Date

### Name

Address

Dear Ms / Mr / Mrs Surname

I refer to allegations that you behaved inappropriately while on the premises of school name on date. In respect of this matter, I have been asked to make a direction pursuant to s.341 of the *Education (General Provisions) Act 2006* (the Act) prohibiting you from entering the premises of the school for more than 60 days, but not more than 1 year.

[Include if decision is being made by the Director-General’s delegate] For the issuing of a direction under s.341 of the Act, I am the Chief Executive’s delegate.

**My decision**

I have decided to issue a direction prohibiting you from entering the premises of school name. This direction remains in force for <insert period greater than 60 days, not greater than 1 year> after the date on which it is given to you.

The date of my decision is date

If you breach this direction your breach will be reported to the police and you may be subject to prosecution and a fine of 40 penalty units. Information about penalty units is available from https://www.qld.gov.au/law/crime-and-police/types-of-crime/sentencing-fines-and-penalties-for-offences/.

**Material relied upon**

In respect of my decision I considered the following material:

* Section 341 of the Act
* Departmental procedure *Hostile People on School Premises, Wilful Disturbance and Trespass*
* A copy of number of witness statements from school staff / students / visitors concerning your behaviour at the school on date of incident
* [List any other materials related to the incident that occurred on that particular date e.g.OneSchool record of contact with QPS]
* [List any other previous direction issued to the person] A copy of a direction given to you pursuant to s.337 of the Actdated date.
* My preliminary view letter addressed to you dated XXXX; and
* Your response to my preliminary view letter, dated XXXX.

I have attached a redacted copy of this material for your consideration.

**Findings of fact**

On the basis of the information supplied to me I made the following findings of fact:

*(example of how this section should be completed)*

*On the basis of the information supplied to me I am satisfied on the balance of probabilities that:*

* *On 26 November 2014 you attended at XXX State School in order to meet with the Principal regarding the suspension of XXXXXXX:*
  + *At approximately 12:45pm, you entered the Administration building and asked to see the Principal. When told the Principal was in a meeting, you said “I don’t care where he is. I’ll pull him out”. You identified yourself as XXXXX.*
  + *The Principal was contacted by staff, left the meeting and walked towards the administration building to meet with you.*
  + *You said to the Principal “Your time for talking is over you need to fucking listen. You’re a fucking dog.”*
  + *The Principal asked you to calm down so that he could discuss your issue with you.*
  + *As the Principal walked past you, you hit him in the head from the side and without warning and he fell to the ground hitting his head on the concrete.*
  + *You then grabbed and punched a contractor, Mr A, in the chest who attempted to intervene.*
  + *When the Principal moved inside the administration building, you followed him and continued to make threats including “You’re a dead man”, “I’ll take you outside and finish you off”, “I’ll hunt you down like the dog you are and kill you”, “You’re as good as dead if XXXX isn’t back at school tomorrow”*
  + *You repeatedly swore at school staff using the words “fuck” and “cunt”*
  + *The Principal reports that your actions were witnessed by two contractors and two administrative staff.*
  + *Subsequently you left the administration building and drove away from the school in your car.*
  + *Queensland Police Service was notified of the incident. On XX XX 2013, you were subsequently arrested and charged with assault occasioning bodily harm, common assault and threatening violence under the Criminal Code.*
  + *You have been released on bail with conditions that you are to have no contact, directly or indirectly, with the Principal, Mr XXXX, a teacher, Ms XXXX and the two contractors who were at the school site.*
  + *Your case is set to be heard in XXXX Magistrate’s Court on XXXXX 2014.*
* *This is not the first occasion upon which you have engaged in inappropriate behaviour on school premises or in respect of school staff:*
  + *You have previously been issued a s.337 direction by Mr XXXX, A/ Principal of XXXX State School, on 30 May 2013; and*
  + *You have previously been issued a s.340 direction prohibiting you from entering the premises of XXXX State School by the Regional Director, South East Region, on 9 October 2013.*

**Reasons for my decision**

I am issuing this direction under s.341 of the Act because I am reasonably satisfied, based on the material in my possession (outlined above) and the findings of fact (set out above), that unless a direction is given you are 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.

**Application for review**

You may apply to the Queensland Civil and Administrative Tribunal for a review of the decision under s.397 of the Act.

To apply for a review, 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 online at www.qcat.qld.gov.au

Applications must be accompanied by the prescribed application fee. Information about the relevant fee may be located at <http://www.qcat.qld.gov.au/using-qcat/fees-and-allowances#reviews_of_administrative_decisions>.

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.

More information about the Queensland Civil and Administrative Tribunal is available at:

* <https://www.qld.gov.au/law/court/queensland-civil-and-administrative-tribunal/resolve-disputes-at-qcat/>
* <http://www.qcat.qld.gov.au/>

Yours sincerely

**Director-General’s name [OR name of Director-General’s delegate]**

**Director-General [OR position of Director-General’s delegate]**

**Department of Education, Training and Employment**

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