



In reply please quote our reference: ECM 814405 BT
Your Reference: DE23/22351

22 May 2024

Hon Blair Boyer MP
Minister for Education, Training and Skills
Level 9, 31 Flinders Street
ADELAIDE SA 5000

Emailed: Minister.Boyer@sa.gov.au

Dear Minister

Office for Early Childhood Development Bill 2024 and the definition of ‘State Authority’

The Local Government Association of South Australia (LGA) is the voice of local government in South Australia, representing all 68 individual councils across the State and the Anangu Pitjantjatjara Yankunytjatjara. The LGA provides leadership, support, representation and advocacy to achieve better outcomes for councils and the communities they represent. In this capacity, I write in relation to your recent correspondence requesting feedback regarding the *Office for Early Childhood Development Bill 2024* (the Bill).

The Bill sets out that the Minister must ensure that there is an Office for Early Childhood Development and provides the Office with functions and powers in line with those recommended by the Royal Commission.

The Bill includes provisions for the Chief Executive of the Office to obtain information from relevant bodies. It also authorises the sharing of information relating to the health, safety, welfare, wellbeing or education of a child or young person, or children or young people of a class, between the Office and various relevant agencies and authorities.

The LGA supports the establishment of the Office for Early Childhood Development, as recommended by *The Royal Commission into Early Childhood Education and Care* and the intent of the Bill, however further clarification is needed on various elements as noted below.

Definition of State Authority

It is noted that local government is defined as a ‘State authority’ for the purposes of the Bill. This places requirements on local government. For example:

- Clause 9(1), notes:

The Chief Executive may, if of the opinion that it may assist the Office in the performance of functions under this Act, by notice in writing, require a State authority to prepare and provide a report to the Chief Executive in relation to the matters, and in accordance with any requirements, specified in the notice.

It is unclear what the ‘matters’ maybe related to and what impact this will have on the local government sector.



- Clause 10(1) further notes:

The Chief Executive may, by notice in writing, require a specified entity (whether or not the entity is a State authority, or an officer or employee of a State authority) to provide to the Chief Executive such information, or such documents, as may be specified in the notice (being information or documents in the possession of the entity that the Chief Executive reasonably requires for the performance of functions under this Act).

Failure to comply with a Notice, under clause 10, could result in the entity being guilty of an offence.

- Clause 11- *Sharing information between certain entities* also relates to State authorities and provides for the sharing of “prescribed information and documents”.
- Clause 17 – *Regulations and fee notices* relates to the ability to make regulations that are of a “general or limited application”. These regulations have the potential to impose new regulatory requirements (and potential costs) via a “code, standard, policy or other document prepared or published by the Minister or another specified entity”.

The lack of specificity about what these clauses could mean is a concern. It is acknowledged that regulations and proclamations have not yet been made in respect of this legislation, but further clarity is required to understand the implication of this Bill on the local government sector.

The LGA does not support the imposition of new regulatory requirements on local councils unless:

- The agreement of the local government sector has been obtained; and
- Resources are made available to the local government sector to cover the costs of complying with any new regulatory obligations.

The LGA requests that the Minister consult with the LGA at the early stages of preparing any regulations and other statutory instruments, made pursuant to this Bill.

Functions of the Office

Clause 6(2)(g) states one of the functions of the Office, which is:

To align supports and services with the needs of children by partnering with State authorities, non-government organisations and local and Commonwealth governments;”

Local government welcomes its role as a partner in government and shall continue to work closely with state and federal governments and other key stakeholders to seek solutions to issues that impact the youngest and most vulnerable in our communities.

Whilst the nature of the “partnerships” is not described in the Bill, you will recall the LGA’s partnership with the Office for Early Years in 2021 saw the successful delivery of the *Local Government Early Childhood Grants* program. This grant program achieved its core purpose of supporting the councils’ response to the Australian Early Development Census (AEDC). Twelve projects, with relatively small amounts of funding were delivered, involving over 3,825 children aged 0-5 years and 276 community events held; supporting evidence-informed innovation and delivery of local and community-led programs most needed in communities.

As noted by the Commission, local government is an important tier of government that can play a role in delivering connected, accessible services.



Local government already has a statutory and social responsibility for planning its local communities. All 68 councils take a place-based approach to planning, funding and infrastructure investment, as well as the co-ordination and delivery of services for children and families.

The LGA acknowledge that councils have a key role to play in supporting children's development in their early years and are aware that many are aligning their efforts under the *SA Outcomes Framework for Children and Young People* or the *Early Learning Strategy 2021 to 2031: All young children thriving and learning*.

Many councils consider how they can best help families and support children's development and learning and do this in a range of ways including:

- Supporting provision of community services.
- Direct delivery of programs or services through libraries, community centres, playgroups, childcare centres or other venues and methods.
- Indirect programs through playgrounds, recreation, community events or sport facilities,
- Embedding a focus on children 0-5 years of age in council plans and frameworks.
- Through partnerships with other organisations such as not-for-profits and government agencies.
- Being a provider of early childhood education.

The LGA strongly recommends that any action to "align supports and services" with the local government sector should be mutually acceptable and not impose unnecessary obligations and costs upon councils but should operate where there is a natural alignment or when an opportunity arises. Resourcing to support councils to further their activities in this area would also be needed. Communities deserve the benefit of governments working in partnership towards common objectives.

The LGA would be happy to provide further information or pursue these issues at officer level and invite your staff to contact Belinda Tassone, Senior Policy Officer on 8224 2000 or email belinda.tassone@lga.sa.gov.au.

Yours sincerely

Mayor Dean Johnson

President

Telephone: (08) 8224 2039

Email: lgapresident@lga.sa.gov.au