

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

**Submission No:** 1777  
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Submission by:

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Re: EDUCATION (GENERAL PROVISIONS) AND OTHER LEGISLATION AMENDMENT BILL 2024

I am a home education parent in Queensland and do not support the following aspects of the Bill:

**1. Requiring the decision to home educate to be in the child's best interest**

Section 26(2) Human Rights Act 2019 already provides for:

“Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child’s best interests, because of being a child.”

I submit that there is already a requirement for parents to act in their child’s best interest and there is no requirement to extend this obligation specifically to home education. If the State already had concerns in respect to a particular child, then they can rely on this existing provision in the Human Rights Act.

Conversely, if there is to be a requirement that home education is to be in the best interests of the child, then there should be an equal requirement for attendance at mainstream school to be in the best interests of the child, with a responsibility on the school principal to ensure the best interests of the child is being met. This is particularly important for children subject to bullying, trauma or where the child’s neurodivergency impacts the child’s experience at mainstream school.

**My family experience:**

At the point at which we withdrew my child from mainstream schooling in 2020 when they were in grade 3 – child was running out of school premises, child was climbing school roof, child was physical towards teachers, child had not participated in classroom learning for 3 years, child was exhibiting mentally unwell behaviours. Instead of persisting between state school, catholic school and specialist autism school, my child (and my husband and I) would have greatly benefited by being informed by the school that mainstream school was not in my child’s best interest. It should be noted that my child’s medical specialists supported our decision to home educate our child.

**2. Requiring home education plans to follow ACARA**

One of the objects of the Education Act is to “ensuring education programs are responsive to the individual needs of children and young people” (s5(2)(c)).

Requiring the parent to follow ACARA is not being responsive to the individual needs of the child. That is why we home educate in the first place. This is especially evident where children have commenced their education at a school and has left the mainstream school environment for home education.

### **My family experience:**

My children are quick learners – they thrive by learning visually and by role modelling. As has been advised to me by their psychologists, my children have a “very narrow window” to which targeted learning can take place.

Home educators teach to where our children are at – the academic abilities of my children do not fit within the constraints of a grade based curriculum. My children are both ahead and behind, depending on their age. And from my own experience my 2 eldest children have so far jumped from “behind curriculum standard” to several years ahead in a matter of months - this is in reading.

Therefore my children’s educational plans are focused on key areas of interest and relevance regardless of their school grade.

My 11 year old struggled to learn to tell the time as an 8-9-10 year old. At 11 years, she has just “clicked”.

My 7 year old will not write anything on paper - no letters or numbers. He will verbally do maths though and enjoys being challenged with addition and subtraction, he understands numbers to 100, he understands time. To follow ACARA for grade 1 for him would ruin this enjoyment as all his energy would be spent on ticking the boxes instead of focusing on what is interesting and relevant to him.

My 11 year old prefers an online maths curriculum called Beast Academy and a weekly maths tutor who only does problem solving with her. She does not complete maths workbooks. This combination suits her learning style and I can see from my participation in her maths tutoring and my observation of her maths skills in online games, board games, family discussions that she is being exposed to a high quality education without the rigour of following ACARA.

My children learn best together doing unit studies. For example, we have completed unit studies on space, the ocean, Roman history, Egyptian history.

We are about to commence a unit study on Vietnam – the reason behind this choice is my kids are all reading Ahn Do books – we watched a documentary on him – learned about migration and refugees – looked at the globe to show where Vietnam was and the boat route which brought him to Australia – this sparked an interest in Vietnam. It would be impossible for me to cross check this type of learning against 3 different grades within ACARA and would take my time in administrative work instead of spending my time providing a high quality education to my children.

### **3. ACARA - Accommodations for children with disabilities**

There is no allowance in the Bill for adjustments to be made to the delivery of ACARA to suit a child with disabilities.

The Bill fails to address the huge amount of children who are home educated who, if they were attending mainstream school, would be subject to reasonable adjustments in accessing curriculum. This is a significant human rights failure for those children.

**My family experience:**

My 3 children are autistic. Two of my kids have attended mainstream school. Various adjustments were in place for my eldest as she could not access ACARA. These included not learning a language, not participating in any specialist lessons, having a teacher aide to scribe any work she did. Where are the equivalent adjustments in the Bill to ensure that children with disabilities are not being discriminated against?

**4. “Consistency with other states and territories”**

In her explanatory speech given on 6 March 2024, the Honourable DE Farmer provides that “the bill also sets out that home education programs in Queensland must be consistent with the Australian Curriculum or Queensland syllabus for senior subjects, **consistent with approaches in other jurisdictions**” (emphasis added).

While some but not all other jurisdictions in Australia do require educational plans to consider ACARA – the States that do this also provide additional services and support to parents to help parents to understand and apply ACARA. This includes home visits and support to write the educational plan. There is anecdotal evidence that this process also results in a considerably longer period of time to approve and implement a plan than the current structure in Queensland.

Has the Queensland Government consulted with their follow jurisdictions in all aspects – ie. If the jurisdiction requires ACARA to be followed, what other services does the jurisdiction provide to the parents to implement this? How long is the approval process for the plan? Is there a backlog or other administrative impacts? Queensland currently has no individual relationship/consultation/service/support between HEU and the parents. Given this lack of relationship, I think it is important that weight is given to anecdotal evidence.

**5. Removal of time limited provisional registration**

Practically, the provisional registration provisions exist for the transition of children from mainstream education to home education. If a child is home educated from the beginning, these provisions do not apply.

Has consultant been had specifically with parents who have transitioned their children from mainstream education? Nobody undertakes the removal of children from school lightly. Nobody leaves the school environment in a nice and orderly fashion. This is especially the case for children with mental or physical health issues, bullying or other school based trauma.

**My family experience:**

At the point where we enrolled my child provisionally with HEU, our family was under a huge amount of stress. Our child was refusing to attend school. If we got her there, then she was escaping and harming people. The provisional registration amendments allowed us to keep our child home from school, register with HEU, inform the schools to satisfy their obligations and then to sit down and write a properly thought out educational plan that suited our child. This is also without the additional burden imposed of following ACARA.

## 6. Evidence of progress v evidence of high quality education

Home education is about meeting your child's individual needs. It is about the input of the learning experience and not recording the output of the child.

I cannot report on each of my children's academic progress over each subject area. That is impractical and the time required to do that and the evidence required to be kept is not reasonable. I submit this goes far beyond a teacher's obligations to report on each child's progress over each subject.

The current system of reporting on Maths, English and one other subject area is a good system and should not be changed.

## 7. Acknowledging the Child Death Review Board Annual Report 2022-2023

Requiring home education to be in the best interest of the child would not have prevented the death of the child referred to in Chapter 2 of the report.

Chapter 2 provides as follows (emphasis added in bold):

"After the young person was discharged from hospital, there were further suicide attempts and the young person died two weeks later. **Child Safety had not yet commenced an Investigation and Assessment of the child protection concerns and the Department of Education's Youth Engagement Service had not yet been initiated at the time of the young person's death.** The young person's experiences led the Board to consider the regulatory oversight of, and support for, children registered for home education in Queensland."

Why is the Board emphasising regulatory oversight of home education where in its report, it clearly states the failure of existing services to protect this child.

I have read the 2023–24 Oversight Forward Workplan referenced in the report. Did the discovery review which was to take place in Q1 of 2023-2024 occur?