

South Australia

## **Education and Children's Services (Miscellaneous) Variation Regulations 2021**

under the *Education and Children's Services Act 2019*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Education and Children's Services (Miscellaneous) Variation Regulations 2021*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

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### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Education and Children's Services Regulations 2020*

### 4—Variation of regulation 12—Enrolment in Government schools

- (1) Regulation 12(1)—delete "For the purposes of section 60(1) of the Act, the enrolment of a child" and substitute:

The enrolment of a student
- (2) Regulation 12(2)(e)—delete "children" substitute:

students
- (3) Regulation 12(4)—delete subregulation (4) and substitute:
  - (4) Without limiting this regulation (and subject to a policy of the Minister published under this regulation), the enrolment of a child who is under 6 years of age must comply with any policy of the Chief Executive relating to such enrolments.

### 5—Insertion of regulation 16A

After regulation 16 insert:

#### **16A—Report provided to principal by other principal in respect of specified child**

Pursuant to section 67(2) of the Act, a notice under subsection (1) of section 67 must comply with any guidelines published by the Minister, as in force from time to time, as to the kind of information that may, or may not be, the subject of a request for inclusion in a report provided under that subsection.

### 6—Insertion of Part 6 Division 6A

After regulation 32—insert:

#### **Division 6A—Registration of student exchange programs**

##### **32A—Registration of student exchange programs—fees and waiver and remission of fees**

- (1) The fees set out in Schedule 1A are prescribed for the purposes of sections 85(2) and 86(1) of the Act, and are payable in accordance with that Schedule.
- (2) The Education and Early Childhood Services Registration and Standards Board of South Australia established under the *Education and Early Childhood Services (Registration and Standards) Act 2011* may waive or remit the whole or any part of a fee payable under sections 85 or 86 of the Act.

## 7—Revocation of regulation 49

Regulation 49—delete the regulation

## 8—Variation of regulation 72—Responsibilities of principals etc and officers of the teaching service

- (1) Regulation 72(1)—after paragraph (e) insert:
  - (ea) in the case of a principal—the monitoring, identifying and reporting of the failure of students to attend at the school;
- (2) Regulation 72(2)—after paragraph (a) insert:
  - (ab) in the case of an officer of the teaching service employed at a school—the monitoring, identifying and reporting of the failure of students to attend at the school;

## 9—Variation of regulation 78—Certain decisions not reviewable

Regulation 78—after paragraph (j) insert:

- (ja) a determination of, or that relates to, the period of probation of an officer of the teaching service;

## 10—Variation of regulation 81—Prescribed amount

- (1) Regulation 81—after subregulation (1) insert:
  - (1a) The prescribed amount calculated in accordance with this regulation is to be rounded to the nearest dollar.
- (2) Regulation 81(2)—after the definition of *relevant indexation factor* insert:

*rounded to the nearest dollar* means that, where the calculated amount is not an exact multiple of 1 dollar, it is to be rounded up or down to the nearest multiple of 1 dollar (and if the amount to be rounded is 50 cents or more, then the amount is to be rounded up).

## 11—Variation of regulation 84—Charges for certain overseas and non-resident students

Regulation 84—after paragraph (b) insert:

- (c) a student visa that is—
  - (i) a Subclass 500 (Student) visa that relates to study in the vocational education and training, higher education or postgraduate research sectors; or
  - (ii) a Subclass 572 (Vocational Education and Training Sector) visa; or
  - (iii) a Subclass 573 (Higher Education Sector) visa; or
  - (iv) a Subclass 574 (Postgraduate Research Sector) visa.

## 12—Variation of regulation 89—Person responsible for student to notify principal of school etc where change in information

Regulation 89—after subregulation (2) insert:

- (2a) A person who gives notification under subregulation (1) must provide such further information or documents as may be required by the principal of the school or the head of the approved learning program (as the case requires) to verify the change in the information to which the notification relates.

## 13—Variation of regulation 92—Records and documents property of Minister

- (1) Regulation 92(3), definition of *prescribed Government records and documents*, paragraph (a)—delete "relating to" and substitute:

of

- (2) Regulation 92(3), definition of *prescribed Government records and documents*, paragraph (b)—delete "relating to" and substitute:

of

- (3) Regulation 92(3), definition of *prescribed Government records and documents*, paragraph (c)—delete "relating to" and substitute:

of

## 14—Insertion of Schedule 1A

After Schedule 1 insert:

### Schedule 1A—Fees (Registration of student exchange organisations)

#### 1—Preliminary

- (1) In this Schedule—

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

*relevant indexation factor* means—

- (a) 1; or
- (b) the quotient obtained by dividing the CPI for the quarter ending 30 September in the year immediately preceding the year for which a particular fee is payable by the CPI for the quarter ending 30 September 2021,

whichever is the greater;

*rounded to the nearest dollar* means that, where the calculated amount is not an exact multiple of 1 dollar, it is to be rounded up or down to the nearest multiple of 1 dollar (and if the amount to be rounded is 50 cents or more, then the amount is to be rounded up).

- (2) For the purposes of this Schedule, if the amount of a prescribed fee is followed by the word (indexed), the amount of the prescribed fee will be taken to be—
- (a) until 31 December 2022—the amount so prescribed; and
  - (b) in relation the period of 12 months commencing on 1 January 2023—the amount of the fee so prescribed multiplied by the relevant indexation factor; and
  - (c) in relation to the period of 12 months commencing on 1 January in any subsequent year—the amount of the fee for the preceding period of 12 months ending on 1 December multiplied by the relevant indexation factor.
- (3) The amount of a fee payable in accordance with this Schedule is to be rounded to the nearest dollar.

## 2—Fees

1	Application fee for registration as a student exchange organisation (section 85(2)(c) of the Act)	\$2 500 (indexed)
2	Annual registration fee (section 86(1) of the Act)	\$300 (indexed)

### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

## Made by the Governor

with the advice and consent of the Executive Council  
on 1 July 2021

No 102 of 2021