

**NORTHERN TERRITORY EDUCATION ACT 2015  
& EDUCATION REGULATIONS 2015**

**EXCERPTS RELEVANT TO HOME EDUCATION**

**PREPARED BY THE [HOME EDUCATION NETWORK](#)**

**SECT 46 Home education**

- (1) A parent of a child of compulsory school age whose usual place of residence is in the Territory, who proposes to provide home education for the child must, before providing home education:
  - (a) apply to the CEO for approval to provide it; and
  - (b) give the CEO details of the proposed home education, including any documentary evidence or other information that is prescribed by regulation.
- (2) To determine whether the proposed home education is suitable, the CEO may direct a departmental officer to:
  - (a) inquire into the proposal; and
  - (b) give a report to the CEO about the proposed home education.
- (3) As soon as practicable after receiving an application, the CEO must:
  - (a) if of the opinion that the proposed home education is suitable – approve the application subject to the conditions mentioned in subsection (6); or
  - (b) if not of that opinion – refuse the application.
- (4) In deciding an application under subsection (3), the CEO must have regard to:
  - (a) any report received under subsection (2); and
  - (b) any other matters that the CEO considers relevant.
- (5) As soon as practicable after making a decision under subsection (3), the CEO must give a decision notice to the applicant.
- (6) The approval of an application is subject to the following conditions:
  - (a) subject to subsection (7), the curriculum to be used must be one that is approved by the Australian

- Curriculum Assessment and Reporting Authority or any successor of that body;
  - (b) the approval is for 1 school year only;
  - (c) any teacher conducting the home education must be registered under the Teacher Registration (Northern Territory) Act;
  - (d) the parent must allow inspections to be carried out from time to time by departmental officers in accordance with section 47;
  - (e) any other conditions that the CEO considers appropriate and specifies in the notice under subsection (5).
- (7) Subsection (6)(a) does not apply if:
- (a) an exemption under subsection (8) applies in relation to the parent; or
  - (b) the parent had, before the commencement of this section, approval to provide home education to the child for the immediately preceding school year.
- (8) The CEO may grant an exemption for a parent from the condition mentioned in subsection (6)(a) if satisfied that it is appropriate to do so because of special circumstances.

**SECT 47: Inspection program for home education**

- (1) The CEO must, in relation to home education approved under section 46, establish an inspection program to ensure that:
  - (a) suitable home education is being provided; and
  - (b) parents are complying with the conditions of their approval to provide home education.
- (2) An inspection must be carried out by a departmental officer in accordance with the program in relation to each approval at least once during the period of that approval.
- (3) An inspection may be carried out in the course of an inquiry under section 49(2).

- (4) An inspection covers the curriculum and resources used in providing the home education as well as the place where the home education is usually provided and the facilities available at that place for use in providing it.
  - (5) An inspection may only be carried out at a time agreed between the parent and the departmental officer who is to carry out the inspection.
  - (6) Following completion of an inspection, the departmental officer must prepare a report on the suitability of the home education and give a copy of the report to the parent and the CEO.
- (2) The CEO may direct a departmental officer to inquire into the matter and give a report about the situation.
  - (3) Whether or not the CEO has given a direction under subsection (2), the CEO may, by written notice given to a parent, cancel an approval to provide home education if of the opinion that:
    - (a) the parent has failed to comply with the conditions of the approval; or
    - (b) the child is not making satisfactory progress.
  - (4) The CEO must, in a notice under subsection (3):
    - (a) give reasons for the decision to cancel the approval; and
    - (b) invite the parent to give reasons, within 30 days after receiving the notice, why home education should continue.
  - (5) The CEO may, having regard to any reasons given by a parent in response to a notice under subsection (3), by written notice given to the parent, cancel the notice under subsection (3) and reinstate the approval to provide home education.
  - (6) If the CEO decides not to cancel the notice, the CEO must give a decision notice to the parent.

#### **SECT 48 Cessation of home education**

A parent who has approval under section 46 to provide home education for a child must notify the CEO, in writing, within 14 days after any of the following occurs:

- (a) the parent ceases to provide home education;
- (b) the child is enrolled in a school;
- (c) there is a change in any details provided in the application for approval to provide home education.

*Note for section 48(a)*

*A parent having daily care and control of a child of compulsory school age who ceases to provide home education to the child must comply with section 39(1).*

#### **SECT 49 Power to cancel approval of home education**

- (1) This section applies if the CEO has reason to believe that:
  - (a) a parent may not be complying with the conditions of an approval to provide home education; or
  - (b) the child is not making satisfactory progress.

#### **SECT 177 Meaning of Tribunal reviewable decision**

Each of the following is a Tribunal reviewable decision:

- (a) a decision under section 46(3)(b) to refuse an application to provide home education;
- (b) a decision under section 46(6)(e) to impose a condition on the approval of an application under section 46(1);
- (c) a decision under section 49(3) to cancel an approval to provide home education;

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For section 46(1)(b) of the Act, the following are prescribed details of the proposed home education that are required to be given to the CEO:

- (a) the curriculum proposed to be used for the home education;
- (b) the proposed program of work in each subject covered by the curriculum, including the resources to be used in support;
- (c) the average period of time that the child will receive instruction on each school day;
- (d) the number of days on which instruction will be given to the child;
- (e) where the instruction will be given and what facilities are available at that place for that purpose;
- (f) how learning activities will be recorded and how the child's educational progress and achievement will be measured;
- (g) the name of the person who is to give the instruction and that person's relationship to the child.