

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

**Submission No:** 1946  
**Submitted by:** [REDACTED]  
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**Attachments:** See attachment  
**Submitter Comments:**

Dear Committee,

I object to the proposed amendments to the Education (General Provisions) and Other Legislation Amendment Bill 2024.

As someone whose homeschooled children have successfully graduated tertiary institutions, I have been deeply invested in the education of my children and I believe there are serious concerns regarding these amendments which I will address in this submission, most specifically in:

- Mandatory ACARA Compliance: Clause 68, Section 217 (3): (a), (b) (ii)
- Registration: Guiding Principles (3) Section 7—(da) for chapter 9, part 5, (i), (ii)
- Reporting: Clause 68, Section 217 (3): (b), (ba)

The changes proposed in relation to home educating are ill considered, inappropriate and overreaching. The past four years and in the dramatic increase in homeschooling demonstrates that parents have become aware to what extent the traditional school system is not a 'one size fits all' panacea, and have discovered many rich and varied ways to assist their family's education while also supporting their mental health and myriad personal and individual needs.

This bill will place unreasonable demands on families who have already dealt with personal situations significant enough for them to consider homeschooling in the first place. It will also alienate a large group of Queensland voters.

To preface my objections, I would like to make some observations and ask some questions.

The Explanatory Notes to the Amendment Bill states that decisions pertaining to proposed changes have been "informed by an extensive consultation process conducted in two major stages".

During Stage One consultation in 2022, the Department of Education determined that a '*definition of homeschooling*' was '*out of scope*'. I question how they are able to determine what a 'quality education' might be for something they were unable to define. How do they *now* define 'quality education', and how did they determine ACARA compliance would achieve that objective. Many world-renowned education experts disagree that there can be only one, narrow approach.

*"There isn't a right way to become educated, there are as many ways as there are fingerprints."*

— John Taylor Gatto

The Explanatory Notes continue to state that in Stage Two, consultations were targeted at '*high-level*' key stakeholders including unions, government departments, peak state and non-state school representative bodies, state and non-state school associations and representative bodies, and the home education sector. This statement displays gross misunderstanding of the many and varied methodologies within the homeschooling community, and the vast diversity of an apparent 'sector'. As a whole, we are unique micro-communities, not organized associations. How does one determine who is a high-level key stakeholder in such an eclectic assortment? We are very much aware that at least one business was consulted as a 'representative', and that they were against the proposals. And ignored. We are also aware that Amanda Bartle and Patricia Fitzgerald, who voluntarily do a tremendous job in advocating on behalf of homeschoolers – and our homeschooling family chooses them to represent us, were actively excluded from discussions because they aren't an official association. They are, however, both heavily involved in the annual Homeschool Summit and provide, with many other well experienced and qualified presenters, excellent support for homeschoolers, covering many areas with the goal of assisting us in providing high quality education. Di Farmer was invited to attend the online summit, but declined. I point out that business aren't organisations either, yet they were consulted.

The Explanatory Note goes on to report that: '*Given the range of positions, and variances in stakeholder positions, where possible a middle ground was sought in developing final policy positions.*' During the parliamentary committee briefing on 18 March 2024, the comment was made that 20% of homeschoolers – of some 10,000 - currently use ACARA, and that therefore they were confident their proposal would be acceptable. The temerity of this statement is astounding. How is this anywhere near a middle ground? It is very clear that 80% (and I would suggest it is actually a much higher amount because many people start homeschooling thinking ACARA is the gold standard then usually within short months realise there are better quality, wholistic and appropriate alternatives and learning experiences available) – 80% *do not* think ACARA is, in fact, delivering the quality education we desire for our children. We have the option already. *We reject it.*

Several false statements were made in the Explanatory Note. Other states do not necessarily align with ACARA as was implied. *The Conversation* reported on how other states use the national curriculum, reinterpreting ACARA; citing influences on curriculum development including the power struggles between federal and state governments and their sometimes-differing political ideologies. If states cannot agree with a one size fits all approach, it is hubris in the extreme to assume that this is reflected at an individual family level. Furthermore, other states also do not restrict students to work at their assumed year level. Flexibility is allowed for students to enable them to work in varying stages with a range of developmental levels.

<https://theconversation.com/why-do-australian-states-need-a-national-curriculum-and-do-teachers-even-use-it-171745>

I also question the inferred conclusion:

*'The Stakeholders broadly support the amendments, but again a range of positions were received on the different policies to which the Bill gives effect. To ensure that stakeholders are supported in the implementation processes, the majority of amendments will commence on proclamation to allow time for communication and development of guidelines, policies and procedures by the DoE. Implementation approaches and tools such as policies, will be developed in collaboration with key stakeholders and across relevant government agencies to ensure a wholistic approach to implementation and leverage of existing programs or supports that may be relevant to the amendments.'*

This is a brush-off for those who fall outside of their unspecified 'broad stroke'; a slight nod to disagreeing parties with a clear indication that they intend to forge ahead regardless. It lacks transparency and I am left with the conclusion from actual homeschool conversations that those who are 'broadly supporting' amendments come from selected key stakeholders and not those representing the homeschooling community. We would like to know the associations they are referring to, and how specifically they represented us, including any and all conflicts of interest. As actual, flesh and blood stakeholders in our education system, it is imperative that the voices of educators, parents, students, and community members be heard and considered – we request more commitment is shown to *genuine* inclusion, in any decision-making process that impacts our personal education choices.

Finally, I question the determination of the rights and liberties of individuals. I admit the jargon cited following this statement is confusing, yet this is of note:

*Consistency with fundamental legislative principles Section 4 of the Legislative Standards Act 1992 (LSA) states that fundamental legislative principles (FLPs) are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. Under section 4(2) of the LSA, to be consistent with FLPs, legislation must have sufficient regard to fundamental legislative principles about the rights and liberties of individuals and to the institution of Parliament. Under section 4(3)(c) of the LSA, sufficient regard to the rights and liberties of individuals depends on whether the legislation allows the delegation of administrative power only in appropriate cases and to appropriate persons. Under section 4(4)(c) of the LSA, the legislation must have sufficient regard to the institution of Parliament and whether the Bill authorises the amendment of an Act only by another Act.*

*While the amendments in the Bill are **generally** consistent with FLPs, there are amendments that could be considered to potentially have inconsistencies.*

The Explanatory Note declares however that *'The Bill amends the EGP Act to enhance elements of the regulation of home education and streamline the registration process. The proposed amendments have sufficient regard to the rights*

*and liberties of individuals and the institution of Parliament, and there is no identified inconsistency with FLPs.*

*Generally* is not good enough. There are inconsistencies. Homeschoolers can identify them. We do not agree that our rights have been given sufficient regard. We request you look again, and acknowledge them.

The Universal Declaration of Human Rights Article 26 states: "Parents have a prior right to choose the kind of education that shall be given to their children".

A significant number of the Queensland Homeschooling community do not choose, or support the proposed changes.

- **ACARA: Clause 68, Section 217 (3): (a), (b) (ii)**

*In this section approved education and training program means*

*(a) the national school curriculum (known as the Australian Curriculum)*

*(b) the educational program used for the child's home education must*

*(ii) be consistent with an approved education and training program*

There has been no mention or consideration of other learning practices or curricula, nor investigation into possibilities that there could be more superior choices than, ACARA. It is myopic (and again begs the question: is there a conflict of interest here?). The proposed legislation seems to be focused on ACARA curriculum and approved rubric at all costs. It disregards the importance of cognitive development, executive function, and skill acquisition, especially self-directed learning. As homeschoolers, we actively nurture life time learning and critical thinking above 'getting the right answer according to ACARA' and testing to a set of predetermined, acceptable options. With the scope of educational resources available today it is irrational to restrict learning options to a curriculum that is clearly *not* universally accepted.

It should be noted that homeschoolers have access to myriad world-class curricula, that far surpass the Australian curriculum, and make use of it. We object to being restricted.

Another concern is that if a child is struggling to keep up with the prescribed Australian curriculum there is no option but to continue with the Australian curriculum. Our children deserve time to master or fully comprehend a step or skill before marching them on. Addressing learning difficulties- some severe and all-encompassing, time-consuming needs, often with little to no support, is of far greater importance than keeping to an ACARA timeline. This is often denied to pupils in

schools, as was our experience. It is nonsensical to require a child to once again come under the curriculum that was failing them in the first place.

A brief news search will show you that this decision lacks national consensus:

Articles from *The Conversation* report:

- The curriculum is not suited to every child

*Every child receiving an identical curriculum education is not possible, nor is it fair. A lock-step curriculum doesn't consider the learning needs and prior knowledge of the students in the classroom. Our students are not identical, nor is what they need from a curriculum.*

*Even teachers need to be able to determine what their students need at different times. What they need from the curriculum is the flexibility to make those choices.*

<https://theconversation.com/first-its-not-an-instruction-manual-3-things-education-ministers-need-to-know-about-the-australian-curriculum-173058>

- The curriculum is inflexible and prescriptive
- Though updated several times- as recently as 2022, the curriculum remains a contested document; criticisms include that it is overcrowded, too complicated, too political and not inclusive enough.

*Different disciplines have different outcomes for individual students; for example, music and languages provide students with cognitive benefits that can flow to other learning areas. Design technologies encourage critical and creative thinking, while humanities and social sciences help students understand their place in the world and develop empathy for others.*

*Learning needs to be engaging and challenging, broadening student horizons. In April 2021, CEO of ACARA, David de Carvalho, wrote the authority was "giving the national curriculum the 'Marie Kondo' treatment". While he meant a move towards minimalism, it's more important for ministers and their advisors to ask themselves "does this curriculum bring students joy?" For Australian kids, that is the most important question.*

<https://theconversation.com/the-australian-curriculum-is-copping-fresh-criticism-what-is-it-supposed-to-do-218914>

*"Governments decide they know best and they're going to tell you what to do. The trouble is that education doesn't go on in the committee rooms of our legislative buildings. It happens in classrooms and schools, and the people who do it are the teachers and the students. And if you remove their discretion, it stops working.*

*School systems should base their curriculum not on the idea of separate subjects, but on the much more fertile idea of disciplines... which makes possible a fluid and dynamic curriculum that is interdisciplinary."*

- **Registration: Guiding Principles (3)Section 7—(da)for chapter 9, part 5, (i), (ii)**

*(3)Section 7—(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;*

From the Explanatory Note it is unclear *who* is to determine if homeschooling is in the best interest of our children. Teachers have large classes and often are barely aware of the individual child's need or how to support them. My children, when in the school system fell well behind, despite my asking about their progress every week. At the end of the year, teachers admitted they barely noticed my child. We, as parents, decided we would act in the best interests of our children to move them to an environment where we could be certain they were safe and that their personal education and development was a priority, as per UDHR Article 26.

As such, I object strongly that a person unknown to me be given the authority to determine what is, in their opinion, in the best interests of my child.

People generally assume children learn and are kept safe at schools, but for the majority of homeschool parents that is not always the case. There are so many accounts of children who have left the school system which has failed to keep them physically or emotionally safe, who refuse to attend school because of their experiences there. This proposed requirement would force children to stay in these environments. This is unacceptable. They are also denying these children an education at all, as they are often not in a position to learn due to trauma.

There has been nothing presented from the DoE that would assist parents to prepare an education plan for registration approval. There are some groups within the homeschool community that are very helpful in translating the requirements into lay-person language, however it is interesting to note that just this week the *Epoch Times* reported:

*'Last year, we learnt that a third of all Australian students are failing to meet proficiency standards in literacy and numeracy ... repeatedly exposed unsatisfactory and declining standards ...*

*What she (Cresta Richardson, head of the Queensland Teacher's Union) fails to mention, however, is that even if teachers did have the time to teach core curriculum areas, many still would not know how to because their teacher training comes up woefully short.*

<https://www.theepochtimes.com/opinion/cancelling-naplan-the-perfect-cover-for-sliding-student-results-5609235>

*The curriculum is a collection of content defining each subject's important knowledge and skills. It outlines the essential knowledge all students need to know in a subject, in dense policy language.*

<https://theconversation.com/first-its-not-an-instruction-manual-3-things-education-ministers-need-to-know-about-the-australian-curriculum-173058>

If teacher training comes up 'woefully short', it is senseless and illogical to expect untrained parents submit to the expectation of having a complete understanding of content and practice of ACARA, pertinent to their child, while simultaneously interpreting policy language, prior to being allowed to remove them from a potentially unsafe environment. There must be sufficient time for families to find assistance in making a plan that works for them. Even a school teacher would not be able to prepare this as quickly as required, and the 30 days mentioned is also totally insufficient.

- **REPORTING: Clause 68, Section 217 (3): (b), (ba) (ii)**

*(b) the educational program used for the child's home education must  
(ba) a parent of the child must give the chief executive a written report—  
(ii) in relation to each subject or learning area that is part of the educational program used for the child's home education;*

Who is the chief executive? How are they chosen? And by what jurisdiction? Are they elected? And by what provision do they make their decisions? They are given a great deal of authority with little to no transparency.

There are many concerns regarding this proposed change. Generally, parents homeschool multiple children. Requiring reporting across all subjects is unreasonable. Many methodologies use narration, dictation, and conversation to gauge comprehension and mastery. Not all families use tests because they are redundant in such exclusive learning environments. This will cause unnecessary stress within family units and prevent them from using real-life, relevant, and meaningful learning opportunities as they arise, or become available, to enrich our children's overall development.



Further, the HEU is under resourced. Assistance for reporting usually comes from volunteers within our community who can speak and interpret 'education-ese/jargon' that non-university-trained educators do not require. We know how to do most of the work within a curriculum; or if it has been a while, we are capable of re-learning then helping our children to learn it also. It is superfluous to demand that something required in classrooms by trained teachers for reporting purposes be replicated by parents. This is an unwarranted, onerous workload for the parents, and offers no positive benefit for homeschool families. Cui bono? It robs us of time we could actually use to our children's benefit.

The amendments are holding parents to a higher standard than those expected from school-based teachers. Parents – who for the most part have been through traditional schooling and received presumably, a 'quality education', often feel ill-equipped and lack confidence in their ability to 'teach' certain subjects to facilitate learning and understanding. That is an indictment on the system. Teachers, on the other hand, are not required to be proficient in all subjects. They may specialize in certain subjects and swap classes for others. This is a double standard. We deserve (and currently enjoy) the opportunity to seek out world-class educational programs that are suited to our individual child's learning needs. These curricula often, also offer more support to parents as educators than anything ACARA-based I have seen to date.

Teachers may be able to refer to rubric for grading and reporting purposes, but that doesn't give an accurate picture of how the material has been actually understood by each child. It may be demonstrative of how well a child can be trained to regurgitate a lesson, but teaching and learning are not the same thing. Teachers are not required to demonstrate actual, educational progress, just that the plan was followed and a box ticked. We aim higher.

## **Personal Experience**

As a parent of a neurodivergent child, we have spent countless hours consulting with specialists and experts to determine how to best educate our child. We liaised with their former schools to try to implement IEPs that were developed; however, the schools were unable to implement these plans on any level. They experienced bullying - by students and teachers- sadly and shamefully, and were also victim blamed, despite lacking the ability to understand the situation. The school's solution was to isolate my child from everyone and have them learn in the first aid room. My child would melt down every afternoon thinking they were stupid and a horrible person. It has taken years to counter this, and as a parent it has been at times heartbreaking. After withdrawing them and their siblings from mainstream in order to, at the very least, facilitate an appropriate sensory diet, we discovered that an ACARA based learning program was overwhelming and confusing to them. After many more

hours of research in pedagogic approaches we were able to determine an appropriate, engaging, interest-based and personalised learning program in which they had opportunity to contribute and have ownership. This allowed for them to have personal investment, and know that their say was important; to reinforce their validity as a unique person capable of learning what they need to know to achieve goals throughout their life. Not only that, we were free and able to adjust our approach as often as required. Allowing them space to become deeply immersed in an area of interest enabled us to cover multiple KLAs and develop their unique learning style, focusing on their strengths. We could master academic disciplines (or revisit where necessary) while also applying critical thinking and practice interpersonal skills such as communication and adaptation. Many times an adult would not know how to interact with this articulate and curious child. The Australian Curriculum does not lend itself to this sort of flexibility; it hinders personal autonomy and our capability to assist them pursue meaningful learning to effect a quality education that allows students to continue growing into adulthood in a way that suits their individual needs. They have since graduated with a tertiary level diploma and are a very talented digital animator and musician who is gainfully employed. This is a far cry from the disengaged child who would burst into tears every day. From confusion and overload, they have grown into a remarkable young adult who enjoys many pursuits and who continues to feed their intellectual curiosity every day. It was a privilege to assist them in a way that honoured their individuality and creativity, allowing them the time to reach each stage.

Experiences of our other children I would like to mention:

One child wanted to attend a private college for a diploma course. At that time they were 14 years old. The college was prepared to accept them but we were unable to financially provide that opportunity. For that reason we waited, while they worked and saved – spinning their wheels doing meaningless ‘school busy work’. When they were 16 the college announced that they would be able to enroll students who required a student loan in order to attend. Our child was required to sit a BKSB test. They outshone (with an 80+% pass mark) their 18-year-old, conventionally educated, fellow students, who only just passed, despite their further two years of ACARA based education. This child was openly defiant in any to many approaches to traditional schooling. We were able to try meaningful projects – such as running a Charlotte Mason Pet Shop to engage interest and raise awareness of practical, real life applications of maths concepts. They have also graduated with a diploma and are looking at further career options.

*“Self-education is the only possible education; the rest is mere veneer laid on the surface of a child's nature.”*

— Charlotte Mason

Another child has had learning delays. We had tried several approaches to teach reading, spelling, writing and mathematical disciplines at a foundation level –

including ACARA based programs, yet nothing seemed to 'stick'. In a school setting learning difficulties have proven unable to be accommodated as teachers are generally not instructed on how to assist these children. Students are often treated as lazy or naughty; there is little time for empathy or understanding and children are just as frustrated as teachers (and parents) that they have to keep relearning the same skills. We approached the University of Queensland Occupational Therapy clinic to help determine if dyslexia or dyscalculia were something we needed to address. After assessment, their conclusion was: maybe? In short, they could not be specific. They suggested investing in several, very expensive programs that may, or may not help. Because of homeschooling we were able give our child more time while focusing on finding different approaches that did help instead of demanding they 'show progress'. By engaging in reflective listening and verbal narration we were able to measure and increase comprehension. By age 12 they were academically 'caught up' and this week they will be graduating from two certificate level courses.

### **Closing Remarks**

Researching and facilitating home education takes a lot of time and energy. Time and again we found ourselves committing hours in the procurement – sometimes quite expensive as this has all been from our own pockets – and selection of the best, evidence-based materials that suited our individual children. To complement academic studies we also add other enrichment activities such as drama, music, various sporting pursuits and more excursions and experiences than I can recount in this submission. But it has been very much worth it.

*There isn't any known way to bulk-educate; it's all custom work.*

*— John Taylor Gatto*

It should be mentioned that not only do homeschool families pay for curriculum and other activities, we receive no compensation, subsidies or other financial assistance for them. If forced to use ACARA I would expect this to change. Many families live frugally on one income because the decision to home educate is so important to us.

Our homeschooling journey has covered over 15 years. We have been able to change our approach as each child progressed, and identify what worked so well for one child definitely *did not* for another. Though at times difficult – and nothing good ever comes easily, the choice to work with our children as individuals has been most rewarding, and without a doubt the best thing for our family. As young adults interacting more with other people in their workplaces, they have come to us and thanked us for making that choice with them, to give them time to grow into their own selves, as they have met so many people who had negative experiences.

I urge the committee to reconsider these restrictive and overreaching measures and instead focus on supporting families in actual, meaningful and constructive ways, tailored to the needs of each child. As stated in the Explanatory Note – these proposals were primarily driven to ensure child welfare. This was sparked by the event of one tragic case presented in to Parliament in the “Child Death Review Board: Annual report 2022-2023” (Queensland Child Death Review Board, 2024, p. 15).

Queensland Child Death Review Board. (2024). Child Death Review Board: Annual report 2022-2023. Queensland Government. <https://documents.parliament.qld.gov.au/tp/2024/5724T347-DB90.pdf>

This grievous event was not a failing of homeschooling per se, but rather a failing of Child Safety - who were well aware of the known risks to this young person. This unfortunate event, however, should not impact the many, many families who have homeschooled successfully in Queensland for many years. This should turn a spotlight on failings within the framework of mental health and school systems. I believe if they (and their staff) were better supported and funded properly many families would stay in them.

The recommendations made pertaining to legislative changes in the Explanatory Note are non sequiturs. Adherence to ACARA (at the very least) does not provide safeguards for student wellbeing.

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

Sincerely,

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