

Blue Card System – Information Sheet

Queensland Civil and Administrative Tribunal

Applicants refused a blue card (if not automatically excluded due to child sex or child pornography-related offences) may apply to the Queensland Civil and Administrative Tribunal for a review of a decision made by Blue Card Services.

Where to find legal help

LawRight is an independent, not-for-profit community legal centre which offers free legal advice and assistance to people with matters in the Queensland Civil and Administrative Tribunal. More information about LawRight and the services it operates, including the eligibility criteria and how to apply for assistance, is available online at www.lawright.org.au. Alternatively you may wish to contact LawRight on (07) 3006 2324.

For information about other community legal centres, please contact Community Legal Centres Queensland on (07) 3392 0092 or visit their website at www.communitylegalqld.org.au.

What is the Queensland Civil and Administrative Tribunal?

The Tribunal is an independent body which reviews decisions made about blue cards, including the issuing of a negative notice, or the refusal to cancel a negative notice previously issued.

If you are not satisfied with a decision by Blue Card Services, you can apply to the Tribunal to have the decision reviewed.

How do you apply for a review of the decision?

You must lodge an **application to review a decision form** with the Tribunal (see contact details on the cover page of the application to review a decision form).

When you complete the form, list all the grounds for a review, including why you think the decision is wrong, and send it to the Tribunal.

Time limits on review applications

You must file an application with the Tribunal **within 28 days of receiving the letter** from

Blue Card Services advising you of the decision.

Extensions are granted only if the President of the Tribunal is satisfied there is a reasonable excuse for the delay.

If the delay is not reasonable, the Tribunal will not accept your application.

The Tribunal is not like a court. It is designed to be relaxed and informal and an application may be heard by up to three members. It can decide both questions of law and questions of fact and is not bound by rules of evidence.

Applicants generally represent themselves, but if you want a lawyer to represent you, you must apply to the Tribunal to be legally represented.

If you represent yourself, the Tribunal will help you understand its procedures.

What powers does the Tribunal have?

The Tribunal has the power to:

- confirm, set aside, or vary the blue card decision
- set aside the decision and substitute its own decision, or
- set aside the decision and return it to Blue Card Services to be reconsidered.

The Tribunal can also dismiss your application if:

- the Tribunal considers your application frivolous or vexatious
- you have received reasonable notice of the time and place of a proceeding and you do not appear, or
- if proceedings are delayed because of unreasonable actions by you.

Does the blue card decision stand until a review application is heard by the Tribunal?

Yes. The Tribunal cannot stay (ie. suspend) the decision. While the review is in process, the earlier decision remains in force.

The decision will only change if the Tribunal sets aside the negative notice.

Can you call witnesses or have support people with you at Tribunal hearings?

Yes. You can call witnesses to support your application. You, the Tribunal and a representative from Blue Card Services are allowed to ask the witnesses questions.

You can also ask the Tribunal for a support person to be present with you during the proceedings. This person is not allowed to address the Tribunal.

Is the Tribunal independent?

Yes. The Tribunal is completely independent of Blue Card Services.

What is a compulsory conference?

The Tribunal may call a directions hearing or compulsory conference before hearing an application. These are informal conferences where your application is discussed.

You can ask questions about the process, how the Tribunal works and how to prepare your case.

Be prepared to discuss your application, why you think the blue card decision is wrong, the material you intend to rely on and which witnesses you will call to support your case.

What happens at the hearing?

At the hearing, the Tribunal will ask you to present your case. The Tribunal or the Blue Card Services representative may ask questions of you or your witnesses.

Are the proceedings held in private?

Yes, the proceedings are always held in private, so members of the public cannot be present.

Witnesses stay outside the hearing room until called, and leave directly after they have given their evidence.

When will the Tribunal make its decision?

The Tribunal makes its decision after considering all issues relevant to your application.

The Tribunal may prepare written reasons for its decision and provide them to you and Blue Card Services after the hearing.

What are the contact details for the Tribunal?

The Tribunal contact details are as follows:

Postal Address	GPO Box 1639 Brisbane QLD 4001
Street Address	Level 9, BOQ Centre 259 Queen Street Brisbane QLD 4000
Phone	1300 753 228 between 8.30am and 5.00pm on weekdays.
Fax	07 3221 9156
Email	enquiries@qcat.qld.gov.au
Website	www.qcat.qld.gov.au