**DISTANCE EDUCATION FEES**

# Templates for notices

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# 1. Fee exemptions

## ***Letter 1.1 Decision notice – distance education fee exemption granted***

[Insert date of letter]

[Insert applicant’s name]

[Insert address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Your application for exemption from paying the distance education fee**

I refer to your application, dated [insert date], for an exemption from paying the distance education fee for [insert student’s name/yourself] at [insert name of SDE].

I have considered your application and determined that, in accordance with [section 53(1)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.53) of the *Education (General Provisions) Act 2006* (Qld)a fee is not payable for distance education for [insert student name/you] at [name of SDE] for [year of enrolment].

This exemption is valid for this school year only and you will need to submit another application prior to Term 1 next year if you wish to be considered for an exemption from paying the fee.

The date of this decision is [insert date this notice is signed].

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

## ***Letter 1.2 Preliminary view notice – distance education fee exemption not granted***

[Insert date of letter]

[Insert applicant’s name]

[Insert address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Your application for exemption from paying the distance education fee**

I have received your application, dated [insert date], for an exemption from paying the distance education fee for [insert student name/your] enrolment in a program of distance education at [insert name of SDE].

**My preliminary view**

In accordance with [section 53(1)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.53) of the *Education (General Provisions) Act 2006* (Qld)(the Act), I have formed the preliminary view that [insert student name/you] should not be granted a fee exemption.

**Material considered**

In forming my preliminary view, I considered the following material:

* [Section 53](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.53) of the Act
* *Human Rights Act 2019* (Qld) (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>The Department of Education’s *Distance education enrolment and fees* procedure(<https://ppr.qed.qld.gov.au/pp/distance-education-enrolment-and-fees-procedure>)
* your completed application form for the fee exemption and supporting documentation, namely: [list relevant items from s.53 of the Act for example proof of address, medical certificate, etc]
* [outline all other relevant material considered]

A copy of the material outlined above is attached to this letter for your consideration.

**Preliminary findings of fact**

On the basis of this material, my preliminary findings of fact are as follows:

[Detail all relevant findings of fact below.]

* xx
* xx

**Reasons for my preliminary view**

I formed my preliminary view for the following reasons:

[Detail the reasons for the preliminary view below.]

* xx
* xx
* I am not satisfied that sufficient evidence has been provided to demonstrate [insert student’s name/your] circumstances meet any of the criteria prescribed under [section 53(1)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.53) of the Act.

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.

**This is not my final decision**. I invite you to consider my preliminary view and make any submission to me you consider necessary to further support your application. Your submission should be made in writing and received by me **within 10 school days** of the date of this letter. Email is acceptable and may be sent to [insert principal’s email address].

If I have not received any further information from you by that date, your eligibility for a fee exemption will be determined based upon the material in my possession, as outlined above.

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

Enc.

## ***Letter 1.3 Decision notice – distance education fee exemption not granted***

[Insert date of letter]

[Insert applicant’s name]

[Insert address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Your application for exemption from paying the distance education fee**

I refer to your application for an exemption from paying the distance education fee for [insert student name].

**Decision**

I have decided to not grant an exemption from paying the distance education fee.

**Material considered**

In arriving at my decision, I considered the following material:

[The list should be the same as information listed in the preliminary view letter, with the addition of any submissions made by the applicant in response. Unless any new information has been considered, it is not necessary to provide copies of the materials already provided to the applicant with the preliminary view letter.]

* [Section 53](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039%22%20%5Cl%20%22sec.53) of the *Education (General Provisions) Act 2006 (Qld)* (the Act)
* *Human Rights Act 2019* (Qld) (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>)
* Department of Education’s *Distance education enrolment and fees* procedure(<https://ppr.qed.qld.gov.au/pp/distance-education-enrolment-and-fees-procedure>)
* your completed application form for the fee exemption and supporting documentation, namely: [list relevant items from s.53 of the Act for example proof of address, medical certificate, etc]
* [outline all other relevant material considered]

**Findings of fact**

On the basis of this material, I made the following findings of fact:

* [set out the same relevant findings of fact as listed in preliminary view letter, as well as any new findings arising from the preliminary view letter and any submission received in response].

**Reasons for decision**

I made my decision for the following reasons:

* xx
* xx
* Given this, I have decided your application does not meet the criteria for an exemption from paying the distance education fee, as outlined in [section 53](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.53) of the Act.

I have considered the human rights engaged in connection with my decision 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 decision to be compatible with human rights.

**Consequences of my decision *(for compulsory school age and compulsory participation phase only – if mature age, replace with paragraph below for mature age))***

This decision means that if [name of student] wishes to continue their enrolment in a program of distance education with [name of SDE], the fee for the provision of distance education must be paid by [insert due date for fees or date 7 school days from date of letter]. Alternatively, a payment plan may be negotiated if you contact me prior to this date. Although the fee exemption has not been granted, you may apply for exemption again this year if there is a change in your circumstances or apply again prior to the commencement of school next year. Please note that in accordance with section [52(3)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.52) of the Act, if a fee is not paid, [insert student’s name]’s enrolment at [name of SDE] may be cancelled.

**Consequences of my decision *(for mature age students only)***

This decision means that if you wish to continue your enrolment in a program of distance education at [name of SDE], a fee for the provision of distance education must be paid by [insert due date for fees or the date 7 school days from date of this letter]. Alternatively, a payment plan may be negotiated if you contact me prior to this date. Please note that in accordance with section [52(3)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.52) of the Act, if a fee is not paid, your enrolment at [name of SDE] may be cancelled.

Please feel free to contact [insert name and phone number of contact] should you wish to discuss this matter further.

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

Enc.

# 2. Fee waivers

**(For non-state school students, the original letter is to be sent to the student/parent C/O the non-state school. A copy of the letter should be retained by the principal of the non-state school and the relevant SDE)**

## ***Letter 2.1 Decision notice - distance education fee waiver granted***

[Insert date of letter]

[Insert applicant’s name]

[**For state school student:** insert applicant’s address]

**[For non-state school student:** writeC/O non-state school name and address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Your application for waiver of the distance education fee**

I refer to your application, dated [insert date], for a waiver of the distance education fee for [insert student name] at [insert name of SDE].

I have considered your application and have decided to grant you a [waiver or part waiver], in accordance with [section 54](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.54) of the *Education (General Provisions) Act 2006* (Qld).

The amount of $[specify amount] has been waived and the waiver applies from the date of this notice until [date for end of school year].

[If decision is to grant a part waiver, explain how the amount was calculated and why this decision was made.]

The date of this decision is [insert date notice signed].

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

[**For non-state schools**: cc: student/parent C/O principal of non-state school]

## ***Letter 2.2 Preliminary view notice – distance education fee waiver not granted***

[Insert date of letter]

[Insert applicant’s name]

[**For state school student:** insert applicant’s address]

**[For non-state school student:** writeC/O non-state school name and address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Your application for waiver of the distance education fee**

I refer to your application for a waiver of distance education fee for [insert student name/yourself] who is enrolled at [name of SDE].

**My preliminary view**

In accordance with [section 54](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.54) of the *Education (General Provisions) Act 2006* (Qld) (the Act), I have formed the preliminary view that [insert student name/you] should not be granted a waiver of the distance education fee.

**Material considered**

In forming my preliminary view, I considered the following material:

* [Section 54](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.54) of the *Education (General Provisions) Act 2006* (Qld)(the Act)
* *Human Rights Act 2019* (Qld) (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>)
* Department of Education’s *Distance education enrolment and fees* procedure (<https://ppr.qed.qld.gov.au/pp/distance-education-enrolment-and-fees-procedure>)
* your completed application for a waiver of the distance education fee and supporting documentation, namely: [list evidence provided that is relevant to section 54 of the Act criteria]
* [outline all other relevant material considered].

A copy of the material outlined above is attached to this letter for your consideration.

**Preliminary findings of fact**

On the basis of this material, my preliminary findings of fact are as follows:

[Detail all relevant findings of fact below.]

* xx
* xx

**Reasons for my preliminary view**

I formed my preliminary view for the following reasons:

[Detail the reasons for the preliminary view below.]

* xx
* xx
* I am not satisfied that sufficient evidence has been provided to demonstrate you meet any of the criteria for a fee waiver under [section 54](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.54) of the Act.

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.

**This is not my final decision**. I invite you to consider my preliminary view and make any submission to me you consider necessary to further support your application. Your submission should be made in writing and received by me **within 10 school days** of the date of this letter. Email is acceptable and may be sent to [insert principal’s email address].

If I have not received any further information from you by that date, your eligibility for a fee waiver will be determined based upon the material in my possession, as outlined above.

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

Enc.

[**For non-state schools**: cc: student/parent C/O principal of non-state school]

## ***Letter 2.3 Decision notice – distance education fee waiver not granted***

[Insert date of letter]

[Insert applicant’s name]

[**For state school student:** insert applicant’s address]

**[For non-state school student:** writeC/O non-state school name and address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Your application for waiver of the distance education fee**

I refer to your application for a waiver of the distance education fee for [insert student name/yourself] at [name of SDE].

**Decision**

I have decided to not waive the distance education fee.

**Material considered**

In arriving at my decision, I considered the following material:

[The list should be the same as information listed in the preliminary view letter, with the addition of any submissions made by the applicant in response. Unless any new information has been considered, it is not necessary to provide copies of the materials already provided to the applicant with the preliminary view letter.]

* [Section 54](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.54) of the *Education (General Provisions) Act 2006 (Qld)* (the Act)
* *Human Rights Act 2019* (Qld) (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>)
* Department of Education’s *Distance education enrolment and fees* procedure(<https://ppr.qed.qld.gov.au/pp/distance-education-enrolment-and-fees-procedure>)
* your completed application form for a waiver of the distance education fee and supporting documentation, namely: [list evidence provided that is relevant to section 54 of the Act criteria]
* [outline all other relevant material considered]

**Findings of fact**

On the basis of this material, I made the following findings of fact:

* [set out the same relevant findings of fact as listed in preliminary view letter, as well as any new findings arising from the preliminary view letter and any submission received in response]

**Reasons for decision**

I made my decision for the following reasons:

* xx
* xx
* Given this, I have decided your application does not meet the circumstances for a fee waiver, as outlined in [section 54](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.54) of the Act.

I have considered the human rights engaged in connection with my decision 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 decision to be compatible with human rights.

**Consequences of my decision *(for compulsory school age and compulsory participation phase only – if mature age, replace with paragraph below for mature age))***

This decision means that if [name of student] wishes to continue their enrolment in a program of distance education with [name of SDE], the fee for the provision of distance education must be paid by [insert due date for fees or date 7 school days from date of letter]. Alternatively, a payment plan may be negotiated if you contact me prior to this date. Although the fee waiver has not been granted, you may apply for a waiver again this year if there is a change in your circumstances or apply again prior to the commencement of school next year. Please note that in accordance with section [52(3)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.52) of the Act, if a fee is not paid, [insert student’s name]’s enrolment at [name of SDE] may be cancelled.

**Consequences of my decision *(for mature age students only)***

This decision means that if you wish to continue your enrolment in a program of distance education at [name of SDE], a fee for the provision of distance education must be paid by [insert due date for fees or the date 7 school days from date of this letter]. Alternatively, a payment plan may be negotiated if you contact me prior to this date. Please note that in accordance with section [52(3)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.52) of the Act, if a fee is not paid, your enrolment at [name of SDE] may be cancelled.

Please feel free to contact [insert name and phone number of contact] should you wish to discuss this matter further.

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

Enc.

[**For non-state schools**: cc: student/parent C/O principal of non-state school]

# 3. Fee refunds

**(For non-state schools, the original is to be sent to the student/parent C/O the non-state school. A copy of the letter should be retained by the principal of the non-state school and the relevant School of Distance Education.)**

## ***Letter 3.1 Decision notice - refund of distance education fee granted***

[Insert date of letter]

[Insert applicant’s name]

[**For state school student:** insert applicant’s address]

**[For non-state school student:** writeC/O non-state school name and address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Your application for a refund of the distance education fee**

I refer to your application, dated [insert date], for a refund of the distance education fee for [insert student name/yourself] at [name of SDE].

I have considered your application and have decided to grant a refund of the distance education fee in accordance with [section 71](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0161#sec.71) of the Education (General Provisions) Regulation 2017 (Qld).

The refund applies from the date when the written application was made, being [insert date]. The amount of $[specify amount] has been calculated using the Refund look-up table (available in the [Distance education enrolment and fees procedure](https://ppr.qed.qld.gov.au/pp/distance-education-enrolment-and-fees-procedure)).

The date of this decision is [insert date this notice is signed].

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

Enc.

[**For non-state schools**: cc: student/parent C/O principal of non-state school]

## ***Letter 3.2 Preliminary view notice - refund of distance education fee not granted***

[Insert date of letter]

[Insert applicant’s name]

[**For state school student:** insert applicant’s address]

**[For non-state school student:** writeC/O non-state school name and address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Your application for a refund of the distance education fee**

I refer to your application for a refund of the distance education fee for [insert student’s name/your] enrolment at [name of SDE].

**My preliminary view**

In accordance with [section 71](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0161#sec.71) of the Education (General Provisions) Regulation 2017 (Qld) (the Regulation), I have formed the preliminary view that [insert student name/you] should not be granted a refund of the distance education fee.

**Material considered**

In forming my preliminary view, I considered the following material:

* [Section 71](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0161#sec.71) of the Education (General Provisions) Regulation 2017 (Qld)
* *Human Rights Act 2019* (Qld) (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>)
* Department of Education’s *Distance education enrolment and fees* procedure(<https://ppr.qed.qld.gov.au/pp/distance-education-enrolment-and-fees-procedure>)
* your completed application for a refund of the distance education fee and supporting documentation, namely [list documentation provided to support application]
* [outline all other relevant material taken into account]

A copy of the material outlined above is attached to this letter for your consideration.

**Preliminary findings of fact**

On the basis of this material, my preliminary findings of fact are as follows:

[Detail all relevant findings of fact below determined from material considered above that will demonstrate whether the requirements of s.71 are met i.e. was there a change in the personal circumstances of the student that lead them to no longer being enrolled in a program, or component of a program, of distance education, and why it is not considered appropriate and reasonable to refund the fee because of that change in the student’s personal circumstances]

* xx
* xx

**Reasons for my preliminary view**

I formed my preliminary view for the following reasons:

[Detail the reasons for the preliminary view below.]

* xx
* xx
* Given this, I am not satisfied that sufficient evidence has been provided to demonstrate [insert student’s name’s/your] circumstances meet the criteria prescribed under [section 71](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0161#sec.71) of the Regulation.

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.

**This is not my final decision**. I invite you to consider my preliminary view and make any submission to me you consider necessary to further support your application. Your submission should be made in writing and received by me **within 10 school days** of the date of this letter. Email is acceptable and may be sent to [insert principal’s email address].

If I have not received any further information from you by that date, your eligibility for a refund will be determined based upon the material in my possession, as outlined above.

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

Enc.

[**For non-state schools**: cc: student/parent C/O principal of non-state school]

## ***Letter 3.3 Decision notice - refund of distance education fee not grante*d**

[Insert date of letter]

[Insert applicant’s name]

[**For state school student:** Insert applicant’s address]

**[For non-state school student:** write C/O non-state school name and address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Your application for a refund of the distance education fee**

I refer to your application for a refund of the distance education fee for [insert student name/yourself] at [name of SDE].

**Decision**

I have decided that [insert student name/you] should not be granted a refund of the distance education fee.

**Material considered**

In considering your application, I took into account the following information:

[The list should be the same as information listed in the preliminary view letter, with the addition of the preliminary view letter and any submissions made by the applicant in response. Unless any new information has been taken into account, it is not necessary to provide copies of the material already provided to the applicant with the preliminary view letter.]

* [Section 71](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0161#sec.71) of the Education (General Provisions) Regulation 2017 (Qld) (the Regulation)
* *Human Rights Act 2019* (Qld) (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>)
* Department of Education’s *Distance education enrolment and fees* procedure(<https://ppr.qed.qld.gov.au/pp/distance-education-enrolment-and-fees-procedure>)
* your completed application for a refund of the distance education fee and supporting documentation, namely [list documentation provided to support application]
* [outline all other relevant material considered]

**Findings of fact**

On the basis of this material, I made the following findings of fact:

* [set out the same relevant findings of fact as listed in preliminary view letter, as well as any new findings arising from the preliminary view letter and any submission received in response]

**Reasons for decision**

I made my decision for the following reasons:

* xx
* xx
* Given this, I have decided that your application does not meet the criteria for a refund as outlined in [section 71](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0161#sec.71) of the Regulation.

I have considered the human rights engaged in connection with my decision 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 decision to be compatible with human rights.

**Consequences of my decision**

In accordance with [section 72](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0161#sec.72) of the Regulation, you may apply in writing within 14 calendar days of the date of this letter to have the decision reconsidered. Your application should be forwarded to:

[Insert details of the Director-General’s delegate who will review the decision, noting that the review decision cannot be made by the same person, or a person in a less senior office in the department as the person who made the original decision. If the SDE principal made the original decision, insert name and contact details of the Regional Director.]

Please feel free to contact [insert name and phone number of contact] should you wish to discuss this matter further.

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

Enc.

[**For non-state schools**: cc: student/parent C/O principal of non-state school]

# 4. Enrolment cancellation

## ***Letter 4.1 Show cause notice – intention to cancel enrolment based on non-payment of distance education fee***

[Insert date of letter]

[Insert applicant’s name]

[**For state school student:** insert applicant’s address]

**[For non-state school student:** writeC/O non-state school name and address

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Show cause: Intention to cancel enrolment based on non-payment of distance education fee**

Our records show that the distance education fee payable of $XXX, invoiced on [insert date], has not been paid. On that basis, I have formed the preliminary view that I should cancel [insert student’s name/your] enrolment.

I am writing to provide you with an opportunity to make a written submission to me, outlining reasons why I should not cancel the enrolment.

**Material considered**

In forming my preliminary view, I have considered the following material:

* [Section 52](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.52) of the *Education (General Provisions) Act 2006* (Qld)
* *Human Rights Act 2019* (Qld) (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>)
* Invoice dated [insert date of invoice]
* Overdue notice dated [insert date of overdue notice]
* [list all other instances where SDE has notified parent or student if aged over 18 years old of the need to pay, e.g. enrolment agreement, additional communication].

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

**Preliminary findings of fact**

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

* It is a condition of [insert student’s name/your] enrolment that fees are paid in full by the due date.
* On [insert date] you were sent an invoice for the fee for distance education.
* A [reminder/overdue fees notice and/or final notice] were emailed/posted to you at the address you provided on [insert student’s name/your] application for student enrolment form at the time of enrolment. Despite this, payment has not been received.
* [insert any other relevant information]

**Reasons for my preliminary view**

* The fee for the program of distance education for [student’s name]’s enrolment at [SDE name] has not been paid. The total amount of outstanding fees is $[specify amount].
* You were advised that cancellation of a student’s enrolment would occur if fees were not paid [insert details of where advice of the requirement to pay has occurred].

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.

**Your rights to make a submission**

You may make a submission to me by sending an email to [insert email address], or writing to me at [insert postal address]. Your submission should explain why you believe I should not cancel [insert student’s name/your] enrolment. If you have paid the fees already, you must supply evidence of this.

Your submission must be received on or before [insert date 10 school days from date of letter].

If you choose not to make a submission, within the timeframe allowed, my preliminary view will become final and I will cancel [insert student’s name/your] enrolment.

If you wish to discuss this letter further, please contact [insert name and contact details of suitable contact at the school].

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

Enc.

[**For non-state schools**: cc: student/parent C/O principal of non-state school]

## ***Letter 4.2 Decision notice - not to cancel enrolment based on non-payment of distance education fee***

[Insert date of letter]

[Insert applicant’s name]

[**For state school student:** insert applicant’s address]

**[For non-state school student:** write C/O non-state school name and address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Decision not to cancel enrolment based on non-payment of distance education fee**

Further to my previous show cause notice dated [insert date] regarding the intention to cancel [insert student’s name/your] enrolment based on non-payment of the distance education fee, I have decided that I will not cancel [insert student’s name/your] enrolment at this time.

I have considered the human rights engaged in connection with my decision 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 decision to be compatible with human rights.

I remind you that it is a condition of [insert student’s name/your] ongoing enrolment at [insert SDE name] that fees are paid in full by [insert due date] and failure to do so may result in cancellation of [insert student’s name/your] enrolment.

[insert the following if payment is still outstanding: If required, a payment plan may be negotiated upon application.]

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

[**For non-state schools**: cc: student/parent C/O principal of non-state school]

## ***Letter 4.3 Decision notice - cancel enrolment based on non-payment of distance education fee***

## [Insert date of letter]

[Insert applicant’s name]

[**For state school student:** insert applicant’s address]

**[For non-state school student:** write C/O non-state school name and address]

[CITY] QLD [postcode]

Dear [insert applicant’s name]

**RE: Intention to cancel enrolment**

Further to my previous letter dated [insert date] regarding the intention to cancel [insert student’s name/your] enrolment, based on non-payment of the distance education fee:

**Decision**

I have decided to cancel [insert student’s name/your] enrolment in [SDE name]. This decision will be effective from [insert date of shown on show cause letter] or will take place from [insert details].

**Material considered**

In reaching my decision I considered the following:

In forming my preliminary view, I have considered the following material:

* [Section 52](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039#sec.52) of the *Education (General Provisions) Act 2006* (Qld)
* *Human Rights Act 2019* (Qld) (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>)
* Invoice dated [insert date of invoice]
* Overdue notice dated [insert date of overdue notice]
* [list all other instances where SDE has notified parent or student if aged over 18 years old of the need to pay, e.g. enrolment agreement, additional communication].

[This list should be the same as information in possession for the preliminary view, with the addition of and any submission made in response. Unless any new information has been taken into account, it is not necessary to provide copies as this information has already been provided to the applicant with the show cause notice. Any difference in material listed should be checked to ensure that natural justice is afforded (seek advice from Legal Services Branch if unsure).

* xx
* xx

This material was provided to you with my letter dated [insert date] which informed you that [insert student’s name/your] enrolment was at risk of being cancelled due to non-payment of fees.

**Findings of fact**

[Outline the same relevant findings of fact as listed in the show cause notice, as well as new findings arising from any submission received in response to the show cause notice].

* Xx
* xx

**Reasons for cancellation of enrolment**

[These should be the same as in the show cause notice, unless the submission from the parent/student (if any) provided new information to change the preliminary view].

* xx
* xx

I have considered the human rights engaged in connection with my decision 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 decision to be compatible with human rights.

[insert the following paragraph below if student is compulsory schooling age or in the compulsory participation phase AND is a home-based student]:

Please be aware that parents have a legal obligation with respect to their child’s enrolment, attendance, and participation in an education program stipulated under the *Education (General Provisions) Act 2006*. For more information about education options for [name of student], please contact [insert name and contact details of suitable contact at school/regional office].

Should you wish to discuss this letter further, I invite you to contact [insert name and contact details].

Yours sincerely

[Principal’s name]

Principal

[Name of SDE]

Enc.

 [**For non-state schools**: cc: student/parent C/- principal of non-state school]

***Education (General Provisions) Act 2006* (Qld)**

**Section 52 Fee for distance education provided by a State school**

1. This section applies to—

(a) a person enrolled in a program of distance education at a State school; or

(b) a person, other than a State school student, who is enrolled to undertake a component of a program of distance education at a State school but is not enrolled in the program at the school.

1. The fee prescribed under a regulation must be paid for the provision of distance education to the person.
2. If the fee payable under subsection (2) for the person is not paid —
3. the person is not entitled to be enrolled in, or undertake, the program of distance education mentioned in subsection (1); and
4. the chief executive may cancel the person’s enrolment.
5. In this section—

***State school student*** means a person enrolled at a State school.

***Education (General Provisions) Act 2006* (Qld)**

**Section 53 When fee for distance education is not payable**

(1) Despite section 52(2), the fee is not payable if the person is a
person mentioned in section 52(1)(a) and—

(a) the person lives in a remote area; or

(b) the person—

(i) can not attend a State school, other than a school of
distance education, for more than 80 consecutive
school days because of the person’s state of health;
and

(ii) gives the chief executive a medical certificate
stating that fact; or

(c) the person has an itinerant lifestyle; or

(ca) the person is suspended from a State school under

chapter 12, part 3, division 2 on a charge-related ground;

or

 (d) the person—

(i) is excluded from a State school under section 291,
or from certain State schools under section 298;
and

(ii) would live in a remote area if the school, or
schools, from which the person is excluded were
taken not to be a nearest applicable school for the
definition *remote area*; or

(e) the person is excluded from all State schools under
section 298; or

(f) the person can not attend a State school, other than a
school of distance education, because the person is
caring for the person’s child or a child for whom the
person has or exercises parental responsibility; or

(g) the person—

(i) can not attend a State school, other than a school of
distance education, because the person is caring for
someone, other than a child mentioned in
paragraph (f), on a regular basis; and

(ii) gives the chief executive a medical certificate
stating that fact; or

(h) the person—

(i) can not be a mature age student of a mature
age State school because the person has been refused enrolment at the school; or

(ii) can not reasonably be expected to be a mature age student of a mature age State school because the nearest mature age State school to the person’s principle place of residence is at least 16km from the residence; or

 (i) the person is in the custody of the chief executive
(corrective services) at a corrective services facility
under the *Corrective Services Act 2006*.

(2) For subsection (1)(c), a person has an itinerant lifestyle if—

(a) because of the nature of the occupation in which the
person or a parent of the person is engaged—

(i) the person’s principal place of residence changes at
least twice in the relevant school year or at least 5
times in the period consisting of the relevant
school year and the school year immediately
before or after the relevant school year; or

(ii) the person spends at least 60 school days of the
relevant school year (consisting of periods of 5
consecutive school days or more) away from the
person’s principal place of residence; or

(iii) the person’s principal place of residence is a
caravan and the location of the caravan changes at
least twice in the relevant school year or at least 5
times in the period consisting of the relevant
school year and the school year immediately
before or after the relevant school year; or

(iv) the place where the person lives changes at least
twice in the relevant school year and the person
does not have a principal place of residence; and

*Examples of an occupation for paragraph (a)*—

carnival worker, contract harvester or shearer

(b) the person spends at least 120 school days of the
relevant school year in the State.

(3) In this section—

***caravan*** means a caravan under the *Residential Tenancies and
Rooming Accommodation Act 2008*.

***medical certificate*** means a certificate signed by a person
registered under the Health Practitioner Regulation National
Law to practise in the psychology profession, other than as a
student, or a medical practitioner.

***relevant school year*** means the school year in relation to
which the person is enrolled in a program of distance
education at a State school.

***Education (General Provisions) Act 2006* (Qld)**

**Section 54 Waiver of fee for distance education**

(1) The chief executive may waive, entirely or partly, payment of
the fee mentioned in section 52(2) for a person if—

(a) the chief executive is satisfied—

(i) the person is or has been enrolled in, or
undertaking a component of, a program of distance
education and would suffer a significant
educational disadvantage if the person were not
able to continue in the program; and

(ii) payment of the fee would cause financial hardship
to the person liable to pay it; or

*Example for paragraph (a)—*

A parent of a child enrolled in a program of distance education
for 1 year may be unable to pay the fee for the following year
because of temporary financial hardship.

(b) for a person enrolled in a program, or enrolled to
undertake a component of a program, of distance
education—the chief executive is satisfied the waiver is
appropriate and reasonable because exceptional
circumstances exist in relation to the person.

(2) In making a decision under subsection (1)(b) about waiving
payment of the fee for a person, the chief executive may have
regard to any relevant matter of which the chief executive is
aware, including, for example—

(a) whether the person would suffer a significant
educational disadvantage if the person were not able to
enrol in a program, or enrol to undertake a component of
a program, of distance education; or

(b) whether a program, or a component of a program, of
distance education is the most appropriate educational
program for the person.

***Education (General Provisions) Act 2006* (Qld)**

**Section** **176 Obligation of each parent**

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

(a) ensure the child is enrolled at a State school or non-State
school; and

(b) 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—

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

(b) 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.

**Section 177 What is attendance**

(1) A child attends a State school or non-State school only if the
child complies with the school’s requirements about
physically attending, at particular times, its premises or
another place.

(2) However, despite subsection (1)—

(a) a child enrolled in a program of distance education is
taken to attend the school of distance education offering
the program by completing and returning the assigned
work for the program; and

(b) a child enrolled in an external program is taken to attend
the State school or non-State school offering the
program by complying with its requirements about
communicating with or contacting the school for the
purpose of participating in the program.

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

(1) This section applies if an authorised officer reasonably
suspects—

(a) a child who is of compulsory school age—

(i) is not enrolled at a State school or non-State
school; or

(ii) 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

(b) parts 2 to 4 do not apply to the child.

(2) The officer may give a parent of the child a notice in the
approved form about the parent’s obligation under section
176(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.

**Section 179 Limits on proceedings against a parent**

(1) Proceedings for an offence against section 176(1) may be
brought against a parent—

(a) only 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
178(2); and

(ii) 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.

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

***Education (General Provisions) Regulation 2017* (Qld)**

**Section 71 Refund of part of fee for distance education—Act, s 434**

(1) This section applies if, because of a change in the personal
circumstances of a person for whom a fee mentioned in section 52(2) of the Act was paid in relation to the person’s enrolment for a school year, the person is—

(a) no longer enrolled in a program of distance education at
a State school; or

(b) no longer enrolled to undertake a component of a
program of distance education at a State school.

(2) The person or, if another person paid the fee, the other person
may apply to the chief executive for a refund of part of the fee.

 *Note—*

The application is not for a state amount of refund. See subsections (5) and (6) for how to calculate a refund payable under this section.

(3) The application must—

(a) be made in writing before the end of semester 1 of the
school year to which the fee relates; and

(b) give details of the change in the person’s personal
circumstances.

*Example of change in personal circumstances*—

a change in the person’s residence because of a transfer in the
employment of a parent of the person

(4) The chief executive may refund part of the fee if the chief
executive is satisfied it is appropriate and reasonable to do so
because of the change in the person’s personal circumstances.

(5) If the chief executive decides to refund part of the fee, the
chief executive must calculate the refund payable in
accordance with the departmental policy for calculating the
refund published on the department’s website.

(6) For calculating the refund, the person’s enrolment in, or
enrolment to undertake a component of, the program of
distance education is taken to have ended on the day the
application was made.

***Education (General Provisions) Regulation 2017* (Qld)**

**Section 72 Refused application for refund of part of fee for distance education**

(1) If the chief executive decides not to grant an application under
section 71, the chief executive must give the applicant notice
of the reasons for it.

(2) The applicant may, within 14 days after the notice is given,
apply to the chief executive for a reconsideration of the decision.

(3) Unless the chief executive made the decision personally, the
chief executive must ensure the decision is not reconsidered
by—

(a) the person who made the decision; or

(b) a person in a less senior office in the department than the
person who made the decision.