

# Guidelines for assessing parental linkage between a child and an Australian citizen or permanent resident

## 1. Introduction

Section 51 of the [Education \(General Provisions\) Act 2006 \(EGPA\)](#) states that education provision may be free for a person enrolled at a State school who is a child of an Australian citizen or permanent resident.

Section 10(1) of the EGPA defines a parent as the mother or father of the child, or a person who exercises parental responsibility for the child. Section 10(5) of the EGPA also defines a parent as a person (who is not the biological parent), who is awarded sole responsibility under a court order for the child.

These guidelines support the Temporary Residents' admissions procedure and the application of a parent/legal guardian as per section 2 of the [Temporary Residents application form](#).

These guidelines are to be used as a guide by the Department of Education International (DEi) to assess if the temporary resident applying for enrolment at a State school is the child of an Australian citizen or permanent resident and if the child's enrolment is free under the EGPA.

The evidence listed below in these guidelines is not exhaustive and DEi may request further evidence to assist and support DEi's assessment of the application. Please use [this checklist](#) to ensure that you have provided all of the required documentation to support your application.

DEi will consider and assess each application on a case by case basis and on its own facts and merits.

## 2. When a person is a 'parent' under the EGPA

### 2.1 A person is a child's mother or father

A person is a child's mother or father if any of the following apply:

- the person is the child's biological parent;
- the person has adopted the child in Queensland, another Australian State or New Zealand; or
- the person has adopted the child from a convention country, and has an adoption compliance certificate in relation to the adoption.

### 2.2 A person is exercising parental responsibility for a child

'Parental responsibility' as used in the EGPA, while undefined, is the broad range of decision making and planning that a parent normally does for a child. There is no legal restriction to the exercise of those responsibilities. 'Parental responsibility' captures all aspects of a child's care, including:

- physical care (for example, by providing food, accommodation and clothing for the child);
- intangible aspects of care (for example, love and affection, emotional support and religious or ethical guidance and instruction); and
- decision making about the child's welfare, education, medical treatment, living arrangements and other activities in both the short and long term.

If a child is living with an adult on a long term basis and the adult is providing for the child's physical care, and is making decisions about the child's long term (or day-to-day) welfare and development (such as which school the child is to attend), this indicates that this person may be exercising parental responsibility for the child.

### **2.3 A court order awards a person parental responsibility for a child**

Sometimes a court order awards sole parental responsibility to a person who is not a biological parent of the child. For example, a court order may award sole parental responsibility to a child's grandparent, or to the Chief Executive of the Department of Child Safety, Youth and Women. In these circumstances, a reference to a 'parent' is a reference to the person named in the court order.

## **3. Evidence that a person is a 'parent' under the EGPA**

### **3.1 The person is the child's mother or father**

- a) The person is the child's biological mother or father
  - Child's birth certificate
- b) The person adopted the child in Australia or New Zealand
  - Adoption order or record of adoption for the child
- c) The person adopted the child from a country which is party to the Hague Convention on Intercountry Adoption
  - An order or record granting the adoption, and
  - An adoption compliance certificate that is in force for the adoption.

### **3.2 The person is exercising parental responsibility for the child**

The person claiming to exercise parental responsibility for the child must provide a [statutory declaration](#) made under the provisions of the *Oaths Act 1867 (Qld)* and must include the following details:

- the person's relationship to the child
- how the child came to be in the person's care
- how long the person expects the child to be in their care
- how long the child has been in the care of the non-biological parent
- the biological parents' situation (where they are and why they aren't looking after their child)
- parental duties that the person undertakes for the children (for example, housing, schooling, feeding, financial provision, medical decisions, day-to-day decision making)
- any benefits or other supports that the person receives to care for the children

- that the person understands their obligations as a parent to ensure that the child is enrolled at and attends school, pursuant to section 176 of the EGPA
- any other information that supports the person's exercise of parental responsibility for the child.

### **3.3 Court order recognising the person is exercising parental responsibility for the child**

- Court order of a federal or State court, stating that the person is exercising parental responsibility for the child.

## **4. Evidence that the 'parent' under the EGPA is an Australian citizen or permanent resident**

One of the following must be provided:

- Full birth certificate issued by an Australian Registry of Births, Deaths and Marriages showing Australian citizenship
- Current Australian passport
- Australian Citizenship certificate
- Extract from the Register of Australian Births Abroad
- Citizenship by Descent extract
- Adoption in Accordance with the Hague Convention on Intercountry Adoption or bilateral agreement extract
- Current Australian permanent resident visa
- Other evidence of Australian citizenship or permanent residence.

## **5. Evidence of identity of the child and parent claiming to be an Australian citizen or permanent resident**

The child and the parent claiming to be an Australian citizen or permanent resident must each provide evidence of their identity (for example, birth certificate or passport), if not already provided in the application.

## **6. Additional evidence that may support the application**

DEi may request any additional evidence listed below and further evidence it may require to assist and support DEi's assessment of an application:

- Evidence that the child has a valid application lodged for a permanent resident visa with the Department of Home Affairs
- If the Australian citizen or permanent resident is in a de facto relationship with the child's biological parent,
  - evidence that the child's application for a permanent residence visa with the Department of Home Affairs is under the family stream of the migration program
  - evidence to support a long term relationship with the biological parent

- If the Australian citizen or permanent resident is married to the child's biological parent, a copy of the marriage certificate.
- Any correspondence and/or cards from government agencies, such as Centrelink or Medicare that indicate the Australian citizen or permanent resident exercises parental responsibility for the child.
- Any other documents that support that the Australian citizen or permanent resident exercises parental responsibility for the child.

## Outcomes

An Authority to enrol (ATE) letter will be issued to the parent of the child to study in a State school as a non-fee paying student if DEi is satisfied that the Australian citizen or permanent resident is a parent of the school age temporary resident in accordance with the EGPA and these guidelines.

The ATE is not a guarantee for enrolment. [Enrolment](#) at a nominated school and is subject to whether the school age temporary resident:

- is eligible to enrol in a school in accordance with the EGPA and
- meets the requirements of the Department of Education's Enrolment procedure, including for example, the school's catchment area and [Enrolment Management Plan](#).

[Fees](#) will be charged if DEi cannot be satisfied that the Australian citizen or permanent resident is a parent of the school age temporary resident under Section 10 (1) or (5) of the EGPA.

## Complaints management

A school age temporary resident or a person acting on their behalf may make a complaint if they are dissatisfied with the service or action of DEi.

The complaint will be managed in accordance with the department's [Customer Complaints and Management Framework](#).

### **For all enquiries about these guidelines please contact:**

Department of Education International  
Within Australia 1800 316 540  
Outside Australia +61 7 3513 5301  
Email [EQInternational@qed.qld.gov.au](mailto:EQInternational@qed.qld.gov.au)