

For office use only	
Case number	
Date	
Registry	

## Application to review a decision – child protection and adoption matters

See instructions for a list of the decisions which may be reviewed. Please consult the list before submitting this form.

This form is to be used for reviews of decisions made under the:

- *Child Protection Act 1999*
- *Adoption Act 2009*

Part A		APPLICANT'S DETAILS <i>(full contact details must be supplied)</i> <i>(for multiple applicants attach details on a separate sheet)</i>			
The applicant is the party who is making this application. You must include the names of all applicants.					
<b>Name</b>					
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Title	Given name/s	Middle name	Surname/Family name		
<b>Date of birth</b>					
<input type="text"/>	/	<input type="text"/>	/		
Day		Month	Year		
<b>Postal Address</b>					
<input type="text"/>					
<input type="text"/>					
<b>Suburb</b>		<b>State/Territory</b>	<b>Postcode</b>		
<input type="text"/>		<input type="text"/>	<input type="text"/>		
<b>Contact details <i>(MUST be provided)</i></b>					
<input type="text"/>	<input type="text"/>	<input type="text"/>			
Mobile	Alternative number	Email			
<b>Do you identify as Aboriginal or Torres Strait Islander?</b>					
<input type="checkbox"/> No	<input type="checkbox"/> Yes, Torres Strait Islander				
<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander				

## Part A

## APPLICANT'S DETAILS (continued)

### Representative's details *(if applicable)*

- ☐ Tick if you want this to be your address for notices
- ☐ Tick if you want your representative to represent you in proceedings before the tribunal *(see Part A of the instructions - you may be required to seek the tribunal's permission for this to happen by making an application under the [Form 56 - Application for leave to be represented](#). The tribunal may not give you leave to be represented – see s43 Queensland Civil & Administrative Tribunal Act 2009.)*

### Name

Title	Given name/s	Middle name	Surname/Family name

### Company Name

### ACN/ABN *(if applicable)*

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### Postal Address


### Suburb

### State/Territory

### Postcode

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### Contact details *(MUST be provided)*

Mobile	Alternative number	Email

## Part B

### FULL NAME AND DATE OF BIRTH OF CHILD(REN) AFFECTED BY THE DECISION *(If there is insufficient space here please attach additional pages)*

	Name			Date of Birth		
1	<input type="text"/> Given name	<input type="text"/> Middle name	<input type="text"/> Surname/Family name	<input type="text"/> Day	<input type="text"/> Month	<input type="text"/> Year
2	<input type="text"/> Given name	<input type="text"/> Middle name	<input type="text"/> Surname/Family name	<input type="text"/> Day	<input type="text"/> Month	<input type="text"/> Year
3	<input type="text"/> Given name	<input type="text"/> Middle name	<input type="text"/> Surname/Family name	<input type="text"/> Day	<input type="text"/> Month	<input type="text"/> Year
4	<input type="text"/> Given name	<input type="text"/> Middle name	<input type="text"/> Surname/Family name	<input type="text"/> Day	<input type="text"/> Month	<input type="text"/> Year
5	<input type="text"/> Given name	<input type="text"/> Middle name	<input type="text"/> Surname/Family name	<input type="text"/> Day	<input type="text"/> Month	<input type="text"/> Year
6	<input type="text"/> Given name	<input type="text"/> Middle name	<input type="text"/> Surname/Family name	<input type="text"/> Day	<input type="text"/> Month	<input type="text"/> Year

Tick the box that best describes your relationship with the subject child(ren):

<input type="checkbox"/> mother	<input type="checkbox"/> grandparent	<input type="checkbox"/> sister	<input type="checkbox"/> kinship carer
<input type="checkbox"/> father	<input type="checkbox"/> brother	<input type="checkbox"/> foster carer	<input type="checkbox"/> other <i>(please specify)</i>

Do any of the children identify as Aboriginal or Torres Strait Islander? If yes, please identify by the child's reference number/s noted in **Part B** above:

1	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander
2	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander
3	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander
4	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander
5	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander
6	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander

## Part C

## APPLICATION ON CHILD'S BEHALF

**Is this an application brought on behalf of a child?** *If an application is brought on behalf of a child, the President's permission is required before this application is filed (Child Protection Act 1999, section 99P). You may seek permission to bring an application on behalf of a child if, under the legislation, you are not entitled to bring the application yourself. As to when you may bring an application in your own right, refer to the relevant section in the Act - see reviewable decisions under Part D of the attached instructions)*

☐ Yes ☐ No

## Part D

## DECISION TO BE REVIEWED

*(If there is insufficient space, please attach additional pages)*

**Who made the decision?**


**Name, position and area office of decision-maker**


**Details of decision to be reviewed** (Please attach a copy of the decision):


**When was the decision made?**


**When did you receive the decision?**


## Part E

### DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

*(If there is insufficient space, please attach additional pages)*

*If you are seeking a stay, refer to page 1 of the instructions on the back of this form.*

**Briefly describe what you want to happen**


**State briefly why you think the decision is wrong or not properly made**


**Briefly describe any other facts you think are important**


## Part F

### ASSISTANCE AT THE COMPULSORY CONFERENCE AND/OR TRIBUNAL HEARING

#### Will you require an interpreter?

- ☐ Yes - please specify language or Auslan:
- ☐ No

#### Do you have any of the following needs?

- ☐ wheelchair/mobility access ☐ speech impairment
- ☐ hearing impairment/loss ☐ vision impairment/loss
- ☐ other

If you have ticked any of these boxes, please provide details below.


### CHECKLIST

- ☐ I have completed all of the questions on this application.
- ☐ I have included a copy of the decision for which I am seeking review (if I have a copy)
- ☐ I am ready to proceed with this application.

## WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) makes it an offence for a person to knowingly give the registry documents containing false or misleading information. Maximum penalty for such an offence - 100 penalty units.

## SIGN AND DATE HERE *(if more than one applicant is named, then all must sign)*

The information in this application is true to the best of my knowledge.

Applicant/s sign here


Date


Print your name/s here


## LODGEMENT DETAILS

Deliver to:	Mail to:	Email to:
Queensland Civil and Administrative Tribunal Floor 11, 259 Queen Street Brisbane Qld 4000  OR your local Magistrates Court.  To find your local courthouse visit: <a href="https://courts.qld.gov.au/contacts/courthouses">courts.qld.gov.au/contacts/courthouses</a>	Queensland Civil and Administrative Tribunal GPO Box 1639 Brisbane Qld 4001  OR your local Magistrates Court.  To find your local courthouse visit: <a href="https://courts.qld.gov.au/contacts/courthouses">courts.qld.gov.au/contacts/courthouses</a>	<a href="mailto:enquiries@qcat.qld.gov.au">enquiries@qcat.qld.gov.au</a>

## INSTRUCTIONS FOR COMPLETING FORM 17

# Application to review a decision - childrens matters

### Important information

Most applications must be lodged within 28 days of receiving the notice of decision. If you have a copy of the decision, it must be lodged with the application for review.

### Stay of a decision

A 'stay' of a decision is a temporary suspension of the decision under review. It is not the final decision of the tribunal. If you request a stay, this means you are seeking to return to the position that existed prior to the decision being made. If you wish to apply for a stay of a decision, you must complete a [Form 44 – Application to stay a decision](#).

### PART A — APPLICANT'S DETAILS

- More than one applicant may be named in an application.
- If there is insufficient space for the names of the applicant/s you may attach additional pages.
- If you are applying on behalf of a child, you will need the President's permission to file this application.
- Your address will be the address at which documents are given or sent to you, unless you indicate your representative's address as your address for notices and you have been granted leave to be represented.
- You must advise the tribunal of any changes to your address or your representative's address.

### Representative's details

If you want your representative's address as the address for notices, please complete your representative's details.

If you want your representative to represent you in any proceedings before the tribunal you must complete the [Form 56 - Application for leave to be represented](#) seeking leave to be represented. Generally the tribunal expects people to represent themselves. It may not grant your request.

You are not required to seek leave if:

- you are a child or a person with impaired capacity or
- an Act or the Rules state that you may be legally represented.

### PART D — DECISION TO BE REVIEWED

This form is to be used for tribunal reviews of decisions listed below:

#### DECISIONS THAT MAY BE REVIEWED BY THE TRIBUNAL - Reviewable decisions under the *Child Protection Act 1999*

- directing a parent in relation to a supervision matter stated in a child protection order (sections 78 and 247) (applicant is the parent)
- deciding in whose care to place a child under a child protection order granting the chief executive custody or guardianship (sections 86(2) and 247) (applicant is the child's parent or the child)
- not informing a child's parents of person in whose care the child is, or not informing a child's parents of where the child is living (sections 86(4) and 247) (applicant is parent given the notice or the child)
- refusing to allow, restricting or imposing conditions on, contact between a child and the child's parents or a member of the child's family (sections 87(2) and 247) (applicant is person affected by the decision)
- removing a child from the care of the child's carer (sections 89 and 247) (applicant is a carer entitled to apply to have a decision reviewed under section 91 or a child to whom a notice must be given stating the matters mentioned in section 90(4)(b) to (d))



- refusing an application for, or to renew, a licence (sections 129 and 247) other than because a person mentioned in section 126(b)(i) or (ii) does not have a current positive prescribed notice (applicant is person refused or licensee)
- refusing an application for, or to renew, a certificate of approval as an approved foster carer or an approved kinship carer (section 136) other than because a person mentioned in section 135(1) (a)(iii) or (b)(iv) does not have a current positive prescribed notice ("blue card") (section 247) (applicant is person refused or existing certificate holder)
- refusing an application to amend an authority other than a provisional certificate (sections 137 and 247) (applicant is authority holder)
- amending an authority other than a provisional certificate (sections 138 and 247) (applicant is authority holder)
- suspending or cancelling an authority other than a provisional certificate (sections 140 and 247) (applicant is authority holder)
- cancelling an authority (sections 140AG(3) or (4) or 140AH and 247) (applicant is authority holder)
- refusing a request to review a case plan (section 51V(6), 51VA(6)(a) or 51VB(3)(a)) (applicant is the person making the request)
- refusing to deal with a complaint about a permanent guardian (section 80D(1)) (applicant is the person making the complaint)

## **Reviewable decisions under the *Adoption Act 2009***

- a decision that the person's name may not be entered in the expression of interest register (section 78)
- a decision to remove the person's name from the expression of interest register (section 80)
- a decision that the person is not a person who may make an application under section 92 (section 94)
- a decision to give notice that an application made under part 5 has lapsed (section 100A)
- a decision that a person is not suitable to be an adoptive parent (section 109)
- a decision to remove the person's name from the suitable adoptive parents register (section 146)
- if the person is an interested person mentioned in section 290A(4), a decision under section 290B(2) not to give the registrar notice.

## **Lodging your application form**

Please submit your original application only.

You do not need to give a copy of the application to the Department as the tribunal will provide a copy to the Department.

## **Providing evidence**

Please attach a copy of all relevant documents that you want to use as evidence to support your application.

## **Legal advice and representation**

QCAT staff cannot provide legal advice. All parties involved in a matter before QCAT must usually represent themselves unless leave to be represented has been given. Information about where to seek legal advice is available at [Where to seek legal advice](#) on the QCAT website.

## **Witnesses**

If you have a witness whose evidence you rely upon to support your application, that person should complete a statement setting out their evidence. Any statement made by yourself, or your witnesses, should be attached to your application. You and your witness may be required to answer questions at a hearing.

## **Withdrawing an application**

An application may be withdrawn at any time prior to the final hearing and determination of the application by lodging a [Form 58 – Application for leave to withdraw an application or referral / Notice of withdrawal of application or referral](#) online. However, as leave to withdraw must be given by the Tribunal, you should state in your Form 58 Application why you wish to withdraw. Visit the QCAT website for more information on how to withdraw an application.

## Protecting your privacy

We collect your contact details to ensure QCAT proceedings comply with the *Queensland Civil and Administrative Tribunal Act 2009* (Qld). We may contact you to help evaluate QCAT operations. You do not have to participate in feedback or surveys. If you do participate, no identifying information will be published. We will not disclose your contact details or any other personal information to a third party unless required by law.

## Further Information

For information about the application process or going to the Tribunal visit the [QCAT website](#).