

Legislative Council—No 134

As introduced and read a first time, 7 February 2024

South Australia

Education and Children's Services (Reporting Requirements) Amendment Bill 2024

A BILL FOR

An Act to amend the *Education and Children's Services Act 2019*.

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Part 13A—Reporting requirements for non-Government schools

132A Reporting requirements for non-Government schools

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Education and Children's Services (Reporting Requirements) Amendment Act 2024*.

Part 2—Amendment of *Education and Children's Services Act 2019*

2—Amendment of section 4—Application of Act to non-Government schools

Section 4(3)—delete "Each" and substitute:

10 Unless the contrary intention appears, each

3—Insertion of Part 13A

After Part 13 insert:

Part 13A—Reporting requirements for non-Government schools

132A—Reporting requirements for non-Government schools

15 (1) If a non-Government school receives public funding in a financial year, the governing authority of the school must, within 6 months after the end of the financial year (or such other period as may be agreed between the governing authority and the Chief Executive), provide a report to the Chief Executive containing the following information in relation to the relevant financial year:

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- (a) an audited statement of the income and expenditure of the school;
 - (b) details of the fees charged by the school;

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- (c) the rate of student attendance at the school, including the student attendance rates for the school as a whole and for each year level of students;
 - (d) the composition of the school's workforce, including—
 - (i) the number of staff who are teachers; and
 - (ii) the number of staff who are not teachers; and
 - (iii) the proportion of staff who do not directly work with students; and
 - (iv) the number of staff employed by the school on an ongoing, term, casual or contractual basis;
 - (e) the qualifications held by—
 - (i) staff who are teachers at the school; and
 - (ii) any other staff of the school employed on an ongoing, term or casual basis;
 - (f) the number of complaints received by the school about—
 - (i) the conduct of school staff; and
 - (ii) the conduct of students of the school; and
 - (iii) communication by the school; and
 - (iv) the provision of services by the school; and
 - (v) school policies;
 - (g) the number of notifiable incidents involving a student or member of staff of the school notified under section 38 of the *Work Health and Safety Act 2012*;
 - (h) the number of students who have been suspended or excluded from attendance at, or have been expelled from, the school;
 - (i) any other information prescribed by the regulations.
- (2) A report under subsection (1) must—
- (a) comply with any requirements prescribed by the regulations; and
 - (b) be included in an annual report that is made publicly available—
 - (i) on a website maintained by the relevant school; or
 - (ii) on a website, or in any other manner, determined by the Chief Executive,
- and must be kept publicly available for a period specified by the Chief Executive by notice in the Gazette.

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- (3) Information included in a report under subsection (1) must not identify any individual to whom the information relates, unless the information is already a matter of public knowledge.
- (4) Despite any other law of the State, if the governing authority of a non-Government school fails to provide a report required by subsection (1) or fails to comply with requirements under subsection (2), the school must not receive any public funding from the State until the governing authority of the school provides the report or complies with the requirements (as the case may be).
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- (5) For the avoidance of doubt, nothing in subsection (4) affects a requirement to provide public funding pursuant to a law of the Commonwealth.
- (6) In this section—
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- public funding*** means money received from the State or the Commonwealth by way of grant or loan;
- staff***, of a school, includes—
- (a) persons employed or engaged under a contract, agreement or other arrangement by the school; and
- (b) persons who carry out work for the school on a voluntary basis.
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- (7) The requirement to provide a report under subsection (1) only applies to, and in respect of, a financial year that commences after the commencement of this section.