#####

{Insert date}

{Insert full name of parent/s}

{Insert address}

Dear {insert full name of parent/s}

#### NOTICE ABOUT COMPULSORY SCHOOLING OBLIGATION – FAILURE TO ENROL – Section 178(2) of the *Education (General Provisions) Act 2006* (Qld)

I refer to my previous contact with you about your alleged failure to ensure your child {insert child’s full name and DOB} is enrolled in school. This contact has included {insert details of previous interaction and support – list dates and staff members involved}.

OR

I suspect that your child {insert child’s full name}, of compulsory school age, is still not enrolled at school.

I am an officer authorised to take formal steps under s.178 of the *Education (General Provisions) Act 2006* (Qld)(the Act)which may lead to prosecution of parents in breach of their obligation to enrol their child in a school.

As it is in your child’s best interest to be at school, and your child is not enrolled, I have decided to issue you with this notice under s.178(2) of the Act.

**Your legal obligation**

Section 176(1)(a) of the Act provides that each parent of a child of compulsory school age has the obligation to ensure their child is enrolled at a school.

“Compulsory school age” is defined by s.9 of the Act to start when a child is at least 6 years and 6 months of age and to finish when the child turns 16 years of age or completes Year 10, whichever is sooner.

Failure to comply with the obligations in s.176(1)(a) of the Act, without a reasonable excuse, is an offence. If you are prosecuted for an offence, you may be liable to a fine of up to 6 penalty units for the first offence, and up to 12 penalty units for each further offence. 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/*](https://www.qld.gov.au/law/crime-and-police/types-of-crime/sentencing-fines-and-penalties-for-offences/).

I have attached an extract of ss.176, 178 and 179 of the Act for your information.

**Proposed meeting**

You are invited to attend a meeting at {insert place} on {insert date (note: meeting date must be set only at a date which is a reasonable period after the notice will have been given e.g. more than five working days after the letter is dated)} at {insert time}, to discuss the situation. You are welcome to bring a support person. If this time or place is unsuitable to you, please let me know so we can arrange a suitable time and place.

The purpose of the meeting is to discuss the compulsory schooling requirement for your child. We can discuss the options for your child, whether there is any reason why the obligation does not apply in your child’s case or whether you have a reasonable excuse for your child’s non-enrolment.

If this matter cannot be resolved, the Department of Education may refer the matter to the Queensland Police Service for prosecution.

Please contact {insert contact officer and phone number and/or email address} should you wish to discuss the meeting, or to seek further assistance with ensuring your child’s enrolment.

Yours sincerely

**Authorised Officer**

{Name}

{Position}

Enc: Extract of ss176, 178 and 179 of *Education (General Provisions) Act 2006*

Meaning of parent and compulsory schooling

**Extracts from Education (General Provisions) Act 2006**

**176 Obligation of each parent**

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

1. ensure the child is enrolled at a State school or non-State school; and
2. 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—

1. for a first offence—6 penalty units; or
2. 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—

1. the child lives with another parent and the relevant parent believes, on reasonable grounds, that the other parent is complying with subsection (1); or
2. 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.

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

1. This section applies if an authorised officer reasonably suspects—
2. a child who is of compulsory school age—
	1. is not enrolled at a State school or non-State school; or
	2. 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
3. parts 2 to 4 do not apply to the child.
4. The officer may give a parent of the child a notice in the approved form about the parent’s obligation under section 176(1).
5. The officer may also meet with the parent to discuss the obligation.
6. 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.
7. For the *Police Powers and Responsibilities Act 2000*, section 16 an authorised officer acting under this section is a public official performing a function authorised by this Act.
8. 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—
2. by the chief executive or with the chief executive’s consent; and
3. only if the time when the parent is alleged to have committed the offence is after—
	1. the parent has been given a notice under section 178(2); and
	2. 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.

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

**Meaning of parent (from *Education (General Provisions) Act 2006* s.10)**

(1) A ***parent***, of a child, is any of the following persons—

(a) the child’s mother;

(b) the child’s father;

(c) a person who exercises parental responsibility for the child.

(2) However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.

(3) A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.

(4) A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.

(5) Despite subsections (1), (3) and (4), if—

(a) a person is granted guardianship of a child under the *Child Protection Act 1999*; or

(b) a person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State;

then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).

**Meaning of compulsory school age (from *Education (General Provisions) Act 2006* s.9)**

1. A child is of compulsory school age if the child is at least 6 years and 6 months, and less than 16 years.
2. However, a child is no longer of compulsory school age if the child has completed year 10.