**{Note: The contents of this letter are specified in s.194 of the *Education (General Provisions) Act 2006* (Qld)and are not to be changed – DELETE THIS NOTE BEFORE PRINTING.}**

**SHOW CAUSE NOTICE**

***s.194, Education (General Provisions) Act 2006* (Qld)**

{Insert parent’s name}

{Insert address}

Dear {insert parent’s name}

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

I am writing to you concerning the exemption from compulsory schooling for {insert child’s name} granted on {insert date}. I am considering the possible cancellation of the exemption.

This exemption was granted {insert reason for exemption} AND/OR {insert condition/s under which exemption was granted}.

Section 193 of the *Education (General Provisions) Act 2006* (the Act), provides that an exemption may be cancelled if:

1. the ground for the issue of the exemption no longer applies to the child; or
2. a condition of the exemption has been contravened.

For the purposes of deciding this matter, I am the relevant decision maker.

**My preliminary view**

I have formed the preliminary view that I should cancel your exemption pursuant to s.193 of the Act.

**Material considered**

In forming my preliminary view I considered the following material:

{Insert details of information that have led to your decision to consider cancelling the exemption – see examples below. Please note - the EGPA, procedure and application should always be part of the consideration}

* Sections 193 and 194 of the *Education (General Provisions) Act 2006*.
* 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)
* Your application for exemption from compulsory schooling for {insert child’s name} dated {insert date of application}.
* The *Information Notice: Granting exemption from compulsory schooling with conditions or for a lesser period* dated {insert date of application}.
* Report/letter from {insert child’s name} doctor/specialist/psychologist/psychiatrist dated {insert date of report/letter}.
* A statement from {insert parent name, witness name etc} dated {insert date of statement} confirming that {insert child’s name}’s circumstance has changed.

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

**Preliminary findings of fact**

In consideration of the material mentioned above, I have made the following preliminary findings of fact:

{Insert facts demonstrating that (a) the reason for granting the exemption no longer applies OR (b) the condition/s of grant have been breached – see examples below}

* {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}.

**Reasons of my preliminary view**

I formed my preliminary view for the following reasons:

{List reasons why your preliminary findings mean that this is a ground to cancel the exemption – see examples below}

* Your request for an exemption from compulsory schooling for {insert child’s name} was approved because {insert reason as stated on the exemption application form}. Based on the materials available to me, I am satisfied that this reason no longer applies and therefore, my preliminary view is to cancel the exemption.
* Your request for an exemption from compulsory schooling for {insert child’s name} was approved on the condition that {insert condition/s as stated in the *Information Notice: Granting exemption from compulsory schooling with conditions or for a lesser period*}. Based on the materials available to me, I am satisfied that the condition/s has/have not been met and therefore, my preliminary view is to cancel the exemption.

I have considered the human rights engaged in connection with my preliminary view in accordance with the *Human Rights Act (2019)*. While some rights may be limited, I believe they are limited in a way that is reasonable and justifiable and I consider my view to be compatible with human rights.

**Show cause**

Please note that I have not made a final decision in respect of this matter. Pursuant to s.194 of the Act I invite you to show cause why I should not cancel the exemption from compulsory schooling for {insert child’s name}. A sample “Show Cause” response is attached for your assistance (you are not obliged to follow it).

You have until {insert date at least 30 days after show cause notice is given to the parent/carer, or insert a longer period if you consider it reasonable in the circumstances} to respond in writing. A meeting can also be arranged in the meantime to discuss this issue if you wish.

I will not make a decision in respect of cancellation of the exemption until your opportunity to respond has lapsed. If you do not respond by the due date, I will make my decision based on the information then in my possession.

I have attached a copy of s.193 and s.194 of the Act for your consideration.

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

**SECTIONS 193 and 194 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.

**194 Show cause notice**

(1) If the relevant decision-maker reasonably believes a ground exists to cancel the exemption for a child, the relevant decision-maker must give a parent of the child a notice under this section (a ***show cause notice***).

(2) The show cause notice must state the following—

(a) the action (the ***proposed action***) the relevant decision-maker proposes taking under this division;

(b) the ground for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the ground;

(d) an invitation to the parent to show within a stated period (the ***show cause period***) why the proposed action should not be taken.

(3) The show cause period must be a period ending at least 30 days after the show cause notice is given to the parent.

**Sample response to Show Cause Notice**

Date

Your address

Name of person who signed the letter you received

Their address

Dear {name of person who signed the letter you received}

I am responding to your letter dated {insert date of letter received} with Reference Number {insert reference number on letter} in which you requested that I show cause as to why the exemption granted to my child {insert child’s full name} should not be cancelled.

In your letter, you state that you believe that {insert ground for cancellation as stated in the letter}.

You based this conclusion on the following:

* {insert facts from letter}
*

However,

{Address each of the above facts in turn. Add any further reasons why the exemption should not be cancelled.}

I trust this addresses your concerns and that the exemption for my child will not be cancelled.

Yours faithfully

{Signature}

{Print your name clearly}

{Include any documentation that supports your point of view}