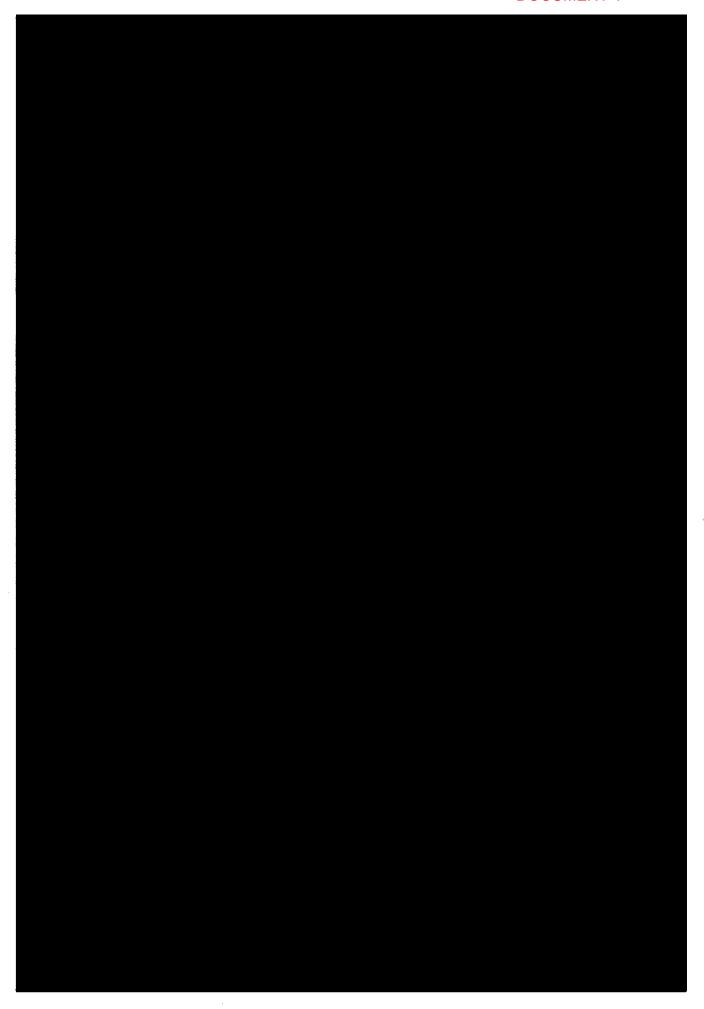
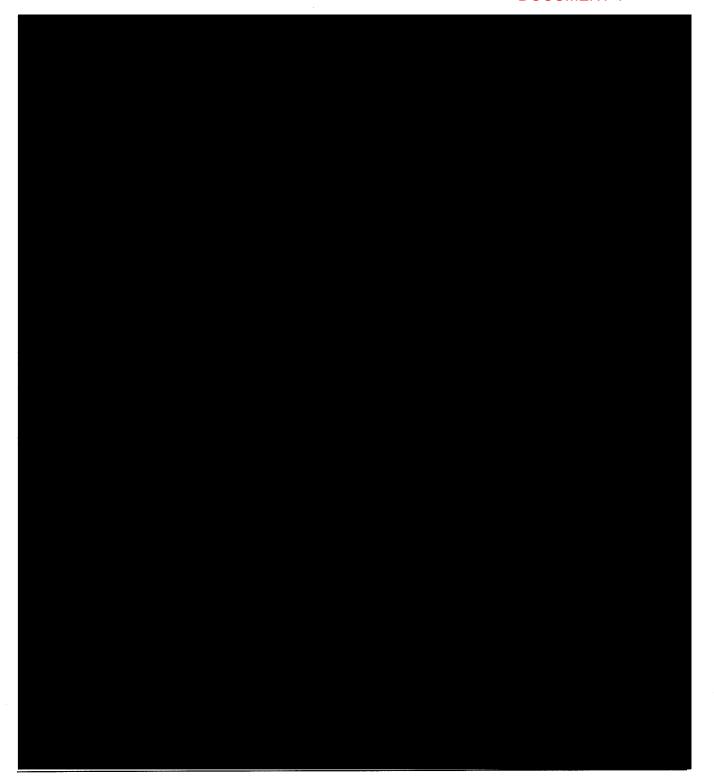
Issue	Actions/update	Next steps	Anticipated completion
Home education			
	 We have begun to explore ways of for processes: Providing additional information of long phone calls from prospective 	on the website to minimise	



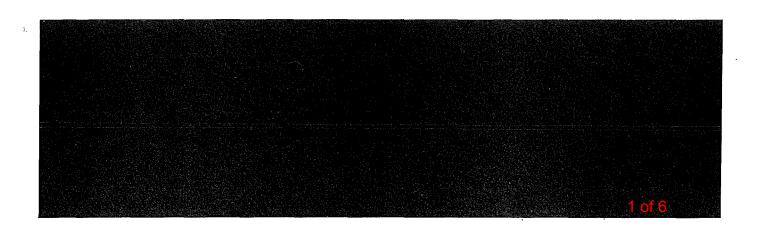
DOCUMENT 1

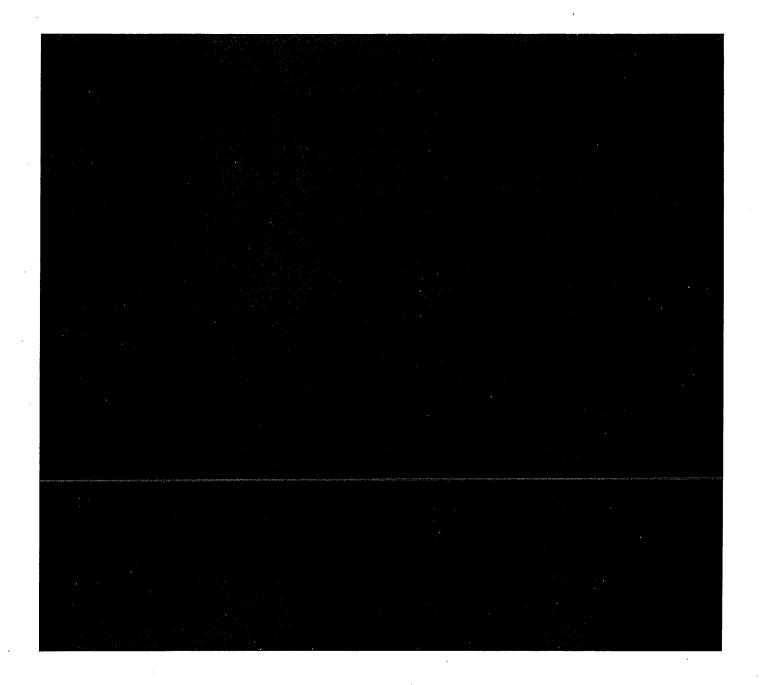


	·
Tooth, Lynda	
From: Sent: To: Subject: Attachments:	Monday, 23 January 2017 10:21 AM ETD, HomeEd Re: Provisional Registration for Home Education [SEC=UNCLASSIFIED, DLM=Sensitive: Personal] page 4.pdf
Hi Christie,	
Here is the completed	page 4. thanks -
To:	omeEd@act.gov.au> ry 2017 9:55 AM Registration for Home Education [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
Good morning	
Thank you for sending in	application for provisional registration of home education.
I have just noticed howe section and re send just	ver that you forgot to cross all the boxes in section 4. Would It be possible to complete this that page again?
	people see those questions as not applying to them or their child but I just need you to cable' box if it doesn't apply.
Thanks so much!	
As soon as I have this co	mpleted page I can process application.

Kindest Regards,
Christie

Christie Wallis | Home Education Coordinator | Email: Home + 61 2 6205 9299
Governance and Assurance | Education | ACT Government
GPO Box 158 Canberra ACT 2601
www.det.act.gov.au | Facebook | Twitter | Pinterest | LinkedIn | Google+







Provisional Registration for Home Education in the ACT: Application Information

Under the ACT Education Act 2004, all home educators must register with the ACT Education Directorate (ED).

Eligibility to apply for home education.

Under the ACT Education Act 2004, only the parent/carer of the child to be registered for home education may apply for home education.

A parent is the person having parental responsibility for the child under the *Children and Young People Act* 1999 and includes a carer who provides regular and substantial care for the child. In some circumstances, a current court order may grant or remove a person's parental responsibility.

The Directorate will need to confirm the eligibility of each applicant. This information is generally contained on the certified true copy of the birth certificate provided with the application. Applicants are requested to disclose whether a court order exists in relation to the child/children covered by the application and to provide a certified true copy of the orders.

Suggested reading and further information

.t is suggested that applicants read the following information before applying for home education.

ACT Education Act	
2004 which is	http://www.legislation.act.gov.au/a/2004-17/current/pdf/2004-17.pdf
available:	
Home Education	
Web page	http://www.education.act.gov.au/school education/home education
(includes Manual	
for Registration in	
the ACT)	
National	
Australian	http://www.australiancurriculum.edu.au/
Curriculum	
	Evidence to support application

The information below will assist new applicants in providing the correct evidence in an application for provisional registration.

Certified Copy of Birth Certificate

A certified true copy is a photocopy of an original document that has been verified by comparison with the original and marked in pen with the words 'I certify that this is a true copy of the original' or similar, the name of the person, their signature, profession/employer and the date (across the face of the photocopy). Certification of true copies can be carried out by a range of people in the community including:

- Justice of the peace
- Registered Pharmacist at your local pharmacy
- Accountants member of a recognised professional accounting body or a Registered Tax Agent
- Manager of a bank or credit union, other than managers of Bank Travel Centres
- A currently Registered Nurse
- Barrister, Solicitor or Patent Attorney
- Postal Manager at selected Australia Post outlets
- Principal of an Australian secondary college, high school or primary school.

ACT Residency

To be registered for home education in the ACT, the child must reside in the ACT.

Documents that can prove ACT residency include a copy of one of the following issued within the last 3 months:

- A rates notice
- Electricity/gas/water bill
- · A rental agreement.

Note: A Drivers Licence is not adequate proof of ACT residency.



Application for Provisional Registration Home Education

Protecting your Privacy - Information Privacy Act 2014: Territory Privacy Principle 5

Notification of Collection of personal information

The ACT Education Directorate is obliged to handle personal information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*.

The Directorate explains its processes for the collection, use, distribution and storage of personal information and how an applicant can access and correct it in our privacy policy.

Our privacy policy is available on the about us page of the Directorates website.

The information we collect:	We collect the names, gender, age and birth date of children, and the names, addresses and contact details of parents who are applying to be registered for home education in the ACT.
What we do with this information:	The information you provide populates the Register of Home Education and the Student Transfer Register. These Registers record your child's name, birth date, student identification number and confirms that they are currently registered for home education.
	We also create a home education file for each registered student. This file records all the information we collect and it is securely stored in the Liaison Unit's offices. The file is not shared with any school or principal. The information collected allows us to contact you to arrange home education meetings, to collect the home education meeting report and annual report and to provide you with general educational opportunities that may be of interest.
	Where a parent supplies health or special needs documentation regarding their child, this information is also stored on the student's home education file. The student's home education file is separate from a school education file.
	Once provisional registration is processed, the child's previous school will be contacted to advise that the child is now registered for home education.
Who we share this information with:	The Education Directorate may be required to share your child's registration status and your contact details with other Government Departments.



Application for Provisional Registration Home Education

Part-time home education requires a written agreement between the school and the parent. Please contact the Liaison Unit about this option.

Section 1: Student information

Note: Certified true copies of the birth certificate, any temporary visa or court order, and proof of ACT residency must be provided for each child. If you require extra space to record your children's details please copy and amend this page.

Child 1				200	Child 2		vone.		
Full name or birth certific	1	·		Full name birth certif	1				
Preferred na	me			Preferred name					
Date of Birth					Date of Bir	th			
Gender (ple	ease circle)		Male	Female	Gender (olease circle)		Male	Female
Is the child o	n a temporary	visa?	Yes	No	Is the child	l on a temporary	y visa?	Yes	No
	Does a current court order exist in relation to this child?		Yes	No	Does a current court order exist in relation to this child?		Yes	No	
Does the child have special needs? (if yes please attach details)		Yes	No	Does the child have special needs? (if yes please attach details)		Yes	No		
Is a part-time agreement being sought? (please circle)		Yes	No	Is a part-time agreement being sought? (please circle)		Yes	No		
If yes, with which School?				If yes, with which School?					
Previous Sch	ool Attendance	e History	n/a	See below	Previous S	chool Attendan	ce History	n/a	See below
Dates	School Years	School Na	ool Name		Dates	School Years	School Nam	е	
	,								
									,

Section 2: Parent information
Parent / Carer 1 (Main Educator)
Title/First Name/Surname
Signature (to be completed by hand)
Date of Signature
I confirm that there are no other persons legally responsible for this child or young person:(Signature) Note: If there are no other persons legally responsible for this child or young person leave the section below blank.

Parent / Carer 2	DOCUMENT 2
Title/First Name/Surname	
Signature (to be completed by hand)	
Date of Signature	
Section 3: Address of home base f	or education
Home Address	
Postal Address (if different from home address)	
Email address of Parent/Carer 1	
Mobile number Parent/Carer 1	
Email address of Parent/Carer 2	
Mobile number of Parent/Carer 2	
Home Phone number	
Section 4: Supporting Documentat	ion and Privacy Notice – please answer all questions
I confirm that I have attached all relevant suppo	arting documentation to my application
	Tang documentation to my appreciation
Certified copy of birth certificate (required fo	r all applications) Special need details Not applicable
Evidence of ACT residency (required for all ap	pplications) Court order Not applicable
Temporary Visa Not applicable	Part-time agreement Not applicable
I confirm that I have read and understood the <u>In</u>	formation Privacy Act 2014: Territory Privacy Principle 5 and agree to the
privacy terms above.	
Signed	
Signed	
NAT - 1 - 13-1	
what happens next? The Certificat	e of Provisional Registration of Home Education
You will receive a certificate for provisional happlication being received by the Liaison Uni	nome education registration in the post within a month of your t.
For further information please con	tact
Liaison Officer – Home Education, Liaison Un	it ACT Education Directorate
•	'
phone: 02 6205 9299 email: <u>HomeEd@act.gov.a</u>	u web: www.education.act.gov.au/school education/home education
Return the application form and co	ertified copies of the required attachments to:
	a timed copies of the required attachments to.
Manager – Home Education, Liaison Unit	
ACT Education Directorate	

GPO Box 158 Canberra ACT 2601

Tooth, Lynda

From: Sent:

Thursday, 2 February 2017 11:26 AM

To:

ETD, HomeEd

Subject:

Re: Provisional Registration for Home Schooling [SEC=UNCLASSIFIED, DLM=Sensitive:

Personal

Follow Up Flag: Flag Status:

Follow up Completed

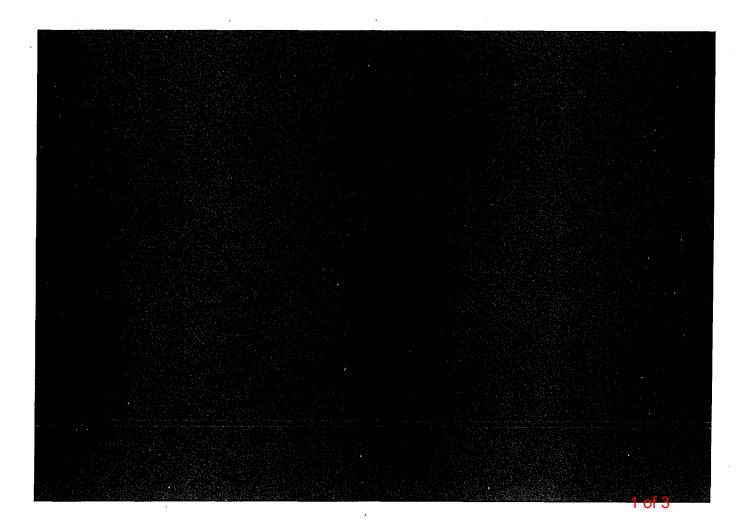
Thanks Christie,

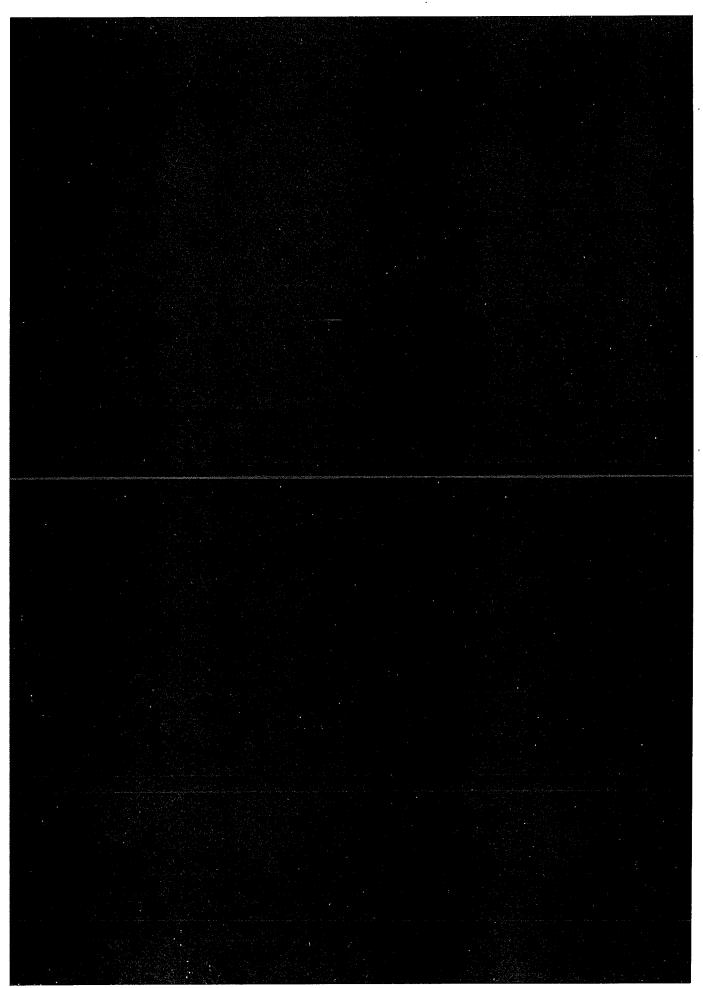
My is currently enrolled (& attending) High School. My understanding is that the recommendation is to ensure continues attending until our provisional registration is granted.

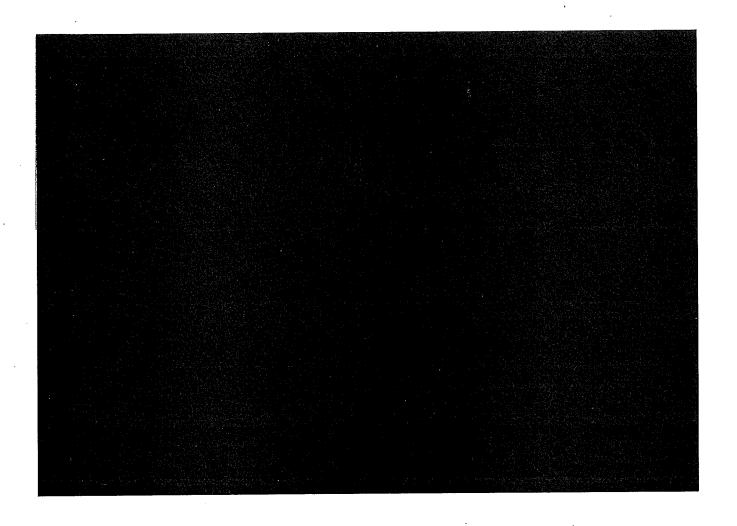
My concern is that may become bored/disruptive if continues at school until that process is completed - which would not be fair on teachers or other students. In addition, our discussions regarding our own program of learning is the most enthusiastic i have seen regarding learning in the last two years, and i'm hoping we can harness that and push forward with our Home Schooling as soon as possible. I also don't want to be doing the wrong thing - either ethically or legally - regarding ducation.

has accepted that will need to continue at school until this process is complete. Is there any advice you can give regarding this?

Thank you!







Tooth, Lynda

From: Sent:

Sunday, 5 February 2017 10:19 PM

To: Subject:

ETD, HomeEd Re: New Homeschool Registration [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]

Follow Up Flag: Flag Status:

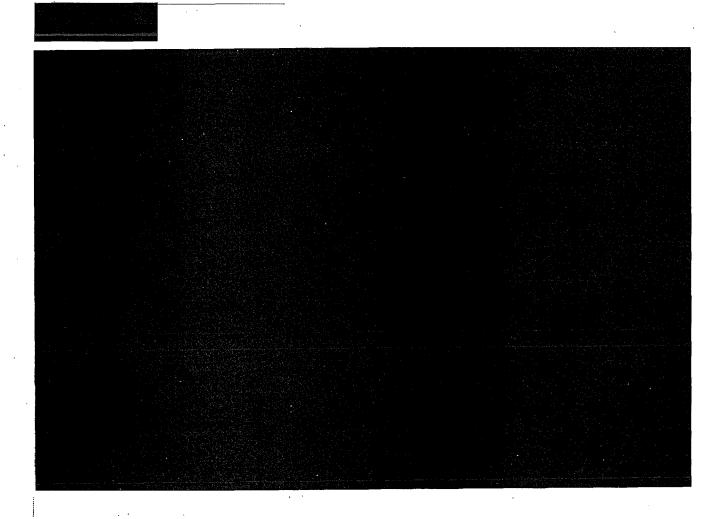
Follow up Completed

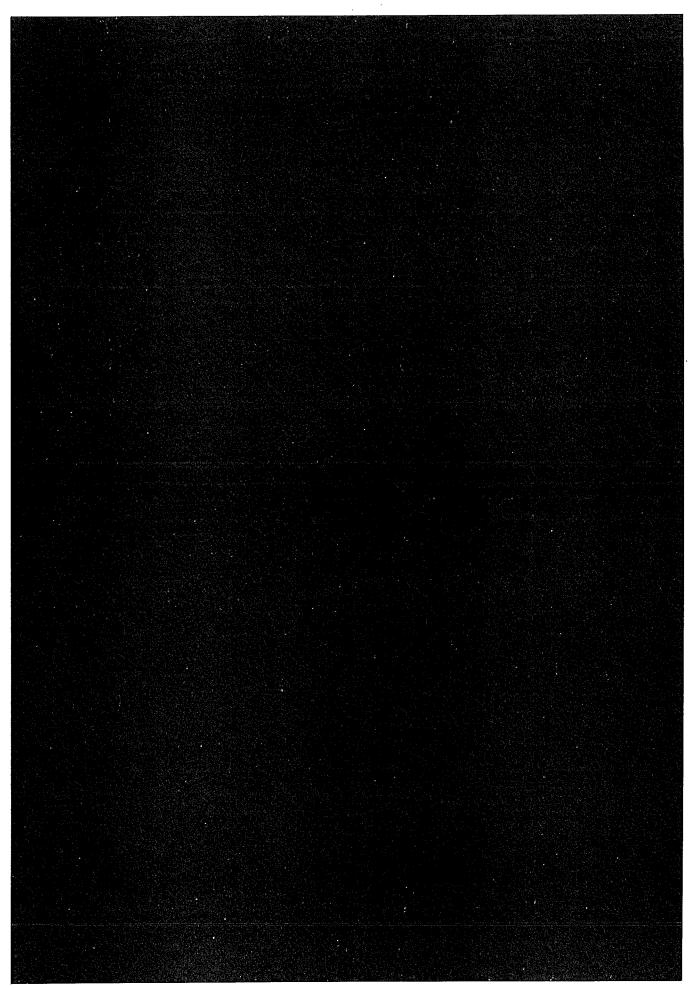
Thanks Christie,

to print for me at work tomorrow (home printer issues) & I'm on a Mac and I've forwarded it to don't have word so I just want to ensure that the conversion to pages doesn't lose anything on the form.

I just wanted to check though, in the registration info document I read that you need to register within 10 days of school starting (if I understood that correctly), does that mean I need to have the registration form returned to you by the end of the week? As that would be 10 days from the start of ACT public school for the year? I was previously under the impression that I had until 6th birthday to ensure he was registered.

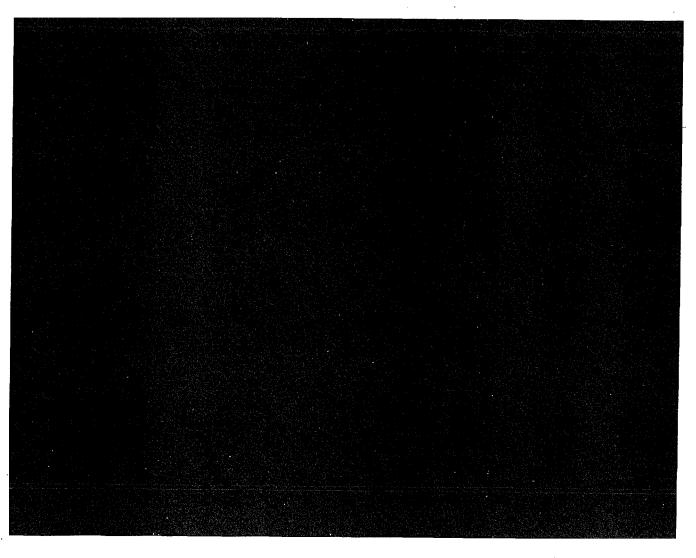
Thanks.

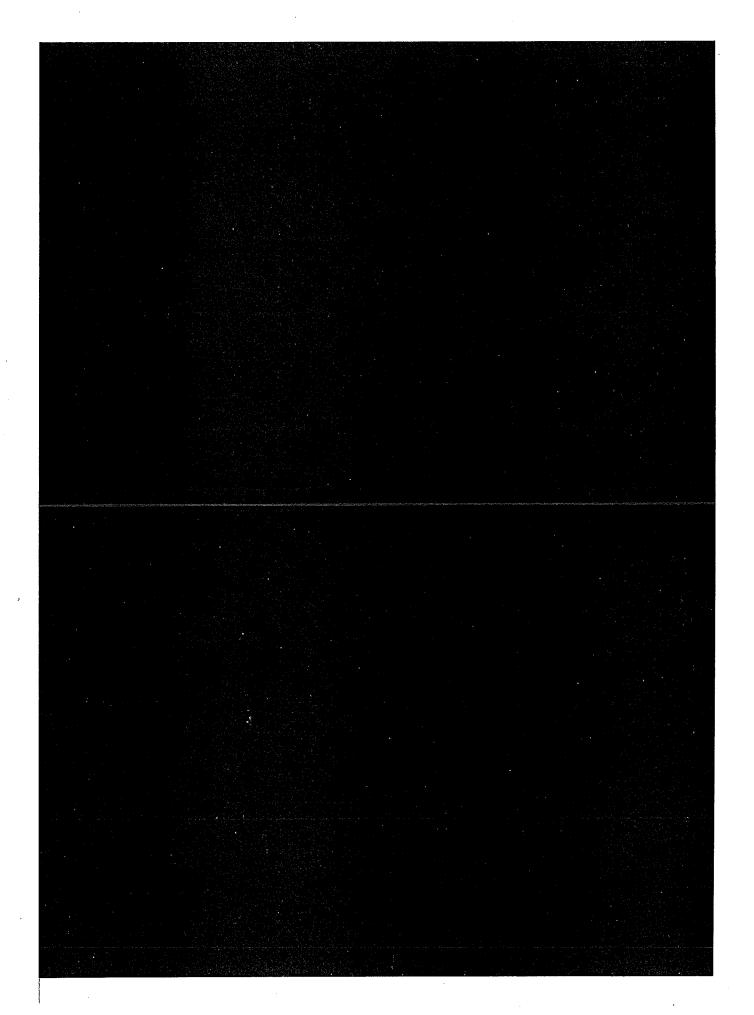




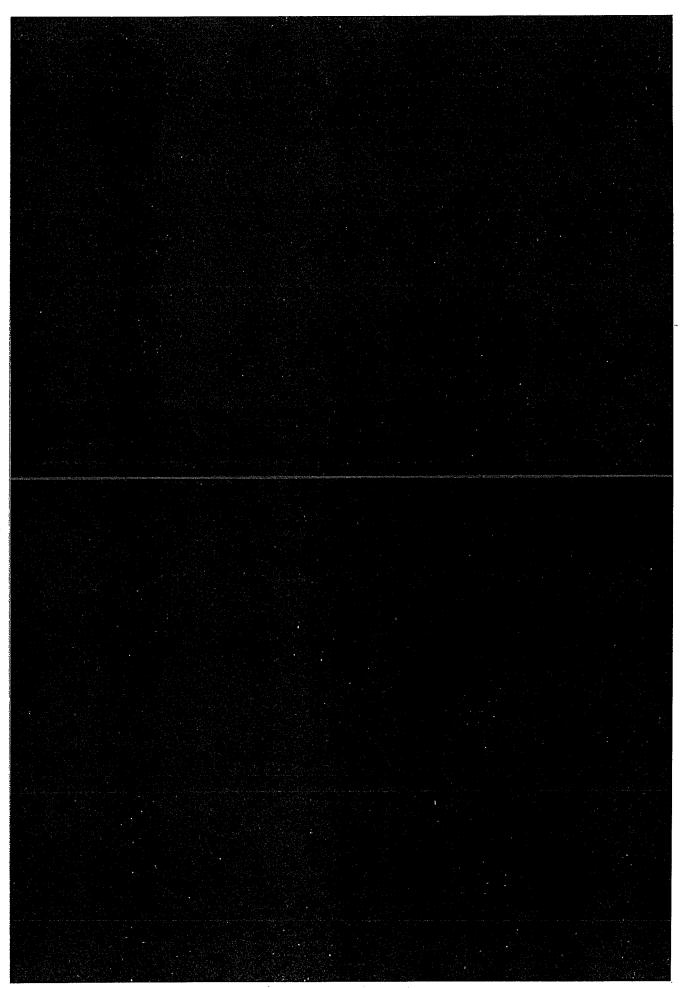


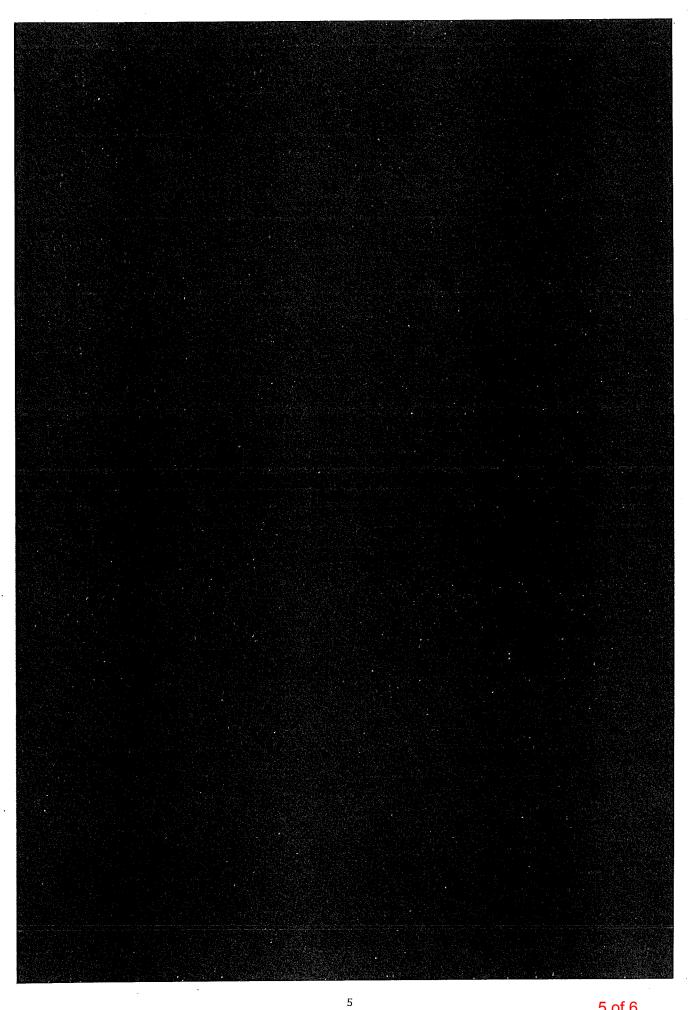
Tooth, Lynda	:
From: Sent: To: Subject:	Monday, 6 February 2017 9:31 AM ETD, HomeEd Re: Provisional Registration for Home Schooling [SEC=UNCLASSIFIED, DLM=Sensitive; Personal]
Follow Up Flag: Flag Status:	Follow up Completed .
Hello again Christie,	
	this morning regarding leaving the school. hey cannot remove from their books, so to speak, unless is registered hare happy for to complete leavers form today.
	rmation that you would contact them when registration for home schooling is w that they can take off their register. Is that the case? Or do I notify them complete?
Thank you, and apologie	s for all the questions!

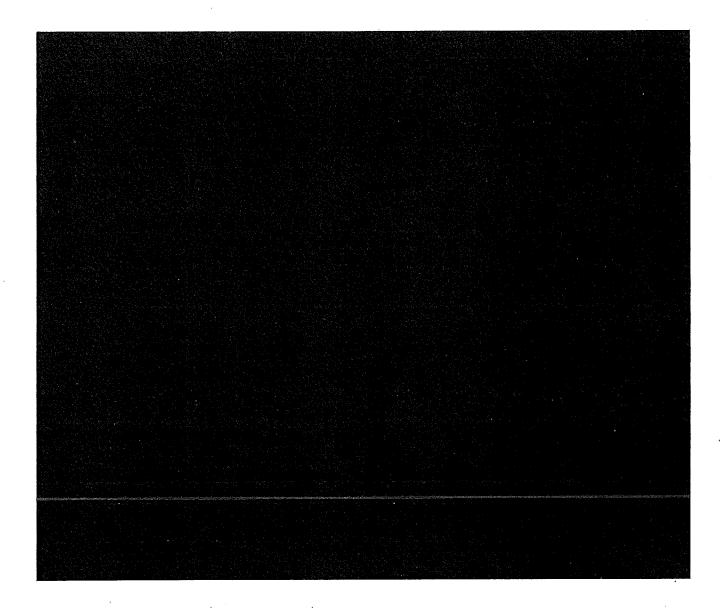




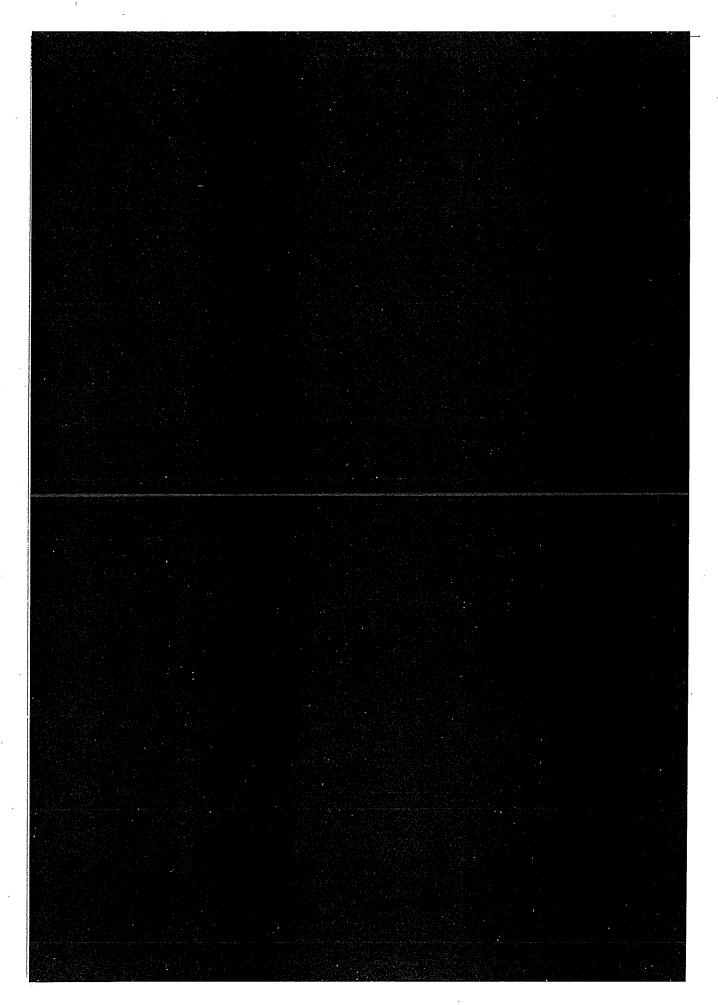
				•	•
On Thu, Feb 2, 29	.017 at 11:25 AM,				wrote:
Thanks Christie,					
is currently enrolled (& attending) High School. My understanding is that the recommendation is to ensure continues attending until our provisional registration is granted.					
My concern is that may become bored/disruptive if continues at school until that process is completed - which would not be fair on teachers or other students. In addition, our discussions regarding our own program of learning is the most enthusiastic i have seen regarding learning in the last two years, and i'm hoping we can harness that and push forward with our Home Schooling as soon as possible. I also don't want to be doing the wrong thing - either ethically or legally - regarding education.					
has accepted t you can give rega	that he will need to carding this?	ontinue at school	until this process	is complete. Is there ar	ny advice
Thank you!			•		
			•	·	

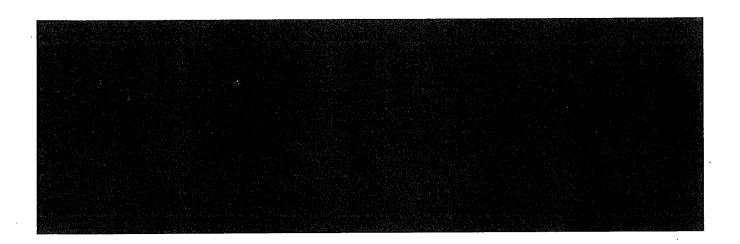






Tooth, Lynda
From: Sent: Friday, 17 February 2017 9:48 AM To: ETD, HomeEd Subject: Re: Application for provisional registration of home education for [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
hi Christie, i will try to get the document certifed and send it to you regards
On Thu, Feb 16, 2017 at 4:28 PM, ETD, HomeEd HomeEd@act.gov.au wrote:
Hi Carlotte
Thank you for your application for Provisional Registration of home education for
There is one document missing however. I need certified copy of birth certificate. Would it be possible to email that in tomorrow?
There is a list of people who can certify a copy of doesn't have to be certified by a JP.
Thank you,
Christie
Christie Wallis Home Education Coordinator Email: <u>HomeEd@act.gov.au</u>
Phone + 61 2 6205 9299
Governance and Assurance Education ACT Government
GPO Box 158 Canberra ACT 2601
www.det.act.gov.au Facebook Twitter Pinterest Linkedin Google+





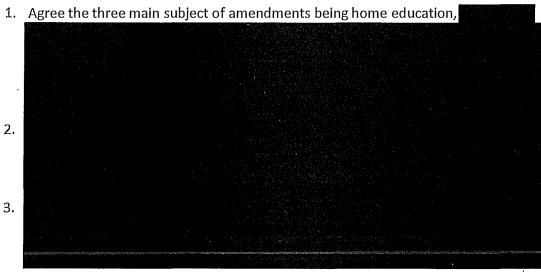
File Ref: /
Trim No:

Senior Executive Team

Education Act 2004 Amendments 2017 - Scope of Amendments

Recommendation

That you:



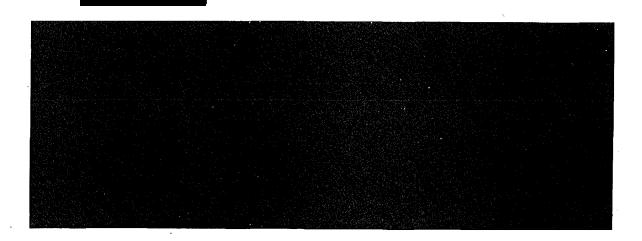
Natalie Howson

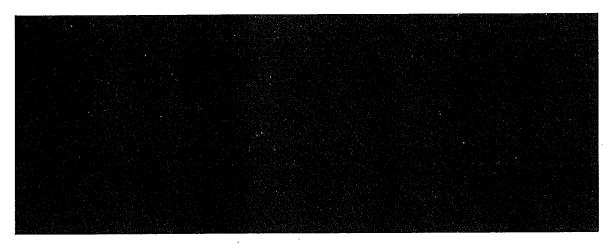
/ /

Background

Amendments are required to the *Education Act 2004* in order to:

- a) improve the operations of the Directorate
- c) reduce risk particularly in the home education registration process; and



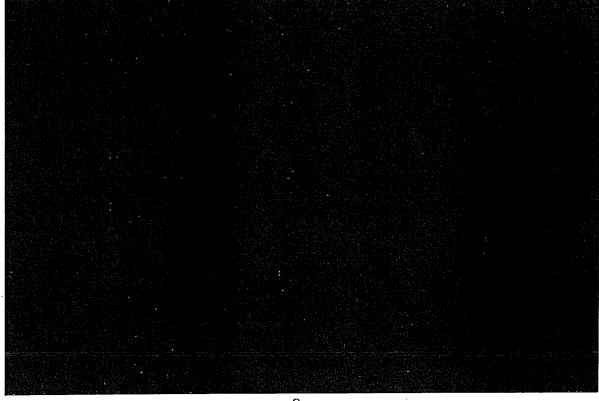


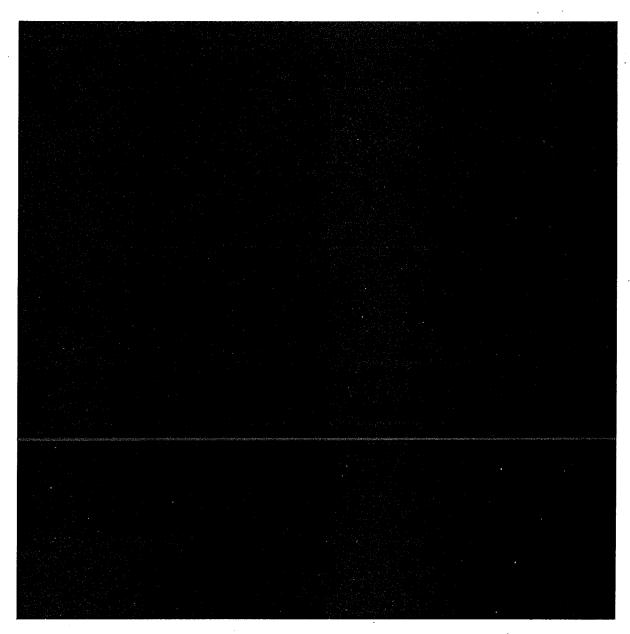
Home Education Registration

The most significant change proposed for the home education registration process would be to remove the automatic provisional registration of 6 months upon request or application as well as strengthened criteria for approval of home education. Presently there is a risk that a child can be removed from schooling with no plan or evidence of appropriate education being provided in the home for 6 months at a time and the only evidence provided by parents is a yearly report on how they've conducted their home education program.

The amendments would also allow the registrar to investigate children at risk, report to other agencies, be satisfied that education requirements are being met and check the home environment.

These changes while complex have been classed as high risk by the Directorate largely due to provision of automatic registration.





Tracy Stewart
Director, Governance and
Community Liaison
/ May / 2017

Meredith Whitten
Deputy Director-General,
Business Services Division
/ May / 2017

King, Ashley

EDU 17/563

From:

Sent:

King, Ashley Tuesday, 23 May 2017 11:21 AM Whitten, Meredith

To:

Cc:

Stewart, Tracy (DET); Jones, ChrisD; Gstrein, Kylie

Subject:

EDU17-563 SET Endorsed Paper 563 Education Act Legislation Amendment Scope

Attachments:

201705231054.pdf

Good morning

Attached is the endorsed SET paper EDU 17/563 Education Act Legislation Amendment Scope from the 15/5/17 meeting. The original paper will be returned today.

SET decision:

Recommendation 1 - SET agreed in principle to two areas of amendments being home education

File Ref:

Trim No: EDU17/563

Senior Executive Team

Education Act 2004 amendments 2017 - scope of amendments

Recommendation

That you:

1. Agree the three main areas of amendments being home education,

2.

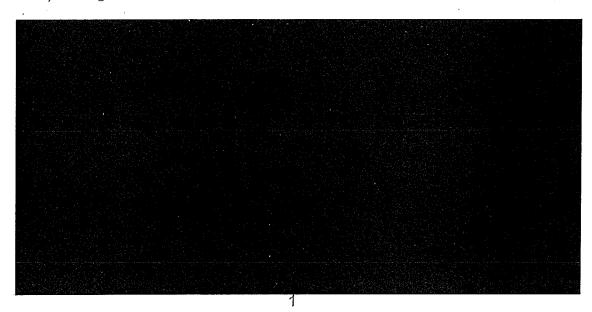
Natalie Howson

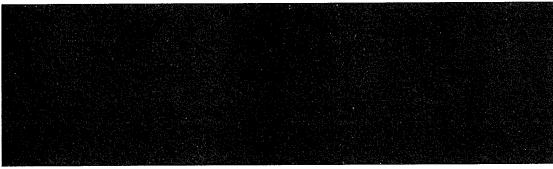
17 151/7

Background

Amendments are required to the Education Act 2004 (the Act) in order to:

- a) ensure legislation is current with modern education arrangements and community expectations;
- b) improve the operations of the Directorate; and
- c) manage risk.



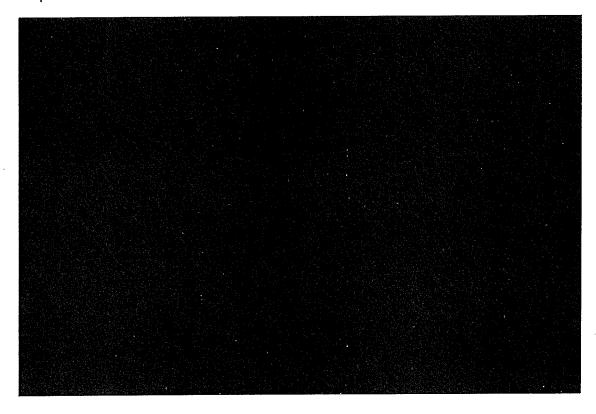


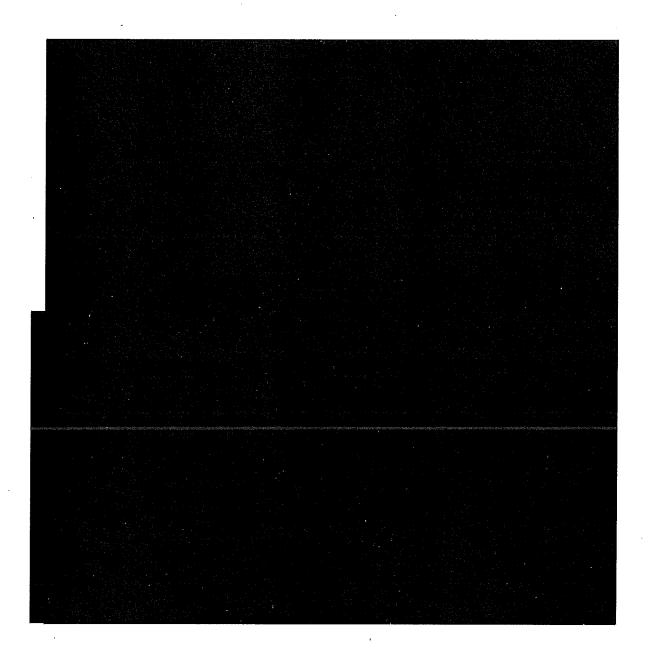
Home education registration

The most significant change proposed for the home education registration process would be to remove the automatic provisional registration of six months upon request or application, as well as strengthening criteria for registration for home education. Presently, there is a risk that a child can be removed from schooling with no plan or evidence of appropriate education being provided in the home for six months at a time. The Act does not provide for the Directorate to take account of the wellbeing of the child when approving registration, and it provides little power for the Directorate to determine or intervene if the education delivery is poor.

The amendments are proposed to allow the Registrar to investigate children at risk, report to other agencies, and be satisfied that education requirements are being met.

These changes while complex have been classed as high risk by the Directorate largely due to provision of automatic registration.





Tracy Stewart
Director, Governance and
Community Liaison
May 2017

Meredith Whitten Deputy Director-General, Business Services Division May 2017

Education Act 2004 - Proposed Amendments

Home Education

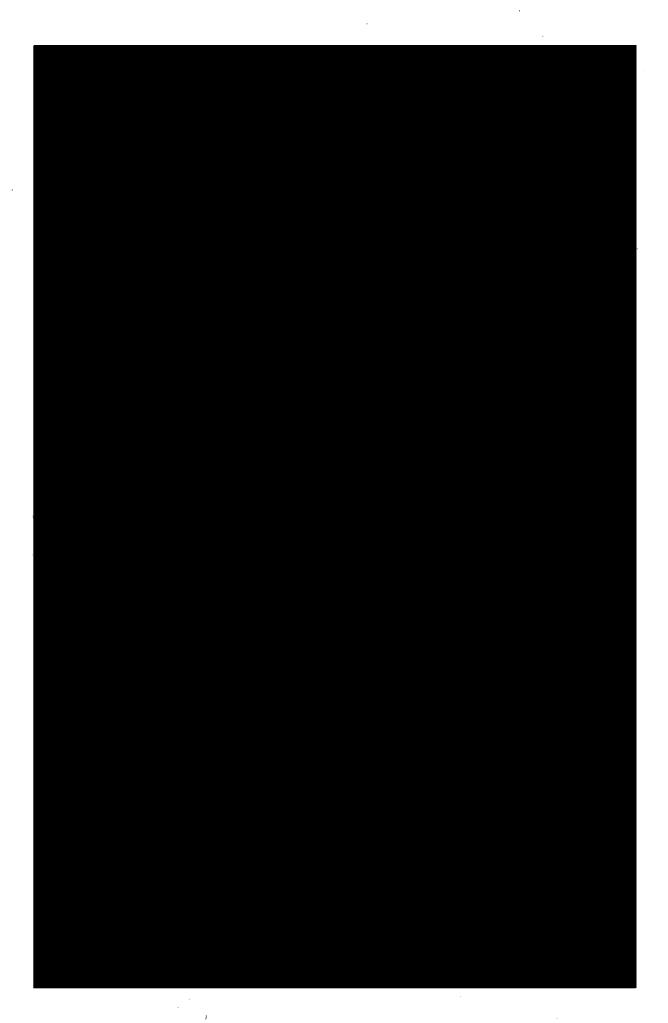
Remove s130(2) that provides if an application for home education is received a child is automatically provisionally registered for six months. Replace with amendment to provide for criteria for approval. Include a discretionary power of the Director-General to allow for interim approval in instances where a child *must* be removed from school prior to a home education application being approved.

Insert criteria that:

- a) A parent may only apply for home education
 - a. while a child is enrolled in school (required by most other jurisdictions), or
 - b. before a child reaches compulsory education age, or
 - c. if registered for home education in another jurisdiction, upon relocation to the ACT.
- b) for registration, require that the conditions of registration include:
 - a. that the home educator has parental responsibility for the child;
 - b. that the child is resident in the ACT;
 - c. a home education plan that refers to the Australian Curriculum and is consistent with principles of the Education Act;
 - d. that the home educator has the capacity to plan and provide for the educational needs of the child and access to adequate resources; and
 - e. that the home educator must be able to demonstrate that they provide an appropriate and safe environment for the child's education.

Insert a new sub-section that allows the Director-General to require a home educator to provide evidence to an authorised person that they meet the conditions of registration, including by an inspection of the home base.









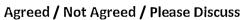
MINISTERIAL BRIEF

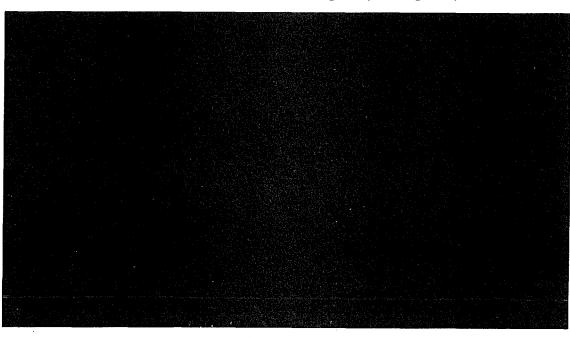
	UNCLASSIFIED	<u> </u>
То:	Minister for Education and Early Childhood Development	TRIM No: Click here to enter text:
CC:		
From:	Director-General	
Date:		
Subject:	Education Act 2004 Amendments	
Critical Date:		
Critical Reason:	1	
Purpose		

Recommendations

That you:

1. Agree to development of amendments to the home education registration process in the ACT for Spring 2017;





UNCLASSIFIED

UNCLASSIFIED

Yvette Berry MLA				//
			. · · .	
Minister's Office Feedback				
	•			

Background

- 1. The Directorate in late 2016 carried out a review of possible legislation amendments to the *Education Act 2004*. The review identified areas for amendment in order to:
 - a. improve the operations of the Directorate
 - c. reduce risk to the Directorate; and
- 2. A full review of the Act to adopt a principles based approach is still required but this work has been postponed and three areas of high organisational risk are recommended to be amended:
 - a. home education registration



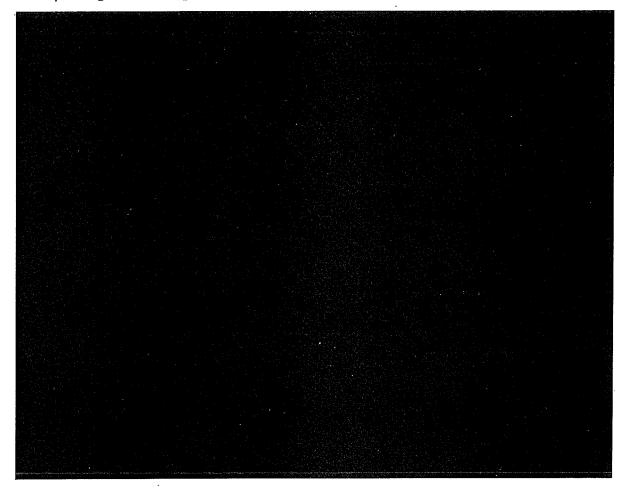
Issues

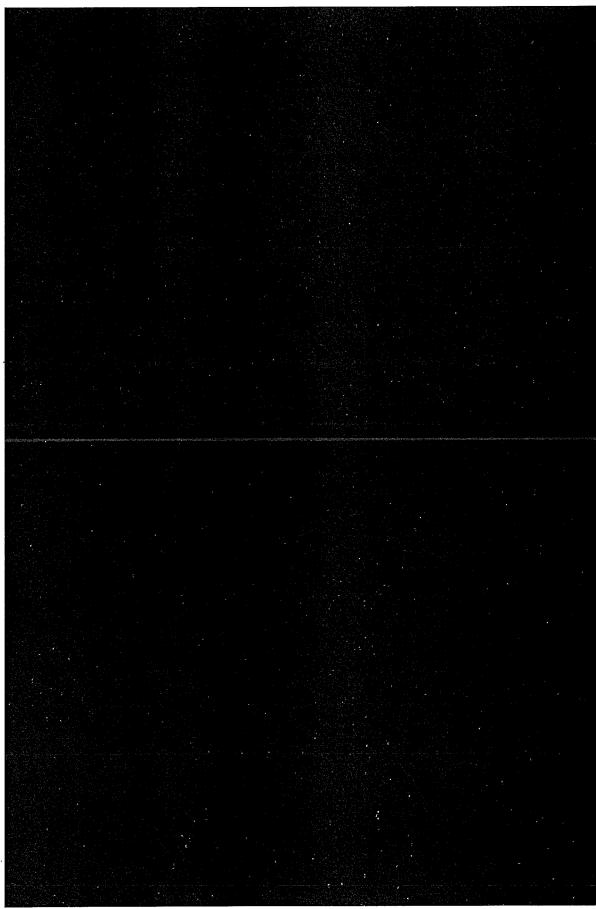
Home Education Registration

- 3. The most significant change proposed for the home education registration process would be to remove the automatic provisional registration of six months upon request or application (section 130 (2)) as well as strengthened criteria for approval of home education. This is a policy shift from the Directorate's role as a registrar to regulator. Criteria would be applied to applications as opposed to the current practice of accepting applications automatically and keeping a register of students being home educated.
- 4. The changes would also mean that a child could not be removed from school prior to approval being given and an education plan being approved. A discretionary power of the Director-General written into legislation would allow for interim approval in instances where a child *must* be removed from school prior to home education being approved. An example of this would be a child who is prohibited by a court order from being in proximity to other children.

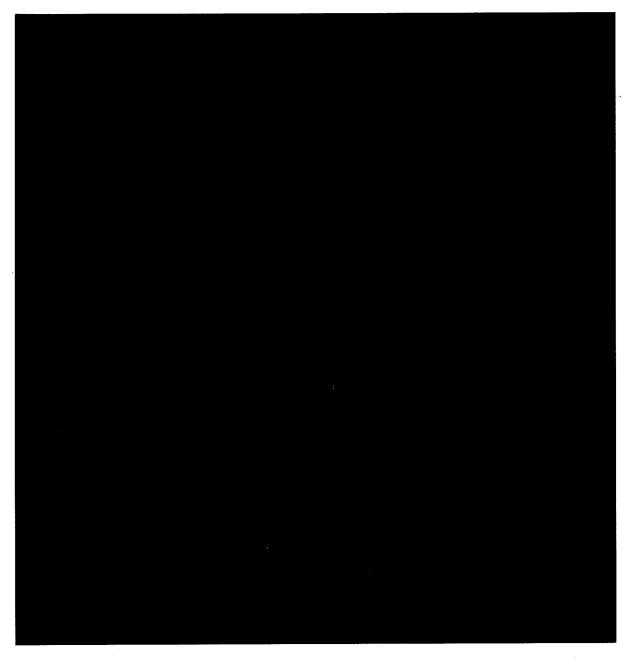
UNCLASSIFIED

- 5. Presently there is a risk that a child can be removed from schooling with no plan or evidence of appropriate education being provided in the home for the six month provisional registration period. The only evidence currently provided by parents is an annual report on the educational progress of the child during their home education. This annual report is not required until a child is registered (as opposed to provisional registration) for home education. Re-registration for home schooling is conducted every two years and this timeframe would be reviewed as-part of the amendments.
- 6. The amendments would require home educators to utilize the Australian Curriculum and also allow the registrar to investigate children at risk, report to other agencies, be satisfied that education requirements are being met and check the home environment.
- 7. These changes while complex have been classed as high risk by the Directorate largely due to the provision of automatic registration and the lack of requirements to produce a rigorous education plan. Not only is there risk to the educational outcomes for some children but also safety and wellbeing.
- 8. The proposed amendments would only apply to new applications and renewed registrations and transitional arrangements would need to apply for applications pending when the legislation commences.

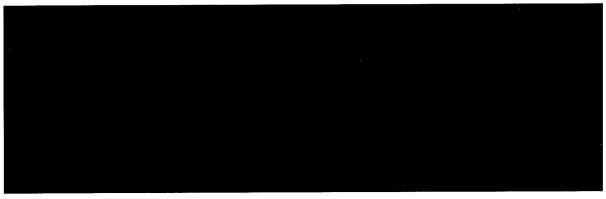


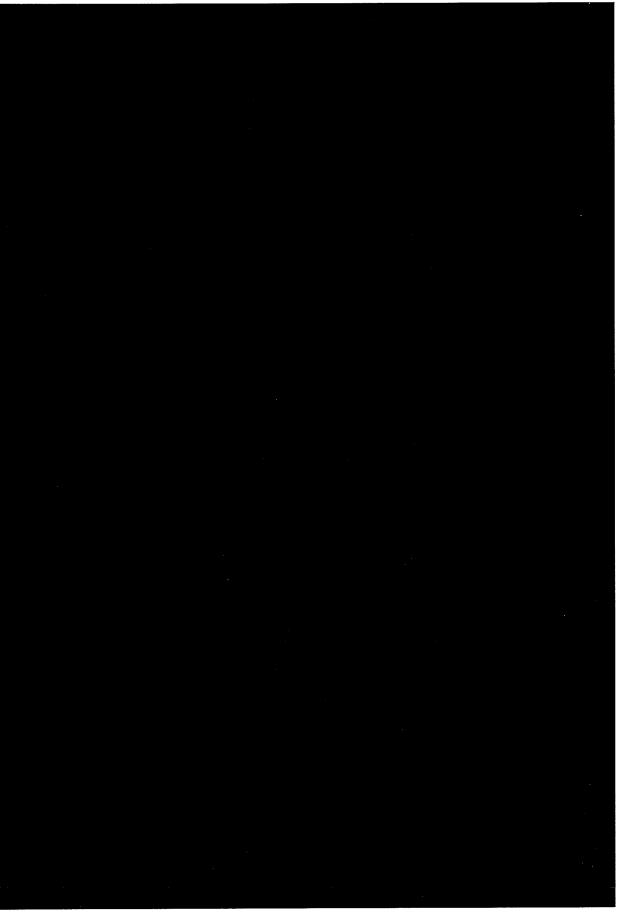


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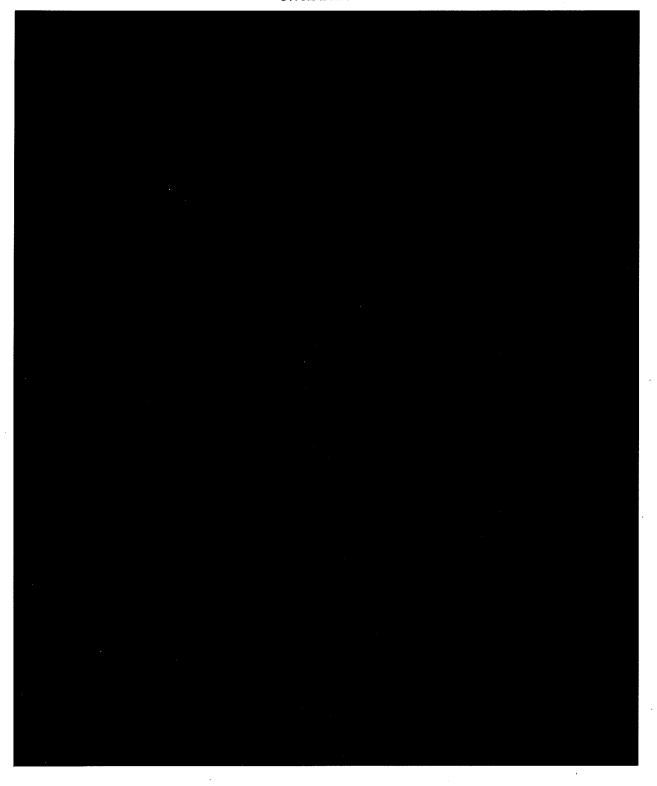


20. The home education amendments are viewed as simpler and require little external consultation while the current exposure to risk for the Directorate from the automatic provision of registration is considered high. It is therefore recommended to address these amendments before the end of 2017.





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Attachment A

Education Act 2004 – Proposed Amendments

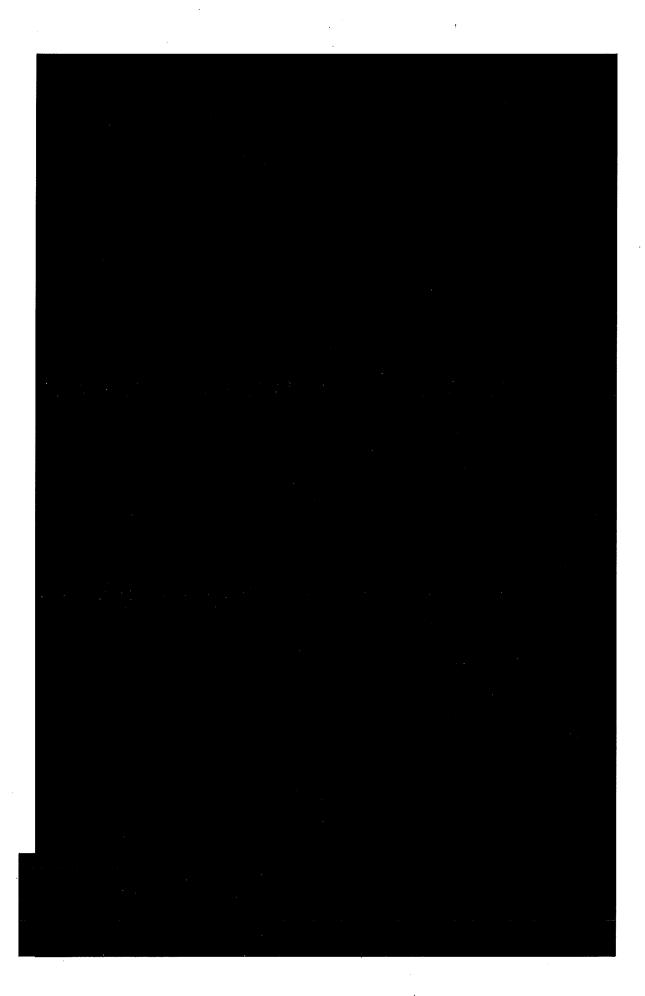
Home Education

Remove s130(2) that provides if an application for home education is received a child is automatically provisionally registered for six months. Replace with amendment to provide for criteria for approval. Include a discretionary power of the Director-General to allow for interim approval in instances where a child *must* be removed from school prior to a home education application being approved.

Insert criteria that:

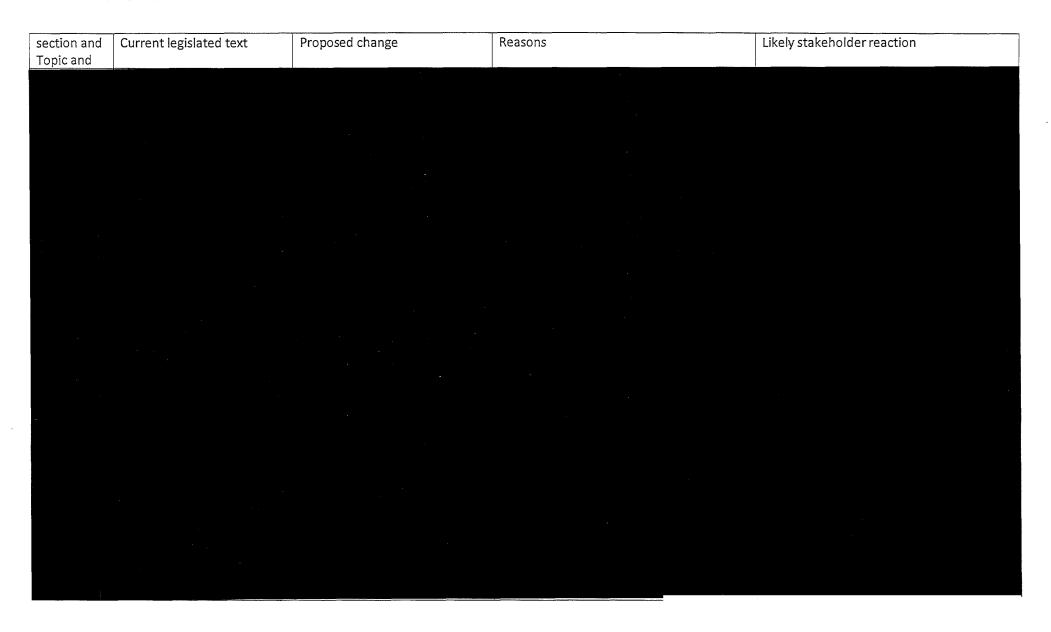
- a) A parent may only apply for home education
 - a. while a child is enrolled in school (required by most other jurisdictions), or
 - b. before a child reaches compulsory education age, or
 - c. if registered for home education in another jurisdiction, upon relocation to the ACT.
- b) for registration
 - a. proof of parental responsibility
 - b. proof of ACT residency or return to ACT following a period of travel
 - c. home education plan for the remainder of the calendar year that refers to the Australian Curriculum and is consistent with principles of the Education Act
 - d. evidence that the home educator has the capacity to plan and provide for the educational needs of the child and access to adequate resources





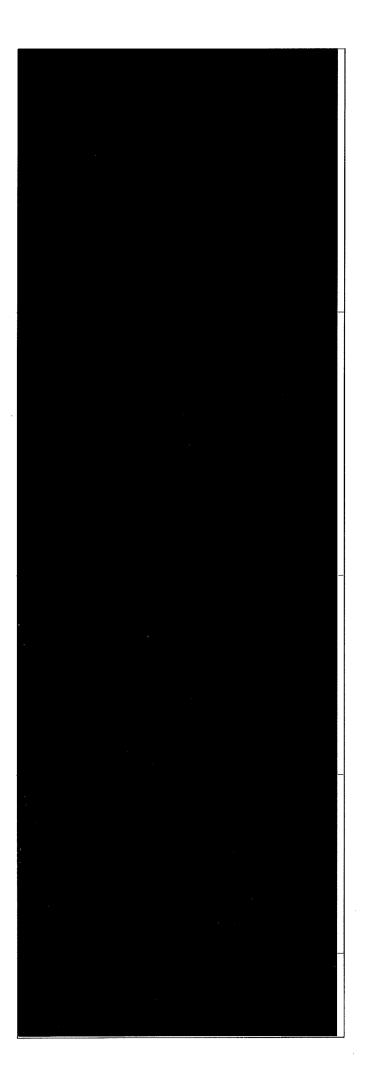


This document (Attachment B) has not been included as it is out of scope.



Some parents may not support this change on the basis that it erodes their current freedom to home educator their children. The Directorate considers that the improved safety for the child should out-weigh concerns with parental freedoms.	Some parents may not support these changes on the basis that they increase their obligations as a home educator, and require parents to plan for the education of their child. The requirement to provide an 'anticipated' plan for the next registration period may reduce the concerns of 'unschooling' home educators who are philosophically opposed to planning their child's education.
This change will discourage families from withdrawing their child from school without due consideration of the requirements of home education.	This change will: Limit ACT home education to ACT residents Define 'high-quality education' and would include the requirement for a safe learning environment in the definition and alignment with the Australian Curriculum Require evidence of educational opportunities, strategies, planning, and knowledge and skills development
The parents of a child may apply, in writing, to the director-general for the registration of the child for home education providing: i) the child is under the age of compulsory education; or ii) the child has not been withdrawn from school prior to receiving a certificate of provisional registration; or iii) the director-general has approved the immediate withdrawal of the child from school for the purposes of being provisionally registered for home education. On receiving an application under subsection (1), the director-general must provisionally register the child for home education if reasonably satisfied that the conditions of registration will be complied with during the	provisional registration period. The registration (including the provisional registration) of a child for home education is subject to the following conditions: (a) the parents and the child must be living in the ACT at the time of all applications for home education; and (b) the parents of the child are to provide high-quality education for the child as defined by the director-
The parents of a child may apply, in writing, to the director-general for registration of the child for home education. (2) On receiving an application under subsection (1), the director-general must provisionally register the child for home education.	The registration of a child for home education is subject to the following conditions: (a) the parents of the child are to provide high-quality education for the child; (b) the parents of the child must document the educational opportunities offered by the
130 Provisional for home education	132 Conditions of home education registration

for continuing home education Link the sn 138 requirement for an annual report on the progress of the child for continuing registration Enable the delegate of the directorgeneral to be satisfied that the parents	are compliant with the conditions of registration when considering an application for registration or registration renewal cater for 'unschooling' home educators who are philosophically opposed to planning their child's education.		
general; (c) when applying for registration or registration renewal, the parents of the child must: i) meet the time frames stipulated in the Act; and	ii) provide the following documents prior to the expiry of the current period of registration: 1) a record of the educational opportunities offered by the parents to their child and the strategies they used to encourage their child to learn during the previous registration period; 2) a statement outlining the	educational opportunities and strategies the parents anticipate providing during the next registration period; 3) a report about the educational progress of the child (including the knowledge and skills gained by the child) as required in sn 138 for the previous period of registration; and iii) meet with an authorised person to discuss the application for registration or registration	
parents to their child and the strategies they use to encourage their child to learn; (c) the parents of the child must make available for inspection on	request by the director-general any education programs, materials or other records used for the home education.		



Education Act 2004 - 9/8/2017

CLEARANCE TRACKING SHEET

TRIM number: MIN17/525

File reference:

Title BRIEF Proposed Education Act amendments 2017



MINISTERIAL BRIEF

	UNCLASSIFIED	•
То:	Minister for Education and Early Childhood Development	TRIM No: MIN17/525
CC:		,
From:	Director-General	
Date:	August 2017	
Subject:	Education Act 2004 amendments – Spring 201	1.7
Critical Date:	Nil	
Critical Reason:	NII	
Purpose		
	Yvette Berry MLA	
Minister's Office I		
		,
		•
	·	

Background

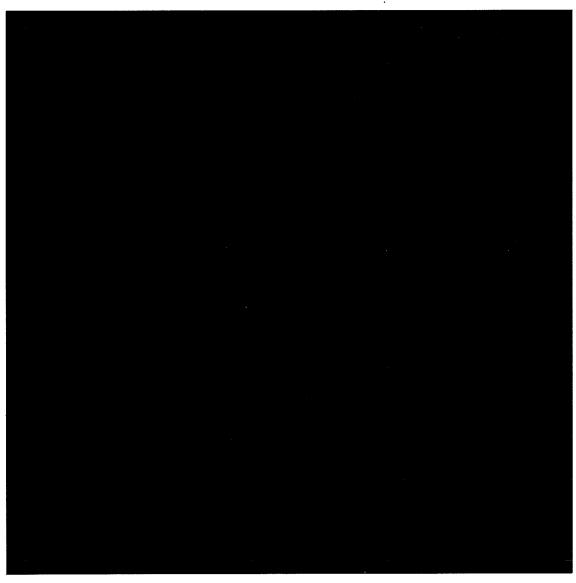
- 1. The Directorate in late 2016 carried out a review of possible legislation amendments to the *Education Act 2004* (the Act). The review identified areas for amendment in order to:
 - a. improve the operations of the Directorate;
 - c. reduce risk to the Directorate; and
- 2. A full review of the Act to adopt a principles based approach is still required but this work has been postponed and two areas of high organisational risk are recommended to be amended:
 - a. home education registration; and
 - b.

issues

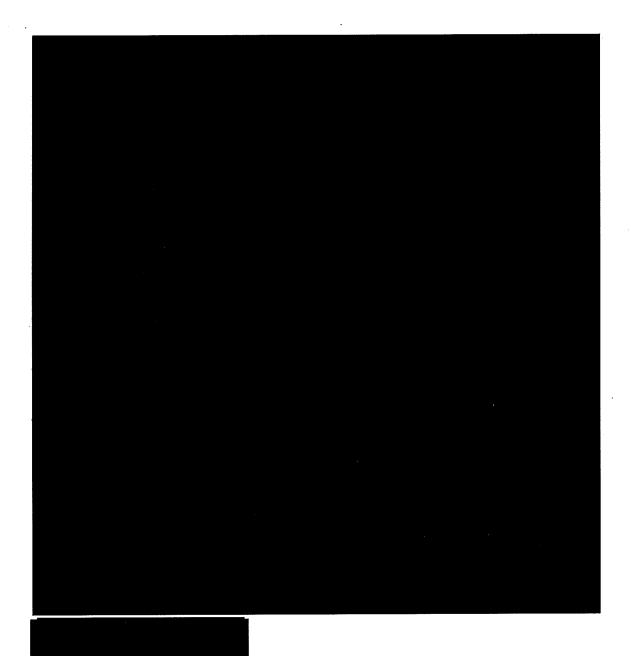
Home Education Registration

- 3. The most significant change proposed for the home education registration process would be to remove the automatic provisional registration of six months upon request or application (section 130 (2)). Provisional registration must be granted by the Director-General, without exception.
- 4. Under the Act currently the registration (as opposed to provisional registration) of a child for home education is subject to the following conditions:
 - a. the parents are to provide high-quality education
 - b. the parents must document the educational opportunities and strategies used in home education; and
 - c. the parents must make available for inspection programs, materials and records if requested by the Director-General.
- 5. Presently, a child can be removed from schooling with no plan or evidence of appropriate education being provided in the home for the six month provisional registration period.
- 6. There is no limit on a parent applying for provisional registration. A parent may reapply for provisional registration upon expiry of the initial provisional registration period, and may continue to reapply. This avoids the requirement for the parent to apply for full registration and meet the requirements of full registration (as per paragraph 4 above).
- 7. Removing the provisional registration process from the Act would mean that there would not be any automatic registration for home education. There would only be a one step process for registration. Registration for home education may by granted by the Director-General if satisfied that the conditions of registration will be complied with. Currently, this is not a difficult or extensive process.

- 8. This change would significantly strengthen the home education registration process, but is not expected to be contentious.
- 9. You may also wish to consider the addition of a residency requirement to the home education registration requirements. The Act states that "the parents of a child may apply, in writing, to the director-general for registration . . " (s 130). There is no requirement that the child be an ACT resident. Currently, applications are received from families who are on extended travel, mainly throughout Australia, but who prior to their travel were resident in the ACT. The opportunity to review their home education program under the requirements of the Act is quite limited. As other parts of the Act apply only to children resident in the ACT, it would be appropriate to also extend this to home education registration requirements.
- 10. This change would more clearly specify the Director-General's jurisdiction and responsibility.



UNCLASSIFIED



Natalie Howson Director-General

Deputy Director-General: Ms Meredith Whitten	Phone:	x70384
Action Officer: Ms Tracy Stewart	Phone:	x55511

Attachments

LICEMONISTONIA		
Attachment	Title	
Attachment A	Proposed Amendments	

Attachment A

Education Act 2004 – Proposed Amendments

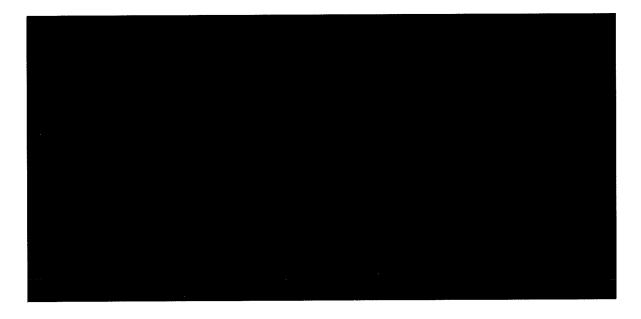
Home Education

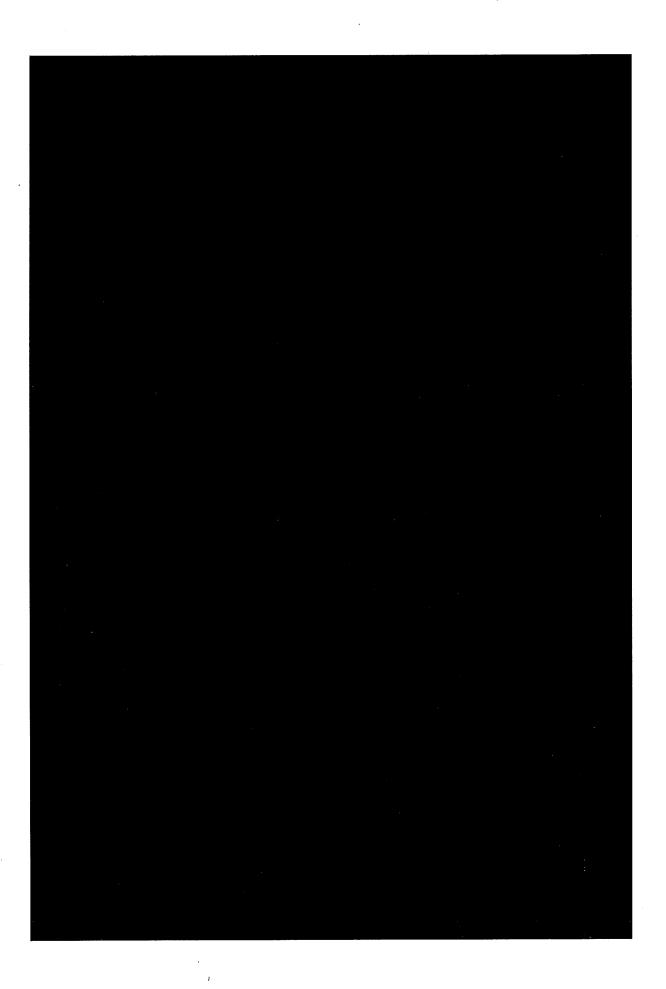
Remove s130(2) that provides if an application for home education is received a child is automatically provisionally registered for six months. Replace with amendment to provide for criteria for approval. Include a discretionary power of the Director-General to allow for interim approval in instances where a child *must* be removed from school prior to a home education application being approved.

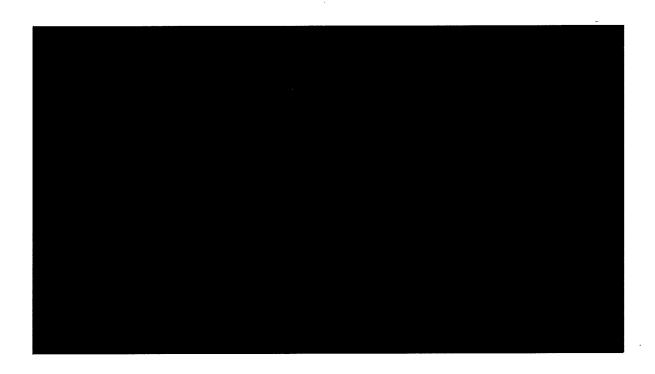
Insert criteria that:

- a) A parent may only apply for home education-.
 - a. while a child is enrolled in school (required by most other jurisdictions), or
 - b. before a child reaches compulsory education age, or
 - c. if registered for home education in another jurisdiction, upon relocation to the ACT.
- b) for registration, require that the conditions of registration include:
 - a. that the home educator has parental responsibility for the child;
 - b. that the child is resident in the ACT;
 - c. a home education plan that refers to the Australian Curriculum and is consistent with principles of the Education Act;
 - d. that the home educator has the capacity to plan and provide for the educational needs of the child and access to adequate resources; and
 - e. that the home educator must be able to demonstrate that they provide an appropriate and safe environment for the child's education.

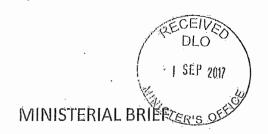
Insert a new sub-section that allows the Director-General to require a home educator to provide evidence to an authorised person that they meet the conditions of registration, including by an inspection of the home base.











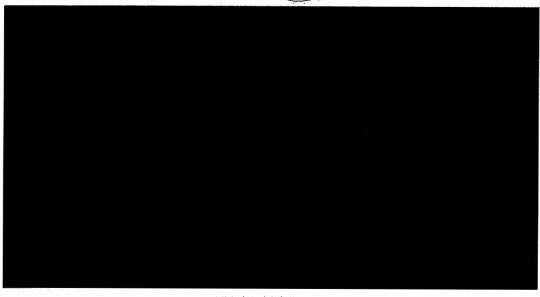
	UNCLASSIFIED	
То:	Minister for Education and Early Childhood Development	TRIM No: MIN17/869
CC:		
From:	Director-General I would the dupons for August 2017	1 30 14.
Date:	August 2017	
Subject:	Education Act Amendments 2017 — Education	and Home
Critical Date:	4 September 2017	
Critical Reason:	In order to progress amendments via Cabinet	for the October sitting
Purpose		

To seek policy agreement to amendments to the Education Act 2004 (the Act) on and home education.

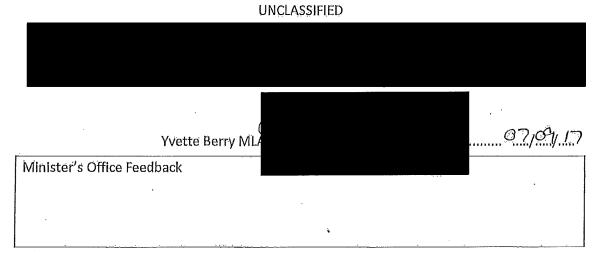
Recommendations

That you:

1. Agree to amendments for home education to remove automatic provisional registration and add a requirement that the child must be living in the ACT; Agreed / Not Agreed / Please Discuss



UNCLASSIFIED



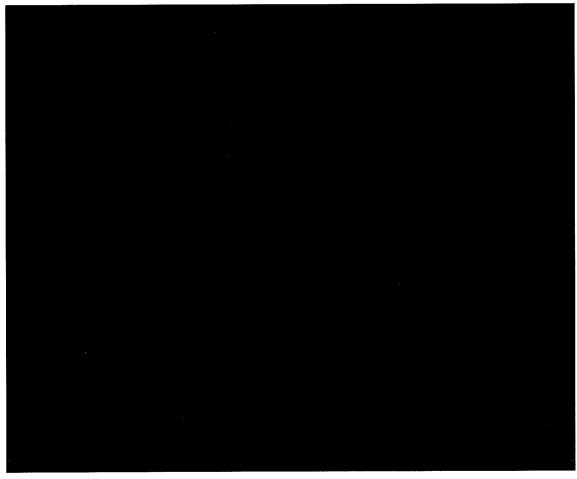
Issues

Home Education Amendments

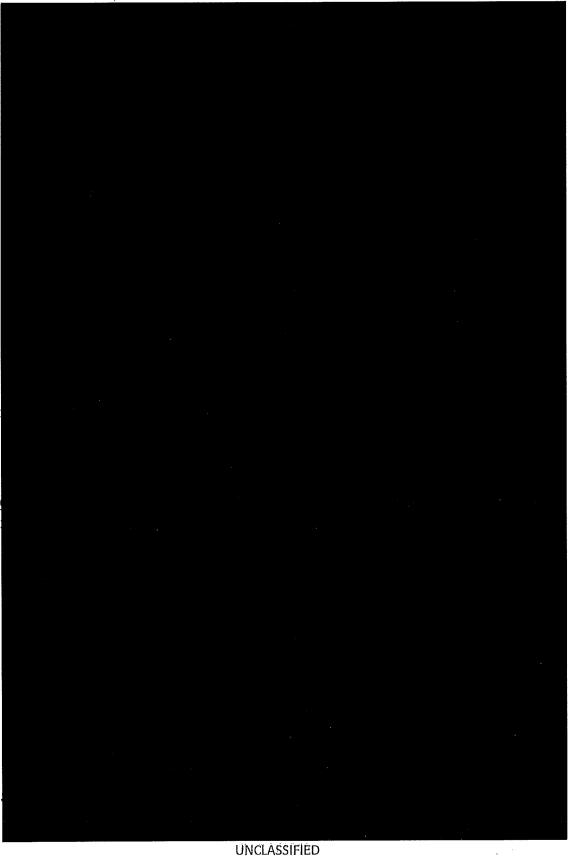
- 2. The most significant change proposed for the home education registration process would be to remove the automatic provisional registration of six months upon request or application (section 130 (2)). Provisional registration must be granted by the Director-General, without exception.
- 3. Under the Act currently the registration (rather than provisional registration) of a child for home education is subject to the following conditions:
 - a, the parents are to provide high-quality education;
 - b. the parents must document the educational opportunities and strategies used in home education; and
 - c. the parents must make available for inspection programs, materials and records if requested by the Director-General.
- 4. Currently, a child can be removed from schooling with no plan or evidence of appropriate education being provided in the home for the six month provisional registration period.
- There is no limit on a parent applying for provisional registration. A parent may reapply for provisional registration upon expiry of the initial provisional registration period, and may continue to reapply. This avoids the requirement for the parent to apply for full registration and meet the requirements of full registration (as per paragraph 3 above).
- 6. Removing the provisional registration process from the Act would mean that there would not be any automatic registration for home education. There would only be a one step process for registration. Registration for home education may by granted by

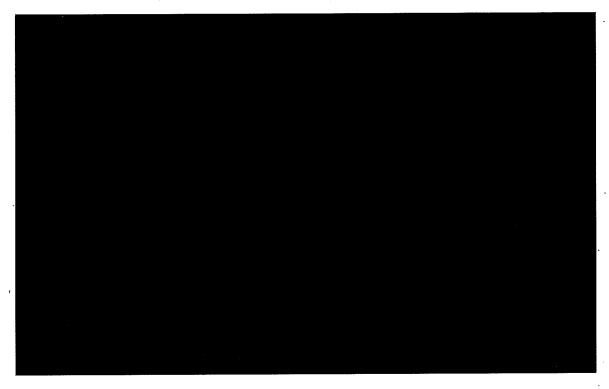
the Director-General if satisfied that the conditions of registration will be complied with. Currently, this is not a difficult or extensive process.

- 7. This change would significantly strengthen the home education registration process, and would also reduce the administrative burden for families through implementation of a single step registration process. As a result, the amendment is not expected to be contentious.
- 8. You may also wish to consider the addition of a residency requirement to the home education registration requirements: The Act states that "the parents of a child may apply, in writing, to the director-general for registration..." (s 130). There is no requirement that the child be an ACT resident. Currently, applications are received from families who are on extended travel, mainly throughout Australia, but who prior to their travel were residents in the ACT. The opportunity to review their home education program under the requirements of the Act is quite limited. As other parts of the Act apply only to children resident in the ACT, it would be appropriate to also extend this to home education registration requirements.
- 9. This change would more clearly specify the Director-General's jurisdiction and responsibility.



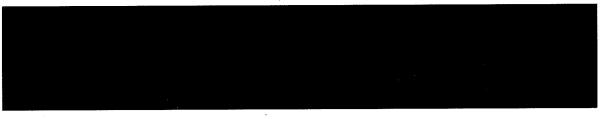
UNCLASSIFIED





Benefits/Sensitivities

27. You have recently been approached by a previously unknown home education group expressing concerns about changes in home education processes. The changes proposed in this brief should be supported by home education parents as they reduce red tape.



Natalie Howson Director-General

Deputy Director-General: Meredith Whitten	Phone:	6207 0384
Action Officer: Tracy Stewart	Phone:	6205 5511

Attachments

Attachment	Title
Attachment A	Letter to the Chief Minister to request combined pass
Attachment B	Proposed amendments to the Education Act 2004
Attachment C Cabinet timeline – combined pass submission	

This document (Attachment A) has not been included as it is out of scope.

Attachment B

Education Act 2004 – Proposed Amendments

HOME EDUCATION

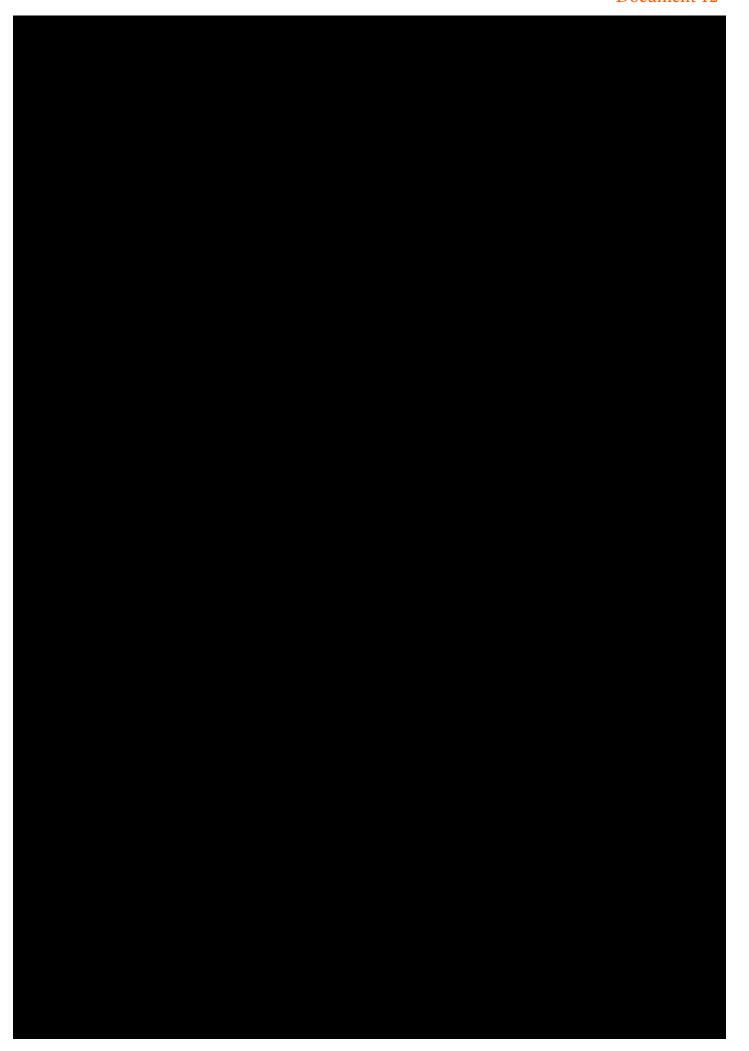
Section	Current	Action	Reason
130 Provisional registration for home education 131 Registration	 (1) The parents of a child may apply, in writing, to the director-general for registration of the child for home education. (2) On receiving an application under subsection (1), the director-general must provisionally register the child for home education. (3) Provisional registration for home education ends — (a) 6 months after the day the provisional registration begins; or (b) if the child is registered sooner under section 131(3) — on the day the child is registered. (1) This section applies if a child is provisionally registered for home 	Amend to: (2)a) The	This removes automatic approval for home registration, which is without any conditions for registration. It also removes the possibility that parents can reapply for provisional registration without progressing to a full registration process. These changes reflect the removal of section 130, and
for home education	education under section 130. (2) Also, this section applies if – (a) the parents of a child apply in writing to the director-general for registration for home education; and (b) immediately before the application, the child was registered or approved (however described) under the law of a State or another Territory for home education.	parents of a child living in the ACT may apply, in writing, to the directorgeneral for registration of the child for home education.	also insert a requirement that the child must be living in the ACT.

Document 12









This document (Attachment C) has not been included as it is out of scope.

King, Ashley

From:

Stewart, Tracy (DET)

Sent:

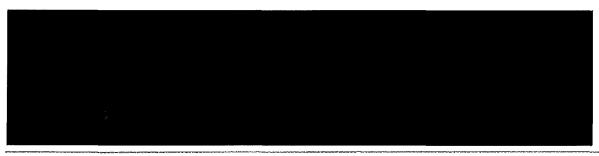
Monday, 4 September 2017 10:57 AM

To:

Jones, ChrisD

Subject:

RE: Education Act proposed amendments [SEC=UNCLASSIFIED]



From: Jones, ChrisD

Sent: Monday, 4 September 2017 10:47 AM

To: Stewart, Tracy (DET)

Subject: RE: Education Act proposed amendments [SEC=UNCLASSIFIED]

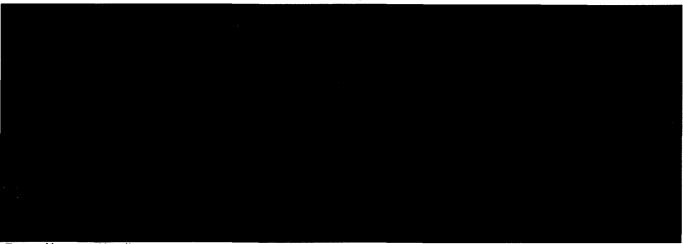
Hi Tracy,

Yes the DG will still have the power to register these children for home education if satisfied the conditions are being met.

We are removing the automatic provisional registration upon application (ie section 130 (2)) which states the DG MUST provisionally register a child upon receipt of an application. It will be at the DG's choice if they are satisfied that conditions for registration are/will be complied with.

I did raise in earlier drafts of MIN17/525 creating an additional section for registration in "special circumstances" being at the discretion of the DG, we used court orders as an example where a child cannot be with other children, and required immediate provisional registration.

ChrisD



From: Howson, Natalie

Sent: Sunday, 3 September 2017 4:31 PM

To: Whitten, Meredith; Stewart, Tracy (DET); Seton, Sam

Subject: Education Act proposed amendments

Hi Sam/Tracy

In the context of a child or YP with Episodic mental health or an event of MH or other medical crisis would provisional approval still apply? Perhaps retaining a 6 weeks provisional arrangement under special circumstances unforeseen this would give the family time to prepare appro documentation for registration?

Natalie Howson | Director-General Education Directorate | ACT Government

T: 02 6205 9158 | E: natalie.howson@act.gov.au

Level 6, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

I acknowledge the traditional custodians of the lands and waters where we live and work and pay my respects to elders past, present and future.

King, Ashley

Abbott, Janet on behalf of Education DLO From: Thursday, 7 September 2017 5:31 PM Sent:

Howson, Natalie To:

Whitten, Meredith; Stewart, Tracy (DET); Jones, ChrisD; Hughes, Rebecca; Gstrein, Kylie; EDUMCR; Ceramidas, Joshua FEEDBACK MIn17/869 Education Act Amendments 2017 [SEC=UNCLASSIFIED] Cc:

Subject:

MIn17869 FINAL Education Act Amendments 2017.pdf; Letter from Minister Berry to Chief Minister Andrew Barr about legislati....pdf Attachments:

High Importance:

Good afternoon

Attached is a signed brief with feedback provided by the Minister's Office:

TRIM	TOTALE	COMMENT
MIN17/869	Education Act	Minister Berry has
	Amendments 2017	Agreed to amendments for home education to remove automatic
		provisional registration
	·	

Kind regards

Janet Abbott | Education DLO





	UNCLASSIFIED .			
То:	Minister for Education and Early Childhood Development	TRIM No: MIN17/869		
CC:		···		
From:	Director-Generally I would be discussed the work.			
Date:	August 2017	,		
Subject:	Education Act Amendments 2017 — Education	and Home		
Critical Date:	4 September 2017			
Critical Reason:	In order to progress amendments via Cabinet for the October sitting			
Purpose To seek policy agr	eement to amendments to the Education Act 20	004 (the Act) on		

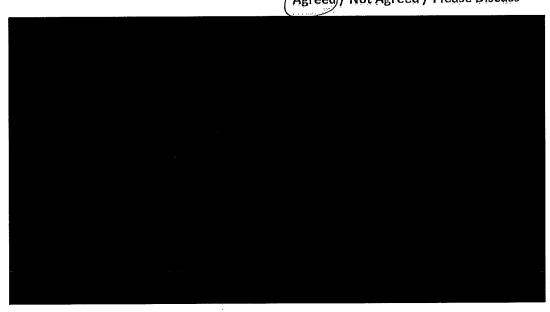
Recommendations

That you:

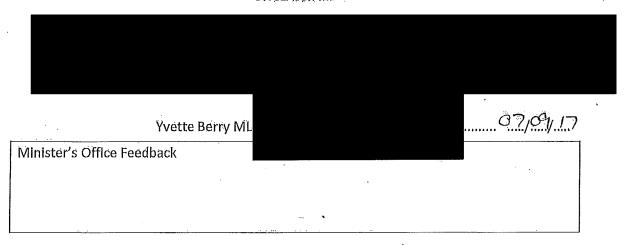
1. Agree to amendments for home education to remove automatic provisional registration and add a requirement that the child must be living in the ACT;

Agreed / Not Agreed / Please Discuss

and home education.



UNCLASSIFIED



Background



Issues

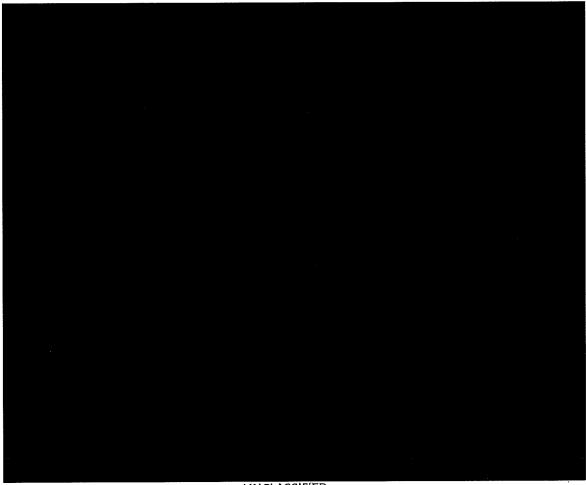
Home Education Amendments

- The most significant change proposed for the home education registration process
 would be to remove the automatic provisional registration of six months upon request
 or application (section 130 (2)). Provisional registration must be granted by the
 Director-General, without exception.
- 3. Under the Act currently the registration (rather than provisional registration) of a child for home education is subject to the following conditions:
 - a. the parents are to provide high-quality education;
 - b. the parents must document the educational opportunities and strategies used in home education; and
 - c. the parents must make available for inspection programs, materials and records if requested by the Director-General.
- 4. Currently, a child can be removed from schooling with no plan or evidence of appropriate education being provided in the home for the six month provisional registration period.
- 5. There is no limit on a parent applying for provisional registration. A parent may reapply for provisional registration upon expiry of the initial provisional registration period, and may continue to reapply. This avoids the requirement for the parent to apply for full registration and meet the requirements of full registration (as per paragraph 3 above).
- 6. Removing the provisional registration process from the Act would mean that there would not be any automatic registration for home education. There would only be a one step process for registration. Registration for home education may by granted by

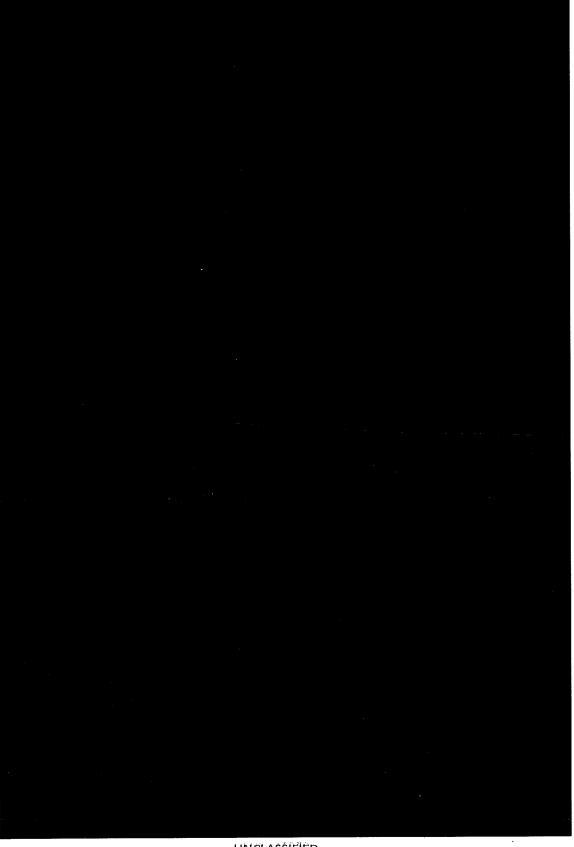
UNCLASSIFIED

the Director-General if satisfied that the conditions of registration will be complied with. Currently, this is not a difficult or extensive process.

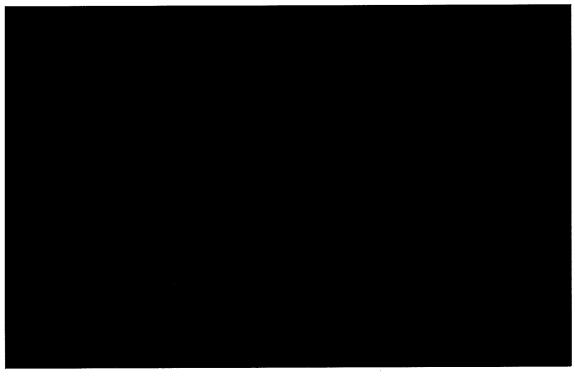
- 7. This change would significantly strengthen the home education registration process, and would also reduce the administrative burden for families through implementation of a single step registration process. As a result, the amendment is not expected to be contentious.
- 8. You may also wish to consider the addition of a residency requirement to the home education registration requirements. The Act states that "the parents of a child may apply, in writing, to the director-general for registration..." (s 130). There is no requirement that the child be an ACT resident. Currently, applications are received from families who are on extended travel, mainly throughout Australia, but who prior to their travel were residents in the ACT. The opportunity to review their home education program under the requirements of the Act is quite limited. As other parts of the Act apply only to children resident in the ACT, it would be appropriate to also extend this to home education registration requirements.
- 9. This change would more clearly specify the Director-General's jurisdiction and responsibility.



UNCLASSIFIED



UNCLASSIFIED



Benefits/Sensitivities

27. You have recently been approached by a previously unknown home education group expressing concerns about changes in home education processes. The changes proposed in this brief should be supported by home education parents as they reduce red tape.



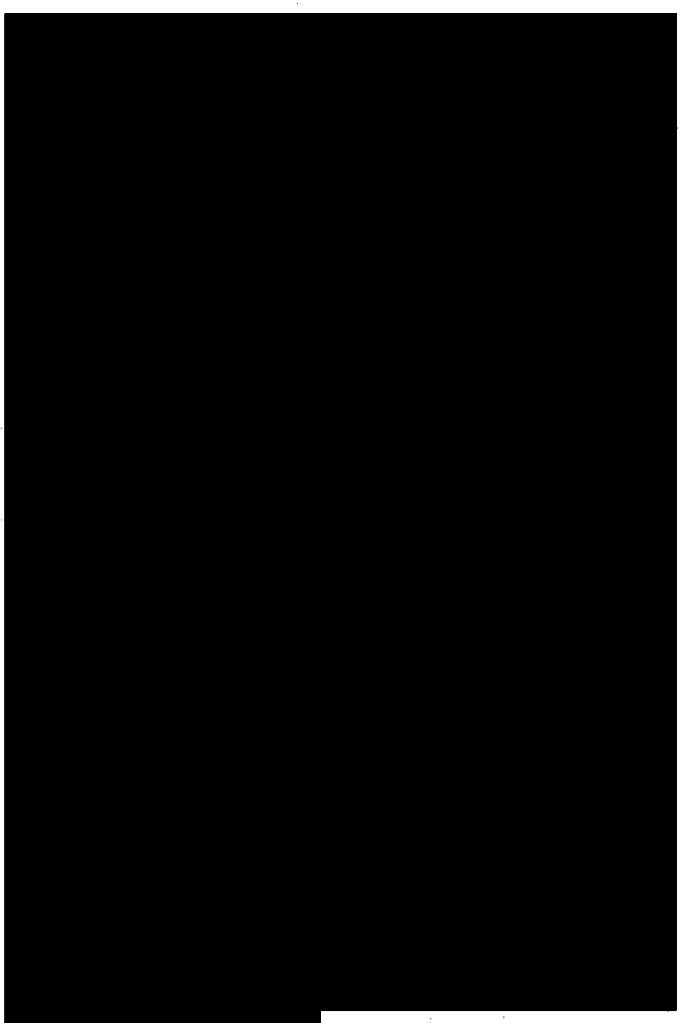
Natalle Howson Director-General

Deputy Director-General: Meredith Whitten	Phone:	6207 0384
Action Officer: Tracy Stewart	Phone:	6205 5511

Attachments

Attachment	Title	
Attachment A	Letter to the Chief Minister to request combined pass	<u> </u>
Attachment B	Proposed amendments to the Education Act 2004	
Attachment C	Cabinet timeline – combined pass submission	

UNCLASSIFIED



From: Jones, ChrisD

Sent: Friday, 8 September 2017 5:33 PM

To:

Cc:

Kimber, Bianca
Stewart, Tracy (DET); Kenney, Monique
Education Act 204 Amendments - Home Education [SEC=UNCLASSIFIED,
DLM=Sensitive: Cabinet] Subject:

The Directorate is wanting to make amendments for home education to remove automatic provisional registration and add a requirement that the child must be living in the ACT.

Chapter 5 details Home Education, suggested amendments are as the below table.

Section	Current	Action	Reason
130 Provisional registration for home education	(1) The parents of a child may apply, in writing, to the director-general for registration of the child for home education. (2) On receiving an application under subsection (1), the director-general must provisionally register the child for home education. (3) Provisional registration for home education ends — (a) 6 months after the day the provisional registration begins; or (b) if the child is registered sooner under section 131(3) — on the day the child is registered.	Remove + consequential amendments	This removes automatic approval for home registration, which is without any conditions for registration. It also removes the possibility that parents can reapply for provisional registration without progressing to a full registration process.
131 Registration for home education	(1) This section applies if a child is provisionally registered for home education under section 130. (2) Also, this section applies if – (a) the parents of a child apply in writing to the director-general for registration for home education; and (b) immediately before the application, the child was registered or approved (however described) under the law of a State or another Territory for home education.	Amend to: (2)a) The parents of a child living in the ACT may apply, in writing, to the director- general for registration of the child for home education.	These changes reflect the removal of section 130, and also insert a requirement that the child must be living in the ACT.

The policy intent is detailed for you below as background.

Automatic provisional registration

The change proposed for the home education registration process would be to remove the automatic provisional registration of six months upon request or application (section 130 (2)). Provisional registration must be granted by the Director-General, without exception.

Under the Act currently the registration (rather than provisional registration) of a child for home education is subject to the following conditions:

- a. the parents are to provide high-quality education;
- b. the parents must document the educational opportunities and strategies used in home education; and
- c. the parents must make available for inspection programs, materials and records if requested by the Director-General.

Currently, a child can be removed from schooling with no plan or evidence of appropriate education being provided in the home for the six month provisional registration period.

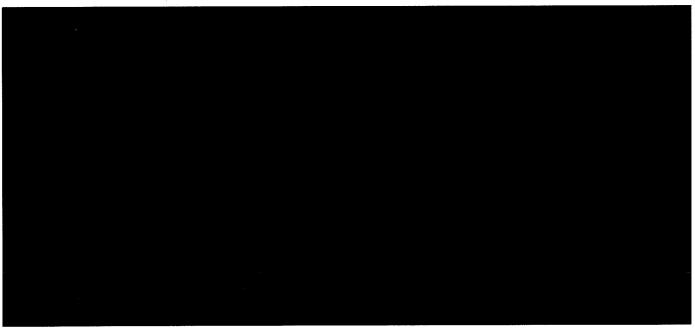
There is no limit on a parent applying for provisional registration. A parent may reapply for provisional registration upon expiry of the initial provisional registration period, and may continue to reapply. This avoids the requirement for the parent to apply for full registration and meet the requirements of full registration.

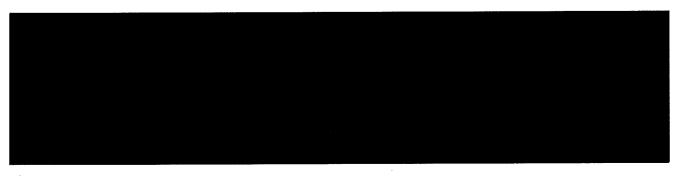
Removing the provisional registration process from the Act would mean that there would not be any automatic registration for home education. There would only be a one step process for registration. Registration for home education may by granted by the Director-General if satisfied that the conditions of registration will be complied with. Currently, this is not a difficult or extensive process.

This change would significantly strengthen the home education registration process, and would also reduce the administrative burden for families through implementation of a single step registration process.

The Education Directorate is particularly concerned that the automatic provisional registration allows children at risk to be removed from schooling and away from outside assistance or scrutiny.

The Directorate is also often unable to verify the education being provided in the home. There is a real risk to a child's long term educational outcomes if they can be removed at any time from schooling with no evidence of education being delivered in the home setting as would be required for full registration.





Chris D
Chris Jones | Senior Manager
Phone: 6207 0333 | chrisd.jones@act.gov.au
Ministerial and Commonwealth Relations | Education ACT Government
Level 6, 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601
www.det.act.gov.au



Mr Glenn Fowler Secretary Australian Education Union – ACT Branch PO Box 3042 MANUKA ACT 2603

glenn.fowler@aeuact.org.au

Proposed changes to legislation relating to home education registration

Dear Mr Fowler

I am writing to you about proposed legislative changes to home education registration being considered by the ACT Government.

The government is seeking to make home education registration more streamlined whilst ensuring children receive a high quality education in a safe and appropriate environment.

In response to recent feedback the Education Directorate is evaluating two changes to the *Education Act 2004* relating to home education registration.

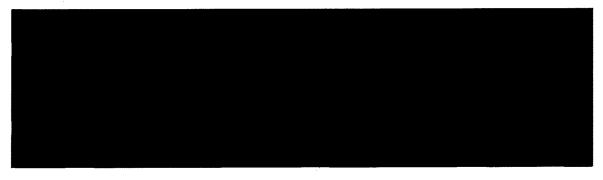
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Please provide any feedback you have on these proposed changes to Tracy Stewart, Director of Governance and Community Liaison at tracy.stewart@act.gov.au. Tracy can be contacted on 6205 5511 if you have any questions.

Please provide any feedback before Tuesday 3 October 2017.

Yours sincerely

Meredith Whitten
Deputy Director-General, Business Services Division
September 2017

LOV 17/1463

From: Gstrein, Kylie

Sent: Wednesday, 20 September 2017 3:30 PM

To: Whitten, Meredith; Jones, ChrisD

Subject: Correspondence re changes to home education legislation [SEC=UNCLASSIFIED]

Attachments: Correspondence from ACT Education Directorate - Proposed changes to legislation

[SEC=UNCLASSIFIED]; Correspondence from ACT Education Directorate - Proposed changes to legislation [SEC=UNCLASSIFIED]; Correspondence from ACT Education Directorate - Proposed changes to legislation [SEC=UNCLASSIFIED]; Correspondence

from ACT Education Directorate - Proposed changes to legislation

[SEC=UNCLASSIFIED]; Correspondence from ACT Education Directorate - Proposed

changes to legislation [SEC=UNCLASSIFIED]

Hi Chris and Meredith,

Jus emailing to confirm that the letters have been sent out today, copies attached for your info and also added to TRIM.

Kind regards,

Kylie

Kylie Gstrein | Executive Support Officer to

Meredith Whitten, Deputy Director-General

Business Services Division

Education Directorate | ACT Government

T: 02 6207 1278 | E: kylie.gstrein@act.gov.au

From:

Gstrein, Kylie

Sent:

Wednesday, 20 September 2017 3:26 PM

To:

'info@chec.org.au'

Subject:

Correspondence from ACT Education Directorate - Proposed changes to legislation

[SEC=UNCLASSIFIED]

Attachments:

EDU Correspondence - Consultation CHEC re home education changes September

2017 (002).pdf

Good afternoon,

Please see the attached correspondence from Ms Meredith Whitten, Deputy Director-General Business Services Division.

Kind regards, Kylie

Kylie Gstrein | Executive Support Officer to Meredith Whitten, Deputy Director-General Business Services Division Education Directorate | ACT Government T: 02 6207 1278 | E: kylie.gstrein@act.gov.au



Christian Home Education Canberra Inc (CHEC) info@chec.org.au

Dear CHEC Executive Committee

Proposed changes to legislation relating to home education registration

I am writing to you about proposed legislative changes to home education registration being considered by the ACT Government.

The government is seeking to make home education registration more streamlined whilst ensuring children receive a high quality education in a safe and appropriate environment.

In response to recent feedback the Education Directorate is evaluating two changes to the *Education Act 2004* relating to home education registration.

- Removal of provisional registration from the home education registration process.
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Please provide any feedback you have on these proposed changes to Tracy Stewart, Director of Governance and Community Liaison at tracy.stewart@act.gov.au. Tracy can be contacted on 6205 5511 if you have any questions.

Please provide any feedback before Tuesday 3 October 2017.



Meredith Whitten
Deputy Director-General, Business Services Division
20 September 2017

From:

Gstrein, Kylie

Sent:

Wednesday, 20 September 2017 3:26 PM

To:

'secretary@hea.edu.au'

Subject:

Correspondence from ACT Education Directorate - Proposed changes to legislation

[SEC=UNCLASSIFIED]

Attachments:

EDU Correspondence - Consultation HEA re home education changes September 2017

(002).pdf

Good afternoon,

Please see the attached correspondence from Ms Meredith Whitten, Deputy Director-General Business Services Division.

Kind regards,

Kylie

Kylie Gstrein | Executive Support Officer to

Meredith Whitten, Deputy Director-General

Business Services Division

Education Directorate | ACT Government

T: 02 6207 1278 | E: kylie.gstrein@act.gov.au



Home Education Association, Inc (HEA) secretary@hea.edu.au

Dear HEA Executive Committee

Proposed changes to legislation relating to home education registration

I am writing to you about proposed legislative changes to home education registration being considered by the ACT Government.

The government is seeking to make home education registration more streamlined whilst ensuring children receive a high quality education in a safe and appropriate environment.

In response to recent feedback the Education Directorate is evaluating two changes to the *Education Act 2004* relating to home education registration.

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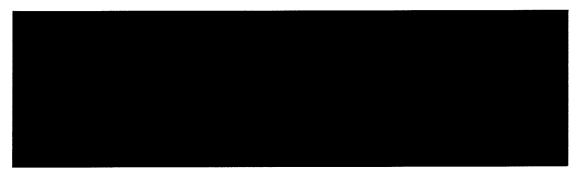
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Please provide any feedback before Tuesday 3 October 2017.

Yours sincerely

Meredith Whitten
Deputy Director-General, Business Services Division
20 September 2017

From:

Gstrein, Kylie

Sent:

Wednesday, 20 September 2017 3:25 PM

To:

'homeedconnectact@gmail.com'

Subject:

Correspondence from ACT Education Directorate - Proposed changes to legislation

[SEC=UNCLASSIFIED]

Attachments:

EDU Correspondence - Consultation ACTHE re home education changes September

2017 (002).pdf

Good afternoon,

Please see the attached correspondence from Ms Meredith Whitten, Deputy Director-General Business Services Division.

Kind regards, Kylie

Kylie Gstrein | Executive Support Officer to Meredith Whitten, Deputy Director-General **Business Services Division Education Directorate | ACT Government** T: 02 6207 1278 | E: kylie.gstrein@act.gov.au



The Canberra Home Education Liaison and Advocacy Group (ACTHE) homeedconnectact@gmail.com

Dear ACTHE Executive Committee

Proposed changes to legislation relating to home education registration

I am writing to you about proposed legislative changes to home education registration being considered by the ACT Government.

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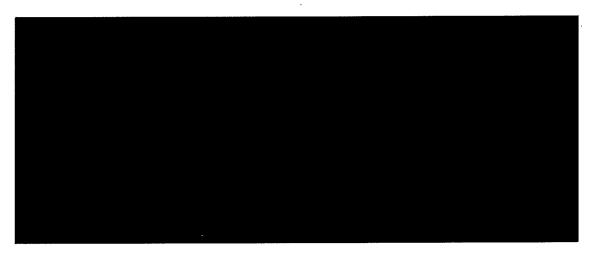
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Meredith Whitten
Deputy Director-General, Business Services Division
20 September 2017

From:

Gstrein, Kylie

Sent:

Wednesday, 20 September 2017 3:25 PM

To:

'Glenn Fowler'

Subject:

Correspondence from ACT Education Directorate - Proposed changes to legislation

[SEC=UNCLASSIFIED]

Attachments:

EDU Correspondence - Consultation AEU re home education changes September

2017.pdf

Good afternoon Mr Fowler,

Please see the attached correspondence from Ms Meredith Whitten, Deputy Director-General Business Services Division.

Kind regards, Kylie

Kylie Gstrein | Executive Support Officer to Meredith Whitten, Deputy Director-General Business Services Division Education Directorate | ACT Government T: 02 6207 1278 | E: kylie.gstrein@act.gov.au



Mr Glenn Fowler
Secretary
Australian Education Union – ACT Branch
PO Box 3042
MANUKA ACT 2603

glenn.fowler@aeuact.org.au

Dear Mr Fowler

Proposed changes to legislation relating to home education registration

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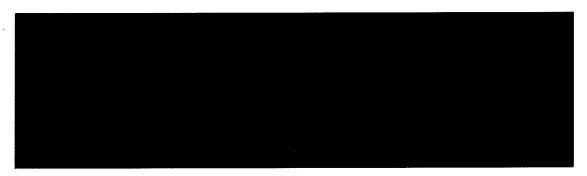
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To:

'secretary@hencast.org.au'

Subject:

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[SEC=UNCLASSIFIED]

Attachments:

EDU Correspondence - Consultation HENCAST re home education changes September

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Kind regards, Kylie

Kylie Gstrein | Executive Support Officer to Meredith Whitten, Deputy Director-General Business Services Division Education Directorate | ACT Government T: 02 6207 1278 | E: kylie.gstrein@act.gov.au



Home Education Network of Canberra and the Southern Tablelands (HENCAST) PO Box 590 Belconnen ACT 2616

Dear HENCAST Executive Committee

Proposed changes to legislation relating to home education registration

I am writing to you about proposed legislative changes to home education registration being considered by the ACT Government.

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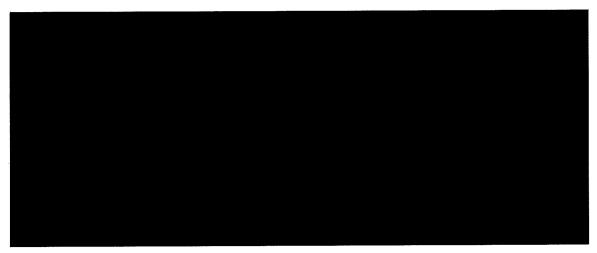
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This document has been exempt under Section 35 of the *Freedom of Information Act 1989*