

**CHAPTER 9--COMPULSORY SCHOOLING**  
**Part 5--Home education**  
**Division 1—Preliminary**

**205 Definitions for pt 5**

In this part—

home education, for a child, means the education of the child provided by 1 or both of the child's parents, or a registered teacher, primarily at the child's usual place of residence.

provisional registration, of a child for home education, means the provisional registration of the child for home education under section 207.

registration, of a child for home education, means the registration of the child for home education under section 213.

standard conditions of registration see section 217(1).

**206 Who is eligible for provisional registration or registration**

A child who is of compulsory school age, or in the compulsory participation phase, is eligible for provisional registration, or registration, for home education.

**Division 2--Applications for provisional registration**

**207 Provisional registration**

(1) An application for provisional registration of a child for home education must—

- (a) be made in writing to the chief executive; and
- (b) state—
  - (i) the applicant's name; and
  - (ii) the child's name and date of birth; and
  - (iii) the address of the child's usual place of residence; and
- (c) be accompanied by evidence, satisfactory to the chief executive, that—
  - (i) the child is eligible for provisional registration for home education; and
  - (ii) the applicant is a parent of the child.

(2) The chief executive must, as soon as practicable after receiving the application, notify the applicant that the child is provisionally registered for home education.

(3) Provisional registration of the child for home education ends 60 days after the giving of the notice under subsection (2).

(4) However, if an application is made for registration of the child for home education during the provisional registration period, the provisional registration continues until the day the chief executive notifies the applicant of the chief executive's decision on the application.

(5) An application under this section may relate to only 1 child.

**Division 3--Applications for registration**  
**208 Procedural requirements for application**

(1) An application for registration of a child for home education must be—

- (a) made to the chief executive; and
- (b) in the approved form; and
- (c) accompanied by—
  - (i) evidence, satisfactory to the chief executive, that—
    - (A) the child is eligible for registration for home education; and
    - (B) the applicant is a parent of the child; and
    - (ii) a summary of the educational program to be used, or learning philosophy to be followed, for the home education; and
    - (iii) any other documents, identified in the approved form, the chief executive reasonably requires to decide the application.

(2) Information in, or accompanying, the application must, if the approved form requires, be verified by a statutory declaration.

(3) An application under this section may relate to only 1 child.

**209 Withdrawal of application**

(1) A person may, by notice given to the chief executive, withdraw the person's application for the registration of a child for home education.

(2) If, under subsection (1), a person withdraws the person's application for the registration of a child for home education, the child's provisional registration for home education under section 212 is cancelled.

### **210 Chief executive must ensure compliance with procedural requirements**

(1) If the chief executive considers an application for the registration of a child for home education does not comply with a procedural requirement, the chief executive must, by notice given to the applicant, require the applicant to comply with the requirement within a reasonable period, of at least 28 days, stated in the notice.

(2) However, the chief executive and applicant may, within the period stated in the notice, agree to extend the period for complying with the procedural requirement to a day (the agreed compliance day) after the end of the period stated in the notice.

(3) If the applicant does not comply with the procedural requirement within the period stated in the notice, or by the agreed compliance day, the chief executive may decide to refuse to grant the application.

(4) If the chief executive decides to refuse to grant the application—

(a) the chief executive must give the applicant an information notice about the decision; and

(b) the child's provisional registration for home education under section 212 is cancelled.

### **211 Chief executive may require further information or documents**

(1) If the chief executive considers further information or a document is required for deciding an application for the registration of a child for home education, the chief executive may, by notice given to the applicant, require the applicant to give the information or document to the chief executive within a reasonable period, of at least 28 days, stated in the notice.

(2) The chief executive may also require the information or document to be verified by a statutory declaration.

(3) Despite subsection (1), the chief executive and applicant may, within the period stated in the notice, agree to extend the period for complying with a requirement under subsection (1) to a day (the agreed compliance day) after the end of the period stated in the notice.

(4) If the applicant does not comply with a requirement under subsection (1) within the period stated in the notice, or by the agreed compliance

day, the chief executive may decide to refuse to grant the application.

(5) If the chief executive decides to refuse to grant the application—

(a) the chief executive must give the applicant an information notice about the decision; and

(b) the child's provisional registration for home education under section 212 is cancelled.

### **212 Child taken to be provisionally registered while application decided**

(1) This section applies if an application is made for the registration of a child for home education.

(2) The child is provisionally registered, under this section, for home education until—

(a) if the chief executive decides to grant the application—the day the decision is made; or

(b) if the chief executive decides to refuse to grant the application—the day an information notice about the decision is given to the applicant under section 214(2).

(3) The chief executive must, as soon as practicable after receiving the application, notify the applicant that the child is provisionally registered, under this section, for home education.

### **213 Decision**

(1) The chief executive must consider an application for the registration of a child for home education and decide whether the chief executive is satisfied the standard conditions of registration will be complied with.

(2) If the chief executive is satisfied the standard conditions of registration will be complied with, the chief executive must decide to register the child for home education.

### **214 Steps to be taken after application decided**

(1) If the chief executive decides to grant an application for the registration of a child for home education, the chief executive must as soon as practicable issue a certificate of registration, for the child, to the applicant.

(2) If the chief executive decides to refuse to grant an application for the registration of a child for home education, the chief executive must as soon

as practicable give the applicant an information notice about the decision.

### **215 Failure to decide application**

(1) Subject to subsection (3), if the chief executive fails to decide an application for the registration of a child for home education within 90 days after its receipt, the failure is taken to be a decision by the chief executive to refuse to grant the application.

(2) Subsection (3) applies if the chief executive has, under section 211(1), required an applicant for the registration of a child for home education to give the chief executive further information or a document.

(3) The chief executive is taken to have decided to refuse to grant the application if the chief executive fails to decide the application within 90 days after the chief executive receives the further information or document.

### **216 Minimum details to be recorded on certificate of registration**

A certificate of registration of a child for home education must include at least the following—

- (a) the child's name and date of birth;
- (b) the address of the child's usual place of residence;
- (c) the names of the child's parents;
- (d) any conditions of registration imposed by the chief executive.

### **Division 4** **217 Standard conditions**

(1) The registration of a child for home education is subject to the following conditions (the standard conditions of registration)—

- (a) the child's parents must ensure the child receives a high-quality education;
- (b) a parent of the child must give to the chief executive a written report on the educational progress of the child while undertaking home education;
- (c) a parent of the child must notify the chief executive of any change in the address of the

child's usual place of residence within 28 days after the change happens.

(2) A report mentioned in subsection (1)(b) must—

- (a) be given to the chief executive at least 2 months, but not more than 3 months, before each anniversary of the registration; and
- (b) be in the approved form; and
- (c) be accompanied by any other documents, identified in the approved form, the chief executive reasonably requires.

### **218 Imposition of conditions**

(1) The chief executive may, in granting an application for the registration of a child for home education, decide to impose conditions on the registration that are relevant and reasonable.

(2) If the chief executive decides to impose conditions on the registration, the chief executive must as soon as practicable give the applicant an information notice about the decision.

### **219 Changing conditions**

(1) The chief executive may change the conditions of the registration of a child for home education imposed by the chief executive if there is a reasonable basis to make the change.

(2) Before deciding to change the conditions, the chief executive must—

- (a) give notice to a parent of the child stating—
    - (i) the particulars of the proposed change; and
    - (ii) that the parent may make written submissions to the chief executive about the proposed change within a reasonable period of at least 21 days stated in the notice; and
  - (b) have regard to written submissions made to the chief executive by the parent within the stated period.
- (3) If the chief executive decides to change the conditions, the chief executive must as soon as practicable give the parent an information notice about the decision.

(4) If the chief executive decides to change the conditions, the change takes effect on the day an information notice about the decision is given to the parent and does not depend on a replacement certificate of registration being issued under section 220.

(5) The power of the chief executive under subsection (1) includes the power to add conditions to the registration of a child for home education that is not subject to conditions imposed by the chief executive.

### **220 Replacing certificate of registration**

(1) This section applies if a child's parent receives an information notice, under section 219(3), about a decision relating to a change of the conditions of the registration of the child for home education.

(2) The parent must return the certificate of registration to the chief executive within 14 days after receiving the notice.

(3) On receiving the certificate, the chief executive must issue another certificate of registration to the parent to replace the certificate returned to the chief executive.

## **Division 5--Cancellation of registration**

### **221 Grounds for cancellation**

Each of the following is a ground for cancelling the registration of a child for home education—

(a) a parent of the child has contravened a condition of the registration;

(b) the chief executive is not reasonably satisfied about the educational progress being made by the child;

(c) the child was registered because of a materially false or misleading representation or declaration.

### **222 Show cause notice**

(1) If the chief executive reasonably believes a ground exists to cancel the registration of a child for home education, the chief executive must give a parent of the child a notice under this section (a show cause notice).

(2) The show cause notice must state the following—

(a) the action (the proposed action) the chief executive proposes taking under this division;

(b) the ground for the proposed action;

(c) an outline of the facts and circumstances forming the basis for the ground;

(d) an invitation to the parent to show within a stated period (the show cause period) why the proposed action should not be taken.

(3) The show cause period must be a period ending at least 30 days after the show cause notice is given to the parent.

### **223 Representations about show cause notice**

(1) The parent may make written representations about the show cause notice to the chief executive in the show cause period.

(2) The chief executive must consider all written representations (the accepted representations) made under subsection (1).

### **224 Ending show cause process without further action**

If, after considering any accepted representations for the show cause notice, the chief executive does not believe the ground exists to cancel the registration, the chief executive—

(a) must not take further action about the show cause notice; and

(b) must, as soon as practicable, notify the parent that no further action will be taken about the show cause notice.

### **225 Cancellation**

(1) This section applies if, after considering any accepted representations for the show cause notice, the chief executive—

(a) still believes the ground exists to cancel the registration; and

(b) believes cancellation of the registration is warranted.

(2) This section also applies if there are no accepted representations for the show cause notice.

- (3) The chief executive may decide to cancel the registration.
- (4) The chief executive must as soon as practicable give an information notice about the decision to the parent.
- (5) The decision takes effect on the day an information notice about the decision is given to the parent.

### **226 Return of cancelled certificate of registration to chief executive**

- (1) This section applies if—
- (a) the chief executive decides to cancel the registration of a child for home education under section 225; and
- (b) the decision takes effect under section 225(5).
- (2) The parent must return the certificate of registration to the chief executive within 28 days after the decision takes effect.
- (3) However, subsection (2) does not apply until—
- (a) the last day to apply for a review of the decision; or
- (b) if the decision is reviewed—
- (i) the last day to apply under chapter 15, part 2 for a review of the decision; or
- (ii) if a review of the decision is applied for—the day the review is decided.

- (4) In this section—

review, of a decision, means review of the decision under chapter 15, part 1.

review decision see section 392(2).

### **Division 6--Surrender of provisional registration or registration**

#### **227 Surrender**

- (1) A parent of a child who is provisionally registered, or registered, for home education may, by notice given to the chief executive, surrender the provisional registration or registration.

- (2) The surrender takes effect—
- (a) on the day the notice is given to the chief executive; or
- (b) if a later day of effect is stated in the notice—on the later day.
- (3) If the child is registered for home education, the parent must return the certificate of registration to the chief executive within 14 days after the day the surrender takes effect.

#### **228 Obligation to surrender**

- (1) This section applies if a child who is provisionally registered, or registered, for home education stops receiving home education.
- (2) A parent of the child must—
- (a) as soon as practicable after the child stops receiving home education, surrender the provisional registration or registration under section 227; and
- (b) if, at the time of the surrender, the child is enrolled by the parent, or an application has been made by the parent for the enrolment of the child, at a State school or non-State school—when giving notice of the surrender, notify the chief executive of the enrolment or application, and the school's name.

### **Division 7--Miscellaneous**

#### **229 Simultaneous enrolment at State school or non-State school prohibited**

- (1) A child who is provisionally registered, or registered, for home education may not be simultaneously enrolled at a State school or non-State school.
- (2) A child is not eligible for provisional registration, or registration, for home education while the child is enrolled at a State school or non-State school.

