

Education (General Provisions) and Other Legislation Amendment Bill 2024

Submission No: 21
Submitted by: Hilary Uhr
Publication:
Attachments:
Submitter Comments:

From: [REDACTED]
To: [Education, Employment, Training and Skills Committee](#)
Subject: Free to Homeschool: Children's Rights in Education
Date: Monday, 11 March 2024 2:31:25 PM

Dear Members of the Education, Employment, Training and Skills Committee

Submission in response to the *Education (General Provisions) and Other Legislation Amendment Bill 2024*

I am a home educating parent of two young children. I have a political and legal background and qualifications. My child who is of school age is unable to attend or participate in traditional schooling for a range of health and personal reasons, which include neurodivergence and other diagnosed conditions.

I am an admitted lawyer in the state of Queensland. I have degrees in Law, Arts (Political Science), and Music. I have worked as a lawyer in multiple private practices, and for Crown Law, in the areas of employment, industrial relations and discrimination.

I am in contact with many others in the home education community in Queensland, and I am not alone in my serious concerns about this Bill.

I do not want the national curriculum in our legislation in Queensland. This is an election issue for every homeschooling family in Queensland, and it is absolutely an election issue for me.

Over the past several years, my husband and I nursed a very unwell child back to health and he is now able to learn in the comfort and security of his own home. While he has many intellectual strengths, his particular neurobiology and his disabilities impact his functioning significantly, in practical, physical, social, and emotional ways. Through supporting his natural curiosity and scaffolding his natural learning styles around his interests, he is learning rapidly and without stress or concern. He is naturally motivated to learn, and reads well above his expected reading age.

A legislative requirement to follow the ACARA curriculum or any standardised benchmarks is incompatible with his needs, abilities, learning style, and health. It is incompatible with the needs and strengths of our family and will detrimentally impact my son's mental health through introducing unnecessary structures that neither promote his education nor support his holistic development as a human being.

My son is entitled to education that allows him to learn and develop. I never intended to home educate my children, but found myself with no other viable option that would maintain our child's health and allow him to thrive. I have given

up my job as a lawyer in order to make this possible for him. I fully believe this is in his best interests, and the interests of our whole family. Currently, no state school, special school, or private school, fits with his needs.

Despite that, he retains the right to an education, and that education is provided in our home. He is registered with the Home Education Unit, part of the Department of Education. I prepare plans (Diverse Learners plan) and reports and submit all the evidence of his high quality education.

Discriminatory effect of the proposed Bill

From both personal and professional perspectives, the proposed amendments to home education in Queensland are fundamentally flawed. The *Education (General Provisions) and Other Legislation Amendment Bill 2024 (the Bill)* has the potential to disproportionately impact on an already vulnerable population of families frequently dealing with disability, chronic ill health, neurodivergence, and trauma. The Bill, if enacted, will discriminate, both directly and indirectly, against these children and families.

In addition, I do not believe adequate consideration has been given to the rights protected in the *Human Rights Act 2019 (Qld)*, (**the HR Act**), despite the Human Rights Statement of Compatibility published on the Queensland Legislation website.

I ask the Education, Employment, Training and Skills Committee to faithfully exercise its duty under section 39 of the HR Act to consider both the Bill and the statement of compatibility and report to the Assembly about whether the Bill is not compatible with human rights. This includes consideration of the *Anti-Discrimination Act 1991 (Qld)*. I am concerned that the Bill is incompatible with the HR Act.

Home educating children in Queensland are afforded protections under the HR Act. These include, but are not limited to:

1. The right of recognition and equality before the law (s. 15). Every person has the right to re enjoy the person's human rights without discrimination. A child is a person and is entitled to this right and the protection of such rights (s. 11).
2. The protection of families and children (s. 26). "Every child has the right, *without discrimination*, to the *protection* that is needed by the child, and is in *the child's best interests*, because of being a child" (s. 26(2)) (my emphasis).

3.

The right to education (s. 36(1)). “Every child has the right to have access to primary and secondary education *appropriate to the child’s needs*” (my emphasis).

Under the *Anti-Discrimination Act 1991* (Qld), children are protected from direct or indirect discrimination on the basis of protected attributes contained in section 7. This includes a range of attributes that may form part of a family’s reasons for home educating. Notably, discrimination on the basis of impairment is prohibited. Many children home educate due to disability.

Limitation of a human right is permissible only in the circumstances outlined in s. 13 of the HR Act.

It must be acknowledged that the right to education is broader than education conducted in a school setting, or as provided for by the national curriculum. The right to education is inclusive of home education, and the Bill, while purporting to deliver improved education for all Queensland students, will, for some students, actually limit their ability to access education appropriate to their needs.

Therefore, whether the Bill protects or limits the right to education must be thoroughly examined. The Human Rights Statement of Compatibility does not consider at all whether or not the Bill impacts the right to education. This must be done, and it is my view that the objectives and provisions of the Bill do not meet the criteria contained in s. 13 of the HR Act, which provides in what circumstances human rights may be limited by new legislation.

My child does not need the prescription of the ACARA curriculum, or any prescribed curriculum, in order to learn. Introducing this requirement into legislation overreaches and binds the State to a process that will not deliver better educational outcomes for these students.

Consultation

I am worried about the lack of transparency and public consultation surrounding these changes. As a stakeholder in our education system, I believe it is imperative for the voices of educators, parents, students, and community members to be heard and considered in any decision-making process that impacts our schools.

I ask the Committee to commit to thorough and genuine consultation with the community. I am aware that consultation was conducted two years ago regarding some of these matters. However, consultation must be conducted on this Bill.

Evidence based practice

There is no evidence that a standardised curriculum will deliver the desired

outcomes. The government's own research has established that a large number of home educating children have disabilities. My child already receives a very high quality education.

Many home educating parents have removed their children from schools as the standard curriculum does not fit their child's learning and educational needs. The ACARA curriculum is outdated and requires overhaul. Evidence shows that Australian students are falling behind other countries, which implies the curriculum is not working. The Australian Curriculum is not (as per section 217b(i)) suitable for every single child. Legislating the requirement that home educated children use the Australian Curriculum is counterintuitive and inappropriate.

ACARA is designed for teachers to use. As noted in the Australian Curriculum Assessment and Reporting Authority (ACARA) documents themselves, the "primary audience for the Australian Curriculum is teachers" (ACARA, 2024). It is not intended to be implemented by parents, rather it is a document that is written in "language ... appropriate for professional practitioners" (ACARA, 2024). As such, it is not designed to be implemented in a home education setting, rather it is written for teachers and schools.

A second concern is with the requirement to demonstrate learning across all eight Key Learning Areas (KLAs). This concern is a problem because my child learns asynchronously, and by spending a significant amount of time going deep into certain subject areas, before changing to another subject area, rather than having a large number of subjects on the go at the same time.

My third concern is the need to provide evidence that a home education is more suitable for my child than a school. As I previously sent my child to kindergarten and we left because of his serious distress and worsening health, the onus is on me to prove why I have left, not the school to prove why they are a better place to educate my child than at home.

Best practice

In light of these concerns, I urge you to carefully reconsider the proposed legislation and to prioritise the best interests of our students, teachers, and schools. I implore you to advocate for a more inclusive and collaborative approach to policymaking that values input from all stakeholders and ensures the integrity and quality of our education system.

I want nothing more than my children to receive a high quality education, and at the same time, be nurtured as they develop as capable and compassionate individuals, whose rights and interests are respected and listened to. As their parent, I will protect their rights to access this kind of education in an environment that best supports them. That environment is currently their home.

I will not support a government that takes this choice away from parents and that limits the quality of education available to my children through restricting the way in which they may learn.

Thank you for taking the time to read my letter and for considering my concerns. I look forward to your response and to further dialogue on this important issue.

Yours sincerely,

Hilary Uhr
Homeschooling Parent and Advocate

Confidential personal information not to be published:

Address: [REDACTED]

Phone number: [REDACTED]