



Fact sheet

Your right to review

This fact sheet outlines the rights of applicants who have been refused a blue card (if not automatically excluded due to child sex or child pornography-related offences) and their ability to apply to the Queensland Civil and Administrative Tribunal for a review of a decision made by Blue Card Services.

What is the Queensland Civil and Administrative Tribunal?

Queensland Civil and Administrative Tribunal (QCAT) is an independent body which resolves disputes on a range of matters, including reviewing decisions made about blue cards.

If a person receives a negative notice from Blue Card Services, or had their blue card cancelled and they believe this is incorrect, they have the right to apply to QCAT to request the decision be reviewed.

To apply to QCAT to have the decision reviewed, lodge [Form 23 – Application to review a decision](#) within 28 days of receiving the letter from us.

When completing the form, list all the reasons why you think it should be reviewed, including why you think the decision is wrong.

Time limits

You must file an application to QCAT within 28 days of receiving the letter from Blue Card Services.

If you don't apply within 28 days, you should request an extension, but this will only be granted if the President of QCAT is satisfied there is a reasonable excuse for the delay. If the delay is not reasonable, QCAT will not accept your application.

After you submit the form to QCAT, they will be in touch and let you know when you need to attend for your matter to be heard.

What happens at the hearing?

QCAT is a tribunal, not a court – it is designed to be relaxed and informal.

Your application may be heard by up to three Tribunal members. People attending QCAT generally represent themselves, but if you want a lawyer to represent you, you must ask QCAT first.



Your right to review

If you represent yourself, you'll receive a letter from QCAT to guide you through the process. You and your witnesses may be asked questions from QCAT members or from representatives of Blue Card Services.

Does the blue card decision stand until a Tribunal review?

Yes. The Tribunal cannot stay (ie. suspend) Blue Card Services' decision while the review is in process. Blue Card Services' decision will only change if QCAT hears all of the information, and the Tribunal sets aside the negative notice.

If this occurs, the Tribunal will inform Blue Card Services, who then also have a right of appeal before the decision is officially overturned.

What powers does the Tribunal have?

The Tribunal has the power to:

- Confirm, set aside, or vary the blue card decision (for example, to direct Blue Card Services to give an applicant a blue card).
- Set aside the decision and substitute its own decision.
- Set aside blue card's decision and return it to Blue Card Services to be reconsidered.

QCAT can also dismiss your application if:

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

Witnesses and support people

You can call witnesses to support your application. This may include a current or former employer or a professional such as a psychologist. You, QCAT members and a representative from Blue Card Services are allowed to ask the witnesses questions. You can also ask QCAT for a support person to be present with you during the proceedings.

Is QCAT independent?

Yes, QCAT is completely independent of Blue Card Services.

Are the proceedings 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.



Your right to review

Timeframes for decisions

QCAT will make a decision after considering all issues relevant to your application. The QCAT members may prepare written reasons for its decision and provide them to you and Blue Card Services after the hearing.

For further information on QCAT, visit:
qcat.qld.gov.au

Where to find legal help

If you don't agree with our decision and would like 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 visit:
lawright.org.au or you call LawRight on: (07) 3846 6317.

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

Contacting QCAT

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

Need help?

Phone us on 1800 113 611 or 07 3211 6999. Or visit our website at www.qld.gov.au/bluecard. If you need an interpreter, contact Language Loop on 1800 512 451.