

South Australia

Education and Children's Services (Enrolment and Attendance) Amendment Bill 2025

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

- 5 This Act may be cited as the *Education and Children's Services (Enrolment and Attendance) Amendment Act 2025*.

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 60—Children of compulsory school age must be enrolled in school

Section 60—after subsection (4) insert:

- (5) Proceedings for an offence against this section cannot be commenced against a person responsible for a child who is not enrolled as required by subsection (1) unless the Chief Executive, or a person authorised by the Chief Executive, has, in a manner and form determined by the Minister, given the person written notice—
 - (a) outlining the person's obligations in respect of the child's enrolment; and
 - (b) warning the person that they are not in compliance with the Act and may be prosecuted if the child is not enrolled as required by subsection (1).

4—Amendment of section 61—Children of compulsory education age must be enrolled in approved learning program

Section 61—after subsection (5) insert:

- (6) Proceedings for an offence against this section cannot be commenced against a person responsible for a child who is not enrolled as required by subsection (1) unless the Chief Executive, or a person authorised by the Chief Executive, has, in a manner and form determined by the Minister, given the person written notice—
 - (a) outlining the person's obligations in respect of the child's enrolment; and
 - (b) warning the person that they are not in compliance with the Act and may be prosecuted if the child is not enrolled as required by subsection (1).

5—Amendment of section 66—Chief Executive may require further information relating to child

Section 66(2)—delete "medical certificates, or other personal information, relating to a child." and substitute:

, but is not limited to, any of the following:

- (a) medical certificates, reports or advice relating to a child;
- (b) reports relating to the mental, emotional and social wellbeing of a child;
- (c) referrals for a medical, psychological or allied health service relating to a child;
- (d) any other personal information relating to a child.

6—Amendment of section 68—Child of compulsory school age must attend school

(1) Section 68(3)(a)(ii)—delete subparagraph (ii)

(2) Section 68(3)(b)—delete "5" and substitute:

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(3) Section 68—after subsection (4) insert:

(5) Proceedings for an offence against this section cannot be commenced against a person responsible for a child who has failed to attend school as required by subsection (1) unless the Chief Executive, or a person authorised by the Chief Executive, has, in a manner and form determined by the Minister, given the person written notice—

(a) outlining the person's obligations in respect of the child's attendance at school; and

(b) warning the person that they have failed to comply with the requirements of the Act and may be prosecuted if the child does not attend school as required by subsection (1).

7—Amendment of section 69—Child of compulsory education age must participate in approved learning program

(1) Section 69(3)(a)(ii)—delete subparagraph (ii)

(2) Section 69(3)(b)—delete "5" and substitute:

3

(3) Section 69—after subsection (4) insert:

(5) Proceedings for an offence against this section cannot be commenced against a person responsible for a child who has failed to participate in an approved learning program as required by subsection (1) unless the Chief Executive, or a person authorised by the Chief Executive, has, in a manner and form determined by the Minister, given the person written notice—

(a) outlining the person's obligations in respect of the child's participation in an approved learning program; and

(b) warning the person that they have failed to comply with the requirements of the Act and may be prosecuted if the child does not participate in an approved learning program as required by subsection (1).

8—Amendment of section 127—Powers of authorised officers

Section 127(4)—delete "request" and substitute:

require