Noted / Approved / Not Approved

Director-General [OR Director-General’s delegate]

…………………..….....................…

Date ….. / ….. / ………

Date Action Required By:  / /

**EDUCATION QUEENSLAND**

**GENERAL BRIEFING NOTE**

# TO: CHIEF EXECUTIVE [OR CHIEF EXCUTIVE’S DELEGATE]

**SUBJECT:** **SECTION 341 – DIRECTION TO PROHIBIT ENTRY TO [NAME OF SCHOOL] PREMISES – [NAME OF PERSON]**

**RECOMMENDATION**

It is recommended that the Chief Executive [or Chief Executive’s Delegate]:

1. Consider making a direction prohibiting [**name of person**] entry to the premises of [**name of school**] for more than 60 days, but not more than 1 year under s.341 of the *Education (General Provisions Act 2006* (the Act).

**Comments:**

*(leave 5 lines to allow Assistant Director-General to comment if required)*

**BACKGROUND**

1. In a letter dated [**insert date**] the Principal of [**name of school**] requested that I progress to you a request to make a direction under s.341 of the Act – directing [**name of person**] not to enter the premises of [**name of school**] for more than 60 days, but not more than 1 year (**Attachment 1**).
2. The Principal and I are of the opinion that [**name of person**] is likely to [of the following 3, delete whichever is not applicable]

(a) cause physical harm to, or apprehension or fear of physical harm in, another person when the other person is at the premises; or

(b) damage the premises or property at the premises; or

(c) disrupt the good order or management of the institution.

1. A draft preliminary view letter (**Attachment 2**) sets out the preliminary material relied upon, preliminary findings of fact and preliminary reasoning for the decision sought.
2. The preliminary view letter invites comment from the subject person on the proposal to prohibit them from the school premises. This letter ensures that the subject person is afforded procedural fairness before you make a final decision.
3. LALB will settle your final decision letter should you decide to prohibit the subject person after the preliminary view process is completed.

# KEY ISSUES

1. The request from the Principal seeks consideration of prohibition of entry to the premises of [**name of school**] by [**name of person**] for more than 60 days, but not more than 1 year under s.341 of the Act.
2. This would involve a written direction being made pursuant to s.341 of the Act (**Attachment 3**) – a power held by the Chief Executive of the Department (the Director-General) [and delegated to your position of XXXXXXX] (**Attachment 4**).
3. Legal and Administrative Law Branch (LALB) have settled the draft preliminary view letter (**Attachments 2**).
4. LALB are satisfied that the request for a s.341 direction is well founded.

# RIGHT TO INFORMATION

1. I am of the view that the contents or attachments contained in this brief are not suitable for publication.

# LIST OF ATTACHMENTS

Attachment 1 – Letter of request from Principal and supporting material

Attachment 2 – Draft preliminary view letter and supporting material

Attachment 3 – Extract of the *E(GP)A 2006* –s.341

Attachment 4 – Instrument of Delegation for s.341 of the *E(GP)A 2006*

Regional Director: *(name)*

|  |  |  |
| --- | --- | --- |
| Signature: |  | Date: / / |

Comments:

Executive Director, Legal and Administrative Law Branch: Tom Jumpertz

|  |  |  |
| --- | --- | --- |
| Signature: |  | Date: / / |
| Endorsed- ❑ | Not Endorsed - ❑ |

Comments: