### Name

Address

Dear Ms / Mr / Mrs Surname

I refer to allegations that you behaved inappropriately while on the premises of school name on date. I have made a decision in relation to a direction pursuant to section 341 of the *Education (General Provisions) Act 2006* (the Act).

[Include if decision is being made by the Director-General’s Delegate] For the issuing of a direction under section 341 of the Act, I am the Director-General’s delegate.

**My decision**

I have decided to issue a direction prohibiting you from entering the premises of school name. This direction remains in force for [insert period (greater than 60 days, not greater than one year)] after the date on which it is given to you.

The date of my decision is [insert].

You must comply with this direction, unless you have a reasonable excuse. If you breach this direction, your breach will be reported to the police and you may be subject to prosecution and a fine of no more than 40 penalty units. Information about penalty units is available from https://www.qld.gov.au/law/crime-and-police/types-of-crime/sentencing-fines-and-penalties-for-offences/.

**Material relied upon**

In making my decision, I considered the following material:

* Section 341 of the Act

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2006-039#s.341>

* Departmental procedure *Managing inappropriate and hostile and conduct* [https://ppr.qed.qld.gov.au/pp/managing-inappropriate-and-hostile-conduct-procedure](https://ppr.mpe.qed.qld.gov.au/pp/managing-inappropriate-and-hostile-conduct-procedure))
* A copy of number of witness statements from school staff / students / visitors concerning your conduct at the school on date of incident
* [List any other materials related to the incident that occurred on that particular date e.g. OneSchool record of police contact]
* [List any other previous direction issued to the person] A copy of a direction given to you pursuant to section 337 of the Actdated date.

A copy of this material is attached (redacted to protect individual privacy).

**Findings of fact**

On the basis of the material set out above I made the following findings of fact:

*(example of how this section should be completed)*

* *On [date] you attended XXX School in order to meet with the Principal regarding the suspension of XXXXXXX:*
	+ *At approximately 12:45pm, you entered the administration building and asked to see the Principal. When told the Principal was in a meeting, you said “I don’t care where he is. I’ll pull him out”. You identified yourself as XXXXX.*
	+ *The Principal was contacted by staff, left the meeting and walked towards the administration building to meet with you.*
	+ *You said to the Principal “Your time for talking is over you need to fucking listen. You’re a fucking dog.”*
	+ *The Principal asked you to calm down so that he could discuss your issue with you.*
	+ *As the Principal walked past you, you hit him in the head from the side without warning and he fell to the ground hitting his head on the concrete.*
	+ *You then grabbed and punched in the chest, a contractor, Mr A, who had attempted to intervene.*
	+ *When the Principal moved inside the administration building, you followed him and continued to make threats including “You’re a dead man”, “I’ll take you outside and finish you off”, “I’ll hunt you down like the dog you are and kill you”, “You’re as good as dead if XXXX isn’t back at school tomorrow”.*
	+ *You repeatedly swore at school staff using the words “fuck” and “cunt”*
	+ *The Principal reports that your actions were witnessed by two contractors and two administrative staff.*
	+ *Subsequently you left the administration building and drove away from the school in your car.*
	+ *Queensland Police Service was notified of the incident. On [date], you were subsequently arrested and charged with assault occasioning bodily harm, common assault and threatening violence under the Criminal Code.*
* *This is not the first occasion upon which you have engaged in inappropriate behaviour on school premises or in respect of school staff:*
	+ *You have previously been issued a section 337 direction by Mr XXXX, A/ Principal of XXXX State School, on [date]; and*
	+ *You have previously been issued a section 340 direction prohibiting you from entering the premises of XXXX State School by the Regional Director, XXXX Region, on [date].*

**Reasons for my decision**

I am issuing this direction under section 341 of the Act because I am reasonably satisfied, based on the material (set out above) and the findings of fact (set out above), that unless a direction is given, you are likely to: [of the grounds below as listed in the legislation, delete whichever is not applicable]

* cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the school premises; or
* damage the school premises or property at the school premises; or
* disrupt the good order or management of the school.

In making this decision, I have given proper consideration to relevant human rights, including your right to freedom of movement, under section 19 of the *Human Rights Act 2019*. I am satisfied that this decision to prohibit you from entering the premises of [name of school] for a period of [period of time] is reasonable and justifiable and is compatible with human rights.

**Application for review**

You may apply to the Queensland Civil and Administrative Tribunal (QCAT) for a review of the decision under section 397 of the Act.

To apply for a review, fill out the “Form 23 - Application to review a decision” which is available from QCAT as detailed at

<https://www.qcat.qld.gov.au/__data/assets/pdf_file/0008/101006/form-23-app-review-decision.pdf> and may be lodged:

* **In person***:* Level 11, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any local magistrate’s court outside of the Brisbane CBD; or
* **By mail***:* QCAT, GPO Box 1639, Brisbane 4001

Applications must be accompanied by the prescribed application fee. Information about the relevant fee may be located at http://www.qcat.qld.gov.au/applications/fees-and-allowances.

The application must be lodged within 28 days of receiving this notice.

You must lodge a copy of this notice with your application.

You may apply under section 22 of the *QCAT Act 2009* for an order staying the operation of my decision. If you wish to apply for a stay, you will need to indicate this in the form in which you apply for a review of the decision.

More information about the QCAT is available at:

* https://www.qld.gov.au/law/court/queensland-civil-and-administrative-tribunal/resolve-disputes-at-qcat/
* http://www.qcat.qld.gov.au/

Yours sincerely

**Director-General’s name [OR name of Director-General’s Delegate]**

**Director-General [OR position of Director-General’s Delegate]**

**Department of Education**

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Ref:

Enc

CC: Regional Director, Region Name

 Principal, School Name