Legislative Council—No 40
As received from the House of Assembly and read a first time, 29 October 2026

South Australia

Education and Children's Services (Miscellaneous) Amendment Bill 2026

A BILL FOR

An Act to amend 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 *Education and Children's Services (Miscellaneous) Amendment Act 2026*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

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

3—Amendment of section 3—Interpretation

(1) Section 3(1), definition of ***approved learning program***, (d)—delete "(within the meaning of the *South Australian Skills Act 2008*)" and substitute:

within the meaning of the *South Australian Skills Act 2008*

(2) Section 3(1), definition of ***approved learning program***, (e)—delete "(within the meaning of the *South Australian Skills Act 2008*)" and substitute:

within the meaning of the *South Australian Skills Act 2008*

(3) Section 3(1), definition of ***director***—before "children's services" wherever occurring insert:

stand-alone

(4) Section 3(1), first definition of ***governing council***—before "children's services" first occurring insert:

stand-alone

(5) Section 3(1)—before the definition of ***Government preschool*** insert:

Government children's services centre means a school-based children's services centre or a stand-alone children's services centre;

(6) Section 3(1)—after the definition of ***school*** insert:

school-based children's services centre means a children's services centre (other than a preschool) established under section 17A as a part of, and providing children's services (other than preschool education) at, a Government school;

(7) Section 3(1)—after the definition of ***special school*** insert:

stand-alone children's services centre means a children's services centre established under this Act that is not a school-based children's services centre;

4—Amendment of section 7—Objects and principles

Section 7(4)(g)—before "children's services" second occurring insert:

Government

5—Amendment of section 8—Functions of Chief Executive

Section 8(1)(b)—before "children's services" insert:

Government

6—Amendment of section 9—Administrative instructions

(1) Section 9(1)—before "children's services" insert:

stand-alone

(2) Section 9(2)—delete subsection (2)

7—Amendment of section 10—Model constitutions

(1) Section 10(1)(a)—after "preschool" insert:

or school-based children's services centre

(2) Section 10(1)(b)—after "preschool" insert:

(and without a school-based children's services centre)

(3) Section 10(1)—after paragraph (b) insert:

(ba) a model constitution for the governing councils of schools with a school-based children's services centre (and without a school-based preschool);

(bb) a model constitution for the governing councils of schools with a school-based preschool and a school-based children's services centre;

(4) Section 10(1)(d)—before "children's services" insert:

stand-alone

8—Amendment of section 13—Chief Executive may require information

Section 13(3)—before "children's services" first occurring insert:

stand-alone

9—Amendment of section 14—Sharing of information between certain persons and bodies

Section 14(1)(d)—before "children's services" insert:

stand-alone

10—Insertion of Part 4 Division 1A

Part 4—after Division 1 insert:

Division 1A—School-based children's services centres

17A—Minister may establish school-based children's services centres

(1) The Minister may establish such school-based children's services centres (other than preschools) as the Minister thinks fit.

Note—

For school-based preschools see section 16.

(2) A school-based children's services centre—

(a) must be established in relation to the school specified by the Minister; and

(b) must provide children's services of a kind or kinds (other than the provision of preschool education) at the school, as specified by the Minister; and

(c) will, for the purposes of this Act, be taken to form part of the specified school,

(and for the purposes of this Act and the *Education and Early Childhood Services (Registration and Standards) Act 2011* or any other Act or law, a reference to the school will, unless the contrary intention is indicated, be taken to include a reference to the school-based children's services centre).

(3) A school-based children's services centre—

(a) may consist of such number of campuses or sites as the Minister thinks fit; and

(b) need not be located at the same campus or site as the specified school at which it is established.

(4) To avoid doubt, if a school-based children's services centre consists of more than 1 campus or site, an individual campus or site will be taken not to constitute a separate children's services centre for the purposes of the *Education and Early Childhood Services (Registration and Standards) Act 2011* or any other Act or law.

17B—Governing councils of school-based children's services centres

(1) Subject to this Act, the governing council of the school at which a school-based children's services centre is established is the governing council for the school-based children's services centre.

(2) If the Minister establishes a school-based children's services centre at an existing school, the Minister—

(a) must appoint to the governing council of the school such number of persons who are responsible for children attending, or who are to attend, the children's services centre as the Minister considers appropriate to represent the children's services centre; and

(b) must take such action under section 40 as the Minister thinks fit to ensure the constitution of the governing council reflects the establishment of the children's services centre; and

(c) must comply with any other requirements set out in the regulations.

(3) If the Minister establishes a school-based children's services centre at a new school, the Minister must ensure that the governing council of the school established under section 34 includes such number of persons who are responsible for children attending, or who are to attend, the children's services centre as the Minister considers appropriate to represent the children's services centre.

11—Amendment of heading to Part 4 Division 2

Heading to Part 4 Division 2—before "children's services" insert:

stand-alone

12—Amendment of section 18—Minister may establish stand-alone preschools and children's services centres

(1) Section 18, heading—before "children's services" insert:

stand-alone

(2) Section 18(2)—before "children's services" insert:

stand-alone

(3) Section 18(3)—before "children's services" insert:

stand-alone

(4) Section 18(4)—before "children's services" first occurring insert:

stand-alone

13—Amendment of section 19—Governing councils of stand-alone preschools and children's services centres

(1) Section 19, heading—before "children's services" insert:

stand-alone

(2) Section 19(1)—before "children's services" insert:

stand-alone

(3) Section 19(2)—before "children's services" wherever occurring insert:

stand-alone

(4) Section 19(3)—before "children's services" insert:

stand-alone

(5) Section 19(4)—before "children's services" insert:

stand-alone

(6) Section 19(5)—before "children's services" insert:

stand-alone

(7) Section 19(6)—before "children's services" insert:

stand-alone

14—Amendment of section 20—Composition of governing councils of stand-alone preschools and children's services centres

(1) Section 20, heading—before "children's services" insert:

stand-alone

(2) Section 20(1)—before "children's services" first occurring insert:

stand-alone

(3) Section 20(2)—before "children's services" insert:

stand-alone

(4) Section 20(3)—before "children's services" wherever occurring insert:

stand-alone

(5) Section 20(4)—before "children's services" insert:

stand-alone

15—Amendment of section 21—Approval of constitutions by Minister

(1) Section 21(1)—before "children's services" insert:

stand-alone

(2) Section 21(3)(b)—before "children's services" insert:

stand-alone

16—Amendment of section 22—Amendment of constitutions

(1) Section 22(1)—before "children's services" insert:

stand-alone

(2) Section 22(3)—before "children's services" insert:

stand-alone

(3) Section 22(5)—before "children's services" insert:

stand-alone

17—Amendment of section 23—Functions and powers of governing councils

Section 23—before "children's services" first occurring insert:

stand-alone

18—Amendment of section 24—Limitations on powers of governing councils

(1) Section 24(1)—before "children's services" insert:

stand-alone

(2) Section 24(2)—before "children's services" insert:

stand-alone

(3) Section 24(3)—before "children's services" first occurring insert:

stand-alone

(4) Section 24(3)(b)—before "children's services" first occurring insert:

stand-alone

(5) Section 24(3)(c)—before "children's services" insert:

stand-alone

(6) Section 24(4)—before "children's services" first occurring insert:

stand-alone

(7) Section 24(5)—before "children's services" first occurring insert:

stand-alone

(8) Section 24(6)—before "children's services" insert:

stand-alone

19—Amendment of section 26—Continuation of registered children's services centres

Section 26(1)—at the foot of subsection (1) insert:

Note—

A registered children's services centre continued under this subsection as a children's services centre established under this Act is taken to have continued as a stand-alone children's services centre (see Schedule 1 clause 3 of the *Education and Children's Services (Miscellaneous) Amendment Act 2026*).

20—Amendment of section 26A—Minister may declare certain stand-alone preschools or children's services centres to have been established under Act

(1) Section 26A(1)—before "children's services" second occurring insert:

stand-alone

(2) Section 26A(3)(a)—before "children's services" insert:

stand-alone

(3) Section 26A(3)(e)—before "children's services" second occurring insert:

stand-alone

21—Amendment of section 27—Minister may remove member of governing council

Section 27—before "children's services" insert:

stand-alone

22—Amendment of section 28—Minister may prohibit or limit performance of functions etc by governing council

(1) Section 28(1)—before "children's services" insert:

stand-alone

(2) Section 28(2)—before "children's services" insert:

stand-alone

23—Amendment of heading to Part 4 Division 5

Heading to Part 4 Division 5—before "children's services" insert:

stand-alone

24—Amendment of section 29—Closure of stand-alone preschools and children's services centres

(1) Section 29, heading—before "children's services" insert:

stand-alone

(2) Section 29(1)—before "children's services" wherever occurring insert:

stand-alone

(3) Section 29(2)—before "children's services" insert:

stand-alone

(4) Section 29(3)—before "children's services" first occurring insert:

stand-alone

(5) Section 29(4)—before "children's services" second occurring insert:

stand-alone

(6) Section 29(5)—before "children's services" first occurring insert:

stand-alone

(7) Section 29(5a)—before "children's services" insert:

stand-alone

(8) Section 29(6)—before "children's services" insert:

stand-alone

(9) Section 29(7)—before "children's services" insert:

stand-alone

25—Amendment of section 30—Conflict of interest

(1) Section 30(1)—before "children's services" insert:

stand-alone

(2) Section 30(2)—before "children's services" insert:

stand-alone

(3) Section 30(3)—before "children's services" insert:

stand-alone

26—Amendment of section 31—Accounts may be audited

Section 31—before "children's services" insert:

stand-alone

27—Amendment of section 32—Corporal punishment prohibited

Section 32(2)—before "children's services" insert:

Government

28—Amendment of section 35—Composition of governing councils of schools

Section 35—after subsection (6) insert:

(7) If a school includes, or is to include, a school-based children's services centre, the governing council will be taken to include any persons appointed under section 17B(2).

29—Amendment of section 90—Application of Part

Section 90(1)(a)—delete "Government or" and substitute:

Government school or a

30—Amendment of section 91—Offensive, disorderly, intimidating or threatening behaviour

Section 91(5), definition of ***prescribed person***, (b)—before "children's services" insert:

stand-alone

31—Amendment of section 93—Power to bar person from premises, etc

(1) Section 93(7)(b)—before "children's services" wherever occurring insert:

stand-alone

(2) Section 93(9)(a)—before "children's services" insert:

Government

(3) Section 93(15), definition of ***designated person***, (b)—before "children's services" first occurring insert:

stand-alone

(4) Section 93(15), definition of ***prescribed person***, (b)—before "children's services" insert:

stand-alone

32—Amendment of section 94—Review of barring notice by Minister

Section 94(5)—delete subsection (5) and substitute:

(5) Subsection (1) does not apply to a barring notice insofar as the notice relates to, or is made in respect of, the premises or related premises of, staff or other persons employed at, or online platforms controlled by or set up in relation to—

(a) a non-Government school; or

(b) a non-Government preschool; or

(c) a non-Government approved education and care service; or

(d) a non-Government approved learning program.

33—Amendment of section 95—Certain persons may restrain, remove from or refuse entry to premises

(1) Section 95(3a)(b)—before "children's services" wherever occurring insert:

stand-alone

(2) Section 95(4), definition of ***prescribed person***, (b)—before "children's services" insert:

stand-alone

34—Substitution of Part 13 Division 1

Part 13 Division 1—delete Division 1 and substitute:

Division 1—Charges for particular subject, course of instruction or program

129—Charges in relation to particular subject, course of instruction or program

(1) A school may impose a charge in respect of a particular subject, course of instruction or program undertaken or to be undertaken by a student enrolled at the school that forms part of the curriculum determined by the Chief Executive for the purposes of this Act.

(2) The following provisions apply in relation to a charge imposed, or proposed to be imposed under subsection (1):

(a) the school must not impose a charge—

(i) to recover the salaries or material costs of teachers; or

(ii) for the provision or maintenance of school buildings, facilities or fittings; or

(iii) for any other matter or thing prescribed by the regulations;

(b) a charge may be imposed from time to time throughout the calendar year;

(c) the principal of the school may, in accordance with the requirements of any policy issued by the Chief Executive, determine any charges that are to apply for a particular subject, course of instruction or program in consultation with the governing council of the school;

(d) the amount of any proposed charge for a particular subject, course of instruction or program must be approved by the governing council for the school before it can be imposed.

(3) Liability for a charge imposed under subsection (1) is to be determined as follows:

(a) in the case of a student who is not an adult—each person who is responsible for the student is jointly and severally liable for the charge;

(b) in the case of an adult student—

(i) if the student is a dependant of a person who is responsible for the student—the student and the person who is responsible for the student are jointly and severally liable for the charge; or

(ii) in any other case—the student is liable for the charge.

(4) A charge imposed under subsection (1) is recoverable as a debt due to the governing council of the school.

(5) Subject to any directions of the Chief Executive, the principal of a school may wholly or partly waive, reduce or refund a charge imposed under subsection (1), or allow the charge to be paid by instalments.

(6) In this section—

person who is responsible for the student does not include a person standing in *loco parentis* to the student.

35—Amendment of section 131—Certain other charges etc unaffected

(1) Section 131(a)(ii)—after "activities" insert:

or ancillary items

(2) Section 131(a)(ii)—at the foot of subparagraph (ii) insert:

Note—

Examples of extra-curricular activities or ancillary items include camps, excursions, school social events and graduation ceremonies, specialist sports coaching, private instrumental tuition, hire or purchase of laptops or other electronic devices for the use of a student and school uniforms.

(3) Section 131(d)—before "the Chief Executive" insert:

subject to any regulations made under subsection (2),

(4) Section 131—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

(2) The regulations may prescribe matters or things for which, or circumstances in which, the Chief Executive, or the principal or governing council of a Government school, may not invite or receive voluntary payments from persons responsible for students, students or others for the purposes of the school.

36—Amendment of section 134—Use of certain school premises etc for both school and community purposes

(1) Section 134, heading—before "community" insert:

sport, recreation, the arts and cultural and

(2) Section 134(a)—delete paragraph (a) and substitute:

(a) permit the land, buildings or facilities of a Government stand-alone preschool or Government stand-alone children's services centre to be used for sport, recreation, the arts and cultural and community purposes on terms and conditions determined by the Minister;

(3) Section 134—before its present contents as amended by this section (now to be designated as subsection (4)) insert:

(1) Subject to any guidelines issued by the Minister, a Government school is to make the school's land, buildings and facilities available for use for sport, recreation, the arts and cultural and community purposes outside of school hours when they are not being used by the school.

(2) The use of a Government school's land, buildings or facilities under subsection (1) will be on terms and conditions determined by the Minister.

(3) Guidelines issued by the Minister for the purposes of subsection (1)—

(a) may, without limitation, make provision for or in relation to—

(i) matters to be considered in determining the use of, or access to, school land, buildings or facilities; and

(ii) the safe use and security of school land, buildings or facilities; and

(iii) the resolution of disputes in relation to the use or potential use of, or access or potential access to, school land, buildings or facilities; and

(b) must be published on a website determined by the Minister.

37—Insertion of section 134A

After section 134 insert:

134A—Standards relating to planning and design of Government schools

(1) The Chief Executive must issue standards relating to the planning and design of Government schools.

(2) Without limiting the matters that may be included in standards issued by the Chief Executive, the standards must include requirements regarding the planning and design of Government schools to facilitate the use of school land, buildings and facilities for sport, recreation, the arts and cultural and community purposes.

(3) Standards issued under this section must be published on a website determined by the Chief Executive.

38—Amendment of section 139—Evidentiary provisions

Section 139(2)(f)—before "children's services" insert:

stand-alone

39—Amendment of section 141—Regulations

(1) Section 141(2)(b)—before "children's services" insert:

Government

(2) Section 141(2)(c)—before "children's services" insert:

Government

(3) Section 141(2)(d)—before "children's services" insert:

Government

(4) Section 141(2)(h)—before "children's services" insert:

Government

(5) Section 141(2)(i)—before "children's services" insert:

Government

(6) Section 141(2)(n)—before "children's services" insert:

Government

(7) Section 141(2)(o)—before "children's services" insert:

Government

(8) Section 141(2)(p)—before "children's services" insert:

Government

(9) Section 141(2)(q)—before "children's services" insert:

Government

(10) Section 141(2)(r)—before "children's services" insert:

Government

(11) Section 141(2)(s)—before "children's services" insert:

Government

(12) Section 141(3)(c)—after "this Act" insert:

or the *Education and Children's Services (Miscellaneous) Amendment Act 2026*

(13) Section 141(4)— after "this Act" insert:

or, in the case of a provision consequent upon the enactment of the *Education and Children's Services (Miscellaneous) Amendment Act 2026* from the commencement of that Act,

Schedule 1—Savings and transitional provisions

1—Interpretation

In this Schedule—

principal Act means the *Education and Children's Services Act 2019*.

2—Children's services centres established under section 18 of principal Act

A children's services centre established by the Minister under section 18(2) of the principal Act before the commencement of this clause will be taken to be a stand-alone children's services centre.

3—Registered children's services centres continued under section 26 of principal Act

A registered children's services centre that has been continued as a children's services centre established under the Act by section 26 of the principal Act is to be taken to have been continued as a stand-alone children's services centre established under the Act (and a reference in the principal Act to a children's services centre continued under section 26, or continued under Part 4 Division 3, will be taken to refer to a stand-alone children's services centre as so continued).

4—Recovery of outstanding materials and services charges

For the avoidance of doubt, a materials and services charge payable under section 129 of the principal Act as in force immediately before the commencement of this clause that remains unpaid immediately before that commencement is recoverable under that section as so in force.