

For office use only	
Case number	
Date filed	
Registry	

Form Number 18 (version 1)

Queensland Civil and Administrative Tribunal Act 2009 (Qld) (sections 22,33, 241)

Child Protection Act 1999 (Qld) (section 247, Schedule 2)

## Application to stay a decision – child protection matters

This form is used to apply for stays of reviewable decisions made under the *Child Protection Act 1999*. The list of reviewable decisions is set out in the instructions of this form. 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. You **must** attach a copy of the decision letter of the Department of Child Safety, Seniors and Disability Services and copies of all other documents that you say are relevant to this application. If there is a previous decision of the Department, the most recent previous decision should also be attached.

### Part A THE DECISION YOU WANT TO BE STAYED

I request a stay of the decision of the Department of Child Safety, Seniors and Disability Services dated:

Day / Month / Year

### Part B APPLICANT'S DETAILS *(full contact details must be supplied)* *(for multiple applicants attach details on a separate sheet)*

The applicant is the party who is making this application. You must include the names of all applicants.

Name

Postal Address

Suburb

State/Territory

Postcode

Contact details *(MUST be provided)*

Mobile

Alternative number

Email

Do you identify as Aboriginal or Torres Strait Islander?

No

Yes, Torres Strait Islander

Yes, Aboriginal

Yes, both Aboriginal and Torres Strait Islander

<b>Part C</b> <b>FULL NAME AND DATE OF BIRTH OF CHILD(REN) AFFECTED BY THE DECISION</b> <i>(if there is insufficient space here please attach additional pages)</i>						
<b>1</b>				<b>Date of Birth</b>		
	<i>Given name</i>	<i>Middle name</i>	<i>Surname/Family name</i>	<i>Day</i>	<i>Month</i>	<i>Year</i>
<b>2</b>	<i>Given name</i>	<i>Middle name</i>	<i>Surname/Family name</i>	<i>Day</i>	<i>Month</i>	<i>Year</i>
	<b>3</b>	<i>Given name</i>	<i>Middle name</i>	<i>Surname/Family name</i>	<i>Day</i>	<i>Month</i>
<b>4</b>		<i>Given name</i>	<i>Middle name</i>	<i>Surname/Family name</i>	<i>Day</i>	<i>Month</i>
	<b>5</b>	<i>Given name</i>	<i>Middle name</i>	<i>Surname/Family name</i>	<i>Day</i>	<i>Month</i>
<b>6</b>		<i>Given name</i>	<i>Middle name</i>	<i>Surname/Family name</i>	<i>Day</i>	<i>Month</i>
	<b>Tick the box that best describes your relationship with the subject child(ren):</b>					
<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 <b>Part C</b> above:						
<b>1</b>	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander			
<b>2</b>	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander			
<b>3</b>	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander			
<b>4</b>	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander			
<b>5</b>	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander			
<b>6</b>	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, both Aboriginal and Torres Strait Islander			



## CHECKLIST

I have completed all of the questions on this application.

I have also lodged with this application a Form 17 – *Application to review a decision – child protection and adoption matters*

I have attached the decision letter of the Department of Child Safety, Seniors and Disability Services and all relevant documents.

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="http://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="http://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 18

### Application to stay a decision – child protection matters

Use this form to make an application to ‘stay’ an administrative decision where there is a right of review. A stay is a temporary order of the tribunal that would return arrangements to those in place under the previous decision until the tribunal completes the review of the current decision. It is not the final decision of the tribunal. The tribunal may make a stay order if it considers the order is desirable after considering:

- The interests of any person whose interest may be affected by making a stay order;
- Any submission made to the tribunal by the decision-maker for the reviewable decision; and
- The public interest.

#### Copies of the application and providing copies to other parties

No extra copies of the application form and attachments are required for cases related to the *Child Protection Act 1999*.

You also do not need to give a copy of the application to another party.

For guardianship and administration matters that relate to adults, do NOT use this form. You must complete [Form 15 – Application for a stay of a decision pending a hearing](#).

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

- 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)
- Directing a parent in relation to a supervision matter stated in a child protection order (sections 78 and 247) (applicant is the parent). A stay is not available for decisions made under section 78 (section 78(4)).
- Refusing to deal with a complaint about a permanent guardian (section 80D(1)) (applicant is the person making the complaint)
- 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 hold a working with children authority (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 hold a working with children authority (“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)

### **Providing evidence**

You **MUST** attach a copy of all relevant documents that you say are relevant to this application and that you want to use as evidence to prove your case at the tribunal hearing.

### **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. To obtain leave, you must complete a [Form 56 - Application for leave to be represented](#). Information about where to seek legal advice is available at [Where to seek legal advice](#).

There are a number of options for obtaining legal advice to assist you:

- Contact a private solicitor of your choice;
- Contact the Youth Advocacy Centre through their [website](#) or on (07) 3356 1002.
- Contact LawRight on (07) 3006 2324 or at [srsadmin@lawright.org.au](mailto:srsadmin@lawright.org.au). LawRight can provide free legal advice and assistance in certain QCAT matters;
- Contact Legal Aid Queensland on 1300 651 188, for information and referral for legal advice – they will also advise if you qualify for free legal aid;
- Contact Queensland Law Society on (07) 3842 5842 or use their 'Find a Solicitor' service ; or
- Contact Community Legal Centres Queensland on (07) 3392 0092 for details of your local community legal centre.

Visit the [QCAT website](#) for more information about legal advice and representation.

### **Withdrawing an application**

An application to stay a decision can be withdrawn if you no longer wish to proceed with the stay application or if you no longer wish to proceed with the review application. An application can 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.

### **Contact us**

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