

Chapter 5 Home education

Part 5.1 General

128 Principles on which ch 5 based

The following are the principles on which this chapter is based:

- (a) parents have the right to choose a suitable educational environment for their children;
- (b) there is a diversity of religious and educational philosophies held by parents providing home education for their children;
- (c) the diversity of educational philosophies reflects the diversity of preferences of parents for particular forms of education for their children;
- (d) home education is committed to—
 - (i) offering a broad range of opportunities that foster in each child the development of the child's unique spiritual, emotional, physical, social and intellectual being; and
 - (ii) valuing the individual needs, interests and aptitudes of each child; and
 - (iii) preparing each child to become an independent and effective local and global citizen.

Part 5.2 Registration—home education

129 Meaning of home education

In this Act:

home education, in relation to a child, means education conducted by 1 or both of the child's parents from a home base.

130 Provisional registration for home education

(1) The parents of a child may apply, in writing, to the director-general for registration of the child for home education.

Note If a form is approved under s 154 for the application, the form must be used.

(2) On receiving an application under subsection (1), the director-general must provisionally register the child for home education.

(3) Provisional registration for home education ends—

- (a) 6 months after the day the provisional registration begins; or
- (b) if the child is registered sooner under section 131 (3)—on the day the child is registered.

131 Registration for home education

(1) This section applies if a child is provisionally registered for home education under section 130.

(2) Also, this section applies if—

(a) the parents of a child apply in writing to the director-general for registration for home education; and

(b) immediately before the application, the child was registered or approved (however described) under the law of a State or another Territory for home education.

(3) The director-general may register the child for home education for a period of not longer than 2 years if satisfied that the conditions for registration will be complied with.

(4) To decide whether the conditions for registration will be complied with, an authorised person (government) may inspect any education programs, materials or other records proposed to be used for the home education.

132 Conditions of registration for home education

The registration of a child for home education is subject to the following conditions:

(a) the parents of the child are to provide high-quality education for the child;

(b) the parents of the child must document the educational opportunities offered by the parents to their child and the strategies they use to encourage their child to learn;

(c) the parents of the child must make available for inspection on request by the director-general any education programs, materials or other records used for the home education.

133 Registration of child

If the director-general approves the registration of a child for home education, the director-general must—

(a) enter the particulars prescribed under the regulations in the home education register kept under section 139 (Home education register); and

(b) give the parents of the child a certificate of registration for the child.

134 Period of registration

Registration of a child for home education is for the period (not longer than 2 years) stated in the certificate of registration.

135 Cancellation of registration for home education

(1) The director-general may cancel the registration of a child for home education if the director-general is satisfied on reasonable grounds that a parent has contravened a condition of the registration.

- (2) Before cancelling registration, the director-general must give the parents a written notice—
- (a) stating the grounds on which the director-general proposes to cancel the registration; and
 - (b) stating the facts that, in the director-general’s opinion, establish the grounds; and
 - (c) telling the parents that they may, within 30 days beginning the day after the day they receive the notice, give a written response to the director-general about the matters in the notice.
- (3) In deciding whether to cancel registration, the director-general must consider any response given to the director-general in accordance with subsection (2) (c).
- (4) However, the director-general must not cancel the registration if satisfied that—
- (a) the parents have demonstrated that the contravention has been rectified and that they will comply with the conditions of the registration; and
 - (b) it is not otherwise in the public interest that the registration be cancelled.
- (5) The director-general must give the parents written notice of the decision.
- (6) Cancellation of registration takes effect on the day when notice of the cancellation is given to the parents or, if the notice states a later date of effect, that date.

136 Certificate of registration for home education

A certificate of registration for home education must state—

- (a) the name of the child registered for home education; and
- (b) the names of the child’s parents; and
- (c) the address of the home base from which the home education will be carried out; and
- (d) the period of registration; and
- (e) the conditions of registration; and
- (f) any other particulars prescribed under the regulations.

137 Renewal of registration for home education

(1) The parents of a child who is registered for home education under this part may apply in writing to the director-general for renewal of the registration.

Note If a form is approved under s 154 for the application, the form must be used.

- (2) The application must be made at least the prescribed period before the registration ends.
- (3) The director-general may renew the registration of the child for home education for a period of not longer than 2 years if satisfied that the conditions for registration will be complied with.

(4) In this section: *prescribed period* means—

(a) 3 months; or

(b) if the director-general approves a shorter period—that period.

138 Home education reports

The parents of a child registered for home education must give the director-general a report about the educational progress of the child once every year.

139 Home education register

The director-general must keep a register of children registered for home education.