**{Note: The contents of this letter are specified in s.190 of the *Education (General Provisions) Act 2006* (Qld)and should not be changed – DELETE THIS NOTE BEFORE PRINTING}.**

**INFORMATION NOTICE**

**s.189(3), *Education (General Provisions) Act 2006* (Qld)**

{Insert parent’s name}

{Insert address}

Dear {insert parent’s name}

**Re: Application for exemption from compulsory schooling for {Insert student’s name}**

I refer to your application for exemption from compulsory schooling for {insert name of student}.

For the purposes of deciding your application, I am the Chief Executive’s delegate.

**My decision**

I have decided that your application does not meet the criteria for exemption as outlined in (choose one, delete the other) s.185 OR 185A of the *Education (General Provisions) Act 2006* (the Act) and is therefore refused. A copy of (choose one, delete the other) s.185 OR 185A of the Act is enclosed for your reference.

The date of this decision is the date of this letter.

**Material considered**

In arriving at my decision, I considered the following material:

{Insert details of all relevant information taken into account – see examples below. Please note – the EGPA, procedure and application should always be part of the consideration.}

* Chapter 9, Part 3 of the Act.
* Departmental procedure *Exemptions from compulsory schooling and compulsory participation*.
* [*Human Rights Act 2019* (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005) {Non-state school principals to delete this legislation}
* *Application for exemption for a child or young person enrolled in a Queensland state school* dated {insert date} OR *Application for exemption for a child or young person NOT enrolled in any Queensland school, or who are provisionally registered or registered for home education* dated {insert date} submitted (choose one, delete the other) by you OR on your behalf by your parents.

I have attached a copy of the material for your consideration.

**Findings of fact**

On the basis of this material, I made the following findings of fact:

{Insert all relevant findings of fact that demonstrate that the child can in fact attend a state or non-state school and that in all of the circumstances it is not unreasonable to require the child to attend a state or non-state school. This can also include any support offered by the school/region - see examples below.}

* {Insert student’s name} is {insert number} years old and is of compulsory schooling age.
* The reason stated in your application for an exemption from compulsory schooling is {insert reason from application form}.
* {Insert name of school/region} has provided the following adjustments/support so that {insert student’s name } can enrol in/attend school {list adjustments/supports provided by the school/region}:
  + xx.

**Reasons for my decision**

I made my decision for the following reasons:

{List reasons why your findings of fact mean that the criteria have not been met. This can include the student’s attendance record and any support offered by the school/region - see examples below.}

* The reason provided for seeking an exemption from compulsory schooling does not satisfy the circumstances for an exemption, as outlined in the *Circumstances where an exemption may or may not be granted, or is not required.*
* In your application you have not provided suitable information to substantiate the circumstances which would make it unreasonable for {insert student’s name} to attend school for a period for more than 10 consecutive school days.

I have considered the human rights engaged in connection with my decision in accordance with the *Human Rights Act (2019)*. I consider my decision to be compatible with human rights. While some rights may be limited, I believe they are limited in a way that is reasonable and justifiable. {Non-state school principals to delete this paragraph}

**Consequences of my decision**

As your child is of compulsory school age they must be enrolled at a state or non-state school and attend the school on every school day for the educational program in which they are enrolled. I have enclosed a copy of s.176 to s.179 of the Actfor your consideration.

I am able to offer support to help you to comply with this obligation and discuss the options open to you for your child, including whether an alteration to your child’s educational program or flexible arrangement could be put in place.

**Right of internal review**

Pursuant to s.392 of the Act you may make a submission for internal review of this decision to the {insert position of officer delegated responsibility for reviewing the decision}. Your submission should be sent to:

{Insert name, position and mailing address of officer delegated responsibility for reviewing decision}

Your submission for internal review must be made within 30 school days of being given this information notice or of otherwise becoming aware of this decision. The submission must state the reasons for the review and provide supporting facts. An information sheet on making a submission is enclosed.

Please contact {insert name and phone number of contact officer} should you wish to discuss this matter further.

Yours sincerely

{INSERT FULL NAME}

{Insert designation of officer delegated authority to grant exemption}

{Insert school or region name}

DATE: \_\_\_/\_\_\_/\_\_\_

# Enc: *Information sheet: Internal reviews against decisions regarding exemption from compulsory schooling or compulsory participation*

**SECTION** (choose one, delete the other) **185** OR **185A of the**

***EDUCATION (GENERAL PROVISIONS) ACT 2006***

**185 Chief executive may grant exemption**

(1) The chief executive may grant an exemption for a child if the chief executive is reasonably satisfied—

(a) the child can not attend a State school or non-State school; or

(b) it would be unreasonable in all the circumstances to require the child to attend a State school or non-State school.

(2) The chief executive may grant the exemption for a stated or indefinite period.

(3) Despite subsection (1), the chief executive may not grant an exemption from compliance with [section 176](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.176) (1)(b) for a child under this section if—

(a) the child is enrolled at a non-State school; and

(b) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under this section or [section 185A](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.185A) for the child to be more than 110 school days in a year.

OR

**185A Non-State school’s principal may grant exemption from requirement to attend school**

A non-State school’s principal may grant an exemption from compliance with [section 176](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.176) (1)(b) for a child enrolled at the school if—

(a) the principal is reasonably satisfied—

(i) the child can not attend the school; or

(ii) it would be unreasonable in all the circumstances to require the child to attend the school; and

(b) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under [section 185](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.185) or this section for the child to be more than 110 school days in a year.

**SECTIONS 176 to 179 of the**

***EDUCATION (GENERAL PROVISIONS) ACT 2006***

**176 Obligation of each parent**

(1) Each parent of a child who is of compulsory school age must—

(a) ensure the child is enrolled at a State school or non-State school; and

(b) ensure the child attends the State school or non-State school, on every school day, for the educational program in which the child is enrolled;

unless the parent has a reasonable excuse.

Maximum penalty—

(a) for a first offence—6 penalty units; or

(b) for a second or subsequent offence, whether or not relating to the same child of the parent—12 penalty units.

(2) Without limiting subsection (1), it is a reasonable excuse for a parent (the ***relevant parent***) that—

(a) the child lives with another parent and the relevant parent believes, on reasonable grounds, that the other parent is complying with subsection (1); or

(b) in all the circumstances, the relevant parent is not reasonably able to control the child’s behaviour to the extent necessary to comply with subsection (1).

(3) Subsection (1) applies subject to parts 2 to 4.

**177 What is attendance**

(1) A child attends a State school or non-State school only if the child complies with the school’s requirements about physically attending, at particular times, its premises or another place.

(2) However, despite subsection (1)—

(a) a child enrolled in a program of distance education is taken to attend the school of distance education offering the program by completing and returning the assigned work for the program; and

(b) a child enrolled in an external program is taken to attend the State school or non-State school offering the program by complying with its requirements about communicating with or contacting the school for the purpose of participating in the program.

**178 Notice to, and meeting with, parent**

(1) This section applies if an authorised officer reasonably suspects—

(a) a child who is of compulsory school age—

(i) is not enrolled at a State school or non-State school; or

(ii) is not attending the State school or non-State school at which the child is enrolled, on every school day, for the educational program in which the child is enrolled; and

(b) parts 2 to 4 do not apply to the child.

(2) The officer may give a parent of the child a notice in the approved form about the parent’s obligation under section 176(1).

(3) The officer may also meet with the parent to discuss the obligation.

(4) If, despite the officer taking reasonable steps to meet with the parent under subsection (3), no meeting is held, the officer may give the parent a warning notice in the approved form.

(5) For the *Police Powers and Responsibilities Act 2000*, section 14, an authorised officer acting under this section is a public official performing a function authorised by this Act.

(6) In this section—

***authorised officer*** means the chief executive or an officer of the department authorised by the chief executive for this section.

**179 Limits on proceedings against a parent**

(1) Proceedings for an offence against section 176(1) may be brought against a parent—

(a) by the chief executive or with the chief executive’s consent; and

(b) only if the time when the parent is alleged to have committed the offence is after—

(i) the parent has been given a notice under section 178(2); and

(ii) at least 1 meeting has been held with the parent under section 178(3) or the parent has been given a warning notice under section 178(4).

*Note –* Under section 432, the chief executive may delegate the chief executive’s functions under this section to an appropriately qualified officer of the department.

(2) The chief executive (child safety) is not liable to be prosecuted for an offence against section 176(1).