**{Note: The contents of this letter are specified in s.197 of the *Education (General Provisions) Act 2006* (Qld)and should not be changed – DELETE THIS NOTE BEFORE PRINTING}.**

**INFORMATION NOTICE**

**s.193 and s.197, *Education (General Provisions) Act 2006* (Qld)**

{Insert parent’s name}

{Insert address}

Dear {insert parent’s name}

**Re: Cancellation of exemption from compulsory schooling for {insert child’s name}**

I refer to my letter of {insert date} in which I invited you to show cause as to why the exemption from compulsory schooling granted to {insert child’s name} for the period beginning {insert date of commencement of exemption} should not be cancelled.

For the purposes of deciding this matter, I am the Chief Executive’s delegate.

**My decision**

I believe that a ground for cancellation of the exemption as prescribed in s.193 of the *Education (General Provisions) Act 2006* (the Act), namely {the exemption no longer applies OR a condition of the exemption has been contravened}, still exists. Therefore, in accordance with s.197(3) of the Act, I have decided to cancel the exemption.

A copy of s.193 and s.197 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, application and show cause notice should always be part of the consideration. Include the show cause response. If there was no show cause response then this fact should also be noted}.

* 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)
* *Application for exemption for a child or young person enrolled in a Queensland state school* 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.
* The show cause notice dated {insert date}.
* (If applicable) Your response to the show cause notice dated {insert date of response}.

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 which demonstrate that the exemption no longer applies or that a condition/s of the exemption has been breached – see examples below.}

* {Insert child’s name} was granted an exemption from compulsory schooling on {insert date of decision from application for exemption form}.
* The exemption was granted for {insert child’s name} because {insert reason/s stated on exemption application form}.
* {Insert child’s name} was discharged from {insert name of hospital} on {insert date} as he/she was deemed by the hospital to be well enough.
* {Insert child’s name}’s carer responsibilities ceased on {insert date}.
* {Insert child’s name}’s psychologist/psychiatrist believes that his/her mental health condition has improved to the extent that he/she is now able to attend school.
* {Insert child’s name} temporarily relocated to {insert city/state/country} and was due to return on {insert date}. {Insert child’s name} has returned earlier than this date, namely {insert date of child’s return to Queensland}.
* I have reviewed the information you provided on {insert date} in response to the show cause notice dated {insert date} and note the following information:
  + XX
  + XX
* A response to the show cause notice dated {insert date} was not received from you within the required timeframe.

**Reasons for my decision**

I made the decision for the following reasons:

{List reasons why you believe the cancellation of the exemption is warranted – see examples below}

* I have reviewed the information you provided in response to the show cause notice dated {insert date} and have decided (choose one, delete the other) the ground(s) for granting the exemption on {insert date} no longer apply OR a condition of the exemption has been contravened.
* As you did not provide a response to the show cause notice dated {insert date} within the required timeframe, I have made the decision to cancel the exemption based on the information in my possession.
* I believe (choose one, delete the other) the grounds for the exemption no longer apply OR the exemption condition/s has/have been contravened} for the following reason(s):

Examples:

* {Insert child’s name} was discharged from {insert name of hospital} on {insert date} as he/she was deemed by the hospital to be well enough.
* {Insert child’s name}’s carer responsibilities ceased on {insert date}.
* {Insert child’s name}’s psychologist/psychiatrist believes that his/her mental health condition has improved to the extent that he/she is now able to attend school.
* {Insert child’s name} temporarily relocated to {insert city/state/country} and was due to return on {insert date}. {Insert child’s name} has returned earlier than this date, namely {insert date of child’s return to Queensland}.
* A witness account/statement from {insert date} confirms that {insert child’s name} {insert details of account and how this confirms that the exemption should be cancelled}.

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.

**Consequences of my decision**

As a consequence of my decision, from the date this decision was made, you may no longer rely upon the exemption to relieve you of your legal responsibility to ensure that {insert child’s name} is enrolled at and attending a school, on every day, for the educational program in which the child is enrolled. Accordingly, a failure to comply with your obligations may render you liable to prosecution.

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

**Right of internal review**

You may make a submission for internal review of my 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 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 or office name}

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

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

**SECTIONS 193 and 197 of the**

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

**193 Grounds for cancellation**

Each of the following is a ground for cancelling an exemption for a child—

(a) the ground for the grant of the exemption no longer applies to the child; or

(b) a condition of the exemption has been contravened.

**197 Cancellation**

(1) This section applies if, after considering any accepted representations for the show cause notice, the relevant decision-maker—

(a) still believes the ground to cancel the exemption exists; and

(b) believes cancellation of the exemption is warranted.

(2) This section also applies if there are no accepted representations for the show cause notice.

(3) The relevant decision-maker may decide to cancel the exemption.

(4) The relevant decision-maker must, as soon as practicable, give an information notice about the decision to the parent.

(5) The decision does not take effect until—

(a) the last day to apply for a review of the decision; or

(b) if the decision is reviewed—

(i) the last day to apply under chapter 15, part 2 for a review of the decision; or

(ii) if a review of the decision is applied for-—the day the review is decided.

(6) In this section—

***review***, of a decision, means review of the decision under chapter 15, part 1.

***review decision*** see section 392(2).