

Instructions for completing**Application to review a decision –
childrens matters****General instructions****Copies of the application and providing copies to other parties**

Please submit your original application only.

You do not need to give a copy of the application to parties.

Applications may be lodged

In person: Queensland Civil and Administrative Tribunal, Level 9, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any Magistrates Court outside of the Brisbane CBD.

By mail: QCAT, GPO Box 1639, Brisbane 4001

By fax: (07) 3221 9156

By email: applications@qcat.qld.gov.au

IMPORTANT INFORMATION

Most applications must be lodged within 28 days of receiving the notice of decision.

If you have not received reasons for the decision you have 28 days to apply to QCAT from the day the reasons are given to you, or 28 days from when you asked for the reasons, whichever is earliest.

There are exceptions to the 28 day rule so check your information notice for information about the time limit that applies in your case. Sometimes the tribunal may agree to give you longer to apply.

If you have a copy of the decision, it must be lodged with this application.

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 with similar details.
- If the applicant is not an individual then the correct name must be used, for example:
 - a company name
 - a business name regardless of whether it is registered under the *Business Names Act 1962*
 - a State agency name, for example a Queensland Government department
- 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.
- Any change in your address for notices must be filed in the tribunal and given to all other parties.

Instructions for completing (continued)

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 *Application for leave to be represented* form 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
- your case is a disciplinary case
- 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 in attachment A.

PART F STAY OF A DECISION

A hearing for a stay of the decision under review will, if successful, only temporarily suspend the decision until a full hearing. Stays are only granted in exceptional circumstances. A stay is not the final decision of the tribunal. If you need help answering this question contact the tribunal.

Before making the order, the tribunal must consider the interests of:

- any person whose interests may be affected by making or not making a stay order
- any submissions made to the tribunal by the decision-maker
- public interest.

The tribunal does not have to give a person whose interests are affected an opportunity to make submissions if it is not practicable to do so because of the urgency of the case or for another reason.

DECISIONS THAT MAY BE REVIEWED BY THE TRIBUNAL

ATTACHMENT A – 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 and 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)

Instructions for completing *(continued)*

- 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)

Reviewable decisions under the *Adoption of Children Act 1964*

- the removal of a person’s name from an adoption list, expression of interest register or assessment register on the basis of eligibility or non-compliance with a regulation (section 14D) (applicant is person whose name is removed)
- an unfavourable assessment of a person whose name is on an adoption list or expression of interest register (section 14D) (applicant is person unfavourably assessed)
- an unfavourable assessment of a person based on criminal history alone (sections 14B and 14D) (applicant is person unfavourably assessed)
- an unfavourable assessment under section 14 of a prospective adopter whose name is included in the assessment register (section 14D) (applicant is a person unfavourably assessed)

Form Number 17 (version 1)
 Queensland Civil and Administrative Tribunal Act 2009 (section 33)

Application to review a decision – childrens matters

Refer to attached instructions at the front of this application prior to filling out this form.

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 of Children Act 1964

For office use only	
Case number:	
Date:	
Registry:	
Sent to:	

PART A APPLICANT'S DETAILS	
Name	
<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>
	<input type="text"/>
	<i>Surname/Family name</i>
Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/>
	<i>Day Month Year</i>
Address	<input type="text"/>
	<input type="text"/>
	Postcode <input type="text"/>
Telephone	<input type="text"/> () <input type="text"/> () <input type="text"/>
	<i>Home Business Mobile</i>
Fax	<input type="text"/> ()
Email	<input type="text"/>

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 Application for leave to be represented form. The tribunal may not give you leave to be represented.)*

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company

<input type="text"/>	ABN	<input type="text"/>
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Address

<input type="text"/>		
<input type="text"/>	Postcode	<input type="text"/>

Telephone

<input type="text"/> ()	<input type="text"/> ()	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

<input type="text"/> ()

Email

<input type="text"/>

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

	Given name/s	Surname/Family name	Date of birth
1.	<input type="text"/>	<input type="text"/>	<input type="text"/>
2.	<input type="text"/>	<input type="text"/>	<input type="text"/>
3.	<input type="text"/>	<input type="text"/>	<input type="text"/>
4.	<input type="text"/>	<input type="text"/>	<input type="text"/>
5.	<input type="text"/>	<input type="text"/>	<input type="text"/>
6.	<input type="text"/>	<input type="text"/>	<input type="text"/>

Tick the box that best describes your relationship with the subject child

- | | | | |
|---------------------------------|--------------------------------------|---------------------------------------|--|
| <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> |

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)*

Yes No

PART D DECISION TO BE REVIEWED

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

Who made the decision?

Details of decision to be reviewed:

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 here, please attach additional pages

Name, position and area office of decision-maker

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

Briefly describe any other facts you think are important

Briefly describe what you want to happen

PART F STAY OF A DECISION *(see instructions to this form for more information)*

Do you want the decision stayed?

Yes No

I want a stay of the decision because:

set out reasons in numbered paragraphs

PART G OTHER INFORMATION

Aboriginal or Torres Strait Islander *please tick appropriate box(es)*

the applicant the child or another party interested in these proceedings
 identifies with Aboriginal heritage or Torres Strait heritage

PART H CHECKLIST AND SIGNATURE

- I have completed all questions on the application form according to the instructions
- 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

Interpreter

Is an interpreter required?

- Yes No

If YES, please specify language

Warning

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to knowingly give the registry documents containing false or misleading information.

Maximum penalty for such an offence – \$10,000.

SIGN AND DATE HERE

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

Applicant/s sign here

Date

If more than one applicant is named all must sign the application.