**INTERNAL REVIEW DECISION NOTICE**

**s.392(4), *Education (General Provisions) Act 2006* (Qld)**

{Insert name of applicant}

{Insert address}

Dear {insert name of applicant}

**Re: Submission for internal review of decision regarding an exemption from {compulsory schooling/compulsory participation} for {Insert student’s name}**

I refer to your submission seeking internal review of the decision made by {insert name and designation of officer who made original decision} concerning your application for an exemption from {compulsory schooling/compulsory participation} {where student is a child, insert “on behalf of (name of student)”}.

For the purposes of making this decision I am the Chief Executive’s delegate.

**My Decision**

Pursuant to s.392 of the *Education (General Provisions) Act 2006* (the Act) I have decided to:

* confirm the original decision
* amend the original decision in the following way: {insert new decision}
* substitute the original decision with another decision as follows: {insert new decision}

The date of this decision is the date of this letter.

**Material considered**

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

{Outline all relevant information taken into account, including the submission, information from the student, doctors, school or other entity, parts of guidelines, policy, rules, subordinate legislation, Acts etc. – see examples below.}

* (choose one, delete the other) Chapter 9, Part 3 of the Act (for exemption from compulsory schooling) OR Chapter 10, Part 5 of the Act (for exemption from compulsory participation).
* 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 OR on your behalf by your parents.
* {Insert the relevant Information Notice title for the original decision} dated {insert date}.
* Your submission for review of the {principal’s OR delegated officer in XXX Region} decision dated {insert date}.
* Report from {insert young person’s name}’s doctor/specialist dated {insert date} confirming that he/she has a medical condition {specify condition if known}.

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

**Findings of fact**

In consideration of the material I made the following findings of fact:

{List all relevant findings of fact that will demonstrate why your decision is appropriate – see examples below.}

* {Insert name of student} was absent from school for {insert number} days due to {list reasons such as illness, holidays, etc}.
* {Insert name of student} had {insert number} unexplained/unauthorised absences from school.
* {Insert name of school} has provided the following supports or reasonable adjustments for {name of student} so that he/she can continue their education {list adjustments/supports provided by the school}:
	+ XX
	+ XX
* {Insert name of student} has been diagnosed with {insert medical condition} and his/her doctor/specialist recommends that he/she does not attend school for the period from {insert date} to {insert date}.
* You claim that {insert name of student} has been bullied and therefore cannot attend school.
* You will be travelling {overseas/within Australia} for the period from {insert date} to {insert date}.
* {Insert student’s name} refuses to participate in a formal educational environment and experiences great anxiety and distress when placed in such settings.
* {Insert student’s name} is your carer/a carer for a member of your immediate family.
* You will be moving/relocating interstate or overseas for the period from {insert date} to {insert date} and plan to return to Queensland.

**Reasons for decision**

I made my decision for the following reasons:

{List reasons why your findings of fact support your decision – see examples below.}.

* The planned absence is recognised as a reasonable excuse in accordance with the *Roll marking in state schools* procedure, and consequently {insert name of student} will be marked absent using the appropriate absence reason code. As a result, an exemption is not appropriate.
* {Insert name of student} has a history of poor attendance at school and missing school for this amount of time will not be in his/her best educational interest.
* I am satisfied that it would be unreasonable for {insert name of student or young person} to {attend school OR participate in an eligible option} due to his/her medical condition, as advised by his/her doctor/specialist.
* A program of schooling is available to {insert student’s name} through a School of Distance Education so that he/she can continue his/her education.
* {Insert student’s name} is of compulsory school age and I am not satisfied that an exemption from schooling so that he/she can undertake employment instead of attending school would be in {insert student’s name} best educational interest.

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**

{Insert consequences for the student of your decision – to attend school, to participate, or to be exempt}.

Where a final decision is to refuse an exemption, insert the following paragraph:

I am able to offer support to help you to comply with your {compulsory schooling/compulsory participation} obligation and discuss the options open to you, such as negotiating an alteration to {your/(insert name of student)’s} educational program. Should you wish to discuss how {your/(insert name of student)’s} {attendance at school/participation} might be supported, please contact {insert name of contact officer}.

**Application for external review**

You may apply to the Queensland Civil and Administrative Tribunal for an external review of my decision under s.394 of the Act.

Fill out the “Application to review a decision” form which is available from, and may be lodged at:

* *In person:* Queensland Civil and Administrative Tribunal, Level 9, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any local Magistrates court outside of the Brisbane CBD; or
* *By mail:* QCAT, GPO Box 1639, Brisbane 4001

The form is also available at www.qcat.qld.gov.au

Applications must be accompanied by the prescribed application fee, as outlined on the Queensland Civil and Administrative Tribunal website at http://www.qcat.qld.gov.au/resources/fees-and-allowances.

The application must be lodged within 28 days of receiving this notice.

You must lodge a copy of this notice with your application.

You may apply under s.22 of the *Queensland Civil and Administrative Tribunal Act 2009* for an order staying the operation of my decision. If you wish to apply for a stay, you will need to indicate this in the form in which you apply for a review of the decision.

Yours sincerely

{INSERT FULL NAME}

{Insert designation of officer delegated authority to conduct review}

{Insert name of region}

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

# COPY: School Principal