review Committee should have

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16 [2024] QCA 121 per Flanagan JA (with whom Mullins P and Bradley J (as his Honour then was) agreed).

17 [2024] QSC 167.

addressed any alleged defects in the original decision[18] and it was the Review Committee's role to undertake a "strict review", not a hearing *de novo*. Finally, it is said that the Review Committee's process should have been confined to "the material before the original decision-maker" [19] and its function was not to widen the scope of review beyond that provided for in s 210B(2).[20]

[43] A person dissatisfied with an original decision may apply for a review of that decision by way of an application for internal review: s 209 of the Education Act. Section 210(1) prescribes the time period for an application to be made, however, the Review Committee may, at any time, extend the time for applying for the review: s 210(2). The application for review must state fully the grounds of the application: s 210(3).

[44] The application for an internal review is dealt with by the Review Committee and the nature of how it is to be constituted is set out in s 210(A)(2) to (5) of the Education Act. Section 210B addresses the procedure to be adopted by the Review Committee when undertaking a review of the original decision. An applicant for review must be afforded the opportunity to make oral or written submissions in respect to the original decision: s 210B(2). Section 210B(3) proceeds to state:

> "(3) The review committee must conduct the review on-
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> (a) the material before the person who made the delegated decision that led to the delegated decision; and
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> (b) the reasons for the delegated decision; and
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> (c) any other relevant material the review committee allows including material in any submissions made before the end of the submission period."

[45] After reviewing the original decision, the Review Committee may confirm or amend the decision under review or substitute another decision for the original decision: s 210B (4). I note from the Review Committee's reasons for decision that it embarked upon the internal review in the following way:

> "The Committee's role on internal review is to stand in the shoes of the original decision-maker and to make a fresh decision based on all the information now available, including any new material or arguments you have provided (hearing *de novo*).

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18 T 1-27 lines 15-25.
19 T 1-28 line 4.
20 T 1-50 lines 29-30.

> In undertaking this task, the Committee was mindful of the paramount objects of the Act, which include upholding the standards of the teaching profession, maintaining public confidence in the profession, and protecting the public (particularly children) by ensuring education is delivered by teachers who are suitable to teach. The welfare and best interests of children are the foremost consideration in the regulatory framework established by the Act."

[46] The applicant contends that s 210B of the Education Act is marked by an absence of language instructing or permitting a fresh hearing; there is no reference to a rehearing, only a review and there are no features in the section itself supportive of a hearing *de novo*.[21] I do not accept the applicant's construction of s 210B.

[47] As Burns SJA recently observed in *Queensland Racing Integrity Commission v Queensland Racing Appeals Panel*:[22]

> "[13] The true nature of a statutory right of appeal or review will depend on the terms of the statute conferring that right and, in particular, what can be elucidated about the legislative intent. To the point, the term "review" has no settled meaning; it takes its meaning from the context in which it appears. Where, as here, the statute does not contain any express provision regarding the nature of the review to be conducted under its provisions, that must be discerned from what can be concluded about the legislative intent from the text, statutory scheme and purpose of the statute." (citations omitted).

[48] In my view, when regard is had to the particular language of s 210B(1) to (3) of the Education Act, the Review Committee's function is to determine the application for review of the original decision afresh without being constrained by the identification of some error in the original decision. So much is evident from the fact that the Review Committee may receive oral or written submissions from the applicant as part of the review process and receive any other relevant material that the Review Committee allows. That is what occurred in this instance before the Review Committee. Detailed submissions were received from the applicant and material that was not before the original decision-maker was taken into account by the Review Committee (i.e. the police information). The applicant was afforded the opportunity to comment upon the police information. I do not accept the applicant's contention that the Review Committee somehow "widened" its scope of review when considering

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21 Paragraph 24, applicant's outline of argument in reply.

22 [2026] QSC 65.

the applicant's review application. Instead, the Review Committee simply followed the procedures as set out in s 210B, enabling it to conduct a fresh review, having regard to the merits of the applicant's review. In prosecuting the review, the applicant was not required to demonstrate before the Review Committee some legal, factual or discretionary error in the original decision.

[49] Secondly, one of the applicant's grounds of challenge to the Review Committee's decision is that it failed to find the required jurisdictional fact of suitability to teach under s 12(3) of the Education Act. A matter that the Review Committee is required to consider when undertaking the review is whether it is reasonably satisfied that "the person is suitable to teach in order to renew full registration": s 29(2)(a).

[50] On a fair reading of the Review Committee's reasons for decision it is apparent that it was alive to this issue because the reasons conclude by stating "on the material currently before us, we cannot find that you are suitable to teach this time… under s 29(2)(a) of the Act". On a review application before the Tribunal, one of its tasks would be to determine whether the applicant is suitable to teach by having regard to ss 11 and 12 of the Education Act.

[51] Thirdly, the applicant contends that the Tribunal cannot address on a review application any failure by the original decision-maker to comply with s 15 of the Education Act because it is said this is the province of judicial review.[23] The contention appears to be premised on the basis that the Tribunal cannot determine whether the Review Committee erred by attempting to cure any alleged failure by the original decision-maker to comply with s 15 by making the request to the Commissioner of Police to obtain necessary information.[24] In this case, it is true that the original decision-maker did not have before it information from the Commissioner of Police: s 15AA. However, it is not apparent what flows from any purported non-compliance with the statutory scheme by the original decision-maker. The process has moved on. It has been overtaken by the internal review process itself and the decision made by the Review Committee.

[52] On an internal review to the Review Committee, s 210B(3)(c) expressly contemplates the Review Committee allowing relevant material that it may consider is warranted

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23 Paragraph 30, applicant's outline of argument in reply.
24 Paragraph 33, applicant's outline of argument in reply.

for its determination. Here, the Review Committee requested information from the Commissioner of Police about the applicant: s 15(2). That information was provided to the Review Committee and subsequently disclosed to the applicant in order for him to make representations to the Review Committee about its contents: s 16. I do not see any impediment under the Education Act for the Review Committee to request information from the Commissioner of Police in circumstances where the original decision-maker did not have such information before it. In addition, I cannot discern how the Tribunal would in any way be precluded from considering any argument about the proper application and construction of s 15 of the Education Act on a proceeding before it. Consequently, I do not accept the applicant's contention that this ground of review is solely for judicial review.

[53] I am satisfied, when regard is had to each of the grounds of review, they can be considered and resolved by the Tribunal upon an application for review. A number of grounds rely upon an alleged failure by the Review Committee to correctly apply various sections of the Education Act[25] and the *Human Rights Act 2019* (Qld).[26] The application, relevance and interpretation of any section(s) from the various legislative schemes can be agitated on an application before the Tribunal. I cannot point to any obstacle the applicant would face in doing so. It would be a matter for the Tribunal (presumably with the benefit of competing submissions) as to how any such section(s) should be applied and construed when arriving at the correct and preferrable decision: s 20 of the QCAT Act.

[54] The applicant contends there is a public interest in ascertaining whether the respondent erred in failing "to provide procedural fairness [to him], made procedural errors and exercised its statutory powers according to law before making the decision".[27] The applicant further contends that it is in the public interest for the application for judicial review to proceed because "nearly 120,000 Queensland citizens have their teacher registration entrusted to a statutory body which, in the interests of justice, should exercise its legal authorities and powers over their

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25 See Grounds 3, 4, 5, 6(c), 6(d), 6(e)(i), 6(e)(ii), 7, 10 and 12 of the application for a statutory order of review.

26 See Ground 13 of the application for a statutory order of review.

27 Paragraph 31, applicant's argument.

professional teacher practice according to law and the statutory mandate"[28] and that "QCAT cannot address that public interest in this case".[29]

[55] In *Blundell v Queensland Building and Construction Commission*[30] Martin J (as his Honour then was) stated that the phrase "interests of justice" permits a consideration of a wide range of factors which may include the public interest, along with the interests of the parties themselves: at [33] see also *Perran v Frawley*[31] at [19]. In addition, I agree with the statement made by McCafferty J in *Dunstan v Registrar of Births, Deaths and Marriages*[32], that whether an applicant is out of time in which to file an application for review to the Tribunal is not a relevant consideration to the operation of s 13 and the interests of justice: at [50].

[56] The applicant relies on the following observations made by Mullins J (as her Honour then was) in *Nelson v Q-Comp*[33] in support of the contention that there is a public interest consideration militating against dismissal under s 13:

> "[45] The respondent is an administrative decision maker and its processes are quite different to that of the next stage of review provided for under the *WQA* which is the appeal to the Industrial Magistrates Court. There is a distinct public interest in ensuring that the decision making entrusted to the respondent fulfils its object. In the circumstances in which the respondent made the decision in this matter, weight should be given to the public interest in ascertaining whether the respondent did err in failing to provide procedural fairness to the applicant before making the decision. The appeal to the Industrial Magistrates Court would not be able to consider that matter.
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> [46] I am not persuaded that the respondent has made out any of the grounds under s 48(1) for obtaining summary dismissal of the application for statutory order of review. The failure of the respondent to notify the applicant's solicitor of the intention to proceed to make the decision, without waiting for the applicant's further medico-legal report, in the light of the communications which preceded the making of the decision, together with the public interest in ensuring that any such procedural error on the part of the respondent be

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28 Paragraph 4, applicant's outline of argument in reply.
29 Paragraph 35, applicant's outline of argument in reply.
30 [2018] QSC 58.
31 [2011] TASSC 27 per Porter J.
32 [2026] QSC 144. As noted at [16] above, the Tribunal has power to extend time.
33 [2004] QSC 167.

> identified, justify allowing the application for statutory order for review to proceed. That public interest aspect allows the approach taken in *Turner v Valuers' Registration Committee of Queensland* to be distinguished. I also do not consider that it is appropriate at this stage to exercise the jurisdiction under s 12 of the *JRA* to dismiss the application for statutory order of review, because the applicant has also filed a notice of appeal in the Industrial Magistrates Court. These matters which I have identified also are sufficient at this stage to conclude that the interests of justice does not require the application for statutory order of review to be dismissed pursuant to s 13 of the *JRA*." (underlying added)

[57] In *Nelson v Q-Comp*, the applicant's primary ground of challenge, by way of judicial review, was that a breach of natural justice occurred in relation to the making of the decision. Mullins J noted that the applicant had a right of appeal to an Industrial Magistrate against the impugned decision. The respondent submitted, if there was a breach of the rules of natural justice, any such breach was curable on the appeal to the Industrial Magistrates Court. As set out above, her Honour rejected the respondent's arguments.

[58] Although the applicant's grounds of judicial review have been summarized above, for the purposes of dealing with this aspect of the applicant's argument it is necessary to have particular regard to the complaints in support of the argument that he was denied procedural fairness. They are as follows:

(a) the Review Committee improperly exercised power under s 210B because it failed to take into account or to take proper account that the original decision-maker failed to give the applicant procedural fairness by providing the applicant with the regular updates from the Court relied on by the original decision-maker and allow the applicant a reasonable opportunity to respond to that information[34]; and

(b) the Review Committee breached the rules of procedural fairness by failing to give the applicant an opportunity or a fair opportunity to be heard by determining the renewal application on matters of behaviour to be determined by a Court and

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[34] Ground 6(e)(iii) of the application for a statutory order of review with Ground 8 mirroring the particulars of the ground set out in Ground 6(e)(iii).

subsequently in an investigation by the respondent or, if necessary, the Tribunal disciplinary proceedings.[35]

[59] I consider the circumstances in this case and the relevant review rights are distinguishable to those in *Nelson v Q-COMP*. That is because the nature of the review process before the Tribunal would enable any alleged denial of procedural fairness to be cured by the review process itself. Any complaint about a denial of procedural fairness becomes irrelevant as the applicant would be afforded the opportunity to canvas before the Tribunal any matters that may not have been addressed by him during the course of the internal review proceedings: *Blundell v Queensland Building and Construction Commission*[36]: at [14].

[60] Accordingly, having regard to the grounds in the application for a statutory order of review, I am satisfied provision is made by the Education Act for the applicant to seek a review of the Review Committee's decision to the Tribunal. That is the appropriate forum whereby the applicant can raise any complaints in relation to the Review Committee's decision and, importantly, in doing so, is afforded a merits review.

[61] The observation made by Henry J in *Commissioner of Police Service v Magistrate Spencer*[37] is apt:

> "[102] It is in the interests of justice that the time and resources of the courts and parties not be consumed by pursuit of judicial review that is unnecessary because the law provides for a conventional remedy under the appellate system."

and I adopt the statement made by Martin J in *Blundell v Queensland Building and Construction Commission*[38]:

> "[32] It has long been accepted that 'as a general rule judicial review should be seen as a substitute for the appellate process in the civil court'. The same applies for a review process through a tribunal such as QCAT." (underlining added)

To similar effect see *Oliver v Building and Construction Commission.*[39]

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35 Ground 9 of the application for a statutory order of review.
36 [2018] QSC 58 per Martin J.
37 [2014] 2 Qd R 23.
38 [2018] QSC 58.
39 [2025] QSC 295 at [34] per Bowskill CJ. See also *BLD v Commissioner of Police* [2026] QSC 183 at [18] per Henry J.; *Shelton v Queensland Civil and Administrative Tribunal* [2026] QSC 126 at [64]; [66] and [68] per Smith J; *Stubberfield v Webster* [1996] 2 Qd R 211 at 217 per Thomas J (as his Honour then was); *Turner v Valuers' Registration Committee of Queensland* [2001] 2 Qd R 100 at

[62] In my view, the applicant has not demonstrated any circumstances of public interest beyond the element of public interest which will always be present when an individual seeks to see that statutory obligations of a statutory body are correctly observed so that the individuals personal rights are not adversely affected: see generally *Sharples v Council of the Queensland Law Society Incorporated.*[40]

Disposition

[63] For the reasons set out herein, I am satisfied that it is in the interests of justice that the application for a statutory order of review be dismissed pursuant to s 13 of the JR Act. Consequently, I do not consider it necessary to decide the respondent's application under s 48(1)(a) and/or (d) of the JR Act.[41]

[64] I will hear the parties on costs and the form of any orders sought.

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[19] per Holmes J (as her Honour then was); *Cousins v Construction Occupations Registrar* [2023] ACTSC 305 at [15] – [16] per McWilliam J.

40 [2000] QSC 392 at [30] per Mullins J.

41 During the course of argument counsel for the respondent stated, in the event the review application was dismissed pursuant to s 13 of the JR Act, "that would be the end of the matter": T1-5 lines 21-23.