

PART 7 - REGISTRATION OF NON-GOVERNMENT SCHOOLS AND OF CHILDREN FOR HOME SCHOOLING

Division 1 - Application

Division 6 - Registration for home schooling

In this Division,
"authorised person" includes an inspector.

71 Application for registration for home schooling

(1) A parent of a child may apply in writing to the Minister for registration of the child for home schooling.

(2) As soon as practicable after such an application is made, the Minister is to obtain advice on the application from an authorised person.

(3) The authorised person is to notify the applicant in writing of a recommendation to the Minister that the application be refused.

72 Registration for home schooling

(1) As soon as practicable after receiving the recommendation of an authorised person about an application for registration of a child for home schooling, the Minister:

(a) is to register the child in a Register kept by the Minister for the purpose, or

(b) is to refuse to register the child.

(2) The Minister is to register the child if the Minister, having regard to:

(a) the recommendation of the authorised person about the application, and

(b) any decision of the Tribunal on an application for an administrative review of the authorised person's recommendation, is satisfied that the conditions subject to which

registration is required to be given will be complied with.

(3) The Minister may register more than one child of any one parent for home schooling.

(4) If the authorised person recommends that the Minister refuse to register a child or home schooling, the Minister may not do so unless:

(a) 30 days have elapsed since the applicant was given written notice of the authorised person's recommendation and no application has been made to the Tribunal for an administrative review of the recommendation within those 30 days, or

(b) the Tribunal has determined an application for an administrative review (made within those 30 days) of the recommendation and the Minister has considered any contrary recommendation of the Tribunal and the reasons for it, or

(c) any such application for an administrative review of the recommendation has been withdrawn.

(5) The Minister is to notify the applicant in writing of the Minister's decision to refuse to register the child for home schooling.

(6) On registration of a child for home schooling, a certificate of registration is to be issued for the child to the applicant for registration.

73 Conditions and duration of registration for home schooling

(1) The registration of a child for home schooling is subject to the conditions specified in the certificate of registration.

(2) The conditions so specified:

(a) must comply with the requirements of the regulations, and

(b) subject to any such regulations, must provide for the child to receive instruction that meets the relevant requirements of Part 3 relating to the minimum curriculum for schools.

(3) Registration of a child for home schooling is to be limited in its operation to a period (not exceeding 2 years) specified in the certificate of registration.

Cancellation of registration for home schooling

74 Cancellation of registration for home schooling

(1) The Minister may, on the recommendation of an authorised person, cancel the registration of a child for home schooling by notice in writing to a parent of the child, if the parent:

(a) has failed to ensure that the child receives instruction in accordance with the conditions to which the registration is subject, or

(b) has refused or failed to allow an authorised person (in accordance with those conditions) to enter, at any reasonable time, the premises where the child receives schooling or to inspect those premises or records required to be kept for the purposes of this Act, or

(c) has breached any other condition to which the certificate of registration is subject.

(2) The Minister may not cancel the registration of a child for home schooling under subsection (1) (a) if:

(a) the child was prevented from receiving instruction by sickness, permanent or temporary incapacity or some accident or unforeseen event, or

(b) the child has not received instruction for only 3 school days or less in any period of 3 months during which the child has been registered for home schooling, or

(c) any failure to ensure that the child received instruction was a result of the child's disobedience and was not due to the default of the parent.

(3) The Minister may not cancel the registration of a child for home schooling written unless notice of the authorised person's recommendation to the Minister has been given to a parent of the child and:

(a) 30 days have elapsed since the giving of that notice, during which time no application has been made to the Tribunal for an administrative review of the recommendation, or

(b) the Tribunal has determined an application for an administrative review (made within those 30 days) of the recommendation and the Minister has considered any contrary recommendation of the Tribunal and the reasons for it, or

(c) any such application for an administrative review of the recommendation has been withdrawn.

Division 7 - Conscientious objections to registration

75 Notice to the Minister of conscientious objection

[There is provision for schools to conscientiously object to registration under this section – only the homeschooling clauses are reproduced here]

A person who:

(c) being a parent of a child, wishes the child to receive home schooling,

may give the Minister written notice that the person conscientiously objects on religious grounds to registration under this Act.

76 Consideration by Board of notice of conscientious objection

(1) The Minister, on receipt of a notice of conscientious objection to registration, is to refer the matter:

(b) if the objection is to registration of a child for home schooling, to an authorised person under Division 6.

(2) As soon as practicable (but not later than 6 months) after an objection is referred to the Board or an authorised person for advice, the Board or authorised person is to give the Minister a written report about the matter, including a recommendation as to whether or not the Minister should accept the objection.

(3) The Board or the authorised person is to give the person who objects to registration written notice of a recommendation to the Minister that the Minister not accept the objection.

(4) For the purposes of Part 10 (Administrative review of decisions by Tribunal) any such recommendation is to be regarded as:

(b) in the case of an objection to registration of a child for home schooling, a recommendation that the Minister not register the child for home schooling.

77 Acceptance or rejection of conscientious objection

(1) The Minister may accept an objection to registration under this Act if the Minister, having considered the report of

the Board or authorised person and any decision of the Tribunal, is satisfied that:

(a) the Minister would be required to register the school or the child for home schooling (as the case may be) under this Act if an application had been made for such registration, and

(b) the objection to registration is conscientiously held on religious grounds.

(2) If the Board or authorised person has recommended that the Minister not accept an objection to registration, the Minister may not refuse to accept the objection unless:

(a) 30 days have elapsed since the objector was given written notice of the recommendation of the Board or authorised person and no application has been made to the Tribunal for an administrative review of the recommendation within those 30 days, or

(b) the Tribunal has determined an application for an administrative review (made within those 30 days) of the recommendation and the Minister has considered any contrary recommendation of the Tribunal and the reasons for it, or

(c) any such application for an administrative review of the recommendation has been withdrawn.

78 Certificate of exemption

(1) If the Minister accepts an objection to registration, the Minister is to issue a certificate exempting the school or the child (as the case may be) from the requirement to be registered under this Act.

(2) A certificate under this section may be given subject to conditions.

(3) A certificate under this section is to be limited in its operation to a period, specified in the certificate, not exceeding:

(b) 2 years in the case of home schooling.

79 Notice of decision to refuse to accept objection

The Minister is to give any person who objects to registration under this Part written notice of a decision not to accept the objection.

81 Child to be regarded as registered for home schooling

A child to whom a current certificate of exemption applies under this Division is to be regarded as registered for home schooling under this Act.

82 Cancellation of exemption

(1) The Minister may, on the recommendation of the Board or an authorised person (as the case may be), cancel an exemption granted under this Division if the Minister is satisfied:

(a) that the Minister would be entitled to cancel the registration of the school or child for home schooling had the school or child been registered, or

(b) that the objection to registration is not conscientiously held on religious grounds.

(2) A recommendation of the Board or the authorised person that the Minister cancel an exemption under this Division is to be regarded for the purposes of Part 10 (Administrative review of decisions by Tribunal) as:

(b) in the case of a child receiving home schooling, a recommendation that registration of the child for home schooling be cancelled.

(3) The Minister may not cancel an exemption under this Division unless written notice of the recommendation of the Board or the authorised person has been given to the proprietor of the school or the parent of the child concerned and:

(a) 30 days have elapsed since the giving of that notice, during which time no application has been made to the Tribunal for an administrative review of the recommendation of the Board or the authorised person, or

(b) the Tribunal has determined an application for an administrative review (made within those 30 days) of the recommendation and the Minister has considered any contrary recommendation of the Tribunal and the reasons for it, or

(c) any such application to the Tribunal has been withdrawn.