**{Note: The contents of this letter are specified in section 249 of the *Education (General Provisions) Act 2006* (Qld) and should not be changed – DELETE THIS NOTE BEFORE PRINTING.}**

**INFORMATION NOTICE**

**s.248(3) of the *Education (General Provisions) Act 2006* (Qld)**

{Insert applicant’s name}

{Insert address}

Dear {insert applicant’s name}

**Re: Application for exemption from the compulsory participation phase for {Insert young person’s name}**

I refer to your application for exemption from the compulsory participation phase {where applicant is the parent/carer, insert “on behalf of (young person’s name)”}.

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

**My decision**

I have considered your application and decided that your application {where applicant is the parent/carer, insert “on behalf of (young person’s name)”} does not meet the criteria for exemption from the compulsory participation phase as outlined in (choose one, delete the other) s.244 OR s.244A of the *Education (General Provisions) Act 2006* (the Act) and is therefore refused. A copy of (choose one, delete the other) ss.244 OR 244A 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 10, Part 5 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 why an exemption should not be granted. This can also include any support offered by the school, region or eligible option provider - see examples below}.

* {Insert young person’s name} is {insert number} years old and is in the compulsory participation phase.
* The reason stated in your application for an exemption from compulsory participation phase is {insert reason from application form}.
* {Insert name of school, region or eligible option provider} has provided the following supports or reasonable adjustments for {name of young person} so that he/she can continue their education {list adjustments/supports provided by the school, region or eligible option provider}:
	+ 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 or eligible option provider - see examples below.}

* The reason provided for seeking an exemption from compulsory participation 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 young person’s name} to participate in an eligible option 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 decision**

As {you are/(young person’s name) is} still in the compulsory participation phase {you/(he/she)} must participate full-time in an eligible option. I have enclosed a copy of s.239 to s.242 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, including whether an alteration to {your/insert young person’s name} eligible option 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 receiving 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 name}

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

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

**SECTION** (choose one, delete the other) **244** OR **244A of the**

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

**244 Chief executive may grant exemption**

(1) The chief executive may grant an exemption fully excusing a young person from participation if the chief executive is satisfied—

(a) the young person cannot participate in any eligible option; or

(b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option.

(2) The chief executive may grant an exemption partially excusing a young person from participation if the chief executive is satisfied—

(a) the young person cannot participate in any eligible option at a full-time level; or

(b) it would be unreasonable in all the circumstances to require the young person to participate in any eligible option at a full-time level.

(3) Despite subsection (1) or (2), the chief executive may not grant an exemption for a young person under this section if—

 (a) the young person is participating in an eligible option for which a non-State school is the provider; 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 244A for the young person to be more than 110 school days in a year.

OR

**244A Non-State school’s principal may grant exemption**

(1) A non-State school’s principal may grant an exemption fully excusing a young person from the requirement that the young person participate in an eligible option if—

(a) the non-State school is the provider for the eligible option; and

(b) the principal is reasonably satisfied—

(i) the young person can not participate in the eligible option; or

(ii) it would be unreasonable in all the circumstances to require the young person to participate in the eligible option; and

(c) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under [section 244](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.244) or this section for the young person to be more than 110 school days in a year.

(2) A non-State school’s principal may grant an exemption partially excusing a young person from the requirement that the young person participate in an eligible option if—

(a) the non-State school is the provider for the eligible option; and

(b) the principal is reasonably satisfied—

(i) the young person can not participate in the eligible option at a full-time level; or

(ii) it would be unreasonable in all the circumstances to require the young person to participate in the eligible option at a full-time level; and

(c) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under [section 244](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.244) or this section for the young person to be more than 110 school days in a year.

**SECTIONS 239 - 242 of the**

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

**239 Obligation to ensure participation**

(1) Each parent of a young person in the compulsory participation phase must ensure the young person is participating full-time in an eligible option, 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 young person lives with another parent and the relevant parent believes, on reasonable grounds, the other parent is ensuring the young person participates full-time in an eligible option; or

(b) in all the circumstances, the relevant parent is not reasonably able to control the young person’s behaviour to the extent necessary to ensure the young person participates full-time in an eligible option.

**240 Exceptions to obligation**

(1) Section 239(1) does not apply to the extent provided under an exemption in force under part 5.

(2) Section 239(1) does not apply if the young person is in paid employment for at least 25 hours each week.

(3) Section 239(1) does not apply if the young person is enrolled

with an entity providing a non-departmental employment

skills development program and attending the entity for the

program.

(4) Section 239(1) does not apply to the extent of any

inconsistency with a law of the Commonwealth under which a

young person in the compulsory participation phase may carry

on an activity other than participating full-time in an eligible

option.

(5) Section 239(1) does not apply if the young person is

provisionally registered, or registered, for home education

under chapter 9, part 5.

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

(1) This section applies if an authorised officer reasonably

suspects a young person is in the compulsory participation

phase and is not participating full-time in an eligible option.

(2) The officer may give a parent of the young person a notice in

the approved form about the parent’s obligation under section

239(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

16, 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.

**242 Limits on proceedings against a parent**

(1) Proceedings for an offence against section 239(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

241(2); and

(ii) at least 1 meeting has been held with the parent

under section 241(3) or the parent has been given a warning notice under section 241(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 239(1).