

South Australia

# Education (Materials and Services Charges) Amendment Act 2003

An Act to amend the *Education Act 1972*.

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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 *Education (Materials and Services Charges) Amendment Act 2003*.

### 2—Commencement

This Act will come into operation on 30 November 2003.

### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Education Act 1972***

### **4—Amendment of section 14—Report**

Section 14—after subsection (1) insert:

- (1a) The report must include a report on the operation of section 106A during the period to which the report relates.

### **5—Substitution of section 106A**

Section 106A—delete the section and substitute:

#### **106A—Materials and services charges for curricular activities**

- (1) Materials and services charges may be imposed in accordance with this section for each student enrolled for the whole or part of a calendar year in a course of instruction in primary or secondary education provided at a Government school in accordance with the curriculum determined by the Director-General.
- (2) Different materials and services charges may be imposed according to the year level or courses of instruction for which a student is enrolled or any other factor and materials and services charges may be imposed from time to time throughout a year.
- (3) Administrative instructions may be given under section 96 in respect of the materials and services for which materials and services charges may be imposed.
- (4) No materials and services charge may be imposed to recover the costs of teachers' salaries, teachers' materials or the provision of school buildings or fittings.
- (5) The basis on which materials and services charges are proposed to be fixed must be disclosed by the head teacher of the school to the school council and the amount of the proposed charges must be approved by the school council.
- (6) Liability for a materials and services charge is to be determined as follows:
  - (a) if the student is not an adult, the parents of the student are jointly and severally liable for the charge;
  - (b) if the student is an adult—
    - (i) in the case of a student who is a dependant of his or her parents—the student and the parents are jointly and severally liable for the charge;
    - (ii) in any other case—the student is liable for the charge.

- (7) The student, or the parents of the student, must be given written notice of a materials and services charge payable in respect of the student that—
  - (a) specifies the amount of the charge; and
  - (b) identifies the amount of the charge (if any) that is payable for materials or services that will only be provided to or for the student on payment, or an agreement for payment; and
  - (c) specifies the period, being not less than 14 days from the date of the notice, within which payment is required; and
  - (d) is in a form approved by the Director-General.
- (8) In approving the form of the notice, the Director-General must endeavour to ensure that the notice is designed to be informative about the materials and services to be provided for the charge and the materials and services that may not be provided by reason of non-payment of, or failure to agree to pay, the whole or a part of the charge.
- (9) A student is not to be refused materials or services considered necessary for curricular activities that form part of the core of activities in which students are required to participate by reason of non-payment of a materials and services charge.
- (10) A materials and services charge is recoverable as a debt due to the school council—
  - (a) to the extent that, when aggregated with other materials and services charges for the student for the calendar year to which the charge relates and disregarding amounts identified under subsection (7)(b), it does not exceed the prescribed sum; and
  - (b) to the extent that it consists of amounts identified under subsection (7)(b) that the person liable for the charge has agreed to pay.
- (11) Subject to any directions of the Director-General, the head teacher of a Government school may, in a particular case or class of cases—
  - (a) allow a materials and services charge to be paid by instalments; or
  - (b) waive or reduce a materials and services charge; or
  - (c) refund a materials and services charge in whole or in part.
- (12) In any legal proceedings, an apparently genuine document purporting to be a certificate signed by the head teacher of a Government school certifying that a specified amount of a materials and services charge payable by a specified person is outstanding at a specified date constitutes proof of the matters so certified in the absence of proof to the contrary.

(13) The Director-General must, at the request of a school council, make services available (free of charge) to the school council for the recovery of outstanding materials and services charges.

(14) In this section—

*CPI* means the Consumer Price Index (All Groups) for the City of Adelaide published by the Australian Bureau of Statistics;

*prescribed sum* means—

- (a) the standard sum; or
- (b) if the Director-General has, on application by the school council, approved in writing an amount greater than the standard sum in respect of students enrolled at the particular school for the whole or part of the calendar year—that approved amount;

*relevant indexation factor* means 1 or the quotient obtained by dividing the CPI for the quarter ending 30 June in the year immediately preceding the year for which the materials and services charges are payable by the CPI for the quarter ending 30 June 2003, whichever is the greater;

*standard sum* means—

- (a) in the case of a student enrolled at a primary level—\$166 multiplied by the relevant indexation factor; or
- (b) in the case of a student enrolled at a secondary level—\$223 multiplied by the relevant indexation factor,

or, if some other amount is prescribed by regulation, that amount.

(15) A school council must not make an application to the Director-General for approval of an amount greater than the standard sum unless all persons who, in the opinion of the council would be liable for the greater amount if approved, have been given an opportunity to participate in a poll on the matter and the application is supported by a majority of the persons who responded to the poll.

(16) This section will expire on 1 September 2005.

## **6—Amendment of section 106C—Certain other payments unaffected**

Section 106C(a)(iii)—delete subparagraph (iii)

## **7—Repeal of section 106D**

Section 106D—delete the section

## **8—Amendment of section 107—Regulations**

Section 107(2)(h)—delete "books and materials for" and substitute:

stationery, books, apparatus, equipment, organised activities or other materials or services to or for