

## QCAT Practice Direction No. 5 of 2022

### APPLICATIONS FOR REVIEW OF DECISIONS MADE ABOUT BLUE CARDS

Updated 13 June 2024

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## BLUE CARD APPLICATIONS

1. “Blue card matters” are matters where a person applies to QCAT to review a blue card decision by the Director-General, Department of Justice and Attorney-General (“the Director-General”), made under the *Working with Children (Risk Management and Screening) Act 2000* (Qld) (“the WWC Act”). The most common type of decisions reviewed by QCAT are decisions by the Director-General to issue a negative notice.<sup>1</sup>
2. In reviewing these decisions, the legislation states that the QCAT decision maker must work on the principle that the welfare and best interests of a child are paramount.
3. The QCAT decision maker needs to come to the correct and preferable decision on the matter.

## WHAT ARE THE POWERS OF QCAT IN DECIDING YOUR BLUE CARD MATTER

4. In relation to review of a decision to issue a negative notice, once QCAT has heard the matter, QCAT can:
  - a) confirm the decision; or
  - b) set aside the decision and substitute that decision with a different decision; or
  - c) set aside the decision and send the matter back to the Director-General to reconsider the decision, together with any directions QCAT considers appropriate.
5. By far the most common types of orders are (a) and (b).

## REASON FOR THIS PRACTICE DIRECTION

6. This practice direction contains:
  - a) information that will assist the parties in understanding the process; and
  - b) provide directions to the parties about some of the things they must do.
7. Compulsory conferences will only proceed in blue card matters where QCAT forms the view that it is desirable to do so. This might occur, for example, where QCAT forms the view that there is a realistic possibility that a compulsory conference might result in resolution of the matter, or a meaningful narrowing of issues, or where a compulsory conference might be a better way to help a particular applicant to understand QCAT processes. QCAT might come to that

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<sup>1</sup> As to the decisions that might be reviewed by QCAT, see sections 353 and 354 of the WWC Act.

view by itself, or after being asked by a party to consider ordering a compulsory conference.

8. A directions hearing will be held in blue card matters at an early stage of the process. During a directions hearing, the QCAT decision maker will seek to ensure applicants and respondents are informed of their obligations and responsibilities in progressing the matter to finalisation.
9. It is envisaged that at the initial directions hearing, QCAT will make directions through to the final hearing. This will assist the parties to know and understand:
  - a) the steps they must undertake and the timeframes for those steps to be completed; and
  - b) when their final hearing will be.

## APPLICATIONS FOR REVIEW OF DECISIONS MUST BE FILED WITHIN 28 DAYS OF BEING GIVEN NOTICE OF THE DECISION

10. A person **must** file an application in QCAT if they want to review the decision of the Director-General to issue a negative notice or any other reviewable decision.
11. To apply to QCAT to review the decision, the person (“the applicant”) needs to file a [Form 23 – “Application to review a decision.”](#)
12. The Form 23 **must** be filed within 28 days after the applicant was given notice of the decision.

## THE DECISION BY THE DIRECTOR-GENERAL WILL REMAIN IN EFFECT UNLESS AND UNTIL QCAT SETS ASIDE THE DECISION

13. QCAT cannot stay (that is, cannot suspend) the decision of the Director-General to issue a negative notice while your matter is at QCAT.
14. That decision will remain in place unless and until QCAT sets aside the decision.
15. If QCAT sets aside the decision, then QCAT will advise the parties. The law provides that QCAT’s decision does not take effect until after the appeal period for the decision has ended, that is, 28 days from the date of the decision, or, if there is an appeal, until the appeal is withdrawn or decided.

## WHAT HAPPENS ONCE THE APPLICATION FOR REVIEW IS RECEIVED BY QCAT

16. QCAT will serve a copy of the application to review on the Director-General. The Director-General is then known as “the respondent”.

17. Once served with an application, the respondent must provide QCAT and the applicant with the following documents (the “section 21 documents”) within 28 days:<sup>2</sup>

- a) a written statement of reasons; and
- b) an indexed and page numbered bundle in date or other logical order of the documents and other material in its possession or under its control that may be relevant to the review of the decision.

## APPLICATIONS FOR EXTENSION OF TIME

18. If the applicant does not file their application in QCAT within time, that is, within 28 days of being given notice of the decision, and they still want to apply to QCAT to review their decision, then they need, as soon as possible:

- a) to file their application to review their decision (that is, the Form 23);

### AND

- b) at the same time, file a [Form 42 – “Application to extend or shorten a time limit or for waiver of compliance with procedural requirement.”](#)

19. QCAT can only grant an extension of time if it is satisfied there is a reasonable excuse for delay. If there is no reasonable excuse for delay, then the application for extension of time will be refused, and the application to review will not be accepted.

20. Form 42 requires the applicant to outline the type of order sought. If an applicant is seeking an extension of time, then the applicant should write: “an order extending the time to file the application to review a blue card decision.”

21. Form 42 also asks the applicant to list the reasons for the application. This is where the applicant needs to set out the reasonable excuse relied on for not lodging the Form 23 application to review the decision within 28 days, and why the applicant submits that QCAT should make an order extending time.

22. Applications for extensions of time will usually be determined “on the papers”, that is, by the QCAT decision maker, in the absence of the parties, relying only on the written material which the parties have provided, rather than requiring the parties to attend at a hearing and make oral argument. This is one reason as to why it is important that when a person files a Form 42 applying to extend time, the person sets out, in full, why they did not file the Form 23 application within

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<sup>2</sup> Section 21(2) of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) (QCAT Act) which sets out the obligation, at law, to provide these documents to the Tribunal. Although section 21(2) only requires that the decision-maker provides these documents to the Tribunal, this Practice Direction also requires them to be provided to the applicant at the same time, in order to enhance efficiency. The documents are called the “section 21 documents” to reflect that the content of them is that set out within section 21(2) of the QCAT Act.

28 days, and why QCAT should make an order extending time, attaching any evidence or material they want to rely upon.

23. After the Form 42 is filed, QCAT will provide a copy of the Form 42 (and attachments, if any) and the Form 23 (and attachments, if any) to the respondent.
24. The respondent must then, within 14 days of receiving this material, file any submissions in reply to the application to extend time, together with any evidence or material relied upon.
25. Sometimes, when considering the Form 42, the QCAT decision maker will consider it appropriate to issue further directions (for example, a direction to the applicant to file any further material, evidence and/or submissions in reply to the respondent's material, evidence and/or submissions). Alternatively, the QCAT decision maker may consider it more appropriate to determine the application to extend time at an oral hearing. If that is the case, QCAT will notify the parties of the time and place for that oral hearing.

## THE FIRST DIRECTIONS HEARING

26. Each application which is filed within time, or where an extension of time has been granted, will be listed for a directions hearing before a QCAT decision maker ("the first directions hearing").
27. The first directions hearing is designed to reduce the overall time of litigation for the parties in these matters and to ensure that all parties understand the steps that they must go through prior to the hearing date.
28. At the directions hearing:
  - a) the QCAT decision maker will make the directions necessary to progress the proceeding to a final hearing, so far as is practicable; and
  - b) the QCAT decision maker will ask the parties for their opinion as to how long they think the final hearing may take and as to the appropriate mode of hearing (that is, in person or by remote hearing).
29. The first directions hearing will take place as soon as practicable after QCAT has served the application on the respondent, but no earlier than 8 weeks after this has occurred. This gap of at least 8 weeks is to ensure that the respondent has had sufficient time to:
  - a) provide to QCAT and the applicant, the written statement of reasons and the section 21 documents, within 28 days of receiving a copy of the application in accordance with paragraph 17; and
  - b) provide the parties the opportunity to read and consider the s21 documents before the first directions hearing.

30. It is very important that both parties participate in the directions hearing. Both parties **must** attend the directions hearing:
- a) having considered the type of evidence in which they wish to rely upon at the hearing;
  - b) ready to give an estimate of the length and mode of hearing; and
  - c) when they and any witnesses are available to take part in a hearing.
31. Wherever possible, at the first directions hearing the QCAT decision maker will allocate the date for final hearing.
32. On average, final hearings take approximately 1 day; but sometimes the final hearings can be longer or shorter. It is important for QCAT to know how long the parties think the final hearing might take to ensure this is taken into account when scheduling the hearing.
33. **Annexure A** to this Practice Direction is a set of template directions which are intended to generally apply; however, the QCAT decision maker retains full discretion to amend, supplement or reduce those directions as appropriate in each matter.

## LIST OF MATERIAL

34. Each party will be required to file a list of material the party intends to rely upon at the hearing, on a date as directed by the Member.
35. The list of material to be relied upon by the respondent must identify, with specificity, which of the section 21 documents it intends to rely upon. Once so identified, those section 21 documents will be taken to be filed in the proceedings on the day on which the respondent files its list of material to be relied upon.

## IF A PARTY OR WITNESS HAS DIFFICULTY READING OR WRITING

36. If a party (or a witness the party wishes to call) has difficulty reading or writing, then the party should raise this with the QCAT decision maker at the first directions hearing so that possible alternatives to written evidence from that party / witness can be discussed.

## FAILURE TO COMPLY WITH A DIRECTION

37. If a party fails to comply with a direction for filing material or submissions, the matter may be determined without that material or submissions. As a consequence, if the party failing to file is the applicant, it is possible that the application will be dismissed.

## SEEKING AN EXTENSION OF TIME TO COMPLY WITH A DIRECTION

38. It is very important that all parties do their very best to comply with directions issued by QCAT.
39. However, it is acknowledged, that sometimes compliance becomes impossible for some unforeseen reason, and that sometimes a party will need to apply to extend time.
40. The QCAT decision maker may, where appropriate, extend the time for a reasonable period. This can be done with or without reference to the other party, depending on the overall circumstances.
41. In extending time, the QCAT decision maker may also extend the time for the other party to comply with a subsequent direction.
42. The QCAT decision maker will also consider (but is not limited to) if granting the extension of time will put the hearing date at risk of not being able to proceed.
43. Where a party seeks an extension of time to comply with a direction made by QCAT, the request for extension should be made before the relevant step falls due. You can seek an extension of time by filing a [Form 42 – “Application to extend or shorten a time limit or for waiver of compliance with procedural requirement.”](#)
44. Even though you may apply for an extension of time to comply with a direction, you cannot assume it will automatically be granted. The QCAT decision maker must consider all of the material supporting the application as well as any response from the other party, and then determine the outcome of the request.

## EVIDENCE

45. Evidence describes, explains, demonstrates or supports a party's claims about what is the correct and preferable decision that the QCAT decision maker should make at the conclusion of the hearing.
46. Evidence can be given orally or in writing and, if required, under oath/affirmation or by affidavit. Usually, parties will be directed to provide the evidence of their own witness/es in writing (see paragraphs 48 to 53 below).
47. Some examples of evidence are (this is not an exhaustive list):
  - a. a written statement (see paragraphs 48 to 53 below) by a person in which the person sets out what they want to say about the matter; or
  - b. a document that is a record of an event, for example, a certificate or diploma; or
  - c. a document that is proof of an event, such as a photograph; or
  - d. a document that accurately and factually demonstrates or supports something explained in a statement, such as a plan or a map; or



- e. an expert report from, for example, a doctor or a psychologist.

## STATEMENTS

- 48. A witness statement is the evidence of the witness, reduced to writing, prepared prior to the QCAT hearing.
- 49. As stated above at paragraph 46, the applicant will usually be directed to provide statements from themselves and for any other witnesses on which they intend to rely upon to support their case.
- 50. The preparation of statements is a very important part of the applicant's preparation for a hearing. The evidence of each witness needs to be set out in detail in the statements, as the QCAT decision maker can, where appropriate, refuse to allow a party to present evidence at the hearing which is not contained in their statements.
- 51. A witness statement **must** be signed.
- 52. It is generally expected that any witnesses whose evidence is intended to be relied upon by a party can be cross-examined by the other party. However, whether a party chooses to seek to cross-examine a witness is a decision for them. The directions issued at the directions hearing will set out the date by which a party **must** inform the other party, and QCAT, whether they wish to cross-examine any particular witness or witnesses of the other party.
- 53. QCAT's website contains an information sheet on the preparation of statements. A sample template is also available on QCAT's website at <https://www.qcat.qld.gov.au/going-to-the-tribunal/preparing-statements>.

## HEALTH REPORTS

- 54. From time to time, applicants may wish to provide a health report from a psychologist, psychiatrist, or other practitioner.
- 55. To ensure the report writer is in a position to know the concerns which the Director-General had in making the decision to issue a negative notice, the applicant must provide that health practitioner with a copy of the statement of reasons from Blue Card Services.
- 56. It is not for QCAT to dictate to a party what should or should not be included in a health report. Provided the material in the health report is relevant, it is a matter for the party to decide what should or should not be included. Having said that, some matters which the QCAT decision maker may find of assistance in determining whether to confirm or set aside the negative notice include:
  - a. the extent to which the applicant has insight into any offending behaviour, alleged offending behaviour and/or child-care related behaviour, and its impact on society, the victim(s) and any children who might be associated with the applicant;



- b. what risk factors, or triggers, if any, continue to be present which could contribute to a risk of any further offending behaviour, alleged offending behaviour, or child-care related behaviour;
- c. what protective factors, if any, are present to reduce the risk of any further offending behaviour or alleged offending behaviour or child-care related behaviour; and
- d. what preventative strategies, if any, does the applicant use to reduce the risk of any further offending behaviour or alleged offending behaviour or child-care related behaviour.

## “NOTICE TO PRODUCE” APPLICATIONS AND APPLICATIONS REQUIRING A PERSON TO ATTEND THE HEARING

- 57. Sometimes parties may want to obtain documents from third parties or seek to have a person attend the hearing to give evidence. When that happens, the party must make an application setting out what they seek.
- 58. If a person is willing to attend a hearing or produce a document to a party, usually the party does not need to apply to QCAT for an order.
- 59. To apply to QCAT for an order, applicants and respondents must file at QCAT a [Form 38 – “Hearing Notice: application for notice requiring witness to attend a hearing or produce document/thing at hearing”](#). A Form 38 notice to produce application **must** be filed no later than 10 days after the first directions hearing in the matter.
- 60. Common examples of the types of material requested via a notice to produce application are material from the Department of Child Safety, Seniors and Disability Services; court information about the outcome of charges or convictions; police information; and information from the Department of Corrective Services. Other types of information from third parties may be sought depending on the nature of the case.
- 61. Only QCAT can order a person to attend a hearing or to produce documents by issuing an attendance notice or notice to produce. QCAT may charge a fee for this service. However, you cannot assume it will automatically be granted. The decision about whether to grant such an application and in what form it is granted is a decision for the QCAT decision maker in the exercise of their independent judicial function.

## NOTICE OF TRIBUNAL HEARING

- 62. The directions made at the directions hearing that list the date for a QCAT hearing **will serve as the required provision of notice for the tribunal hearing.**<sup>3</sup>

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<sup>3</sup> Section 92 of the QCAT Act.

63. The parties **must** ensure they read all directions that are made in the matter and ensure they record the hearing date in their own records, and appear at that hearing date at the time specified (which will commonly be at 9.30 am).

## PARTIES ARE REQUIRED TO KEEP QCAT INFORMED OF THEIR CONTACT DETAILS

64. At the first directions hearing both parties will be required to confirm their correct email addresses and contact details.
65. Should your contact details change at any time throughout the proceedings, you must update QCAT and the other party as soon as possible.
66. Accuracy and currency of contact details are solely the responsibility of the applicant and the respondent individually and not a matter for QCAT to monitor.
67. When the parties are provided with a copy of the directions, they will also be provided with an "Attendance Advice".
68. That Advice sets out the current telephone details that QCAT has for the party. That is the telephone number that QCAT will use to contact the party.
69. If the party's telephone number is different to that shown on the Attendance Advice, then the party must fill out their new telephone number on to the Attendance Advice and send it back to QCAT as early as possible, but at least 5 business days before the hearing date. The email address to send any change of contact details is: [QCATCivil@justice.qld.gov.au](mailto:QCATCivil@justice.qld.gov.au).
70. Late receipt of the change of contact details may mean that QCAT is not able to contact the party on the hearing date and may result in the matter proceeding in that party's absence.
71. You need to make sure that you are available to answer your telephone, and you do answer your telephone, when QCAT telephones you on the date of the directions hearing. If you do not answer the telephone, the matter might proceed in your absence.

## THE QCAT HEARING

72. At the hearing, the QCAT decision maker may allow each party to:
- give evidence themselves or call a person to give evidence (however, generally, and with some exceptions, the only oral evidence given is through cross-examination of the applicant's and respondent's witnesses. This is because written statements of all potential witnesses should usually have been filed at QCAT prior to the hearing and a copy given to the other party); and
  - question a witness.
73. The QCAT decision maker may also:

- a. call a person to give evidence;
- b. examine a witness on oath/affirmation or require a witness to give evidence by statutory declaration;
- c. examine or question a witness to obtain information;
- d. order a witness to answer questions relevant to the proceeding.

74. The QCAT decision maker may place some restrictions on evidence and witnesses. For example, if sufficient information has been presented to allow a decision to be made, the QCAT decision maker may not allow the parties to present more information. In making such a decision, the QCAT decision maker will take into account fairness and justice to the parties.

## ORAL SUBMISSIONS MADE AT A QCAT HEARING

75. At the QCAT hearing all parties will be given an opportunity to make oral submissions after all evidence has been given by both parties. The applicant will be given the first opportunity to do this.
76. The representative for Blue Card Services will make oral submissions, including as to what they consider is the correct and preferable decision having regard to the legislative framework and the evidence, including the oral evidence given at the hearing.
77. The applicant will then have an opportunity to make oral submissions in reply to the submissions of Blue Card Services (see [Practice Direction 3 of 2013 – Hearings in Administrative Review Proceedings](#)).

## HOW TO FILE AND SERVE MATERIAL

78. The preferred method of filing and service of material is via email.
79. The email address for the respondents is [LegalAdmin@bluecard.qld.gov.au](mailto:LegalAdmin@bluecard.qld.gov.au)
80. The email filing address for QCAT for filing the initiating application and any application for an extension of time is [EnquiriesQCAT@justice.qld.gov.au](mailto:EnquiriesQCAT@justice.qld.gov.au)
81. The email address for all material filed after the initial application is [QCATCivil@justice.qld.gov.au](mailto:QCATCivil@justice.qld.gov.au)
82. If the applicant does not have an email address, then service on the applicant is to be by the next most efficient means; for example, by post.
83. Parties are advised that it can take several days between when a document is emailed to QCAT, and when it makes its way to the QCAT file. Therefore, parties should ensure they provide any material they are filing **at least 5 business days in advance**, and in accordance with the dates directed in the directions issued by QCAT.

## LEGAL REPRESENTATION

84. With limited exceptions, parties will generally be required to obtain leave (ie permission) from the Tribunal if they wish to be legally represented.<sup>4</sup> Relevant factors for the granting of leave include:

- a) the party is a State agency;
- b) the proceeding is likely to involve complex questions of fact or law;
- c) another party to the proceeding is represented in the proceeding; or
- d) all of the parties have agreed to the party being represented in the proceeding.

85. Issues relating to leave for legal representation will be canvassed at the directions hearing, and the parties can generally expect a decision on leave for legal representation to be made at the directions hearing.

## AVENUES OF APPEAL FROM A DECISION OF QCAT

86. There are avenues of appeal from a decision of QCAT.

87. The first is to the Queensland Civil and Administrative Tribunal Appeals Tribunal (QCATA).

88. The second avenue (which is available to you after a decision is made by the QCATA) is to appeal the QCATA decision to the Court of Appeal (and, in some cases, only with leave of the Court of Appeal).

## WHERE TO LOOK TO FIND SOME OTHER BLUE CARD MATTERS QCAT HAS DECIDED

89. If you would like to read some QCAT decisions on blue card matters, or some decisions by the Court of Appeal about blue card matters, these are available on the internet.

90. For example, some QCAT decisions and Court of Appeal decisions on blue card matters are kept by the Supreme Court Library. The Supreme Court Library is accessible at <https://www.sclqld.org.au/caselaw>.



*Justice Kerri Mellifont*  
President

13 June 2024

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<sup>4</sup> Section 44 of the QCAT Act.

## ANNEXURE A – TEMPLATE DRAFT DIRECTIONS FOR BLUE CARD MATTERS

[INSERT STANDARD QCAT HEADER FOR DRAFT DIRECTIONS]

### **PARTIES ARE TO NOTE:**

You will **not** receive reminders of the steps you need to take as set out in these directions from QCAT.

You will **not** receive reminders of the date set for the next directions hearing or of the final hearing date. Your copy of these directions is your written notice of future hearings dates. Please ensure that you put the dates set for directions hearing and the final hearing in your own calendar/diary to ensure that you take part in the directions hearing and the final hearing.

**Please make sure you keep a copy of these directions.** If you have a SMART phone, you may wish to make an extra copy for yourself by taking a photograph of these directions.

### Notices to produce

1. Any party who wishes to apply for a Notice to Produce any documents (including a notice to produce a court's reasons for its decision as referred to in section 226(2)(a)(v) of the *Working with Children (Risk Management and Screening) Act 2000*) must file in the Tribunal and give to the Director-General, Department of Justice and Attorney-General ("the Department"), any such application by:

**4:00pm on [10 days after the date of the first  
directions hearing].**

2. Any application filed in response to direction 1 of these directions must:
  - a) If the application is being filed electronically, include in the subject line "Notice to Produce for Start Project matter «CaseCode»"; or
  - b) If filed in hard copy (front counter or mail), include in Part A of the form in the QCAT case number field "Notice to Produce for Start Project matter «CaseCode»".

Material sought to be relied upon by parties and witnesses sought to be called by parties

3. The applicant must file in the Tribunal two (2) copies and give to the Department one (1) copy of all material, including a **list** of the material, the applicant proposes to rely upon at the hearing.

The material must:

- a) contain statements of the applicant and any other witnesses, including any expert reports;
- b) each witness statement must be signed and dated and have attached to it all relevant documents;
- c) any attached document must be referred to and its relevance explained in the statement;
- d) each statement, including any attachments, must be sequentially page numbered; and
- e) contain any health reports, including any reports by a psychologist or psychiatrist; by:

**4:00pm on [approximately 3 to 4 months after the date of the first directions hearing].**

4. The Department must file two (2) copies in the Tribunal and give one (1) copy to the applicant of:
  - a) A list of the material the respondent proposes to rely on at the hearing. That list must identify, with specificity, which documents, if any, of the section 21 documents, it proposes to rely on at hearing; and
  - b) Any material the respondent proposes to rely on at the hearing that was not provided to the Tribunal pursuant to s 21(2) of the *Queensland Civil and Administrative Tribunal Act 2009*; by:

**4:00pm on [approximately 5 months after the date of the first directions hearing].**

5. If the applicant wishes to rely upon further material, in reply to the Department's material filed under direction 4, the applicant must file in the Tribunal two (2) copies and give to the Department one (1) copy of such additional material or advise the Tribunal and the Department that they do not wish to file further material, by:

**4:00pm on [the date 4 weeks after the compliance date in direction 4].**

6. No party will be allowed to present any evidence at the hearing that is not contained in the statements filed without justifying the need for such additional



evidence to the Tribunal.

## Written submissions

7. The respondent must file in the Tribunal two (2) copies and give to the applicant one (1) copy of submissions outlining the issues upon which it maintains the original decision or advise that it has changed its decision by:

**4:00pm on [the date 6 weeks before the listed Tribunal hearing date].**

8. If the applicant wishes to provide written submissions, in reply to the respondent's submissions filed under Direction 7, the applicant must file in the Tribunal two (2) copies and give to the Department one (1) copy of those written submissions by:

**4:00pm on [the date 4 weeks before the listed Tribunal Hearing date].**

## Witnesses

9. Both parties must file in the Tribunal two (2) copies and exchange one (1) copy of a document that sets out:

(a) A list of witnesses to be called at the hearing; and

(b) Whether each witness will give evidence in person or by telephone, by:

**4:00pm on [the date 2 weeks before the listed Tribunal hearing date].**

10. Unless the Tribunal otherwise orders all witnesses must attend the hearing in person for cross examination. Any application for a witness to attend the hearing by a remote means or by remote conferencing must be made by:

**4:00pm on [the date 2 weeks before the listed Tribunal hearing date].**

## Date of final hearing

11. The matter will be listed for a **[days required]** in-person hearing at **[address of relevant courthouse]** at **9:30am on [date]**.

## Remote Conferencing [where relevant]

12. The Director-General, Department of Justice and Attorney-General is granted leave to appear at the Tribunal Hearing by remote conferencing.

## Legal representation [where relevant]

13. The Director-General, Department of Justice and Attorney-General has leave to be legally represented in all proceedings in the Tribunal; or  
Both parties are granted leave to be legally represented in all proceedings in the Tribunal; or  
Neither party is granted leave to be legally represented; or  
The applicant is refused leave to be legally represented; or  
The respondent is refused leave to be legally represented.

## Non-publication [where relevant]

14. Pursuant to section 66(1) of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld), the publication to any person other than a party to this proceeding of:
- c) the contents of a document or thing filed in or produced to the Tribunal;
  - d) evidence given before the Tribunal;
  - e) any order made or reasons given by the Tribunal,

is prohibited to that extent that it could identify or lead to the identification of the applicant, any family member of the applicant, any child, or any non-party to the proceedings, save as is necessary for the parties to engage in and progress these proceedings.

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## **FURTHER INFORMATION FOR THE PARTIES:**

### **A. INFORMATION ABOUT HOW TO ATTEND THE FINAL HEARING**

Please ensure that you arrive no later than 10 minutes prior to the time set for your hearing.

If you fail to appear at the hearing, the Tribunal may proceed and make orders in your absence.

Your witnesses (i.e., all persons who have provided statements) must attend the hearing if the other party has advised you that they are required for cross-examination.

You must bring to the hearing your copies of all statements and documents relevant to the matter.

You must also ensure that your witnesses have with them copies of their statements and any documents that are relevant to the evidence they will be giving.

If you have any enquiries, please contact QCAT on 1300 753 228 or by email to [QCATCivil@justice.qld.gov.au](mailto:QCATCivil@justice.qld.gov.au)

## **B. PRACTICE DIRECTION**

More information about how Blue Card matters proceed in QCAT is found in Practice Direction 5 of 2022. Applicants will have received a copy of this Practice Direction from QCAT together with QCAT's acknowledgement receipt of the application to review the decision by the Department.

You can also find a copy of that Practice Direction on QCAT's website at <https://www.qcat.qld.gov.au/resources/practice-directions#2022>.