

**REPORT OF PROCEEDINGS BEFORE**

**SELECT COMMITTEE ON HOME SCHOOLING**

**INQUIRY INTO HOME SCHOOLING**

**CORRECTED PROOF**

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**At Sydney on Tuesday 7 October 2014**

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**The Committee met at 10.15 a.m.**

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**PRESENT**

The Hon. P. Green (Chair)

Dr J. Kaye (Deputy Chair)

The Hon. T Khan

The Hon. A. Searle

The Hon. H. Westwood

**CHAIR:** Welcome to the third hearing of the Select Committee on Home Schooling. The inquiry is reviewing home schooling practices and comparing them with those used in other jurisdictions. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay my respects to the elders past and present of the Eora nation and extend that respect to all other Aboriginals both here and online. Today we will hear from the Board of Studies, Teaching and Educational Standards [BOSTES].

Before we commence I will make some brief comments about the procedures today. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside their evidence at the hearing. I urge witnesses to be careful about any comments they may make to the media or to others after they complete their evidence as such comments will not be protected by parliamentary privilege if another person decides to take an action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be questions that a witness could answer only if they had more time with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 14 days. Witnesses are advised that any messages should be delivered to Committee members through the Committee staff. Finally, I ask everyone to please turn their mobiles to silent or turn them off.

**DAVID MURPHY**, Executive Director, Regulation and Governance, Board of Studies, Teaching and Education Standards NSW, and

**ANNE KEENAN**, Director, School Registration and Accreditation Standards, Board of Studies, Teaching and Education Standards NSW, on former oath:

**CHAIR:** The Committee thought it would be appropriate to give you a right of reply. Do you wish to make an opening statement?

**Ms KEENAN:** No.

**Mr MURPHY:** No.

**CHAIR:** When you last appeared before the Committee you were asked about a child who is the subject of a court order. I refer to the situation where the relationship between a mother and a father breaks down and the mother takes on the home schooling. Is it correct that if a court order is in place permission must be sought from both parents?

**Mr MURPHY:** Court orders can be framed in a number of ways. Some require that a joint decision be made and they will often describe the areas in which those decisions must be made. If the court order is silent on any particular issue then public officials would have to have regard to the merits of the issue. In the particular case that was raised with the Board recently, the court order was quite clear and the Board was obliged to deal with it in the way that it did.

**The Hon. TREVOR KHAN:** Let us deal with a circumstance in which no court order is in place and it is a recent separation. A child is attending a public school in New South Wales and the mother takes the child and moves to another town. As I understand it, the policy applied is that a child is allowed to be put into a public school without there being a court order dealing with those arrangements. Is that correct?

**Mr MURPHY:** That is true in the case of government schools.

**The Hon. TREVOR KHAN:** I am talking only about public schools.

**Mr MURPHY:** The most significant difference between enrolling in a school and being registered for home schooling is that there are requirements that must be met before a child can be registered for home schooling. However, there are no statutory requirements that must be met for the child to be enrolled in a public school.

**The Hon. TREVOR KHAN:** I will demonstrate my ignorance. When a child is registered for home schooling, it is the child that is registered is it not?

**Mr MURPHY:** Yes, the child is registered and the parent is the applicant. The parent does not have to be the one who delivers the home schooling. The schooling being delivered in the home characterises home schooling. It does not have to be the parent who delivers it.

**The Hon. TREVOR KHAN:** I do not know that that necessarily answers the question. If it is the child who is registered and it does not matter which parent is the applicant, am I right that in the case of family breakdown the position adopted is that they will not be reregistered until there is a court order?

**Mr MURPHY:** In the case where the parent making the application is the residential parent, the Board is obliged to have regard to the views of the non-residential parent, but those views must be relevant to whether or not the application meets the requirements for registration. It does not require consent of both parents unless there is a court order prescribing that.

**CHAIR:** How are public schools able to enrol students with only one parent's consent when court orders state that there is shared parental responsibility? How does it work differently with home schooling? There might be the same court order, but if the child is being sent to a public school that situation is not reversed.

**Mr MURPHY:** The Education Act requires that a child be registered before being home schooled. There is no statutory requirement to enrol in a school. There is a preliminary step in the case of home schooling that simply does not exist for children being enrolled in a government or non-government school.

**CHAIR:** I am sure you are aware of the situation to which we are referring. In that situation it appears that the children are being squished in the middle. I have read psychiatric reports saying that home schooling would be best for those children. How do they move forward if they cannot be registered for home schooling, which it is genuinely believed is the best way forward for them given their vulnerability? They are stuffed; they must go through the public system and if they do not the consequences will be more serious because there is potential for educational neglect.

**Mr MURPHY:** If the parent concerned does not want to enrol the child in a government or a non-government school, the alternative is to obtain different court orders.

**CHAIR:** That is what I thought. Thank you for your responses to our questions on notice. They were very interesting. I refer to page 2 of your response, which states that only 5 per cent have home schooled their children because of their religious beliefs.

**The Hon. ADAM SEARLE:** That is 5 per cent of the 66 per cent of respondents.

**CHAIR:** Yes. But it is still a small percentage. Most of us thought it might be 25 per cent.

**The Hon. TREVOR KHAN:** No, I thought it was higher.

**CHAIR:** We thought it would be similar to the Queensland studies, which found it was one-quarter. You also point out that 17 per cent kept their children at home for philosophical reasons. Can you distinguish the difference?

**Mr MURPHY:** The religious reason is plain enough. However, there is a variety of different philosophical approaches to the mode of schooling.

**CHAIR:** Like what?

**Mr MURPHY:** Some home schoolers refer to schooling in a government or non-government school as "mass schooling". They do not believe there is any advantage in congregating children in classes to receive a proper education. There are other reasons related to values. A number of home schooling parents do not share the secular values that they believe are taught in government schools or the faith-based values taught in non-government schools. The other point to note about those percentages is that answering the question was voluntary. We cannot require that that question asked is answered. There may be a large number of people who do it for religious reasons who do not feel comfortable putting that on the form.

**The Hon. ADAM SEARLE:** So they describe it as a philosophical reason. It might be a question of how you perceive the motivation.

**Mr MURPHY:** Yes.

**CHAIR:** I have come across the term "non-institutional education". That is a good way of explaining it and saying that we do not believe in bulk class situations. Is that a fair definition?

**Mr MURPHY:** A number of home schoolers believe that one-on-one or family interaction is the best way for their children to receive the education that they require and also to learn the values that their parents want them to have.

**CHAIR:** Or the speed of education?

**Mr MURPHY:** Yes

**CHAIR:** This seems to be a big issue. In terms of the new registration in the 2013 pack is BOSTES trying to create a classroom in every home?

**Mr MURPHY:** No, we are not trying to create a classroom in every home. Without going through the provisions that are in our response to the questions on notice, BOSTES has a standards and evidence-based approach to its responsibilities and what I think the 2013 package does with greater clarity is to describe the process of how we go about collecting evidence that addresses the standards that home schoolers have to meet.

**CHAIR:** On page 4 of your questions on notice chapter 16A talks about care and protection and that the Act provides for an exchange of information with regard to the safety and wellbeing of a child or young person. Further, it says that one form of neglect is educational neglect. It takes me on to page 5. Is it possible that a child can have educational neglect and still be in the institutional school system?

**Mr MURPHY:** That is beyond the scope of the Board's set of responsibilities.

**CHAIR:** From your experience, is it possible to have educational neglect within the system?

**Mr MURPHY:** I guess it is possible but that extends beyond the Board's responsibilities.

**CHAIR:** It dawned on me as we went through the questions without notice. On page 2 you talk about a literature review and published research into academic outcomes of home schooled students being reviewed. What was the process for choosing who reviewed that and were other peer reviewed resources considered? If not, why not?

**Mr MURPHY:** What we did discover about the research or much of the research that had been done in this area to this point is that it tended to have been performed by people with a particular view about home schooling: either pro home schooling or anti home schooling. What the Board strived to do was to identify a researcher that could bring an impartial view to it. We want to assess the facts without having regard to a particular ideological view, either pro or anti home schooling. We did tend, when we looked at the range of feasible researchers, to chiefly have regard to that.

**CHAIR:** There is a lot of material content taken out of the 2011 pack to form the 2013 pack. One of the major changes in it seems to be the flexibility in the 2011 pack as to how to achieve the goals that BOSTES had. The 2013 pack seems to be a lot more demanding with use of the word "must", which means the compliance leaves little room for adaptability and flexibility to the child's needs.

**Mr MURPHY:** One area of feedback we got from a variety of sources when we prepared the 2013 pack was that there needed to be greater clarity around what was required. There are certain requirements which are mandatory rather than being discretionary. Where the language in the 2011 pack may have suggested it was discretionary when in fact it was mandatory, it provided greater clarity to the users of the manual for that to be clear.

**CHAIR:** Would it be fair to say that the authorised persons would be working to the letter of the law rather than employing flexibility that every individual has a learning capacity and for some that might be less? For a special needs child that would be somewhat challenging in its own right. On page 43, under "Frequently asked questions", it says, "Can I home school my child who has special needs?" The reply says, "Yes. The program of study based on the Board of studies syllabus can be adjusted to meet the individual needs of your child." Further, "The requirements for registration must be met." It seems to miss the compassion of what a special needs child's learning capacity could be if it "must" be met.

**Mr MURPHY:** That particular response was intended to clarify that there was flexibility within the Board's syllabuses. I think there was a view that there was not that flexibility and that in order to meet the needs of a child with special education needs you could not use the Board's syllabuses when in fact you could. The Board's syllabuses have an approach referred to as "life skills", which is embedded in all of the Board's kindergarten to year 10 syllabuses.

**The Hon. TREVOR KHAN:** What does the second sentence mean? If it says there is flexibility but a further sentence says the requirements for registration "must" be met what is that sentence referring to?

**Mr MURPHY:** What it means is that the Board's syllabuses have ample flexibility within them without needing to go outside them. Does that answer your question?

**The Hon. TREVOR KHAN:** Yes.

**CHAIR:** In the pack, on pages 30 and 31, it talks about the curriculum requirements and basically all those requirements are totally gutted from the pack. Pages 31, 32 and at the top of 33 are all curriculum requirements that look to be quite reasonable. Why were they removed?

**Mr MURPHY:** The feedback that the Board received was that there appeared to be some confusion that those particular guidelines were in conflict with the—

**CHAIR:** Feedback from whom?

**Mr MURPHY:** From home schoolers; that you could read those particular guidelines as though they were some kind of substitute for basing courses on the Board syllabuses. We considered it would provide greater clarity if there was a greater focus on the requirement for courses to be based on and taught in accordance with the Board syllabuses rather than introducing what appeared to be some confusion around the guidelines.

**CHAIR:** It startles me that you have listened to them on this issue and made some adjustment but there seem to be quite a few that say the pack is "too hard" and "onerous" and you did not give it the same consideration.

**Mr MURPHY:** I make the point that when that view was put to us, with the release of the 2013 pack, there was reluctance by the peak home schooling groups to consult with us and to see what we could do about that. We were at a bit of an impasse in that many of the peak groups would not consult until we withdrew the 2013 pack and yet until they spoke to us we could not comprehend what changes they were asking us to make.

**CHAIR:** In the registration process on page 17 of that pack, it seems that the authorised person received quite a lot of power out of that particular process that previously was not there. Can you explain that?

**Mr MURPHY:** In the case of the Ombudsman's review of the information published, the Ombudsman recommended that much of the material that was in the authorised persons handbook should be placed within the information package so as to make the Board's processes more open and transparent. What you are seeing there is an import from a document that had not been published into a document that was published.

**CHAIR:** A previous witnesses held up—I cannot be any more visual than this—a lovely poster that their child did through one of the requirements of the syllabus and said, "This will no longer be acceptable." It is a real concern to think how that could not be acceptable in the new curriculum when it looked like something that my kids bring home from school? How did that change come about?

**Mr MURPHY:** Without knowing the details of the case, it may or may not be acceptable. I would have to be provided with the details of the particular case.

**CHAIR:** From memory, one of the major issues was that it was mandatory that all learning had to happen within the house and the flexibility to go on tour and do things with mum and add it to the curriculum was gone. Are those outdoor opportunities so restrictive that a person cannot value add their learning with them?

**Mr MURPHY:** There was that misinformation being disseminated, but it has never been the case that all home schooling has to occur within the home, just as schooling in a government or non-government school does not have to be conducted on the school premises. That was one of the concerns that was raised with us but on any plain reading of the 2013 information package you could not take that view away. We did place a question and answer on our website to make that plainer than was already the case within the 2013 pack.

**Dr JOHN KAYE:** To make which view plainer: the view that you could conduct activities outside of the home?

**Mr MURPHY:** Indeed, in the same way as schools did.

**Dr JOHN KAYE:** Mr Murphy, in the situation in which an authorised person gives registration for less than a period of two years, say for a period of three months, are they required to provide written reasons for that?

**Mr MURPHY:** They provide a report and that explains why there is a recommendation for a period of less than the maximum. We do also publish guidelines for authorised persons in making those judgements and those guidelines—

**Dr JOHN KAYE:** Those reports have to be within the terms of those guidelines?

**Mr MURPHY:** Indeed.

**Dr JOHN KAYE:** That report is made available to the Board and the parents?

**Mr MURPHY:** I am not sure that the report is made available to the parents—no, the report is not made available to the parents. We provide reasons in relation to an application in a case where the application has been refused rather than where the application has been approved.

**Dr JOHN KAYE:** In a situation where an application has been approved but approved for less than the maximum period, as I understand what you are saying, there is a report which goes to the Board from the authorised person. Are reasons provided to the parent?

**Mr MURPHY:** There would be reasons provided at the time of the assessment.

**Dr JOHN KAYE:** Verbally?

**Mr MURPHY:** Indeed, but there are no written reasons, no.

**Dr JOHN KAYE:** Why would written reasons not be provided if the intention is to improve the performance of the home school parents or if there are concerns about the performance of the home school parents?

**Mr MURPHY:** I would have to take that as a worthwhile suggestion.

**The Hon. TREVOR KHAN:** You would have to be reliant upon, in a sense, the assumption that a verbal explanation was given to a parent or parents if written reasons are not given, would you not?

**Mr MURPHY:** Indeed. However, the guidelines around how those assessments are made are published. We do publish generic reasons.

**Dr JOHN KAYE:** They are generic but they are not specific to an individual?

**Mr MURPHY:** They are not specific.

**Dr JOHN KAYE:** They do not give an individual parent guidance as to what they could do to get a longer registration period the next time around. I note that you see that as a suggestion. Can you briefly outline the factors that are taken into account when the length of registration is being determined?

**Mr MURPHY:** I guess the most significant factor is whether the applicant has any record of home schooling. If you have an applicant who has never home schooled before then typically that person would be given less than the maximum.

**Dr JOHN KAYE:** It is kind of provisional?

**Mr MURPHY:** Yes. I guess that is a fairly descriptive term because in the case of home schoolers who have never home schooled before what we are looking at is prospective compliance rather than having evidence that they have a track record of compliance. But I think the reasons are published in one of the documents that we have supplied to the Committee.

**Ms KEENAN:** Yes. It is page 7.

**Dr JOHN KAYE:** I am sorry about my lack of diligence in seeing that. Say for a home schooler who has been doing it for a while, is a decision to grant less than a full two-year registration appealable in any way?

**Mr MURPHY:** No, it is not. The only ground for appeal is if the application has been refused or a current period of registration has been cancelled.

**The Hon. ADAM SEARLE:** A registration for a limited period—

**Mr MURPHY:** Those rights of statutory appeal are in the Act, depending on the grounds that an applicant may put. But that does not mean that the Board would never review a decision. At this point I am talking about statutory appeal rights.

**Dr JOHN KAYE:** But there is also an internal review process, is there not?

**Mr MURPHY:** That is part of the statutory appeal rights, yes. The Administrative Decisions Review Act requires that in the event of an original decision there has to be an internal review and if the internal review affirms the original decision that is when the applicant has a right to appeal to the Civil and Administrative Tribunal.

**The Hon. TREVOR KHAN:** But that is not available in a circumstance where, say, a parent is repeatedly put on a six-month registration. Let us suppose that the relationship between the parent and the authorised person is less than ideal and there is a degree of bloody-mindedness on both sides, you could have, in a sense, a degree of retribution one way or the other that is applied through shortened periods of registration. Are you saying that there would be no capacity for review of that process?

**Mr MURPHY:** That is where you are talking about the difference between an appeal and a complaint about the conduct of the authorised person. If there was a complaint about the conduct of an authorised person then we would investigate that quite separately.

**Dr JOHN KAYE:** Or a request for a review rather than an appeal—to make a distinction here—a request that that be reviewed?

**The Hon. TREVOR KHAN:** That is why I used that word.

**Dr JOHN KAYE:** I understand why you are doing this because it is a statutory appeals process, but there is another process, is there not, where you could ask for it to be reviewed? Many organisations will say, "Yes, we will have a look at that again."

**Mr MURPHY:** And we would not decline that opportunity, but there would have to be grounds or at least lines of inquiry for us to pursue beyond the applicant merely not getting the period of registration that they were seeking. I hasten to add that that is a similar arrangement in relation to the registration periods of schools; schools can be registered for up to five years but there is no appeal process if a school is registered for a lesser period than that.

**Dr JOHN KAYE:** Where a parent has been declined registration, the first process is the internal review—the parent would ask for it to be reviewed. How many decisions to decline have been overturned at that point?

**Mr MURPHY:** I do not have those figures.

**Dr JOHN KAYE:** Could you get those figures for us?

**Mr MURPHY:** Indeed. I hasten to add that one of the reasons why an internal review can come to a different decision than the original decision is that the appeal process provides an opportunity for the applicant to provide further information. That is the chief determinant where an internal review may, in fact, recommend registration whereas the original decision recommended refusal. But I will take that on notice.

**Dr JOHN KAYE:** Likewise can you also get us the data on how many statutory appeals there were and how many of those resulted in the original decision being overturned? If you can give us the data for the last few years on that, that would be very helpful. I am seeking to understand how the authorised persons process works. When an authorised person walks into a house and seeks to understand what is happening educationally in, say, the re-registration process, do they have benchmarks to work against? What are they measuring the educational activities against?



**Mr MURPHY:** I might let Ms Keenan take that question.

**Ms KEENAN:** The authorised person would consider the requirements as stated in the information package and they would look at how the parent had documented an educational plan in the form that the parent had decided to do that—it might be in the form of a diary or some other sort of record-keeping. The authorised person would also ask about how the parent is keeping records of time, how the parents are looking at the progress of the child, what planning is in place for what period.

**Dr JOHN KAYE:** What steps, Ms Keenan, do you take to make sure that the authorised persons' decisions are consistent one against the other? Mr Khan mentioned before the situation where, for example, a home school and an authorised person might not hit it off, but, as in the inspection of schools, there are protocols and some degree of consistency is maintained. What does the Board do to maintain that consistency?

**Ms KEENAN:** I think the professional development that we offer our authorised persons, ongoing mentoring and checking in with authorised persons frequently assist in the consistency of judgements, and, of course, authorised persons refer to the *Authorised Persons Handbook*, which is a published document that identifies the process to be used.

**Dr JOHN KAYE:** Is there a quality control process? I do not mean this in a pejorative sense but is there a process whereby, for example, an authorised person might go through the registration process for four or five home schools and then you might have the paperwork checked by somebody else just to make sure? I am sure, Ms Keenan, you have done this when you are marking an exam: You have got 200 exam papers and you go back and mark the first 10 again to make sure you have not had drift in standard or you might get a colleague to mark some of them just to make sure. Does BOSTES do the same thing?

**Ms KEENAN:** We have a process for double-checking every report from an authorised person from an administrative point of view in terms of the details of the name and home address and so on but also from a quality perspective.

**The Hon. TREVOR KHAN:** How is that done?

**Ms KEENAN:** Each report is printed and it is given to a senior officer to review before it is finalised in terms of a certificate being issued.

**Dr JOHN KAYE:** But does the senior officer have the original data? Does the senior officer have the reports from the material filled out by the parents or are they just looking at it as a singular document?

**Ms KEENAN:** The materials are kept by the family in the home, so they are not submitted with an application.

**Dr JOHN KAYE:** So the senior officer is really looking at the report only, they do not have separate data. To go back to my original question to you, is there any process by which one particular authorised person is benchmarked against another for consistency? Is there any process whereby they are exposed to the same dataset to see whether they get the same outcome?

**Ms KEENAN:** Apart from the mentoring and ongoing professional development where we have paired visits from time to time, the assessment takes place in the home by a single authorised person. So a second person reviewing that does not have access to the data or the information that was available.

**The Hon. TREVOR KHAN:** How often would paired visits take place?

**Ms KEENAN:** Not that often.

**Dr JOHN KAYE:** Tell us about paired visits. Two authorised persons would go into the same home—

**Ms KEENAN:** That is right.

**Dr JOHN KAYE:** —and they would reach individual or collective decisions about registration?

**Ms KEENAN:** Usually those paired visits are for training purposes and there would be an authorised person who would be the lead authorised person. However, the recommendation would be discussed and the reporting format would be discussed.

**Dr JOHN KAYE:** So it would only be for authorised persons with training wheels on, not for—

**Ms KEENAN:** We also have a process for the ongoing professional loading of authorised persons where we have shared visits. For each authorised person it may be two or three times a year.

**Dr JOHN KAYE:** That there is a shared visit?

**Ms KEENAN:** That is right.

**Dr JOHN KAYE:** Is there a report on that shared visit? Is there any data collected about whether those shared visits are in any way affecting or are in any way critical or in any way analytic of a particular authorised person's decision-making?

**Ms KEENAN:** Not in terms of producing a documented report.

**The Hon. TREVOR KHAN:** How many registrations would an authorised person do in a year?

**Ms KEENAN:** It will vary from region to region because an authorised person makes an assessment in response to an application. The number of applications from any region will vary from year to year. Some authorised persons may assess up to 200 to 300 per year, others might assess around—I do not know.

**Mr MURPHY:** The authorised persons are regionally allocated. So depending on the region that they have been allocated, that can determine the number of applications they get from one year to the next.

**The Hon. TREVOR KHAN:** With teachers you get a wide variety of capacities, do you not, but with teachers you have got, in a sense, a crosscheck capacity because (a) you are in front of a class and (b) they are at a school so there is a capacity for exposure?

**CHAIR:** Peer assessment.

**The Hon. TREVOR KHAN:** Yes. Where you have an authorised person going into a home, that easy transparency does not exist, does it? If one of the criticisms of home schooling is the isolation of the child it is also equally applicable to the authorised person.

**Mr MURPHY:** In terms of the kind of training that we regularly provide to authorised persons, that is one means that we try and disseminate that appropriate standard. But the reports that are produced after every visit, or at least with every application, are reviewed, as Anne has mentioned, by a senior officer. You can gauge a lot from the quality of particular reports in terms of how much of a review an authorised person has done of a particular set of documentation. We would have concerns, for example, if the report was not particularly responsive, that it was a bit brief rather than showing that the authorised person had gone through all of the relevant documentation, and, as Anne has mentioned, there is quite explicit guidance within the *Authorised Persons Handbook* in terms of the kinds of things. I hesitate to call it a checklist but, none the less, there are certain things that authorised persons are required to have regard to.

**Dr JOHN KAYE:** We had one home school family report three visits from an authorised person in eight months. For families, for example, with multiple children, what strategies are in place to help align home visits from authorised persons for registration?

**Mr MURPHY:** A home schooling parent can choose to have the registration periods aligned, but that is largely a choice that the home schooling parent makes. The same process exists in relation to schools in terms of years of schooling, that a school can choose to have registration periods for years of schooling aligned.

**Dr JOHN KAYE:** BOSTES registers schools on a year-by-year basis, does it?

**Mr MURPHY:** Years of schooling?

**Dr JOHN KAYE:** Years of schooling by years of schooling basis.

**Mr MURPHY:** Indeed.

**Dr JOHN KAYE:** I did not know that. I thought it was K-10.

**Mr MURPHY:** No. In the case of developing schools it can be—

**Dr JOHN KAYE:** As it rolls on.

**Mr MURPHY:** —as it rolls on. My point is that if a home schooling parent had a number of children who they were home schooling then there is the option for those periods of registration to be aligned. I do not want to suggest that we treat the children of a family as a job lot in the sense that there may be differing needs for individual children that we have to have regard to.

**Dr JOHN KAYE:** We heard from a panel of home school parents evidence which left me thinking that they were telling their children there was equal scientific validity between young earth creationism and evolution. Can you comment on what the Board does to make sure that the syllabus and the curriculum are taught appropriately with respect to, for example, issues which are for some parents controversial, such as the issue of evolution and creationism?

**Mr MURPHY:** The Board's approach in relation to home schooling is similar to the way that it approaches the registration of non-government schools in that you can add but you cannot subtract. That is one way of looking at it in that we expect home schoolers to base their courses and teach them in accordance with the Board's syllabuses. But in terms of any additional views that they may put within a home setting, those particular views may not be particularly evident to an authorised person. That is where a home schooling setting is very different to a school setting in that it would be somewhat artificial to suggest that certain hours of the day certain things can be said yet at other times of the day those same things cannot be said.

**Dr JOHN KAYE:** If a home schooling parent admitted to their AP, "The way we are teaching science is that we are teaching evolution and young earth creationism on an equal footing. We are teaching our children in science that these are of equal footing." Would you treat that the same way as you would treat a situation in a school? I believe one school got into a lot of trouble for doing that some years ago.

**Mr MURPHY:** The Board's view is that it expects science courses to be based on and taught in accordance with the Board's science syllabus. If we had evidence beyond anecdotal evidence that that was not occurring then we would have concerns about that.

**Dr JOHN KAYE:** What would be the consequences?

**Mr MURPHY:** Again, depending on whether we had evidence, then it would be a matter of talking through those concerns with the home schooling parent to ensure—

**The Hon. TREVOR KHAN:** To which they would say, "We don't care what you say. The word of God is X and that is what we will teach."

**Mr MURPHY:** And quite so. We do not debate religion as part of our process.

**Dr JOHN KAYE:** Very sensible.

**The Hon. TREVOR KHAN:** That is a real conundrum at that point, is it not?

**Mr MURPHY:** Most people will accept that they would have ample opportunity outside time which is devoted to teaching the Board's science syllabus to discuss any other views that they may have.

**Dr JOHN KAYE:** As you would be aware, I have some concerns with the way the Board implements that. You say add and not subtract. I argue that teaching children that there is scientific validity to something which is counter to something in the science syllabus actually subtracts from the science syllabus. Would you care to comment on that?

**Mr MURPHY:** As I said, we expect courses to be based on and taught in accordance with the Board's syllabuses, but any other values or religious or philosophical views that a parent—or a school, for that matter—may have above and beyond that as long as it is not characterised as a course based on and taught in accordance with the Board's science syllabus.

**CHAIR:** I see one of the proponents of home schooling is Muslim home schooling education. As long as they deliver your science syllabus 100 per cent they have every right to add a little bit more to talk about their understanding of beliefs or values.

**Mr MURPHY:** And as long as it is clear that it is not the Board's science syllabus.

**CHAIR:** That is right.

**The Hon. ADAM SEARLE:** So long as there is that disclaimer that children understand.

**Mr MURPHY:** If you like.

**The Hon. ADAM SEARLE:** It does not seem very real world, does it?

**CHAIR:** It is over to you, Mr Searle.

**The Hon. ADAM SEARLE:** Thank you. I thought you would never ask. In relation to some of your questions on notice about the percentage of applicants per category of reasons for choosing home schooling, I think you have indicated that responding to those questions is not compulsory and that might be one of the reasons for some of the imprecision in the responses.

**Mr MURPHY:** Yes, indeed.

**The Hon. ADAM SEARLE:** For example, where parents who have responded have identified special learning needs, the automatic reaction to that is children who are developmentally delayed or have some other support requirements but equally it could apply to children who are in need of special assistance because they are able to get much further ahead of their peers and therefore have difficulties in the school system. So it could cover both situations, could it not?

**Mr MURPHY:** It feasibly could but I think the term generally is accepted as a child who has particular learning difficulties.

**The Hon. ADAM SEARLE:** The reason I raise that is because in some conversations around this Committee some parents have used that term to also include children who are gifted and who need a more particularly tailored school education experience than the school system is able to provide them. In the questionnaire is there some facility for capturing those other than in the special learning needs area?

**Mr MURPHY:** Yes, there is. As you will have observed, there is a fairly significant "other" category.

**The Hon. TREVOR KHAN:** But that is really unhelpful, is it not, when you have 24.5 per cent as being "other".

**Mr MURPHY:** Indeed. I guess what I was about to say is that one of the things we have been considering is how we might expand that.

**The Hon. ADAM SEARLE:** When you say "other" that is for the parent then to say anything else that is not otherwise identified. So that "other" is not broken down into other categories.

**Mr MURPHY:** It is broken down in a sense that a parent may write something or they can just tick the box. One of the things we did when we came up with those particular categories was to identify the most common reasons that authorised persons had picked up over the course of their visits.

**The Hon. ADAM SEARLE:** But just looking at these responses, it seems clear to me that we do not now possess anything like a sensible or appropriate evidence base to fully understand why parents would choose to home school. You would accept that, would you not, except in the broadest sense?

**Mr MURPHY:** Yes, I would. Having said that, it is not a relevant consideration for assessing an application so our information data collection is based on what is relevant in order for an authorised person to make a decision.

**The Hon. ADAM SEARLE:** Except it may be relevant for the department and policymakers to understand the phenomenon and to understand whether or not it is occurring in response to systemic failure but we do not have that evidence before us, do we?

**Mr MURPHY:** I guess that is why we began collecting it, even if the categories, as it has emerged, have not proved to be as informative as they could be.

**The Hon. ADAM SEARLE:** Are you in the process of overhauling that?

**Mr MURPHY:** We are looking at what categories we might include. Having said that, this is a voluntary question.

**The Hon. ADAM SEARLE:** Should it be voluntary?

**Mr MURPHY:** There is no means of making it a mandatory requirement.

**The Hon. TREVOR KHAN:** It could be.

**The Hon. ADAM SEARLE:** We understand the legislation is as it is now but do you see some benefit in perhaps requiring the information just so everyone is better informed?

**Mr MURPHY:** My role as a public official is to administer the law as it stands.

**The Hon. TREVOR KHAN:** That is a good answer.

**The Hon. ADAM SEARLE:** Turning to the home education information pack, while it is providing to us the marked-up version—and I understand BOSTES' position is that there is no change to the law and the changes you have implemented are, I think as you termed them, clarifications—when you look at the document as it is now, compared to its predecessor, it has a fundamentally different presentation and flavour. Would you accept that?

**Mr MURPHY:** In the sense that we believe that the requirements are more clearly stated as requirements.

**The Hon. ADAM SEARLE:** I understand that, but equally you would understand there has been some reaction from home schooling parents who feel that it represents a fundamental change in the absence of any legal change. I know BOSTES disputes that. But in terms of implementing this new pack, what consultations did you have with the home schooling parents sector prior to the advent of the new version so that it did not come as an alarming surprise, so they were prepared for these changes?

**Mr MURPHY:** As I indicated in my evidence last time—

**The Hon. ADAM SEARLE:** Which I was not here for so my apologies.

**Mr MURPHY:** —there certainly is a contested view about the scale of change. That is evident in the 2013 manual. Once we became aware of those views we did attempt to consult with a number of the peak groups in terms of how we might refashion the language but they chose not to engage with us in terms of how we might refashion the language.

**The Hon. ADAM SEARLE:** So it is like a Mexican stand-off; you do not know what the problems are and they will not talk to you. Is that what you are saying?

**Mr MURPHY:** We generally know what the problems are in the eyes of the people who have raised their concerns with us and the way in which we have dealt with that is to publish a large number of questions and answers which go some way to address the misinformation that is currently out there around the 2013

information package. There is nothing better than sitting down and working through a document and that particular opportunity, despite it being offered a number of times, has been declined.

**The Hon. ADAM SEARLE:** In evidence to this Committee we have received a significant body of evidence that goes to those concerns. Would you be prepared to review the evidence before this Committee to inform whether or not you should have an information pack 2015 or 2016?

**Mr MURPHY:** Certainly. I guess the issue that we need to be mindful of is I would be fairly reluctant to submit a 2015 information pack for approval without there being a lengthy consultation period, given the strength of the feedback.

**The Hon. TREVOR KHAN:** That is a very fair response.

**The Hon. ADAM SEARLE:** I did say "or 2016".

**CHAIR:** You have a simple process. Just revert to 2011 and then work on the 2016 from there.

**Mr MURPHY:** The Board's view is that there are a number of features in the 2013 package, particularly the recommendations of the Ombudsman, that we feel would not be appropriate to withdraw, and it goes beyond language. It goes to making it clear what home schoolers are required to do in terms of meeting the registration requirements under the Act.

**The Hon. ADAM SEARLE:** Something like 3,000-odd students are registered, but in some of the material we have received there are suggestions that that could be a gross under-reporting, that there may be something like 20,000 students being schooled other than in a school system. That level of non-registration and non-participation should be of concern to the education authorities, should it not?

**Mr MURPHY:** It is largely anecdotal and to my knowledge there has not been any evidence put to the board that would suggest that a figure like that is true. The Department of Education and Communities is responsible for the attendance provisions under the Act, and I am not aware that it has been provided with any evidence.

**The Hon. ADAM SEARLE:** So you think the 3,000 is probably about right?

**Mr MURPHY:** I am just saying that I do not have any evidence to suggest that it is not correct. There are around three and a half thousand children currently.

**The Hon. ADAM SEARLE:** To what extent are the education authorities regularly making inquiries, based on available information, as to whether the right number of children are in schools and otherwise accounted for?

**Mr MURPHY:** In terms of the kinds of information available to them from Family and Community Services and other sources, we make referrals to them of children that come to our notice where it is alleged that they are not attending school and they are not registered for home schooling, but that really is a matter for the Department of Education and Communities. I am not completely au fait with what it does.

**The Hon. ADAM SEARLE:** So I am not asking the right person; that is fine.

**The Hon. TREVOR KHAN:** What are truancy officers now called?

**Mr MURPHY:** Home school liaison officers is the last term that I heard the department use.

**The Hon. TREVOR KHAN:** Is that not an appalling—

**The Hon. ADAM SEARLE:** You mean "home, dash, school liaison officers"?

**Mr MURPHY:** I think so, yes.

**The Hon. ADAM SEARLE:** Not home schooling liaison officers?

**Mr MURPHY:** No.

**The Hon. TREVOR KHAN:** —misdescription of what they actually are?

**Mr MURPHY:** I guess. Again, that is really a choice the department made. I guess it is better than truancy officer.

**The Hon. ADAM SEARLE:** At least people understood what they were.

**Mr MURPHY:** This goes back some years when that term was first brought in.

**The Hon. TREVOR KHAN:** Home schooling is not a term of art; it actually is in the Act.

**Mr MURPHY:** Indeed.

**The Hon. TREVOR KHAN:** It applies to an educational mechanism, yet we are applying to an officer, who actually is chasing up kids who are not getting educated, precisely that term but using it as a term of art as opposed to the defined term.

**Mr MURPHY:** Indeed, but as observed, it is intended to be "home school". I take your point, but it is not my choice.

**The Hon. ADAM SEARLE:** At the very least it is an insensitive styling, is it not?

**Mr MURPHY:** It is not my choice.

**The Hon. ADAM SEARLE:** We will move on to something much less controversial. I believe the Chair asked some questions about activities beyond the home being able to count towards the home schooling assessment of whether the children are being properly and adequately home schooled. When I first understood the notion I very much had the image of a classroom in the home, but having reviewed and listened to the evidence this Committee has received, a more complex, dynamic picture has emerged of children being educated at home by parents and also in other group settings outside the home fulfilling other activities that a parent cannot provide by himself or herself. But the feedback from parents also has been that not all of those activities are adequately able to be counted towards the assessment of the educational activities being experienced by their children. Is it your evidence that home schooling parents may use those experiences to count towards the education of their children in the same way as for schools and that there is no discrimination against the home schooling sector?

**Mr MURPHY:** Where it is relevant to the outcomes in the Board's syllabuses that is certainly true. One of the things the Board does have to have regard to is to ensure that no unregistered schools are being conducted under the guise of home schooling. That is one of the things we are mindful of, like any kind of congregation of home schoolers who are receiving instruction outside the home or at least outside their own home. So it is not an area where you can be altogether precise, but so long as the learning is—

**The Hon. ADAM SEARLE:** No, but, for example, if it is group learning in sport, drama, art or whatever and is counting towards one of the relevant learning areas?

**Mr MURPHY:** Yes, as long as it is relevant to the outcomes of the Board's syllabuses and does not amount to that particular learning setting being an unregistered school.

**The Hon. ADAM SEARLE:** What would make it an unregistered school?

**Mr MURPHY:** I guess there would be a number of characteristics—for example, that the learning or at least the instruction would be being undertaken predominantly outside the home, that it also would be predominantly in the company of children outside the family.

**The Hon. ADAM SEARLE:** Just pausing there, it stands to reason that a single parent, or even a set of parents, cannot replicate the full range of disciplines of learning found in a school. Would you accept that?

**Mr MURPHY:** And do.

**The Hon. ADAM SEARLE:** Therefore, in order to make sure their children are properly instructed, it would seem reasonable, at least to me, that they would seek to supplement whatever they could source and provide their children with instruction perhaps in a group setting. For example, take something like art or drama. Rather than instructing themselves in their lounge room, it would make sense, would it not, to group together with other home schooling parents, maybe one of whom is a qualified art teacher, to then provide the instruction for more than one family? That would seem to be a legitimate strategy to make sure their child is properly instructed to meet the attainments required?

**Mr MURPHY:** Indeed.

**The Hon. TREVOR KHAN:** Indeed, are those concepts of peer teaching and peer learning potentially lost if you have a child stuck in their bedroom with mum hovering over from time to time?

**Mr MURPHY:** But I guess the way the Board is required to view this is the way the Parliament has made the Act: it is home schooling.

**The Hon. ADAM SEARLE:** Picking up on that point, the notion of home schooling maybe seems now outdated or perhaps overtaken by events. Perhaps non-institution based education would be a better way of viewing what is in fact the phenomenon, given the evidence this Committee has received?

**Mr MURPHY:** I do not think you could consider that in isolation from then starting to venture into what is a school, in which case you would then start to venture into should such arrangements be subject to the same registration requirements that schools are subject to? I do not think you can consider that in isolation from what is a school.

**The Hon. ADAM SEARLE:** I understand that difficulty but, again, to take up Mr Khan's point, if you take a fairly rigid approach, you could have a situation where, effectively, children of parents who choose to home school may be penalised and their learning horizons artificially restricted by an unduly harsh approach to what is home schooling unless, of course, the Parliament changes the definition?

**Mr MURPHY:** Yes, but I guess it is the Board's evidence that we do not take a too-restrictive view of that. That is one of the areas we did address particularly as part of our questions and answers.

**The Hon. ADAM SEARLE:** Obviously people differ and home schooling parents have had a range of experiences with their authorised persons. Evidence we have received is that some have been supportive and facilitative of the home schooling experience and others are sort of fairly disapproving. What training do authorised persons have? I know you have addressed this at a fairly high level of extraction in your answers, but what precise training do authorised persons get to fulfil those functions?

**Mr MURPHY:** I guess at the outset, they are professional educators, usually occupying—

**The Hon. TREVOR KHAN:** From the public school system, I take it?

**Mr MURPHY:** Not specifically. I think many of them are, but it is not one of the prerequisites, for example, that they come from the government school system.

**The Hon. ADAM SEARLE:** Of the 18, how many do not come from the government school system?

**Mr MURPHY:** I could not tell you.

**Ms KEENAN:** I would have to check, but there are some.

**The Hon. ADAM SEARLE:** Okay, we would like to know.

**The Hon. TREVOR KHAN:** One or two? I am not trying to be trite.

**Ms KEENAN:** Four or five, maybe.

**The Hon. ADAM SEARLE:** Please take the question on notice.



**Mr MURPHY:** Yes, indeed.

**The Hon. ADAM SEARLE:** We would like to know if they are retired teachers, retired principals, which sector they have come from, if you know that.

**Mr MURPHY:** Sure, yes. Training is provided to them at least annually. The kind of training goes to the requirements as laid out how the authorised persons handle. We do not have to teach them how to be educators; they already are.

**The Hon. TREVOR KHAN:** But that is not really the question. It is like taking a lawyer—you might not be surprised to know that I am—who always has done personal injury work and have them suddenly begin doing defence work, so they go on the other side. They may have all the skills in the world but you are putting a square peg in a round hole. You are inviting them to bring all their prejudices from being plaintiffs' lawyers and putting them on the other side.

**The Hon. ADAM SEARLE:** Judges do it.

**Dr JOHN KAYE:** Yes, most of our judges previously were lawyers.

**The Hon. TREVOR KHAN:** You can train somebody all you like and by years of training and experience they are still going to have a certain mindset in their approach. Would that not be right?

**Mr MURPHY:** Certainly they do have to bring their background to it, but the training we provide is for them to fulfil their duties as an authorised person rather than as professional educators in and of themselves.

**The Hon. ADAM SEARLE:** This might be a function of the legislative framework, but much of the evidence this Committee has received from parents has been to the effect that some of their experience with the authorised persons is focused really around what they sometimes term "tick a box", that is, to make sure all the t's are crossed and the i's are dotted, rather than the authorised person being able to really make an assessment of whether the children are meeting key learning milestones or whether the activities that are being undertaken are suitable and appropriate to achieve those educational outcomes. It is really focused on the documentation and process rather than what instruction is being given and received. Is that simply a function of the legislation and is there some scope perhaps for having assessments of learning?

**Mr MURPHY:** I think, as mentioned in evidence the last time, the focus of the Act is around compliance in that authorised persons have to satisfy themselves that the children concerned are receiving instruction that meets the minimum requirements under part 3 of the Act. That is quite an express provision. But I make the observation also that most of the submissions, particularly from individuals, to this inquiry were more espousing the benefits of home schooling rather than particularly being critical of the way in which it was regulated.

**The Hon. TREVOR KHAN:** What you have actually is a regulatory regime that is being imposed on parents. Would that be a fair way of describing it? The APs arrive for the purposes of achieving a regulatory outcome?

**Mr MURPHY:** That is the chief purpose, however, because they are professional educators they find themselves in the position where they are providing educationalist advice.

**The Hon. TREVOR KHAN:** I am not being critical of them, but the context in which they are attending upon the family is at a time when both sides know what they are doing is deciding whether a child is or children are going to be registered?

**Mr MURPHY:** Indeed, and that is the legislative scheme. If you were to look elsewhere in the Act regarding the functions of the Board in relation to schools, a number of the functions are aimed at the Board providing support for schools. There is not an equivalent provision in relation to home schooling within the Act.

**The Hon. TREVOR KHAN:** Would you agree that it would also be somewhat similar to the general experience in that the only time we deal with police officers is when they stop us to conduct a breath test or to tell us we are speeding down the highway? It is perhaps in a very confronting environment.

**Mr MURPHY:** That analogy is not as comprehensive as it should be. The kind of feedback that many of our authorised persons bring back to the Board is that home schooling applicants appreciate the professional advice that is given. It is not an audit; it is a matter of the authorised person working with the applicant to ensure that the application is compliant. It is not a matter of holding up a speed camera gun and saying, "We've got you. You do not comply." That is not the ethos.

**The Hon. TREVOR KHAN:** Perhaps I am inviting you to enter into a policy area that you do not wish to address. However, is there a benefit in separating that regulatory exercise—in terms of timing and perhaps also personnel—from some other person or position that provides a more supportive and collaborative role for home schooling parents/educators?

**Mr MURPHY:** There is an argument for it, but that exists outside the Board's legislative functions.

**The Hon. TREVOR KHAN:** That is probably the fair answer. The Committee has received evidence about unschooling.

**The Hon. ADAM SEARLE:** Or not schooling.

**The Hon. TREVOR KHAN:** Yes. It is fair to say that it has left some of us a little concerned. Is there any form of data collection or the like on what teaching method parents are using if they are home schooling?

**Mr MURPHY:** Most of that would be anecdotal. The Board's focus is not to recognise other modes of schooling; it is on whether the courses are based on and taught in accordance with the Board's syllabuses. As long as they can demonstrate that, what tag they might give that mode of school is not relevant to the Board.

**The Hon. TREVOR KHAN:** That probably answers the question in terms of unschooling. Do I take it that you would agree that if you are unschooling you cannot achieve registration?

**Mr MURPHY:** I am not sure that I completely understand the term.

**The Hon. TREVOR KHAN:** I sympathise.

**Mr MURPHY:** The way it has been described to me it would not appear to be standards and evidence-based. It would not be something that would demonstrably involve the delivery of courses taught in accordance with Board syllabuses. Most of the media attention on that mode of schooling has been focused on activities in Victoria rather than New South Wales. To my knowledge, unschooling has not been brought to our attention particularly in New South Wales as a preferred mode of schooling.

**The Hon. ADAM SEARLE:** I am aware of it.

**Mr MURPHY:** It gets a lot of media attention. Again, I am not pointing my finger south of the border, but most of the media attention appears to relate to it meeting the regulatory framework of what occurs in Victoria.

**The Hon. HELEN WESTWOOD:** The feedback the Committee has had from home schoolers suggests that they are not absolutely happy with the current system for a variety of reasons. Has the Board ever sensed that and have you made representations to the Department of Education and Communities to address some of the issues that parents have that lead to dissatisfaction with the process?

**Mr MURPHY:** The Ombudsman recommended that there be formal communication between the Board and the Department of Education and Communities. I hasten to add that that is only in relation to government schools. Where there are particular issues, for example, bullying of a child in a government school, if the home schooling parent consents to that information being conveyed to the department—that is, that bullying was the reason they left a government school—that is what we do. If they do not consent, we do not.

**The Hon. HELEN WESTWOOD:** I know this is not your responsibility, but can you raise with the department home schoolers having access to the same resources that are available to distance education students?

**Mr MURPHY:** We have not raised that with the department. Most distance education is provided by the government school system, but it involves being enrolled in a school, which is different from home schooling.

**The Hon. HELEN WESTWOOD:** Some home schoolers talked about their students wanting to pursue a particular subject or area of interest and they did not feel competent to provide that education, particularly in technical areas. If they had access to that course or the required resources through distance education, the child could do that subject and that would be an advantage.

**Mr MURPHY:** I understand that that would involve the child being enrolled in a school. There may be other aspects of enrolment in a school that the home schoolers did not agree with.

**The Hon. ADAM SEARLE:** With respect, that is an artificial barrier. If that is the only reason that home schooled children cannot access that service it would not be insuperable if there were goodwill.

**Mr MURPHY:** That is beyond the Board's responsibilities.

**The Hon. ADAM SEARLE:** But you do not see any problem with making those resources more readily available.

**Mr MURPHY:** There are other issues associated with enrolment at a school. Is it simply access to particular teaching support materials or does it go to assessment or children who are not enrolled in a school going to a particular government school? The department would raise a range of logistical issues.

**The Hon. TREVOR KHAN:** We do it with universities. TAFEs on the North Coast have boosted their enrolments by huge numbers because they have gone online and provided courses in alternative ways as opposed simply to having students turn up at the TAFE. Three-quarters of the University of New England's students are involved in distance education. Some sectors seem to be capable of approaching it and see it as a way forward.

**The Hon. ADAM SEARLE:** Only if they want to include people.

**Mr MURPHY:** I am not in a position to speak on behalf of the Department of Education and Communities.

**The Hon. HELEN WESTWOOD:** I fully appreciate that. I thought that the Board would have had feedback from parents on these issues. Is there any mechanism that enables the Board to refer that feedback to the department so that it can reconsider? Who is advocating for the home schoolers within the system?

**Mr MURPHY:** The answer to that is the legislative framework of the Act. There is schooling in government or non-government schools or there is registration for home schooling. If there were some other entitlement, whether it be to resources or anything else, there would need to be some change to the Act. I hasten to add that it exists in other jurisdictions.

**The Hon. ADAM SEARLE:** On that point, obviously even where people choose to home school there are issues of accessing educational material and the like, which I know is part of the registration process. Presumably if the material already exists in the school system it could be made available to assist parents and ultimately that would assist the student's learning experience.

**Mr MURPHY:** The material that the Board makes available to schools is also available to home schoolers in that it is on our website. There is no limitation from our perspective. However, in terms of resources available from the department and distance education, that is a matter for the department and not the Board.

**The Hon. TREVOR KHAN:** I will use another group. Page 2 of your report identifies special needs and the figure seems to vary. That group may include not only children with developmental issues but also those with physical issues. Children with anorexia may fall into the category of students who have been withdrawn. Those children may spend time in hospital and if they are being home schooled do they have access to the hospital school system as it exists?

**Mr MURPHY:** The way the legislative arrangements currently work is that if you wish to be in receipt of distance education materials you have to be enrolled in a government or non-government school rather than be registered for home schooling.

**The Hon. TREVOR KHAN:** If a child quite legitimately has been withdrawn from school with, for example, anorexia, and ends up in hospital for extended periods, that child could not participate in distance education or have access to the school hospital material?

**Mr MURPHY:** That is not what I said. I said they could enrol in a distance education school and receive that material in a hospital. I said that they could not be both registered for home schooling and enrolled in a distance education school.

**The Hon. ADAM SEARLE:** Other States permit part-time registration in a school, but New South Wales does not.

**Mr MURPHY:** Indeed.

**The Hon. ADAM SEARLE:** Why and why should it not change, or are you not the right person to ask?

**Mr MURPHY:** I am not the right person to ask in that it is my role as a public official to administer the law as it is.

**The Hon. ADAM SEARLE:** I understand that. What is the rationale for not permitting part-time enrolment?

**Mr MURPHY:** Again, I cannot speak on behalf of the Department of Education and Communities. However, there would presumably be logistical issues around attendance and child protection.

**The Hon. ADAM SEARLE:** But that can be addressed in Victoria and Tasmania. You are not suggesting that it cannot be addressed in New South Wales, are you?

**Mr MURPHY:** I do not have before me the evidence of how effective that is in other jurisdictions.

**The Hon. TREVOR KHAN:** Am I right that a child who is travelling with his or her parents cannot be registered for home schooling?

**Mr MURPHY:** That is not true. It goes to the definition of a home in that we do not exclude people who lead transient lifestyles.

**The Hon. TREVOR KHAN:** Caravan?

**Mr MURPHY:** The chief obstacle in situations like that is whether or not those particular venues offer an appropriate learning environment.

**The Hon. ADAM SEARLE:** How is that assessment made?

**Mr MURPHY:** One of the reasons is, is there a dedicated space for learning? Is there access to the available resources? There is no different set of requirements for people in situations like that but there are assessments made and the requirements about what is an appropriate learning environment are set out in the information package. We do not just automatically exclude them, we make a judgement against the same requirements as any other applicant.

**CHAIR:** Western Australia and Queensland give resources to the opportunity for distance education. Does New South Wales think that is helpful in meeting the needs of distance education?

**Mr MURPHY:** That is a matter for the Department of Education and Communities, they are the chief provider of distance education in New South Wales. There are some non-government providers of distance education but a child in those circumstances would have to meet the requirements of that school system as well.

**CHAIR:** If we want to be Australia's leading State we need to be leading the way in every area, including education. The Hon. Adam Searle mentioned why HEA could not have confidence in the dialogue. I have a letter that states, "Thank you for your comments on the issues raised at the meeting between HEA representatives and Minister Piccoli on 30 October 2013. The HEA challenges the continued denial by OBOS of comparative changes between 2011 and 2013 information packs as reported by experienced HEA members." Significantly, they go on to say, "The HEA appreciates that OBOS officers are available to meet with the HEA. However, given that the OBOS remains of the view that the registration process of home educators has not changed, regretfully it is not possible for meaningful discussion on the issues to occur at this time. In order to move forward the HEA again requests that OBOS acknowledge issues raised by the home education community and withdraw the 2013 pack, reverting in the interim to the 2011 information pack while a fair and thorough consultation process with New South Wales home educators is conducted."

How we get change and reform happening is that often unions will protest and teachers will go to the street and fight for their rights and find a mid ground. I guess home educators do not have a massive union behind them and they are unlikely to be able to come to one place and protest and get the Government's attention—hence the inquiry. Given that there is a 10,000 signature petition I find it remarkable that BOSTES did not take the opportunity to meet with these people and address this issue before now. Given the inquiry—I know you cannot predict the Government's response to this—is there a chance that everyone could come back to a round table and work this thing out?

**Mr MURPHY:** Well, of course. The only difficulty that BOSTES has had to consult with the key stakeholder groups in the home schooling community is the precondition that the 2013 package be withdrawn. There are a number of aspects of that package that have been strongly endorsed by the New South Wales Ombudsman. BOSTES believes it would be inappropriate to withdraw the package when, aside from language, we do not think there is anything to be solved by withdrawing the package. We are open to meet without setting any preconditions.

**CHAIR:** I think most of my colleagues would agree that this inquiry has found that representation from home schoolers or home education persons has been shown to be quite mature. I would have thought a dialogue by stakeholders at a round table would possibly agree about the importance of the Ombudsman issue. I am sure they would have contributed in a way that it could be embraced. I do encourage that dialogue be reignited. It will be in the recommendations from this inquiry I imagine.

That concludes our time. We have a few questions that we have run out of time to present to you. They are pretty easy ones. I thank you for coming back. I think there has been meaningful dialogue in this process. We have learnt something about home education and BOSTES' position and how they work out the criteria implemented by the Government. We thank you and your staff for the time and effort undertaken to present the evidence. We do note that on this occasion questions on notice must be returned within 14 days. We are trying to present this report sooner rather than later. If you need any further help the Committee staff will be available and they will brief you on what those questions are.

**(The witnesses withdrew)**

**(The Committee adjourned at 11.51 a.m.)**