

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

**Submission No:** 1920  
**Submitted by:** Patricia Fitzgerald  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**

To the Committee,

As a long-term home educator and community advocate, I have grave concerns for the proposed changes set out in the *Education (General Provisions) and Other Legislation Amendment Bill 2024* and how they will impact my child and every other current or future registered child across the state.

I have been a part of this legislative review process from the moment I found out about it and, although refused to be recognised as a representative of our Queensland community in any official capacity for the major stages, I am still very aware of the concerns the changes pose. And I would very much like to be included as a witness in regards to the proposed amendments.

As a family who had a child at significant safety risks within the mainstream school environment, and where both myself and my child were the target of bullying, with multiple flagged concerns addressed and investigated to some degree with the DoE, the need to access home education registration in a swift and timely manner became an urgent need. Although we had other compounding reasons that led to us home educating, this was our major deciding factor.

We were not afforded support from the Unit and it was just by luck that I had already discovered the home education community and been a part of it for almost 24 months leading up to our decision to register for home education, from our period of accessing Distance Education. I am not a qualified teacher and even with this support of the community, the process took me three weeks of term time, plus the entire summer break, to draft up an educational plan, taking into account my children's needs, learning styles, and interests, whilst juggling school-based trauma from our associated experiences prior to exiting school.

My family are up to their 10<sup>th</sup> year of registration in Queensland and during this time I have been able to flexibly work across all areas of my children's needs as a whole, never referring to the national school curriculum, and actively provide my children with a solid education based around a mixture of academics, social, and supporting mental health which was affected by the school trauma experienced. As a result of this flexibility to facilitate my children's learning and not be held to a predetermined curriculum, I have witnessed my children being able to successfully fit in in many social environments, my eldest participated in a Certificate IV at just 15, and subsequently was accepted into university at 15 where this child gradually accessed part time before moving onto full time this year with the ending of HEU registration. And my younger child, in addition to the family events we have done together, has recently begun a Tafe @ school course. Both children have the allowances to actively follow their passions and interests which would not have been possible had we been restricted to the conditions being proposed in the current Bill.

## Concerns addressed by proposed amendments

1. [Clause 18](#): Guiding principles
2. [Clause 23, 25](#): Registration eligibility
3. [Clause 24](#): Simultaneous enrolment
4. [Clause 33](#): Distance education fees waived
5. [Clause 56-60](#): Redefining provisional registration and removing 60-day s.207
6. [Clause 61, 64](#): Additional reporting requirements attached to new s.208 application
7. [Clause 62-63, 66](#): Requests for further information & timeframes
8. [Clause 65, 67, 69-71](#): Issuing of registration certificates/notices
9. [Clause 68 \(part A\)](#): Conditions of registration in relation to planning
10. [Clause 68 \(part B\)](#): Definition of 'high-quality education'
11. [Clause 68 \(part C\)](#): Conditions of registration in relation to reporting
12. [Consultation](#)
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### 1. Clause 18: Guiding principles

#### Potential implications/concerns:

- “in the best interests of the child or young person taking into account their safety and wellbeing”
  - Child protection legislation wording used directly into education, it belongs in Child Protection and NOT in Education.
  - HEU staff do not have the resources to support the level of child safety concerns. How will the resources be increased if this amendment is passed?
  - This additional clause is only applied to home education and not to all educational environments as a whole. Is this attempting to deny school children the same, or to hold home education to a higher standard overall?
  - How this would be managed and implemented with regards to using educational factors to decide on a child's safety, wellbeing or best interests when the decision makers do not have direct contact with the child, nor understand the child.
  - With the mention of the unfortunate event of a child's death being the reason for such a principle being proposed, the circumstances surrounding this event do not appear to be due to the cause of the educational environment, but more a lacking

in the supports afforded to the child through failure of the existing government agencies which just happened to be during a time when the child was registered for home education.

- The basis of the child safety implementation within education has been based on a report tabled that was for the purposes of internal reviews into child safety timeframes and holds no purpose being applied to all home educating families.
- Home education is not a default reason to have child safety expectations imposed on families. Home educated children are still exposed to society and access mandatory reporters such as doctors, nurses, police officers, and other persons listed in the DCSSDS government website.
- The Child Death Review Report 2022-2023 is particularly about children connected to child safety. This would suggest an overreach of recommendations on the whole community if amendments are made based on what was presented in this report.
- If there is concern around the increase in registrations, then why is the education department not setting up correspondence with the community directly to understand their reasons leading to home education?
  - The only statistics I have seen were comparisons of disability vs non-disability statistics by HEU in a 2022 survey, which was only resulting from approximately 6% of the community.
  - I also have concerns that the Minister Di Farmer has not addressed the concerns raised since the Bill was presented.
- “ensures the child or young person receives a high-quality education”
  - This is inconsistent with a dictated and predetermined curriculum that is centralised and written for an audience of teachers.
  - We already do this as proven by HEU records and ongoing recognition through approvals year after year – How many show cause notices are issued due to failure to provide high-quality education? (Not by a parent’s unsupported demonstration with putting this into writing, but actual lacking high-quality education)
  - Have any families been proven to not meet the standards of a high-quality education? Taking into account both first instance and upon the request of further information, because the requirement of further information does not equate to not delivering a high-quality education, as this would show lacking

support provided by the education department in completing documents in an expected way.

#### Recommendations:

- Apply the legislative changes where they belong, in the *Child Protection Act*, to strengthen oversight of children registered for home education in Queensland where the child is known to child safety as per the recommendations 1.1 and 1.2 of the Child Death Review Board specified in the Annual Report 2022-2023.
- Maintain high-quality education expectations across the board and not in a specific section relevant to only home educated children, and in a way that truly does allow for that high-quality education.
- Maintain the parental rights to decide the educational environment AND what is defined as a high-quality education for each child, without limitations imposed in legislation.

## 2. Clause 23, 25: Registration eligibility & Provisional registration age

#### Potential Implications/concerns:

- We still have ongoing concerns with schools and school principals refusing to cancel enrolments of students when the parent makes the decision to home educate. Parents fear if they apply for home education before the school follows the requests, they will be in the wrong.
- How can we enforce more adequate training and policies that ensure parents have the access to an education that is in the best interests of their child without the misleading instructions from school levels?

#### Recommendations:

- No concerns with age eligibility for registration, we – as a community – are pleased to see the eligibility age raised to 18 years to ensure equity across all educational options.
- Recommend legislation amendment that ensures a school principal is unenrolling a child at the request of the parent.
  - If there is any concern this should be escalated to the appropriate education department team and not refusal to unenroll by the principal or school staff.

## 3. Clause 24: Simultaneous enrolment

#### Potential Implications/concerns:

- Although the amendment is more clarification, lacking simultaneous enrolment means we are at the mercy of school principals with regard to any access to extracurricular activities and resources supplied by the school.
- Lacking the option for simultaneous enrolment, reduces our options within home education access to schools' resources and therefore also limits our opportunities.
- Limits access to part time school and home education options for more flexibility to have access to education that is in a child's best interests and tailored to each individual child.

#### Recommendations:

- The option for simultaneous enrolment would afford more students more tailored access to educational opportunities across the board.

### 4. Clause 33: Distance education fees waived

#### Potential Implications/concerns:

- Currently many distance education schools are overwhelmed with enrolments and are only accepting enrolments during set periods of the year. Although this extension in recognition of more children in need of this access, the proposed removal of provisional registration will create more problems with families moving to access distance education whilst on the waiting list. An issue specifically created with Clauses 56-60.

#### Recommendations:

- Any improvement afforded to increase access to students to educational opportunities under a funded system is a benefit for those children.
- No concerns with allowing more options for fee reduction with Distance Education opportunities in providing access for even more students who seek this style of educational access.

### 5. Clause 56-60: Redefining provisional registration and removing 60-day s.207

#### Potential Implications/concerns:

- A child not being able to register quickly to exit school swiftly poses safety risks where there is a safety risk within the school environment for that child.

- A birth certificate might not be immediately accessible. These can take up to 10 days to be processed in addition to any postage handling times. This requirement takes no account of families experience family violence or who are under duress.
- An educational plan is daunting the first time these are compiled by parents – particularly without tailored support, these take time to complete and cannot be done overnight without experience.
- The Home Education Unit (HEU) do not offer tailored or adequate support to complete an educational plan, and thus without finding the right supports within the community, this task is even more of a struggle than it may appear to someone experienced.
- For someone exiting mainstream school due to an urgent concern, all these points add to any potential trauma, anxiety, or fear that one may be experiencing.
- Where there are medical reasons as part of the decision by parents to move to home education, lack of time to gather appropriate documentation for an application will add to the accumulating stress on the medical system with GPs and other resources for medical certificates to cover a period of absence whilst working toward this.
- Where a child is exiting a mainstream school and added to a distance education waitlist, the lack of short term, provisional registration will leave them maintaining a mainstream school enrolment, seeking medical coverage for time off, or having to submit to HEU with a full plan – even if they are only requiring cover for up to a term until the distance education school opens enrolments for the following term.
- Removal of this option will drive families underground and fail to increase compliance with registration, which was a driving point made during the 2022 consultation stage and twenty years ago in 2003/2004 in a previous review.

#### Recommendations:

- A parent-led body between the HEU and families to provide adequate support to reduce the time needed to complete such applications and educational plans and assist in the process of application.
- Applications accepted automatically, providing provisional registration for a period to allow parents/caregivers the time to collate documents, find adequate support, and to ensure the time to plan an education plan to a high-quality education.
- A proposed provisional period of 3 months or one school term to ensure both adequate time for families to apply as well as offering coverage for prospective distance ed families awaiting enrolment.

- Consideration that provisional registration period is still learning time within a family unit, and at the very least – it can be classed as a holiday period. School students do not school all year round and are afforded school holidays for three months of the year. This period of consideration would not be an unreasonable request considering the proposed amendments also came with the explanation of home education being applied to a 365-day per year situation.

## 6. Clause 61, 64: Additional reporting requirements attached to new s.208 application

### Potential Implications/concerns:

- There are many reasons that families might try alternative schooling options throughout a child's educational years. Requesting additional reporting outside of the registration period is overreach and has the risk of imposing undue stress to families
- There is no evidence to show that these moves are done to avoid reporting processes. Registered home education families show they have been compliant with reporting each year already

### Recommendations:

- There are already provisions within granting of registration where conditions can be imposed on a registration going forward and can be applied where reoccurring concerns around registration and cancelling of registration can be addressed.
- Reporting should remain as during the current registration process to not delay a family's access to application when the home education application is decided or required.

## 7. Clause 62-63, 66: Requests for further information & timeframes

### Potential Implications/concerns:

- Short timeframes add to stress associated with the fear that one might not be approved in the registration process. There has already been significant support required for families who have received current Show Cause notices.
- HEU support in completion of applications, where a show-cause is due to the unit asking for more information is severely lacking. Currently the home education community themselves is picking up the slack on this front.



- Often the missing information instructions are not delivered to families in a clear and plain English manner, which adds to the confusion and fear associated with the thought of approval being at risk.
- These families receiving notices for more information and not understanding how to address them have expressed concerns such as a **fear that their child will be forced to return to school against their will.**

#### Recommendations:

- Longer time for the gathering of requested further information for the chief executive.
- 30 days to be a fair proposal to allow the time to address the matter and not impede too significantly on time allocated to children's learning nor increase anxiety in the parent who wants to comply but feels stressed under a short time pressure.

## 8. Clause 65, 67, 69-71: Issuing of registration certificates/notices

#### Potential Implications/concerns:

- Notices with any conditions applied would be visible to other government departments beyond the education department (such as Human Services). Unfair conditions may be imposed by other departments where they do not clearly understand the meanings of the notice conditions.
- Displaying conditions and all personal information on a Notice will also be a risk to privacy for access to resources that require home educators to verify their home education status.

#### Recommendations:

- We need a separate document (or an attachment with the document) where particular information is displayed in ways that allows access to supporting resources (including government departments) without the risk of too much private information being displayed and shared to access resources of all varieties.

## 9. Clause 68 (part A): Conditions of registration in relation to planning

#### Potential Implications/concerns:

- <https://www.pc.gov.au/inquiries/completed/productivity/report/productivity-volume8-education-skills.pdf>
  - The Australian Curriculum is outlined as a framework, and not a curriculum specifically where it can be delivered (p40).

- Teachers spend many hours designing lesson plans to deliver within the framework and 86% still state that they do not have enough time to do so for high-quality plans (p40).
- If teachers who have had years of training and regular support in place claim that they do not have time to do all they have to do to meet the requirements of the Australian Curriculum, how will this work in a home education environment?
- Home educators are denied access to adequate support when it comes to home educating our children, and the only support afforded is that which is provided by the community itself. Again, a panel of parents is essential to support home educators to meet regulators' requirements.
- A home educating parent is experienced enough to ensure the delivery of a high-quality education to children, but most are not professionally trained to do so to the Australian Curriculum and attempting this would be a waste of children's valuable learning time.
- We already meet the requirements of providing a high-quality education. Limiting to a curriculum is not going to improve this.
- The community representatives already support the community to provide plans and reports in line with the inclusion of literacy and numeracy, however, will provisions on this be made for disability and learning differences without the requirement to 'prove' such a case if this is passed in legislation?
  - I do not believe it is of importance to the education department to be privy to such information if I am already stating that I am planning to my child and their learning needs/style.

#### Recommendations:

- We wish to maintain our current standards of high-quality education in respect of each child with the flexibility to make sure that high-quality is obtained specifically tailored to the child, their interests and their needs.
- Enforcing more paperwork to tick a curriculum box is not going to improve educational quality, what we complete now is onerous enough already.
- No requirement to have to prove aptitude, ability or development outside of providing an educational plan suited to the child.

## 10. Clause 68 (part B): Definition of 'high-quality education'

#### Potential Implications/concerns:

- This is restricting to a definition which only the minority currently mention, few parents are teachers and even fewer use the national curriculum in their home education learning environment, and is not a reasonable definition of what a high-quality education is. Is there any evidence to show that children would have better outcomes by following the national curriculum?
- How can working to a national school curriculum be flexible enough to be seen as high-quality education in our environment when our children all learn so differently and have differing interests?
- Why should one definition be applied to all children when children are so different, and then used to meet the requirements under the guiding principles overall?
- Currently it was briefed that around 20% use the national curriculum. I feel confident that if the community was addressed on this matter, this would actually correlate to around 20% mention the national curriculum, and that even less would be actively using it.
  - Since the Briefing (18 Mar, 2024), I have had numerous home educating parents make contact with me to clarify that they only mention ACARA in their plans because it was suggested to them or was already on the plan template, but they do not include it in their learning experiences or planned activities; whilst only ONE family have mentioned they do use ACARA.
- What evidence is there that home educated students are struggling to integrate into mainstream school any more than students who are transferring from any other environment?
- A number of families have left mainstream education considering the national curriculum to be lacking for their children, enforcing such a lacking option would be restrictive in nature and not in the best interests of children.
- The national curriculum is not designed or written for a home education environment.
- The national curriculum is designed for teachers and teachers require multiple years of training to implement such in a classroom environment. Homeschoolers already do not have the adequate support from the education department to implement their education opportunities now and the community fill the gap in this shortfall in an unofficial capacity. How will the education department manage to provide even more support going forward to meet the requirements of a classroom and teacher designed curriculum?
- Home educating parents would require training and ongoing support to implement the national curriculum in their home education environment

- This would be impossible to implement without a parent body and ongoing training and support, along with substantial provisional registration time that allows for training and support to occur prior to the requirement of submitting an educational plan
- Please see attachment #1 that shows other state requirements, which clearly shows that ONLY Northern Territory are legislated to home educate in line with the national school curriculum. All other states are flexible.
- The definition of the national curriculum is limited to only 3 defined meanings. With respect to all 3 of these, it still does not allow for the flexibility that will allow families to tailor to a high-quality education for each individual child.
- The proposed Bill completely failed to even recognise the need for access to university level subjects whilst being home educated.

#### Recommendations:

- Do not restrict a definition of high-quality education to a set curriculum option.
- This definition needs to be left open-ended to allow for the flexibility that our children need in their education journey
- Adequate consideration to every child's needs to be included when defining what their education looks like. Without this it is not allowing for a tailored learning experience.
- More consultation with home educating families is required to understand the variety of educating we deliver now, to ensure the expected requirements

## 11. Clause 68 (part C): Conditions of registration in relation to reporting

#### Potential Implications/concerns:

- Having to adhere to demonstrating educational progress across all subject areas is more onerous than the reporting expectations on teachers and schools.
- Not only are teachers not required to do this much reporting, but they are provided with far more support in what they do.
- What is in our documentation also is not the entirety of what is provided to our children. It is an overview and more than enough to adequately show evidence to what our children are learning. Any more than this is purely a waste of our time as educators and taking away from our children.
- We already experience significant delays in HEU processing our plans and reports in a timely manner, if we are required to do even more reporting and planning, how will HEU cope with this? Will they be provided with any significant staffing increases to cope with

the increased workload on both them and us, and be able to support us with the process?

- HEU and Home educating families alike need less paperwork that is not contributing to improve educational quality. We are already showing compliance with delivering a high-quality education, it is tedious and time-wasting to complete these, year after year, let alone even more paperwork for no further benefit.
- It is clear with these proposed amendments that the education department is very out of touch with what home education is and what it looks like in action. More adequate consultation is required to show how increased regulatory tasks is not for the benefit of our children, nor their education.

#### Recommendations:

- Our children receive a high-quality education already and we complete far more documentation on this than other states (see attachment 1), whilst also being provided with no support in doing so from the education department.
- A parent representative body between the HEU and the community of home educating families as recommended continuously, since 2003.
- Sampling of reporting processes in the way Victoria are required, where 10% of families are notified and given an ample timeframe to complete their report to be reviewed.

## 12. Consultation

#### Potential Implications/concerns:

- Queensland home educating families have not had a representative body and those who are seen as representatives within our community were actively excluded from consultation processes and stages.
- Our concerns as a community were not addressed, even from the 2022 consultation stage. The objectives that we clearly outlined as not feasible through thorough consultation with the community are now being presented in the proposed Bill as amendments against the consultation suggestions of the community.
- Even with respect to this proposed Bill, and in consultation with the community directly through a poll, I have found that almost 50% have not received the information email from HEU informing of the proposal and how to address our submissions. I myself had been one of them, and I was only offered a copy once I lodged a complaint about not having received it already. Those who did receive the email correspondence, received it 5 days prior to the committee process beginning.

## Recommendations:

- We require a **representative body** comprising of respected parents from the community that can not only support the community, but liaise between the HEU and the community when it comes to home education.
- We should also be afforded more adequate consultation in this process and a process for the education department to really understand the needs of homeschoolers in proposing new legislative amendments.

As a home educator in Queensland and as a representative of our community, we agree with you on the need for the community to comply with registration processes, and we have the potential to create a wonderful link between compliance and high-quality education for our children, but increasing meaningless paperwork that holds no value to our children's education is not the way to achieve this. I have attached a table below that was pulled together by our wonderful team supporting the free2homeshool movement, which shows the state-by-state breakdown of what is required of home education families in simplified form. There is no reason we cannot utilise the positives that other states are achieving that work and are supported by the home educating families in a positive way to build an even better system here in Queensland.

## 13. Attachments

### 1. Table of Home Education outlined state by state

#### Comparison of Australian legislation - homeschooling curriculum

State	NSW	Vic	SA	WA	Tas	ACT	NT	Qld Current
Registration	Guidelines - Application is assessed by home visit and learning plan EA - registration can be up to 2 years	ETRA - a parent may apply for home education and child has to remain at a school until approved	Student must first be enrolled in a school and then exemption sought to home educate	SEA - parent may apply to homeschool and this must be within 14 days of when they last attended a school / education program	EA - parents applies and submits plan, provisionally registered whilst full assessment takes place	EA - parent may apply to homeschool Registration can be up to 2 years, with annual reporting required	EA - Child must be enrolled in a school while awaiting for home school registration	EA - Child is not able to enrol in homeschool whilst enrolled in a school
Curriculum quick answer	Key learning areas in accordance with approved syllabus NSW Curriculum	Key learning areas + consistent with Australian democracy	Address all 8 learning areas as defined by the Australian Curriculum	WA curriculum	Key learning areas	High quality education Consistent with home ed principles	ACARA approved curriculum	High quality education
Curriculum	EA - key learning areas "based on, and taught in accordance with a syllabus developed or approved by the authority"  Guidelines - "all children must be taught the NSW curriculum... that is, the NESA syllabuses for the relevant stage of learning"  Also looking at: - child's learning needs - materials to show planning, supervising and recording teaching and learning experiences - system for recording the child's progress and achievement - time allocated to learning - about home learning environment and resources	ETRA - key learning areas (listed in the Schedule) and consistent with the principles and practice of Australian democracy  ETRR provides more detail on homeschooling application requirements: - when and where instruction will take place - the subject matter that will be covered - educational materials and resources - how learning outcomes will be recorded  (No legislation reference to curriculum for homeschool)	Guide - 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. It will also need to demonstrate planning for a 12-month period.	SEA definition: "educational programme means an organized set of learning activities designed to enable a student, or a child enrolled at a community kindergarten, to develop knowledge, understanding, skills and attitudes relevant to the student's or child's individual needs"  Procedures: Evaluation includes assessing education program and student progress with the <b>Western Australian Curriculum</b>	EA - application to homeschool needs to have an approved program  ER - approved programs need to cover a range of learning areas, providing a rich educational program to meet individual needs, including: - literacy - numeracy - interpersonal skills - safety, health and wellbeing	ER - within 3 months of new registration, need to meet rep and prepare "Statement of Intent" incl: - how parents will provide high quality education - educational opportunities offered and strategies - how the plan will deliver an education consistent with EA home ed principles  EA - home ed principles: (i) offering a broad range of opportunities that foster ...development of the child's unique spiritual, emotional, physical, social and intellectual being; and (ii) valuing the individual needs, interests and aptitudes...; and (iii) preparing ... to become an independent and effective local and global citizen.	EA - curriculum must be one approved by ACARA  ER - plan includes: - proposed curriculum and program of work in each subject, including the resources - average period of instruction time on each school day and number of days - where the instruction will be given and facilities available - how learning activities will be recorded and educational progress measured	EA - high quality education  Procedure gives more detail on program incl: - responsive to the changing needs, age ability and aptitude of the child - is responsive to the child's need for social development - utilises suitable and relevant teaching strategies and resources - engages the child in a range of rich and varied learning experiences - uses strategies for monitoring educational progress
Review	EA - review and inspection of records and premises	ETRR - the Authority may review In practice, about 10% are reviewed each year	Annual review includes home visit	Evaluation within 3 months of starting to homeschool and then annually	Review includes home visit	Annual report for review and may ask to meet	Annual inspection including curriculum, resources and home and facilities	Annual report for review
Other special features		Partial homeschooling / enrolment in schools VSV	Open Access College FLO program	Big Picture Schools	Part time attendance at school with homeschooling	Child can be part enrolled in school and homeschool		
Legislation and guidance docs	Education Act 1990 - "EA" Education Regulation Guidelines for Homeschooling in NSW, NESA 2021	Education and Training Reform Act 2006 - "ETRA" Education and Training Reform Regulations 2017 - "ETRR" Home Schooling and Partial Enrolments Policy Exemption from School Attendance and Enrolment Policy	Education and Children's Services Act 2019 - "ECSA" Guide to Home Education in South Australia, Dept for Education - "Guide"	School Education Act 1999 - "SEA" School Curriculum and Standards Authority Act 1997 - "SCSAA" Home Education Procedures from Dept Education - "Procedures"	Education Act 2016 - "EA" Education Regulations 2017 - "ER"	Education Act 2004 - "EA" Education Regulation 2005 - "ER"	Education Act 2015 - "EA" Education Regulations 2015 - "ER"	Education (General Provisions) Act 2006 Home Education in Qld Procedure, 2020

Colours differentiate between Acts, Regulations and Guidelines in each State

- Submission from IEU and QTU to the EGPA Review Team in Stage 1 consultations (2022). This document specifically addresses concerns with proposed changes in Home Education, which have still not been adequately addressed in the Bill. Note that the IEU/QTU also specifically recognises the failure in adequate consultation at stage 1.  
<https://ieuqnt.org.au/wp-content/uploads/2022/05/Educ-22-045-FINAL-QTU-IEUA-QNT-Joint-submission-to-the-EGPA-review.pdf>

Thank you for considering my concerns,  
Patricia Fitzgerald