

**Legislative Council—No 82**

As introduced and read a first time, 8 March 2023

South Australia

**Statutes Amendment (Children in Care) Bill 2023**

A BILL FOR

An Act to amend the *Children and Young People (Safety) Act 2017* and the *Education and Children's Services Act 2019*.

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Statutes Amendment (Children in Care) Act 2023*.

## **Part 2—Amendment of *Children and Young People (Safety) Act 2017***

### **2—Insertion of section 15A**

After section 15 insert:

#### **15A—Minister to report on educational attainment of children and young people in care**

- (1) The Minister must, not later than 31 March in each year, cause a report to be prepared and provided to the Minister setting out—
- (a) statistical data detailing the educational attainments of each child or young person in care during the preceding school year; and
  - (b) aggregated statistical data comparing the educational attainments of children and young people in care with the educational attainments of children and young people in the State generally; and
  - (c) any emerging trends or recurring themes in relation to the educational attainments of children and young people in care; and

- (d) any other information required by the regulations for the purposes of this paragraph.
- (2) However, a report under this section must not directly or indirectly disclose the identity of a child or young person in care.
- 5 (3) The Minister must, as soon as is reasonably practicable after receiving a report under this section, cause a copy of the report to be published on a website determined by the Minister.
- (4) The Minister must, within 6 sitting days after receiving a report under this section, cause a copy of the report to be laid before each  
10 House of Parliament.
- (5) The requirements of this section are in addition to any other reporting obligations of the Minister.
- (6) This section will be taken not to apply in relation to the 2023 school year.
- 15 (7) In this section—  
*educational attainments* means—
- (a) awarding of the South Australian Certificate of Education (within the meaning of the *SACE Board of South Australia Act 1983*); or
- 20 (b) completion of studies that lead to awarding of the South Australian Certificate of Education; or
- (c) participation in an approved learning program (within the meaning of the *Education and Children's Services Act 2019*); or
- 25 (d) awarding or achievement of, or participation in, any other educational program prescribed by the regulations,  
and includes a failure to achieve such an award, or to complete or participate in such a program.

## Part 3—Amendment of *Education and Children's Services Act 2019*

### 3—Insertion of Part 3A

After section 15 insert:

#### **Part 3A—Ministerial cooperation in relation to education of children in residential facilities**

##### **15A—Annual meeting with Minister responsible for *Children and Young People (Safety) Act 2017***

- (1) The Minister must, at least once in each 12 month period, meet with the Minister to whom the administration of the *Children and Young People (Safety) Act 2017* is committed.

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- (2) Without limiting the matters that may be discussed, the Ministers must discuss the following matters at each meeting:
- (a) the number of children currently living in residential facilities throughout the State;
  - 10 (b) any changes in trends relating to—
    - (i) the average age of children currently living in residential facilities; and
    - (ii) the gender of such children; and
    - (iii) the average length of time for which such children have been living in a residential facility; and
    - 15 (iv) the location of schools at which such children are enrolled; and
    - (v) school attendance of such children; and
    - (vi) academic outcomes for such children;
  - (c) any developments in the challenges generally faced by children living in residential facilities in attending school.
- (3) Without limiting subsection (2), the Minister may, in the course of a meeting, discuss matters relating to a specific child.
- 20 (4) Each Minister must, as soon as is reasonably practicable after a meeting, provide to the Chief Executive of the Department responsible for assisting the Minister in the administration of this Act or the *Children and Young People (Safety) Act 2017* (as the case requires) a summary of the meeting, including information setting out any actions to be taken arising out of the meeting.
- 25 (5) In this section—
- residential facility* means a licenced children's residential facility within the meaning of the *Children and Young People (Safety) Act 2017*.

### 15B—Ministerial Report

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- (1) The Minister must, on or before 31 March in each year, cause a report on the operation of this Part to be prepared in relation to the 12 months ending on 31 December in the preceding year.
- (2) A report prepared under this section must not contain information that identifies a child, or from which the identity of a child can be ascertained.
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- (3) The Minister must, within 12 sitting days after a report being prepared under this section, have copies of the report laid before both Houses of Parliament.