

Education (General Provisions) and Other Legislation Amendment Bill 2024

Submission No: 314
Submitted by: Home Education Association, Queensland Chapter
Publication: Making the submission and your name public
Attachments: No attachment

Submitter Comments:

Dear Committee, the Home Education Unit (HEU) has recently provided data on their website, at our request for data to be publicly released. (This is the first time that HEU data has been publicly available.) We note that the data shows that 74.2% of the applicants are coming from school, and presumably Queensland schools only, as the 'Other' category includes people who have moved from interstate or overseas. With such a high percentage of applicants coming from the Queensland school system, why has more attention not been paid to why these families are exiting the system and the implications of this for the kind of education they are seeking for their child? Imposing the same curriculum or syllabuses used in schools would seem to be forcing students to take with them what is potentially a key reason for their departure from the system. More research is needed on the reasons parents are removing their children from school and the implied but not substantiated superiority of the Australian Curriculum to other (non-standardised) programs.



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HEA Submission Re Education (General Provisions) and Other Legislation Amendment Bill 2024

About the Home Education Association

The Home Education Association (HEA) is Australia's peak-body homeschooling association, advocating for home education rights in all States & Territories since 2001. The HEA is run by a committee voluntarily coming together to lead the association.

The HEA upholds the principle that parents are primarily responsible for the education of their children and respects the diversity of philosophies and methods used by home educators. Our vision is to move towards an Australia where parents can freely choose home education, and where the HEA as the peak body has input into government policy.

The mission of the HEA is to promote the practice of home education across Australia, support and empower home educators and advance educational equity for members. As such, we advocate in the interests of home education and it is with this in mind that the HEA makes its submission to the Committee.

The HEA meets quarterly with the Home Education Unit (HEU) management team for discussions around the practices of the HEU and concerns and questions that have arisen within the home education community. The HEA values the productive relationship we have with the regulatory body.

Summary Position

The Statement of Compatibility outlines the goals of the Education (General Provisions) and Other Legislation Amendment Bill 2024 (the Bill). While the HEA gladly **supports extending the age eligibility for home education by one year**, the Bill does not otherwise achieve the aim of enhancing regulation, and fails to do so in six significant ways.

1. **Including a new guiding principle** that sets out that home education should be provided in a way that is in the best interests of the child or young person, taking into account the child's safety, wellbeing and access to a high-quality education, **does not enhance the regulation of home education** because parents already choose home education because they believe it to be in the best interests of their child,



including their safety and wellbeing. Furthermore, home education legislation already mandates that parents must provide a high-quality education and this is overwhelmingly achieved, as evidenced by less than one percent of registrations not being renewed due to a failure to demonstrate provision of a high-quality education. Adding this guiding principle does nothing to enhance home education regulation.

2. **Requiring a child's educational program for home education to be consistent with an approved curriculum does not enhance the regulation of home education.** As stated above, home educating families are already satisfying the requirements of the EGPA to provide a high-quality education without needing to follow an approved curriculum. Dr Rebecca English, a Brisbane-based researcher, teacher and teacher educator, states, "home education has been found to have positive outcomes for the child that experiences it (Ray, 2021) regardless of the curriculum approach taken (highly structured to unstructured), with the likely positive effect being the interventions of the parent (Martin-Chang et al; Levesque, 2017)." Since research demonstrates the effectiveness of home education, regardless of the curriculum approach, mandating a limited suite of educational programs does not enhance home education regulation.
3. **The Bill does not strengthen parent reporting requirements** but rather places an unnecessary additional workload both onto parents, who will be required to direct valuable time away from teaching their students to writing more complex reports that surpass what is expected of teachers, and onto HEU staff, who will require more time to read and assess each report. Parents are likely to have to wait even longer to learn whether their report and plan are approved, which **undermines the intent to improve regulation.**
4. **The Bill does not enhance home education regulation by removing the 60 day provisional registration and requiring a summary of a child's educational program be provided with the registration application.** Rather, removing 60 day provisional registration flies in the face of section 7 (Guiding Principles), as families removing their child from an unsuccessful schooling situation are not given time to adequately prepare a plan that reflects the four subpoints of section 7. **Provisional registration MUST stay in the Act to adequately support vulnerable families.**
5. Removing section 210 would indeed reduce the regulatory burden associated with registration **but it does so by discriminating against home educating families.** The impact of this omission would be that families who fail to supply all relevant documents at the time of registration would not be contacted and would automatically have their application denied. This is contrary to the standards applied to students enrolling at a school, where families are contacted and asked to supply missing information in order for an application to proceed. **The HEA rejects this proposal as discriminatory.**
6. Stating timeframes for internal reviews in days (not school days) does indeed avoid unnecessary delays and enhance home education regulation. However, by simultaneously **reducing the number of days**, home educating families may be unable to comply in a timely manner and are thrust into the situation of appealing the decision, **resulting in increased administrative burden for the regulator.**

The continuing position of the HEA is that

1. a modern definition of Home Education that recognises that the 'home' in home education is about who takes responsibility for the child's education, rather than where it occurs, and
2. a home education advisory board comprised of experienced home educators/experts in home education

would solve many of the issues in the regulation of home education in Queensland, which the government has stated was one of the two primary aims for the legislative review into home education.

The remainder of this submission identifies the flaws in the review process to this point, provides detailed commentary on the proposed amendments, and includes additional comments on two particular weaknesses of the bill.

1. Identified flaws in the review process

The review to this point has been biased.

- Key issues that need to be addressed were not within the scope of the review, despite repeated requests from stakeholders for them to be included. These include issues such as the definition of home education which is out of sync with contemporary academic definitions; creation of a home education advisory board, as operates in other Australian jurisdictions; the option of part-time school and part-time home education; instructional support for home education; return of 'Philosophy' to s208; clarity around the process of applying for provisional registration or registration and unenrolling from school.
- The Consultation Paper (2022), Fact Sheet (2023) and the proposed bill demonstrate a lamentable lack of understanding of the nature of home education and the academic research which demonstrates that home education is at worst, benign and at best, beneficial. This is not surprising when the website for ACARA v9.0 states, "**It is parents, families and carers who have the most influence on their children. When families are actively involved in their children's education, children achieve better results.**" This statement reveals why home educated students succeed in schooling and life beyond school.
- The first that home educators knew about the review was when they were invited to respond to a Consultation Paper. Having questioned the review team about who was consulted during the development of the consultation paper, the HEA was assured that "Associations and Groups" in the sector were consulted. However, the HEA was not consulted, and nor were any of the other groups who participated in those consultation meetings. We contend that the government did not actually consult with any home education stakeholders in the formation of the original consultation paper that has set the direction for these proposed legislative changes.
- The government has undertaken a partial review of home education without implementing all the excellent recommendations of the 2003 review into home education.

- The bill does NOT reflect the unified views of home education stakeholders. The HEA was in attendance with other stakeholders at meetings in 2022, and we have engaged with other stakeholders since then. The overwhelming response from the home education community is dismay at the proposed legislative changes which do not reflect their views, nor those of academic research.
- The government has not explained why the current legislation needs changing. Rhetoric that “every child deserves the same access to a high quality education, no matter who they are or where they live in QLD” does not provide evidence that home educated students are not receiving a high-quality education. In fact, data from the HEU shows that more than 99% of reports processed in 2022-2023 were approved for continuing registration, having met the standard conditions of registration of ensuring the child receives a high-quality education and providing a report on the same.
- Key stakeholders, who were part of meetings in 2022, were omitted from the 2023 phase of targeted consultation.
- Families, who are each akin to their own school, were not given an opportunity to provide feedback on the Fact Sheet released to selected stakeholders in 2023. The Department of Education has stated that cabinet documents couldn't be shared with all those families - but why not? Since the HEU has no equivalent of a P&C, yet alone the much-requested Home Education Advisory Board, there is no definitive channel through which parents can provide feedback, ask questions and have their voices heard.

2. Comments on the proposed amendments

Section of the Bill	Wording of the Bill	Our concerns, questions and comments
Amendment to s7 (Guiding Principles)	(1) Section 7(a), from ‘of choosing’ to ‘environment’— omit, insert— for choosing a suitable educational environment	We concur that parents have the responsibility for choosing a suitable educational environment. Suitable is best determined by parents who know their child intimately and not by the state. Furthermore, environment not only includes the location but also the tone and tenor of the education, which covers pace, curriculum, priorities, resources and more. However, proposed changes to the EGPA deny parents the opportunity to truly choose a suitable educational environment, since a one-size-fits-all curriculum is being imposed.
<p>Recommendation: Accept this amendment, understanding that parents - not the state - are indeed the people most capable of determining a suitable educational environment for their child.</p>		

<p>Amendment to s7 (Guiding Principles)</p>	<p>Section 7(b)— omit, insert— (b) education should be provided in a way that— (i) provides positive learning experiences for children and young people; and (ii) promotes an inclusive, safe and supportive learning environment for children and young people; and (iii) recognises the educational needs of children and young people of all abilities and from all backgrounds; and (iv) recognises wellbeing as a foundation of educational engagement and outcomes for children and young people;</p>	<p>We agree that these are great guiding principles and the addition of subpoint (iv) recognises what home educators have long known and lived by. However, we are cautious about how the government may wield these subpoints, section (iv) especially. Who gets to decide ‘wellbeing’? Is this the beginning of government overreach in which a government department can deem whether a child’s wellbeing is adequately catered for with home education? Will parents be forced to seek reports from psychologists or medical professionals to defend their belief that the child’s wellbeing is best served by being home educated? Furthermore, how can education provide positive learning experiences for children if the reason they left school was due to the Australian Curriculum not adequately meeting their needs and yet they are being forced to follow it at home? And how are the educational needs of children of all abilities and backgrounds being recognised if they are being compelled to follow a “one-size fits all” curriculum?</p>
<p>Recommendation: Adopt this amendment, recognising that home education intrinsically fulfils all 4 subpoints.</p>		
<p>Amendment to s7 (Guiding Principles)</p>	<p>(3) Section 7— insert— (da) for chapter 9, part 5, home education of a child or young person should be provided in a way that— (i) is in the best interests of the child or young person taking into account their safety and wellbeing; and (ii) ensures the child or young person receives a high-quality education;</p>	<p>Given that section 7 covers all children of eligible school age, why has home education been singled out as being required to be in the best interests of the child, taking into account their safety and well-being, and needing to ensure a high-quality education is provided. These matters are already covered in the section 7 (Guiding Principles) and the inclusion of a sub point for home education connotes an assumption that home educating families would not provide these things. This betrays a fundamental bias towards home educating families which calls into question the integrity of the review.</p>
<p>Recommendation: Remove this discriminatory and unnecessary amendment.</p>		
<p>Amendment to s7 (Guiding Principles)</p>	<p>(4) Section 7(da) and (e)— renumber as section 7(e) and (f).</p>	<p>As this is a renumbering, we do not object, beyond our concerns raised above about the necessity of section 7 (da).</p>
<p>Recommendation: Relevant renumberings and reletterings of sections are acceptable,</p>		

provided unacceptable amendments are removed or revised.

Replacement of s 206 (Who is eligible for provisional registration or registration)

Section 206— omit, insert— 206 Who is eligible for provisional registration or registration for home education (1) A child is eligible for provisional registration or registration for home education— (a) if the child will be at least 5 years and 6 months on 31 December in the year the application for the child's provisional registration or registration is made; and (b) until 31 December in the year the child turns 18.

We applaud the decision to increase the permissible age of registration to 18. The HEA welcomes this change to home education regulation.

Recommendation: Accept this amendment in full.

Replacement of s 206 (Who is eligible for provisional registration or registration)

(2) However, a child is not eligible for provisional registration or registration for home education if, at the time the application for the child's provisional registration or registration is made or at any time after the application is made, the child is enrolled at a State school or non-State school.

The HEA does not support this amendment for two reasons.

1. Many families would value partial enrolment (part time home education and part time school attendance). Whether this enabled a child to experience the best of both worlds or whether dual enrolment allowed for a transition for students from home education back to mainstream school, this increased flexibility and choice could be a gamechanger for some families. Victoria, Tasmania, the ACT and many other parts of the world have the option for part time enrolment in school. Queensland should embrace this approach which truly recognises the best interests of the child.
2. This wording is not an improvement upon the current legislation. Currently, some families intending to register for home education find that their school refuses to unenrol the child UNTIL they are registered (or provisionally registered) for home education. Schools appear to be uninformed of their responsibility to unenrol children so that they CAN apply for registration. Is that responsibility listed elsewhere in the bill? The process of unenrolling a child from a school and applying for home education registration must be made clearer. This is a matter we have discussed at length with HEU management and the changes do not seem to adequately clear up the confusion.

Recommendations: Enable part-time school and part-time home education (partial enrolment), as exists in other Australian jurisdictions. This would strengthen the regulation of home education in accordance with the principles in s7 (b).

Amendment of s 199 (Home education)	Section 199(2)— omit.	This is a point that needs omitting because of the removal of s207 - application for Provisional Registration. See more on this major concern further in this document.
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Recommendation: Reinstate s207 Provisional Registration and do NOT omit this section.

Amendment of s 205 (Definitions for pt 5)	Section 205, definition provisional registration, 'section 207'— omit, insert— section 212	This is a point that needs omitting because of the removal of s207 - application for Provisional Registration. See more on this major concern further in this document.
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Recommendation: Reinstate s207 Provisional Registration and do NOT omit this section.

Amendment of s 206 (Who is eligible for provisional registration or registration for home education)	Section 206, as inserted by this Act, 'provisional registration or'— omit.	This is a point that needs omitting because of the removal of s207 - application for Provisional Registration. See more on this major concern further in this document.
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Recommendation: Reinstate s207 Provisional Registration and do NOT omit this section.

Omission of ch 9, pt 5, div 2 (Applications for provisional registration)	Chapter 9, part 5, division 2— omit.	<p>The HEA is deeply concerned about the removal of provisional registration (s207), which is what is happening by removing this whole division 2. Provisional registration via s207 is a wonderful feature for families who make a sudden decision to home educate but want to be law-abiding citizens. This is usually families in crisis - families exiting the mainstream system due to a failure of mainstream school to adequately meet their child's needs. Generally this involves stress and even trauma.</p> <p>Based on figures for 2022 and 2023, only 6.7% of NEW applicants use this approach, so it is not being abused. Currently, these families still have to proceed with a standard registration process to be fully registered, so it is not as though they never have to submit a plan.</p>
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		<p>These families (6.5% of new applicants) simply need time to figure out what approach would be best for their child. Even if the government wants to insist upon using the national curriculum, these families would often still need time to figure out what stage their child is operating at in each subject area, as most likely the child has not been engaging properly with school for some time due to the stress they have been experiencing.</p> <p>To remove s207 flies in the face of s7 (Guiding Principles) as families removing their child from an unsuccessful and potentially traumatic schooling situation are not given time to adequately prepare a plan that reflects the four subpoints of s7. Provisional registration MUST stay in the legislation to adequately support vulnerable families.</p>
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Recommendation: Reinstate s207 Provisional Registration and do NOT omit this section.

<p>Amendment of s 208 (Procedural requirements for application)</p>	<p>Section 208(2)— omit, insert— (2) Also, if the child was registered for home education at any time within the 12 months before the application is made, the application must be accompanied by a report— (a) in the approved form; and (b) that includes evidence satisfactory to the chief executive that demonstrates the educational progress of the child during the period of the child’s registration.</p>	<p>We understand the concerns of the government, that families may surrender registration without providing a report and then reapply. However, the government has supplied no data to indicate the extent of this theoretical problem.</p> <p>Families who began home education but struggled and thus made the decision to return to school, may NOT be able to supply evidence of educational progress, unless progress is defined simply as evidence of an ongoing (progressive) provision of education. Would a school be able to supply a report card on a child’s educational progress if the child only attended for a month?</p> <p>We believe there are other solutions to this unsubstantiated concern, and that these solutions could be found by the government revealing the true extent of this potential problem and then collaborating with home education stakeholders in pursuit of a win-win solution. Enacting a law that punishes families genuinely seeking to find the best educational option for their child, because of the actions of a few who may abuse the system, is not just.</p>
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Recommendation: Reject this amendment.

Omission of s 210 (Chief executive must ensure compliance with procedural requirements)

Section 210— omit.

The impact of this omission would be that families who fail to supply all relevant documents at the time of registration would not be contacted and would automatically have their application denied. This is contrary to the standards applied to students enrolling at a school, where families are contacted and asked to supply missing information in order for an application to proceed.

Recommendation: Reject this amendment and treat families applying for registration with the same standards applied to families enrolling in a school.

i) Amendment of s 211 (Chief executive may require further information or documents)

(1) Section 211(1), '28 days'— omit, insert— 14 days (2) Section 211(2) and (3)— omit, insert—

Fourteen days is inadequate time. What if some of that information needs to be sourced from a government department? It could well take more than 14 days to receive it. What if the family submits their application and then goes on holiday and doesn't even see the request in the 14 day timeframe? What if the family is unable to comply with the timeframe, and unable to make an extension for a request, due to significant illness or facing a natural disaster? Fourteen days is insufficient time and is likely to result in more appeals, adding to the administrative burden on the regulator. Furthermore, why is the government given 45 days to make a decision about our application(see amendment to s215) but families are only given 14 days to supply more information? This is inequitable. If they are going to start treating home educators as professionals by requiring adherence to the Australian Curriculum, then they should offer us the same professional leeway they receive.

Recommendation: Reject this amendment and let the time stand as 28 days.

ii) Amendment of s 211 (Chief executive may require further information or

(2) Despite subsection (1), the chief executive may, within the period stated in the notice given to the applicant, decide to extend the stated period to end on a later day (the revised compliance day). (3) If the chief executive decides to extend the stated period under

We support the notion of the chief executive having scope to extend the period required for further information. However, this must also be able to be applied retrospectively if families state (perhaps utilising a Statutory Declaration) that they were unable to receive and action the notice or request more time within the 14 day period e.g. were not able to

documents)	subsection (2), the chief executive must give the applicant a notice stating the revised compliance day. (3) Section 211(4), 'the agreed compliance day'— omit, insert—the revised compliance day (4) Section 211(5)— omit.	access emails, had a period of extended illness, were in hospital, were experiencing a natural disaster.
Recommendation: As well as rejecting the previous amendment, such that the time frame remains at 28 days, alter this amendment so that an extension or amnesty applies if families have legitimate reasons for not actioning the notice within the specified time period.		
Amendment of s 212 (Child taken to be provisionally registered while application decided)	Section 212(1), after 'made'— insert— under section 208	This is a point that needs omitting because of the removal of s207 - application for Provisional Registration. See more on this major concern earlier in this document.
Recommendation: Reinstate s207 Provisional Registration and do NOT omit this section.		
Amendment of s 214 (Steps to be taken after application decided)	Section 214(1), from 'issue'— omit, insert— give the applicant a notice stating the following information— (a) the child's name and date of birth; (b) the name of each applicant; (c) the address of the child's usual place of residence; (d) that the child is registered for home education; (e) if, under section 218, the chief executive decides to impose conditions on the registration—the conditions.	We object to the inclusion of the child's address on the notice as a matter of safety generally and especially for families escaping domestic and family violence. We have some concerns about the removal of issuing a certificate of registration. Some families have needed to show this when dealing with other government agencies. We have received no assurance that a notice will be deemed sufficient by these other agencies.
Recommendations: Reject this amendment and retain certificates of registration. Do NOT include the address of the child on certificates. The other details are sufficient to identify the child for the purposes of government agencies.		
Amendment of s 215 (Failure to decide application)	Section 215(1) and (3), '90 days'— omit, insert— 45 days	We are wary of this amendment. What appears to be a reduction in time for the government to decide upon applications, seems to actually be just a reduction in time for the regulator to not get around to making a decision, which will be deemed a rejection. Given that families are provisionally registered while an application is being assessed, and families are going about the business of home education, we see no reason for the time to be reduced,

		<p>particularly with no promise enshrined in legislation of adequate staffing increases. If there are not adequate staffing increases, we could see families receive a “failure to decide” which in practice equals a “failure to be registered”. Or, as a result of staff being under pressure to review applications and make hasty decisions, they may potentially reject applications worthy of acceptance or accept applications that should be rejected. Furthermore, why does the government receive up to 45 days to action an application, whilst families would only receive 14 days to supply further information if requested to do so? This is inequitable.</p>
<p>Recommendation: Reject this amendment and retain the 90 day time period. OR, if this legislation is intended to provide families with a more timely response to their application, it needs to be reworded to make that clearer.</p>		
<p>Omission of s 216 (Minimum details to be recorded on certificate of registration)</p>	<p>Section 216— omit.</p>	<p>S216 is being removed because of the plan to no longer supply a certificate of registration but merely a “notice”. As mentioned earlier, we have some concerns about the removal of issuing a certificate of registration. Some families have needed to show this when dealing with other government agencies. We have received no assurance that a notice will be deemed sufficient by these other agencies.</p>
<p>Recommendation: Reject this amendment and retain certificates, though with the omission of the child’s place of residence.</p>		
<p>i) Amendment of s 217 (Standard conditions)</p>	<p>(1) Section 217(1)(b)— omit, insert— (b) the educational program used for the child’s home education must— (i) be suitable for the child having regard to the child’s age, ability, aptitude and development; and (ii) be consistent with an approved education and training program; and (iii) provide the child with a comprehensive course of study in a diverse range of subjects or learning areas; and (iv) include subjects or learning areas that are the study of English and mathematics;</p>	<p>The HEA is deeply concerned about the changes regarding the educational program.</p> <p>i) This is a reasonable request.</p> <p>ii) This is an unreasonable request. The government has not provided any evidence for why a change is necessary. The vast majority of families have their continuing registration approved because they have shown they have provided a high-quality education. Why are the families of over 10,000 students being punished when less than 1% of registrations are cancelled due to not providing evidence of a high-quality education. The government states it is committed to risk-based regulation*, but is proposing an amendment not justified by the risk. *https://s3.treasury.qld.gov.au/files/Guida</p>

		<p>nce-note-Risk-based-regulatory-approaches.pdf</p> <p>In the public briefing, Ms Forrester claimed that one reason for mandating the Australian curriculum was due to the thousands of children who return to the school system each year, “to provide a consistent basis and framework for that to support the continuity of the child’s education”. It would seem that the parents who choose to make this choice to return their child to school are not troubled by the differences in curricula and consider their child able to handle the transition. As such, what reason is there for the department to minimise any “bumps” which the parents are confident their children can navigate in their return to school? See comments further down, re concerns with what is deemed “an approved education and training program”.</p> <p>iii) This is an unreasonable request. Whilst most families do provide their “child with a comprehensive course of study in a diverse range of subjects or learning areas”, there is no evidence given as to why this promotes the best educational outcomes. For some children, especially those who have neurodiversity, a disability or mental illness, obligation to provide a comprehensive course of study in a diverse range of learning areas is inappropriate and even at odds with subsection (i) “<i>be suitable for the child having regard to the child’s age, ability, aptitude and development</i>”. Additionally, some families choose to do deep dives into certain topics in certain years, with excellent results. A year’s educational program does not take into account all that a child will cover over the period of their entire education.</p> <p>iv) This is an unreasonable request. This point</p> <ul style="list-style-type: none"> - Makes no allowance for children with a disability who may be unable to engage in these subject areas - Discriminates against students who may experience peaks and troughs in their learning (e.g. those who are neurodivergent) and achieve better educational outcomes when allowed to work in their current areas of
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		<p>success.</p> <ul style="list-style-type: none"> - Discriminates against students who may have achieved adequate literacy and numeracy skills to achieve one of the objects of the Act - <i>enable the child to become an effective and informed member of the community</i> - and wish to focus their learning in other areas more suited to their interests, abilities and future career path. - Discriminates against students who may have already completed the requirements of the Australian Curriculum or senior syllabus, due to their advanced abilities. - Ignores principles of self-directed education.
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Recommendations: Retain subpoint (i). Reject subpoints (ii), (iii) and (iv).

<p>ii) Amendment of s 217 (Standard conditions)</p>	<p>(ba) a parent of the child must give the chief executive a written report— (i) for the period the child is registered for home education; and (ii) in relation to each subject or learning area that is part of the educational program used for the child’s home education;</p>	<p>i) This is a reasonable request. ii) Home educators vary in their choice of the number of subject areas they cover. The current requirement of three is equitable for every family regardless, and for the HEU, but this change will not only discriminate between families but unnecessarily increase the regulatory workload of families and the HEU. Will the HEU staffing numbers be increased to account for this increased workload? Will families be obliged to wait even longer for confirmation of continuing registration beyond the commonly experienced 2 or more months’ wait?</p>
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Recommendations: Retain subpoint (i) OR, to reduce the load upon the regulator, alter subpoint (i) to apply a sampling system for reporting, as is used successfully in Victoria. Reject subpoint (ii) as onerous to parents and HEU staff.

<p>iii) Amendment of s 217 (Standard conditions)</p>	<p>(2) Section 217(1)(ba) and (c)— renumber as section 217(1)(c) and (d). (3) Section 217(2), ‘subsection (1)(b)’— omit, insert— subsection (1)(c)</p>	<p>These are basically just a tidying up of the numbering of the subsections. We have no further comment to make.</p>
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Recommendation: Relevant renumberings and reletterings of sections are acceptable, provided unacceptable amendments are removed or revised.

<p>iv) Amendment of s 217</p>	<p>(4) Section 217(2)(c)— omit, insert— (c) be accompanied by evidence satisfactory to the chief</p>	<p>What is meant by “educational progress”? Is this moving through different aspects of study or is it synonymous with</p>
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(Standard conditions)	executive that demonstrates the educational progress of the child.	<p>“improvement”? We reject the notion that it must demonstrate “improvement” as this is not demanded in schools. Whilst teachers perform exceptionally well in an increasingly complex educational environment, it is a reality that not all children achieve as desired. Those students do not have their enrolment at a school cancelled because of this but rather, are offered additional support. The same standard should be in place for home educated students. Legislation should not punish children for a lack of progress (if defined as ‘improvement’). What must be assessed is the parent’s provision (or not) of an education that fulfils the guiding principles of section 7. The 2003 Qld Review of Home Schooling recommended “Establishing a Central Entity to provide Services and Resources to Home Schooling Parents”. Such an entity has never been created (the HEU performs as a regulatory body, not a support hub) but, if created, would greatly support the government’s vision of equity and excellence in education.</p>
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Recommendation 1: Amend this amendment to read “be accompanied by evidence satisfactory to the chief executive that the child has received an education that fulfils the guiding principles”.

Recommendation 2: Create a central entity to provide services and resources to home educating families.

v) Amendment of s 217 (Standard conditions)	<p>(5) Section 217— insert— (3) In this section— approved education and training program means— (a) the national school curriculum (known as the Australian Curriculum)— (i) developed and administered by the Australian Curriculum, Assessment and Reporting Authority established under the Australian Curriculum, Assessment and Reporting Authority Act 2008 (Cwlth), section 5; and (ii) published on the authority’s website; or (b) a senior subject syllabus for a senior subject; or (c) a vocational education and training course at level 1 or above under the AQF; or (d) a combination of the curriculum, a syllabus or a course mentioned in</p>	<p>We utterly reject this amendment. Below are several reasons:</p> <p>There is no need to mandate specific programs as, under the current Act, which permits parents to develop their own program, <1% of registrations are not renewed due to a failure to demonstrate a high-quality education. Home educators are already achieving excellent results without the obligation to follow an approved program. Additionally, there are problems with each of the options listed:</p> <ul style="list-style-type: none"> a) The Australian Curriculum <ul style="list-style-type: none"> - Teachers receive significant undergraduate training, as well as professional development to be able to implement the Australian Curriculum, and schools have until 2027 to change from
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	<p>paragraph (a), (b) or (c). senior subject see the E(QCAA) Act, schedule 1. senior subject syllabus, for a senior subject, means the syllabus for the subject developed by the QCAA and published on its website. syllabus see the E(QCAA) Act, schedule 1.</p>	<p>version 8 to 9. <i>What accommodations will home educating families receive?</i></p> <ul style="list-style-type: none"> - ACARA is a specialist curriculum designed by teachers for teachers to be delivered in a school. The Australian Curriculum was designed to meet the needs of families who travel and had trouble fitting into an interstate school. The ACARA document itself states that it is a school program and the parents page is very clear on this point as well. “The Australian Curriculum sets the goal for what all students should learn as they progress through their school life – wherever they live in Australia and whichever school they attend.” (ACARA v9.0, emphasis added.) - Schools have the option of Individual Education Plans (IEPs) for children with complex learning needs. What process will the HEU have for approving IEPs for home education, given the percentage of home educated children with diverse needs, as evidenced by the Department of Education’s own research into home education, published on the HEU website? - This prescription is incredibly narrow - the bill does not even appear to include Montessori or Steiner, which are other approved curricula used in schools. - The government is enforcing as gold-standard a curriculum that achieved NAPLAN results in 2023 where 1/3 of students were not meeting minimum proficiency standards. The Australian
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		<p>Curriculum appears to be failing its own report card and should not be mandated.</p> <p>b) Senior QCAA syllabuses are not designed for a non-specialist audience. Schools require approval (one year before being taught in a school) to teach from the QCAA (to which home educators do not have access) and use of the senior syllabuses lead to the determination of an ATAR score. Semester 4 of all senior syllabuses are written around the student sitting the QCE exams for each subject so that an ATAR can be determined if the child is eligible. Will home educated students have access to the QCE exams for each subject? How will that be determined with the other three semesters of (non-school assessed) learning? How will the QCAA approve programs? Will students be able to sit the QCE and receive an ATAR? Will the government supply the resources required to meet the requirements of the senior syllabus e.g. chemistry labs, sports equipment? Additionally, why is the Qld government unwilling for senior students to use a senior syllabus used by another Australian state or territory?</p> <p>c) No mention is given to the use of university courses, which many home educating students avail themselves of for free through Head Start type programs or for a fee through avenues such as Open University.</p>
<p>Recommendation: When subpoints (ii), (iii) and (iv) of the proposed s217 are rejected, this amendment will not be necessary.</p>		
<p>Amendment of s 219 (Changing conditions)</p>	<p>(1) Section 219(3) and (4)— omit, insert— (3) If the chief executive decides to change the conditions— (a) as soon as practicable after deciding to change the conditions, the chief executive must give the</p>	<p>This change is of little significance, other than the aforementioned concerns about the change from a registration certificate to an information notice.</p>

	parent an information notice about the decision; and (b) the change takes effect on the day the information notice is given to the parent. (2) Section 219(5)—renumber as section 219(4).	
Recommendation: Accept this amendment.		
Omission of s 220 (Replacing certificate of registration)	Section 220— omit.	This is being changed because there would be no certificate of registration for parents to return if their conditions of registration are changed. See our aforementioned concerns about the removal of the certificate.
Recommendation: Retain certificates of registration - at least for those who require them - and reject this amendment.		
Omission of s 226 (Return of cancelled certificate of registration to chief executive)	Section 226— omit.	This is being changed because there would be no certificate of registration for parents to return if registration is cancelled. See our aforementioned concerns about the removal of the certificate.
Recommendation: Retain certificates of registration - at least for those who require them - and reject this amendment.		
Amendment of s 227 (Surrender)	Section 227(3)— omit.	This is being changed because there would be no certificate of registration for parents to return if they voluntarily surrendered their child's registration (i.e. chose to cease home educating). See our aforementioned concerns about the removal of the certificate.
Recommendation: Retain certificates of registration - at least for those who require them - and reject this amendment.		
Amendment of s 229A (When provisional registration or registration ends in relation to child's age)	Section 229A, heading, 'provisional registration or'— omit.	This is being changed because provisional registration as a separate category of registration is being removed. See earlier in the document for our comments on the flaws of that proposal.
Recommendation: Retain s207 provisional registration and reject this amendment.		

3. Additional comments on the most troubling aspects of the Bill

Re: Removal of Provisional Registration

Our experience suggests that most families utilising s207 have had their child in a school (or multiple schools) but that experience has been unsuccessful for one reason or another. Common reasons are extreme bullying, self-harm and poor mental health due to academic, sensory, social or other challenges. Other factors include, but are not limited to, concerns around the failure of the school to properly meet the needs of a child with a disability or neurodivergence.

Their decision to home educate is usually a last resort, rather than a purposeful, ideologically-driven decision. As such, these families generally need time to:

- a) allow their child to recover from a negative schooling experience without the pressure of turning around the next day and adapting to something new
- b) figure out the child's actual needs and learning styles, once the pressures of the school environment have been removed and
- c) research appropriate resources to best address the child's unique learning needs.

The key rationale provided for the proposal to remove provisional registration as per s207 is that there is no requirement for the parent to provide a high-quality education nor to report on such. We believe the concern raised does not adequately encompass a broad view of the child and their needs over a lifetime, as opposed to a brief window of a few months. Nor does the concern raised show any respect toward parents who are passionate enough about helping their child "maximise his or her educational potential" (s5) that they are willing to take on a time-consuming and counter-cultural task by home educating their child.

In the big scheme of things, a couple of months for a child to recover from the negative experiences of school is no different to a child undergoing a period of hospital treatment, who might be too unwell to participate in the hospital-based school. Furthermore, such a window of time, even if no educational activities occur, which is highly unlikely, sets the child up for future success, rather than maintaining continued pressure on an already struggling child. Given the government's recent emphasis on student wellbeing and the explicit mention of it in the Bill, we are surprised and offended that a period of healing from a difficult, or possibly even traumatic, experience has not been embraced and in fact has been actively shunned.

The assumption seems to be that - because no plan has been submitted nor is a report required - the parent is failing to provide a high-quality education. Our experience suggests that families in the initial months of provisional registration are providing more positive learning experiences (s7bi), within a more safe and supportive learning environment (s7bii), which better recognises the child's educational needs (s7biii) than the child had experienced at school for quite some time. Furthermore, as per the new s7(iv), this grace period recognises wellbeing as a foundation of educational engagement and outcomes for children and young people by allowing a period of healing and transition.

The government should trust that families desperate enough to remove their children from school are absolutely motivated by what is best for the child and will not for one minute neglect to provide what is optimal for that child on their journey towards achieving maximal educational potential and becoming an effective and informed member of the community (s5).

If the government thinks it necessary to monitor this period, the registration period could commence from the time of provisional registration and the report would then be expected to show progress that has been made within that 10-month period, whether that included learning activities in the provisional registration period or not. Surely, if progress is demonstrated, then the state need have no fear that the child has not received a high-quality education, even if a break from formal learning activities was required for a portion of the registration period.

In an email to the EGPA review team, dated Dec 12, 2023, we wrote: *We trust that, given the government's emphasis on student well-being, this important matter [of removal of provisional registration] will be the subject of further dialogue with relevant stakeholders, including the Home Education Association, prior to any tabled legislative changes, so that vulnerable families are not made to suffer further.*

Disappointingly, no further dialogue occurred regarding this matter.

Re: Imposition of the condition for a program to be consistent with an approved education and training program

In the table above, we have outlined our concerns regarding the mandating of programs to be consistent with an approved education and training program. We here include additional points not made in the table.

What does “is consistent with” mean? No explanation of the scope of interpretation of this phrase is provided. Is it up to the parent or the HEU to determine whether a program is consistent with the Australian Curriculum?

The Australian Curriculum is being insisted upon, despite its own scorecard raising alarm bells. 2023 NAPLAN results show one third of students are not meeting minimum proficiency standards. Furthermore, the OECD's PISA scores provide evidence that Australian 15 year olds are falling a year or more behind in English and Maths compared to where they were when we began participating in the assessment in 2000. If the Australian Curriculum is supposed to provide every Australian child with access to a high-quality education, then we can see one reason why an increasing number of families are exiting the school system to home educate. Concerned for their children's educational potential, they are utilising approaches that achieve better outcomes than the Australian Curriculum.

The demand for parents to follow the Australian Curriculum insults the education and professionalism of teachers. Teachers spend a good portion of their undergraduate study, as

well as ongoing professional development, learning the Australian Curriculum and how to implement it. To expect parents to implement it, with no training, makes a mockery of the complexity of this resource and the training required to utilise it.

The restricted nature of the approved programs shows a state of ignorance by the crafters of this legislation. Why have other approved curricula been omitted? Does the government not think the HEU staff are capable of assessing programs and reports utilising other approved curricula? If so, perhaps the government's hiring practices are what needs to be amended.

The requirement to follow the QCAA senior syllabuses demonstrates ignorance about the nature and purpose of those programs. The QCAA's own website states, "In Queensland, a syllabus for a senior subject is an 'official map' of a senior school subject. A syllabus's function is to support schools in delivering the Queensland Certificate of Education (QCE) system through high-quality and high-equity curriculum and assessment." Note particularly that the function is to support schools in delivering the QCE. Home educated students generally do not participate in the QCE as it serves no purpose in gaining employment or access to tertiary study. Home educated students gain employment readily and access university via alternative pathways. Adherence to the Australian Curriculum has not been and is still not necessary for home educated students to pursue their careers of choice.



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Alternatives to Queensland Home Education Program and Reporting Requirements

The Education (General Provisions) and Other Legislation Amendment Bill 2024 proposes that the education provided to a child must be consistent with an approved education and training program and must include the study of English and mathematics. Additionally, it states that a report must be provided “in relation to each subject or learning area that is part of the educational program used for the child’s home education”. The Queensland Department of Education has looked at other jurisdictions but seems to have cherry-picked what best suits their purpose. Below is a table demonstrating the more contemporary approaches to educational programming and reporting rather than the Queensland Department of Education’s rigid and risk-disproportionate approaches.

State/ Territory	Excerpts from relevant websites	What it means in practice
Victoria	<p>We review a selection of home schooling families each year to make sure the requirements of the Education and Training Reform Regulations 2017 are being met. We need to check that:</p> <ul style="list-style-type: none"> students receive regular and efficient instruction that, taken as a whole, substantially addresses the 8 learning areas learning is consistent with the principles and practice of Australian democracy. <p>We don’t review your child or their learning outcomes. We only review whether you have met the registration requirements. We need to ensure your education program covers the learning areas.</p>	<ul style="list-style-type: none"> ● There is no need to follow or be consistent with the Australian Curriculum, beyond inclusion of the 8 learning areas. ● Families can apply for exemption from one or more of the 8 learning areas. ● Only 10% of families are required to provide a report, and only on one child in the family. This reduces the regulatory burden



	<p>Every child has their own learning needs. It may not be reasonable to expect your child to receive instruction in all 8 learning areas.</p> <p>You can apply for an exemption from one or more learning areas, so your child's education meets their needs.</p> <p>When we assess an exemption application, we consider what you tell us about your child. We base our decision on your judgement of your child's needs.</p> <p>We randomly select up to 10% of home education registrations for review each year. If you are educating more than one of your children at home, only one child's registration will be reviewed. Only provide evidence for this child when you are completing the review.</p> <p>You can choose to have your review conducted by desktop. This is where you email your evidence to us and we review the information.</p> <p>You can also hold your review by telephone or video conference. During our conversation, you can provide information about your child's education program, instruction, and how you meet the requirements. Together we'll decide if you need to send in evidence after our discussion.</p>	<p>upon both families and the regulator.</p> <ul style="list-style-type: none"> ● There is no requirement to demonstrate 'progress', simply that the parent has been faithful to meet the registration requirements. ● Reviews can be by written report or a conference.
Tasmania	<p>In Tasmania, home education is a legal option for your child's education. There is no requirement to follow the Australian Curriculum or any particular curriculum. The OER asks you to plan a program that addresses 10 Standards.</p> <p>The Office of the Education Registrar understands that every family, child, and program is unique.</p> <p>The Registration Officer decides the overall assessment for the standard based on:</p> <p style="text-align: center;">the information in your HESP, and</p>	<ul style="list-style-type: none"> ● There is no requirement to follow the Australian Curriculum or any particular curriculum. ● Literacy and numeracy (rather than English and mathematics) are required standards but the emphasis on each child's uniqueness means,

	<p>the discussion shared and evidence shown at the registration visit.</p> <p>To ensure consistency and fairness, Registration Officers use a guide to decide on the overall assessment of the Standard. There are three possible outcomes:</p> <p><i>Meeting Standard</i> <i>Working Towards Standard</i> <i>Not Meeting Standard</i></p> <p>It is important to note that:</p> <p>Registration Officers do not make judgements about your, or your child's, physical or intellectual abilities. Registration Officers assess the capacity of your home education program to identify and cater for each child's learning needs. Receiving a <i>Working Towards Standard</i> or <i>Not Meeting Standard</i> does not mean that your registration will not be approved. If a Standard is determined as <i>Working Towards Standard</i> or <i>Not Meeting Standard</i>, the Registration Officer will work with you to support the development of your program to meet the needs of your child. Your Registration Officer may suggest a follow up visit or support phone call to discuss your program further and to offer more support.</p>	<p>in practice, that the provision of this can be in quite informal ways or, if a child has demonstrated sufficient competency already, not included at all.</p> <ul style="list-style-type: none"> ● The information provided to parents is written in plain English, not edu-speak, and conveys empathy and support rather than a patronising or judgmental tone. ● There is no assessment of 'progress'. ● Support, rather than cancelling of registration, is provided if any standards are not met.
ACT	<p>A high-quality education is one that meets the needs of a child and recognises them as an individual. There is no single way to provide a high-quality education, and what may be high-quality for one child, may not be high-quality for another child. When working with home educating families, the Home Education team looks for a balanced approach, which includes elements of intellectual, social/emotional and physical learning opportunities.</p> <p>Home educating parents are required to</p>	<ul style="list-style-type: none"> ● There is no requirement to follow or be consistent with the Australian Curriculum. ● The ACT looks for a program that views the child holistically, incorporating physical and social/emotional elements alongside

	<p>submit a home education report for each registered child once a year, by no later than 31 December. Home education reports detail the progress children have made in the areas of intellectual (including literacy and numeracy), social/emotional and physical development.</p> <p>Parents can choose to use an optional template from the Home Education team or provide a report in a format of their choosing. Please note that reports from providers of home education materials do not satisfy the requirement for the annual report on children’s progress.</p> <p>Parents can request support from the Home Education Liaison Officer when writing their home education reports.</p>	<p>intellectual ones.</p> <ul style="list-style-type: none"> ● English and mathematics are not mandated. This is appropriate as a child may need a break from those subjects for a period or may have already attained sufficient competency & be better off focusing on areas of passion or career path. ● Parents have a choice of reporting formats. ● Support in writing reports is available from the regulator.
<p>South Australia</p>	<p>The department does not mandate a particular learning approach or set of resources, however the learning program you choose will need to address all 8 learning areas as defined by the Australian Curriculum.</p> <p>A home education program may include</p> <ul style="list-style-type: none"> - choice of an educational approach or philosophy. <p>Home education programs can use a broad range of teaching styles and methods. While flexible, the home education program is required to cover the 8 learning areas as defined by the Australian Curriculum.</p> <p>During the review meeting, you will need to provide evidence that an appropriately planned and resourced learning program has been regularly implemented during the period of exemption, according to the needs and abilities of the child. Clear evidence of learning in literacy and numeracy should be prioritised. This evidence can be presented in a variety of formats.</p>	<ul style="list-style-type: none"> ● Like Victoria, programs must include the 8 learning areas but do not need to follow the Australian Curriculum. ● Families can specify their choice of educational approach or philosophy, which will inherently impact the emphases and reporting style of the program. ● Literacy and numeracy are to be prioritised in the review meeting and there appears to be no obligation to report on every area, though the program must include all 8 learning areas.

	As qualified and experienced teachers, home education officers can provide some suggestions and advice to help you develop a strong home education program.	<ul style="list-style-type: none"> • Support is available personally to help develop a program.
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Educational Programs

It should be noted that the NT Education Act is the only one to reference ACARA. NSW and WA refer to curriculum but have their own.

During the public briefing, Ms Forrester stated that “these changes will also bring Queensland in line with the majority of other jurisdictions which also require a home education program to meet the Australian Curriculum or the learning areas associated with the Australian Curriculum.” By her inclusion of the last clause, she includes Victoria and South Australia, and thus brings the tally to five states and territories. However, if we look at which jurisdictions insist upon adherence to the Australian Curriculum or their own state-based curriculum, we will find that only the NT, NSW and WA do. It is worth noting that the remaining states and territory also provide evidence of community-responsive inclusions such as advisory committees (Tasmania and, until recently, Victoria) and partial enrolment (ACT, Victoria and Tasmania.) Ms Forrester and her team appear to be choosing the most static educational models rather than those that reflect contemporary, evidence-based and risk-appropriate practices.

Reporting Frequency

It has been clear from the information provided during the EGPA review that the demand upon the regulator has been a significant factor driving and influencing the review. With the massive increase in registration numbers, the regulatory burden of the HEU has greatly increased. This demand appears to have prompted an openness to different approaches, which is commendable. For instance, the Consultation Paper provided to all registered HEU families in 2022 stated, “Given only a very small number of registrations were cancelled in the last two years because the report did not demonstrate provision of a high-quality education, requiring review of all reports on an annual basis does not appear to align with best practice regulatory approaches which are underpinned by the need for proportionality. For example, The Tertiary Education Quality and Standards Agency (TEQSA) and Australian Children’s Education and Care Quality Authority (ACECQA) use the principle of *regulatory necessity, reflecting risk and proportionate* regulation to underpin their respective administrative processes to ensure exercise of legislative power does not burden the parties any more than reasonably necessary.” The Consultation Paper then went on to propose a sample-based approach. Though the proposal contained flaws, it was a step in the right direction, and the HEAQ is surprised and disappointed to discover that a sample approach to reporting has not been maintained in the Bill currently under consideration.

The HEA would like to propose that, instead of requiring annual reporting of all families on all learning areas, the government considers the following alternatives.

- **A sampling method, such as the excellent one used by Victoria, mentioned in the table above.** *This is the approach preferred by the home education community and is one that reflects a contemporary approach to regulation which provides for the greatest degree of compliance at the lowest cost to all parties.*
- Requiring a report for every child in their first year of registration. Those who meet the appropriate standards would be exempt from completing another report for that child until their first year in high school (if applicable). If reports indicated that additional monitoring was needed, reports could be required in subsequent years until the HEU was confident the parents were delivering a high-quality education.
- Requiring a report for every child in their first year of registration, with families then, in subsequent years, being eligible for selection for reporting, as per the excellent sampling method used in Victoria.
- Requiring a report from every child every year but only requiring parents to report on three areas, as this is already operating successfully in Queensland and producing wonderful young Queenslanders.

Reporting Integrity

The 2022 Consultation Paper proposed that a report would be required for all children every year but that only 10% of them would be read. The HEA is concerned that the Department of Education may still have such a view in mind: that legislation would require compulsory reporting on all children every year but that policies and procedures would allow the HEU to only read and assess a sampling of those reports.

In our submission to the Consultation Paper in 2022, the HEA stated:

The HEA cannot support the sample assessment approach as proposed.

Writing reports that are not read or provided with feedback is not a productive use of the home educator's time, and may even be perceived by some as insulting. It is likely that people will not submit reports that are not of value to anyone, resulting in less regulatory compliance rather than more.

The proposal to have every family submit reports which are then not actioned does not reduce the regulatory burden on families, and has no benefit to the regulator in terms of ensuring compliance. It has been suggested by the review team that this approach is similar to how the ATO approaches tax reports. However, the analogy is inaccurate and unhelpful. All working Australians submit a tax return - and all are processed. Only a percentage are audited however. We are not aware of any other regulation that requires all to submit without processing reports received. It is inappropriate, and not consistent with the stated intent to to reflect a contemporary approach to regulation which provides for the greatest degree of compliance at the

lowest cost to all parties.

The Queensland Government must ensure that the sampling method, working so effectively in Victoria and preferred by the home education community of Queensland, is enshrined in legislation or that any lesser alternative of the ones proposed above cannot result in a policy, procedure or practice of the HEU that does not honour each of those reports with the due attention they deserve. Assessment of each submitted report by the HEU must also be enshrined in law.

Reporting Requirements (Demonstrate Educational Progress)

According to the 2022 Consultation Paper, “All states focus on assessment of implementation of the educational program in determining whether the parent is complying with registration requirements, while NSW, ACT and WA also include an assessment of the educational progress or achievements of the child.” The HEA applauds the consistent focus on a parent’s compliance with requirements and notes that most other jurisdictions (four out of seven, excluding Queensland) do NOT require reporting on progress. We recommend that, if ‘progress’ is so important to Queensland, they follow the lead of the most progressive states with respect to home education and remove the requirement to demonstrate educational progress. Victoria fairly places the burden on the parent not the child, saying, “We don’t review your child or their learning outcomes. We only review whether you have met the registration requirements.” Or, as Tasmania so eloquently puts it, “Registration Officers **do not** make judgements about your, or your child’s, physical or intellectual abilities. Registration Officers assess the capacity of your home education program to identify and cater for each child’s learning needs.” Queensland would do well to model itself on those two states.

Conclusion

The Bill and the presentation by Ms Forrester at the public briefing propose requirements that may sound reasonable on the surface. A closer examination of the practices in other jurisdictions and the comments made in the Department of Education’s own Consultation Paper reveals that there are other reasonable options available for Queensland to choose as we revise our Education legislation. The HEA urges the Committee to look closely at the exemplary models in other jurisdictions, especially those of Victoria, Tasmania and the ACT, and propose changes to the Bill in terms of educational programs, reporting frequency and reporting requirements that would provide sufficient oversight of home education with less negative impact upon families and the regulator.

Sources

<https://www2.vrqa.vic.gov.au/understand-home-education-reviews>

<https://oer.tas.gov.au/home-education/understanding-the-standards/>

<https://www.education.act.gov.au/schooling/home-education/frequently-asked-questions>



<https://www.education.act.gov.au/schooling/home-education/registration-renewal>

<https://www.education.sa.gov.au/docs/curriculum/guide-to-home-education-in-south-australia.pdf>

Consultation Paper distributed to registered HEU families in 2022, which is not permitted to be shared. If the Committee obtains Department of Education approval, I can provide a copy of the same.



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HEA Response to EETSC re Child Death Review Board Annual Report 2022-23

The members of the HEAQ team were saddened to read of the children whose deaths were reviewed in this report. Representing families who make sacrifices every day for the wellbeing and best interests of their children, the HEA is troubled to read of cases where children have suffered at the hands of adults or system failure. We take this opportunity to express publicly our thanks for the work of the Child Death Review Board in highlighting areas in need of change or improvement to reduce the future likelihood of more child deaths.

About the Home Education Association

The Home Education Association (HEA) is Australia's peak-body homeschooling association, advocating for home education rights in all States & Territories since 2001. The HEA is run by a committee voluntarily coming together to lead the association.

The HEA upholds the principle that parents are primarily responsible for the education of their children and respects the diversity of philosophies and methods used by home educators. Our vision is to move towards an Australia where parents can freely choose home education, and where the HEA as the peak body has input into government policy.

The mission of the HEA is to promote the practice of home education across Australia, support and empower home educators and advance educational equity for members. As such, we advocate in the interests of home education and it is with this in mind that the HEA makes this submission to the Committee.

The HEA meets quarterly with the Home Education Unit (HEU) management team for discussions around the practices of the HEU and concerns and questions that have arisen within the home education community. The HEA values the productive relationship we have with the regulatory body.

Observations

- It is heartening to see that the death of even one child falling into a particular category is sufficient to prompt an examination of systems and regulations. We applaud this.



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- The Report makes clear that
 - the home educated young person (hereafter referred to as “the young person”) was a client of the Child and Youth Mental Health Services.
 - those conducting a home visit were concerned about the living standards of the young person and whether their care needs were met.
 - the young person was referred to the Suspected Child Abuse and Neglect team.
 - the young person was discharged from hospital despite Child Safety not yet having commenced an investigation and assessment of the child protection concerns and the Department of Education’s Youth Engagement Service not yet having been initiated.
- The Report then states, “The young person’s experiences led the Board to consider the regulatory oversight of, and support for, children registered for home education in Queensland.”¹
- The Report also mentions the Board requesting “that the Queensland Family and Child Commission (QFCC) lead a system review into the regulation of home education in high-risk home environments in Queensland. This project seeks to work with agencies to match data to identify the number of children in home education living in high-risk home environments (including those with concerning child protection and domestic and family violence histories).”²

Comments

The HEA welcomes the system review into the regulation of home education in high-risk environments, where these high-risk settings have already been identified through other agencies. This provides an additional layer of protection for at-risk children, whilst not overstepping the mark and treating all home educating parents as possible perpetrators of abuse or neglect. Choosing to home educate cannot, on its own, provide cause for suspicion of neglect or abuse. Families who choose to send their children to school are not subject to such suspicions arbitrarily.

The Department of Education’s own research into home education showed that “An overarching belief shared by most home educators is the idea that home education provides a better learning environment for their child/ren”.³ That research went on to explain: “Overall, a common reason for home educating includes the child being able to learn at their own pace with a flexible curriculum that meets their needs. Many children who are home educated have a disability or health issue, and it is believed they cope better in the home environment. It is also felt that home education prevents children from being exposed to negative influences, such as bullying.”⁴ This research demonstrates that home educating families are already driven to have their child or children well-engaged with their learning and are concerned for their physical, emotional, psychological and social wellbeing. Thus, the conclusions from the QFCC’s *Lessons from the life-story timelines of 30 Queensland children who have died* about the “protective factors that engagement in education can bring to the lives of children and young people”⁵ are a moot point for the overwhelming majority of home educating parents who are already committed to securing their child’s best engagement with learning.

The conclusion of the Board “to consider the regulatory oversight of, and support for, children registered for home education in Queensland”⁶ is troubling to the HEA for the following reasons:

- What we find in the Report is not a failure of home education but of child welfare agencies - hospitals, SCAN and the Department of Education’s Youth Engagement Service. These were the agencies that did not act in a responsible or timely manner to potentially prevent the death of this young person. We do not point the finger at any individual. Rather, we echo the Board’s desire “to identify opportunities for system improvements and to make recommendations about the changes needed to keep children safe.”⁷ This young person was home educated, it is true. However, the young person was known to appropriate services who are tasked with the roles of wellbeing and safety. These are the services whose practices need to be examined for system improvements, not the regulation of home education.
- The proposed legislative changes in the Education (General Provisions) and Other Legislation Amendment Bill 2024 do not demonstrate any ways in which a child or young person will be better engaged with their learning because of the changes. Rather, the Bill proposes a one-size-fits-all approach to education, which is likely to lead to less engagement in education and also decreased compliance. Home education itself is not failing children, as evidenced by the Home Education Unit’s data that only 0.5% of registrations are cancelled due to a failure to provide a high-quality education. Rather, what we see in the Report’s case study⁸ seems more like a family who needed support to provide all that their child needed, of which a suitable education was just one part.
- The Board requests that the government consider “support for...children registered for home education in Queensland”⁸. However, the proposed legislative changes in the Education (General Provisions) and Other Legislation Amendment Bill 2024 give no evidence of providing any more support for home educating families. What the home educating families of Queensland need are a Home Education Advisory Council and a central support hub, offering support and resources.

Protecting children through the sharing of data in situations where high-risk environments have been identified by the police, Child Safety or other agencies is welcomed but all home educating families should not be treated as potential perpetrators of abuse or neglect. The Child Death Review Board Report rightly highlights that reviews of systems are necessary but wrongly points the blame at home education regulation rather than child welfare services. Furthermore, the Education (General Provisions) and Other Legislation Amendment Bill 2024 misses the mark in proposing changes that will provide students with better engagement in learning or needed support.

1. The State of Queensland (Queensland Child Death Review Board). Child Death Review Board Annual report 2022–23, p15.
2. *ibid.*, p18.
3. <https://education.qld.gov.au/schools-and-educators/other-education/Documents/research-insight-report.pdf>, p13.
4. *ibid.* p14.
5. The State of Queensland (Queensland Child Death Review Board). Child Death Review Board Annual report 2022–23, p20.
6. The State of Queensland (Queensland Child Death Review Board). Child Death Review Board Annual report 2022–23, p15.
7. The State of Queensland (Queensland Child Death Review Board). Child Death Review Board Annual report 2022–23, p7.
8. The State of Queensland (Queensland Child Death Review Board). Child Death Review Board Annual report 2022–23, p15.



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Cover Letter to Addendum to HEA Submission Re Education (General Provisions) and Other Legislation Amendment Bill 2024

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

Since making our major submission to the EETSC, it has come to our attention that a matter covered in the 2022 Consultation Paper, but not covered in the Bill, may still be possible under HEU policies or procedures. As such, we have written an addendum to our major submission, requiring attention to the matter of Reporting Integrity.



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Addendum to HEA Submission Re Education (General Provisions) and Other Legislation Amendment Bill 2024

Concerns re Reporting Requirements

The 2022 Consultation Paper proposed that a report would be required for all children every year but that only 10% of them would be read. The HEA is concerned that the Department of Education may still have such a view in mind: that legislation would require compulsory reporting on all children every year but that policies and procedures would allow the HEU to only read and assess a sampling of those reports.

In our submission to the Consultation Paper in 2022, the HEA stated:

The HEA cannot support the sample assessment approach as proposed.

Writing reports that are not read or provided with feedback is not a productive use of the home educator's time, and may even be perceived by some as insulting. It is likely that people will not submit reports that are not of value to anyone, resulting in less regulatory compliance rather than more.

The proposal to have every family submit reports which are then not actioned does not reduce the regulatory burden on families, and has no benefit to the regulator in terms of ensuring compliance. It has been suggested by the review team that this approach is similar to how the ATO approaches tax reports. However, the analogy is inaccurate and unhelpful. All working Australians submit a tax return - and all are processed. Only a percentage are audited however. We are not aware of any other regulation that requires all to submit without processing reports received. It is inappropriate, and not consistent with the stated intent to to reflect a contemporary approach to regulation which provides for the greatest degree of compliance at the lowest cost to all parties.

The Queensland Government must ensure that the sampling method, working so effectively in Victoria and preferred by the home education community of Queensland, is

enshrined in legislation. Alternatively, if any other, less-preferred alternative to reporting (see our submission “HEA Submission re Program and Reporting Requirements”) is chosen, the legislation must ensure that it cannot result in a policy, procedure or practice of the HEU that does not honour each of those reports with the due attention they deserve. Assessment of each submitted report by the HEU must also be enshrined in law. If the government wishes to show integrity, by assessing all submitted reports, whilst reducing the regulatory burden of the HEU, then a sampling or “only some years” reporting system must be implemented and legislated.