

## Education (General Provisions) and Other Legislation Amendment Bill 2024

**Submission No:** 162  
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**Submitter Comments:**

To All members of the Education, Employment, Training and Skills Committee,

I am writing to you with my concerns regarding the proposed amendments to the education bill that has recently been presented to parliament.

I am extremely concerned about the lack of transparency and public consultation that surrounds this proposed new legislation. As I believe it is imperative for the voices of experts, educators, parents, students, and community members to be heard and considered in any decision-making process that impacts our children's education in anyway.

As a home educating parent, I do not support some of these changes that have been introduced and I am worried about the negative impact that they will have on my child's long-term education outcomes and mental wellbeing, along with the majority of other children in wider homeschooling community, if they are to be passed.

One of my first concerns is about the proposed change of home educators needing to strictly follow the Australian Curriculum (ACARA), as it is a document that has been tailored to educate a whole classroom of children within a mainstream school setting. This would mean we would need to base our learning off over-simplified textbooks, rush through topics and stop the practical, hands-on, in real-life situations we incorporate into our learning. Our approach is what makes it so engaging for our children and helps develop a love of learning. To have to change our approach of teaching to a more traditional 'school style' approach would certainly not provide a higher quality education for our children. With the added benefit of 1:1 lessons, our approach provides our children with endless opportunities for learning that are suited to their skill and academic level rather than their grade or age level.

As a strong advocating parent of a neurodivergent child, with Autism, ADHD and Anxiety, I have spent countless hours consulting with numerous specialists and allied health experts to determine what I need to do to get the best possible long term outcomes for my child. In the first 5 years of my child's education, I attend many meetings with Special Education Teachers and liaised tirelessly with his former teachers, principals and schools to try to implement strategies, along with providing suggestions and resources to assist him in the mainstream setting. Unfortunately, what my child required was just not able to be achieved by any of those schools, and in result he became fully disengaged and developed severe anxiety.

Although I am relatively new to homeschooling, I have previously also tried Distance Education, along with strictly following the Australian Curriculum to educate my child at home. Overall, it just does not work for my child. My style of blended lessons and learning, which cover multiple subjects and key learning areas within an engaging and relatable topic for my child to this date, has been the only learning style that has suited him. Along with my blended learning style, I am also able to get him engaged with individual Maths and English lessons, that both provide a challenge and keep him interested, as he is knowledge is beyond his age/grade level. If adjusting your lesson plans to keep your further your child's

knowledge and learning beyond what is recommended by ACARA for their age/grade is not providing a high-quality education for our child, I honestly do not know what is.

Did you know- According to recent research collected by the Home Education Unit (2022), 2 in 3 home educating families have chosen to do so because of an underlying disability or health issue. They have chosen this avenue because of the flexibility it provides. This enables families to educate and care for their children in a manner that suits their individual child's learning style. Most of these students have left mainstream schooling because they could not learn in a traditional learning style (my son included). It is for this reason I strongly believe for education to be inclusive of all students, it is important to first understand and listen to the reasoning behind these education decisions made by families whose children struggle the most to fit into mainstream education.

Considering these statistics, my concerns, and individual experiences, I urge you to carefully reconsider the proposed education legislation and to prioritize the best interests of our students. 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 hope that you will take my feedback into consideration and forward it onto any other relevant stakeholders.

I would also like to draw your attention to other files I have uploaded with this, that outline our rights as a parent, as defined by the CRC and Australian Attorney-General. If these changes were to come into affect, it would be essentially stripping us and our children of many of these rights.

I would like to thank you for taking the time to listen to my concerns, and I hope that going forward, this legislation can suit the needs of all students across Queensland.

I look forward to hearing your response about this important issue and am more than happy to discuss this matter further in person or over the phone with you.

Sincerely,  
Samantha Furner

# United Nations Convention on the Rights of the Child (UNCRC)

Adopted 20<sup>th</sup> November 1989 by the General Assembly resolution 44/25

Source- <https://www.unicef.org.au/united-nations-convention-on-the-rights-of-the-child>

## What is the summary of the Convention on the Rights of the Child?

The Convention on the Rights of the Child is an international treaty that safeguards the rights of children. It is based on four key principles: non-discrimination (Article 2), prioritising the best interests of the child (Article 3), ensuring the right to life, survival, and development (Article 6), and respecting the child's views in accordance with their age and maturity (Article 12). The CRC encompasses a range of rights, including access to education (Article 28), healthcare (Article 24), protection from exploitation (Article 36), and the right to play (Article 31). This treaty establishes global standards to protect and promote the wellbeing of children across the world.

### PART 1

#### Article 1-

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

#### Article 2-

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

#### Article 3-

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

#### Article 4-

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation

#### Article 5-

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

#### Article 6-

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### Article 8-

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

#### Article 12-

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

#### Article 13-

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

#### Article 14-

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

#### Article 18-

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

#### Article 23-

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

#### Article 23- Continued

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

#### Article 27-

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

#### Article 28-

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

#### Article 29-

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### Article 31-

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

# Australian Government Attorney-General's Department

## Rights of Parents and Children

<https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/rights-parents-and-children>

### What are the rights of parents and children?

In addition to the rights enjoyed by all persons under human rights treaties, parents and children enjoy special rights, particular to their status. The rights cover:

- best interests of the child
- responsibilities, rights and duties of parents
- separation of children
- adoption of children
- right of children to be heard
- children in the criminal process
- refugee children
- families and disability.

Under the Convention on the Rights of the Child (CRC), children are persons under the age of eighteen.

### Best interests of the child-

Under the CRC, countries are required to apply the principle of best interests of the child. The principle applies to all actions concerning children and requires active measures to protect their rights and promote their survival, growth, and wellbeing, as well as measures to support and assist parents and others who have day-to-day responsibility for ensuring recognition of children's rights. It requires all legislative, administrative and judicial bodies and institutions to systematically consider how children's rights and interests are or will be affected directly or indirectly by their decisions and actions.

### Responsibilities, rights and duties of parents-

Under the CRC, countries are required to respect the responsibilities, rights and duties of parents or other persons who have responsibility for the child to provide direction and guidance in the child's exercise of the rights recognised in the CRC.

### Right of children to be heard-

Under the CRC, children who are capable of forming their own views have the right to express those views freely, and those views are to be given due weight in accordance with the age and maturity of the child. This right includes the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body.

## Parental Rights-

Parental rights refer to the legal rights and responsibilities that parents have concerning their children. These rights are crucial for making important decisions and taking actions on behalf of their child or children. Here are some key points about parental rights:

### Rights and Responsibilities:

- **Decision-Making:** Parents have the authority to make decisions related to the care, welfare, and proper development of their child. This authority is known as "parental responsibility".
- **Best Interests of the Child:** Parents must act in the best interests of their child, considering their well-being and needs.
- **Duties of Parents:** Parents are responsible for providing love, care, and support to their children