



Youth Parliament of Western Australia

## **Equality in Education Bill 2024**



## **Explanatory Memorandum**

The Equality in Education Bill provides an opportunity for Western Australia to lead the way in making educational spaces more inclusive and beneficial for all students. The Equal Opportunity Commission of Western Australia reports that there has been an increase in reported abuse in schools from 69% in 1998 to 80% in 2010. The Equality in Education Bill aims to improve this statistic by establishing clearer guidelines and legislation that benefits all students, staff and institutions.

This Bill has four parts to maximise understanding and impact.

Equal Resources targets the distribution of physical resources between public and private schools, including the equitable distribution of registered psychologists and elimination of unnecessary subsidies for private schools.

Equal Opportunities establishes more alternate pathways for non-ATAR students to prepare them for the post-school pathway of their choice.

Equal Accessibility ensures that all students have fair and equitable access to essential aspects of their school life, including the establishment of gender-neutral bathrooms and flexible uniform guidelines to support gender-diverse students.

Equal Understanding aims to include and expand on topics that are usually overlooked, specifically when it comes to health and disability education, and enhance diverse language studies.

The Equality in Education Bill outlines ways we can ensure all students are fully supported in their education.



Western Australia

## Equality in Education Bill 2024

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Youth Parliament of Western Australia

## **Equality in Education Bill 2024**

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**No. 7 of 2024**

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**A Bill for**

**An Act —  
to ensure equality of educational resources, opportunities,  
accessibility, and understanding among Western Australian  
students.**

*[Assented to 29 JULY 2024]*

The Youth Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

### **1. Short Title**

This is the *Equality in Education Act 2024*.

### **2. Commencement**

This Act comes into operation on the day on which this Act receives the Youth Governor's Assent.

### **3. Terms used**

In this Act—

***Alternative Education*** means an educational program or system that differs from mainstream educational programs or systems and can be designed especially for students with academic or behavioural difficulties;

***Appropriate*** means suitable or proper in the circumstances, and in compliance with relevant existing health and safety laws;

***Appropriate Supervision*** means compliance with the staff/child ratios, staffing and supervision to ensure the safety of children;

***ATAR*** means Australian Tertiary Admissions Rank;

***AUSLAN*** means Australian Sign Language;

***Civic Education*** means the continual and systematic provision of information and learning experiences to all citizens for their effective participation in democratic life;

***Department of Education*** means the Western Australian Department of Education;

***Discrimination*** means the unjust or prejudicial treatment of different categories of people, especially on the grounds of ethnicity, age, sex, or disability or other attribute;



**Employ** means a school paying a professional to provide services, whether on a full-time, part-time, or casual basis, to the school's students, whether that individual is to the school an employee, independent contractor, and an unpaid volunteer;

**Employee** means an individual who is employed by an institution, company or other field of work under a contract;

**Entity** means a Department of State;

**Facilities** means a place, amenity, or piece of equipment provided for a particular purpose;

**Faculty** means all staff of a workplace;

**Fee** means a penalty that requires the convicted person to pay to the public treasure a sum of money fixed by law after an offense has been committed;

**Fines Enforcement Registry** means the registry established under Section 6 of the *Fines, Penalties and Infringement Notices Act 1994*;

**Gender** means the way in which a person identifies or expresses themselves. A person's gender identity or gender expression is not always exclusively male or female and may change over time;

**Grant** means a sum of money given by a government or other organization for a particular purpose;

**Healthcare plan** refers to an individualised student plan that details necessary health provisions to be implemented to enhance the student's learning. This plan varies depending on the student, and can be recorded in any way deemed appropriate;

**Human Relations** means a discipline within resource management which addresses interpersonal behaviors;

**Human Rights** means rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status;

**Individual education plan** means a personalised plan within the education system that outlines a student's learning to include any additional services, resources or needs. This plan varies depending on the student, and can be recorded in any way deemed appropriate;

**Learning Disability** means a disability that affects the acquisition of knowledge and skills;

**Mediation** means intervention of a third person, or mediator, into a dispute to assist the parties in negotiating jointly acceptable resolution of issues in conflict;

**Minister** means the Western Australian Minister for Education;

**Montessori Education** means a type of educational method that involves children's natural interests and activities rather than formal teaching methods;

**Online** means connected to, served by, or available through a system and especially a computer or telecommunications system (such as the Internet) on an online database;

**Portfolio Based Entry** means a portfolio of documents that showcases academic achievements, qualifications, work experience, extra-curricular activities, relevant life experience and suitability for university study;

**Primary Caregiver** means the individual/s who is/are primarily responsible for the day-to-day care, welfare, and development of a child;

**Public Interest** means the welfare or well-being of the general public;

**Primary School** means a school providing education to pupils in Year 6 or lower;

***Public School*** means a no-fee school, publicly funded and operated by the Western Australian Government;

***Relevant*** means closely connected or appropriate to what is being done or considered;

***Resources*** means a stock or supply of money, materials, staff, and other assets that can be drawn on by a person or organization in order to function effectively;

***Salaries and Allowances Tribunal*** means the Tribunal established under Section 5 of the *Salaries and Allowances Act 1975*;

***School Community*** means the various individuals, groups, businesses, and institutions that are invested in the welfare and vitality of a public school and its community such as the neighbourhoods and municipalities served by the school;

***School Curriculum and Standards Authority*** means the body called the School Curriculum and Standards Authority established by the *School Curriculum and Standards Authority Act 1997*;

***School district*** means a Police District as established under section 39 of the *Police Act 1892*;

***School Principal*** means the staff member of a school with the greatest responsibility for the management of the school;

***Secondary School*** means a school providing education to pupils in Year 7 or higher;

***Sex*** means the biological or reproductive anatomy of an individual, and is usually categorised into male, female or intersex;

***Stakeholder*** means a person with an interest or concern in something;

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**STEM** means science, technology, engineering and mathematics;

**TAFE** means Technical and Further Education;

**Taskforce** means a group of people working together to do a particular job;

**Trial** means a test of the performance, qualities, or suitability of someone or something;

**VETDSS** means Vocational Education and Training Delivered to Secondary Students;

**WACE** means Western Australian Certificate of Education.

## **Part 2 — Equal Resources**

### **Division 1 — Resource allocations to private and public schools**

#### **4. Reforming private school subsidies (AMIT)**

In the *Water Services (Water Corporation Charges) Regulations 2014* section 40(2) after “community purpose — if the Water Corporation is satisfied that the land cannot be classified under another paragraph of this subregulation” insert:

“unless that land is owned by a private school or owned by a charity that conducts a private school on said land.”

#### **5. Psychologists in public schools (AMIT)**

- (1) In any school district, no private school may employ more than fifty (50) per cent of the psychologists employed at schools within that school district.
- (2) A school shall employ no less than one (1) psychologist for every eight hundred (800) students.
- (3) It is an offence for a private school to breach section 5(1) even if not doing so would mean breaching section 5(2).
- (4) A private school that breaches both section 5(1) and section 5(2) shall be found not guilty of breaching section 5(2).
- (5) The Minister may exempt a school from this section by issuing a Certificate of Exemption if the Minister is satisfied that doing so and is in the public interest.
- (6) A school that is not otherwise exempt from this section may apply for an exemption from the Department of Education.
- (7) The Department of Education shall not approve an application for an exemption under section 5(6) unless the Department of Education is satisfied that—

- (a) the school is financially unable to comply with this section; or
  - (b) the cultural or religious background of the school is such that the prioritisation of mental health would be contrary to the school's identity or values.
- (8) The Department of Education may reject an application for an exemption under section 5(6) even if the criteria stated in section 5(7) are met.

### **Division 2 — Flexible school hours for high school**

#### **6. School independence to set their own hours**

- (1) Public High schools operated by the Western Australian Department of Education can make changes to their current school hours for when—
- (a) the school day is to commence before 8.30am or after 9.30am, or finishes before 2.00pm or after 3.30pm; or
  - (b) the current school hours are to be altered by more than 30 minutes.
- (2) Reasons to making changes to school hours include—
- (a) the availability of resources and facilities;
  - (b) school community need;
  - (c) student and staff wellbeing engagement; and
  - (d) any reason deemed appropriate by the school principal.
- (3) Changes to school hours can be applied to any weekday to affect—
- (a) some and/or all students;
  - (b) students in specific year levels; and/or
  - (c) students in certain subject areas or undertaking certain programs.

**7. School community**

- (1) Any changes to school hours must occur in consultation with the school community, continue to allow schools to meet Pre-primart to Year 12 curriculum delivery requirements, the needs of all students and staff at their school, and not disadvantage any group of students.
- (2) Schools are to ensure their school hours are published and promoted to the school community with a minimum period of 12 months prior to the date of commencement.

**8. School responsibility**

- (1) Principals are responsible to ensure that all non-curriculum requirements outlined from the *School Education Act 1999* are to be adhered to.
- (2) School Principles are responsible to—
  - (a) propose changes to school hours;
  - (b) ensure consultation occurs with relevant stakeholders when proposing changes and trialing school hours;
  - (c) establish a representative taskforce to implement and monitor a trial;
  - (d) in all circumstances, ensure the implementation and outcome of the trial and any ongoing changes to school hours are well communicated to the school and local community;
  - (e) ensure appropriate supervision is provided for students who are at school within a 60 minute period before the scheduled day starts or after the scheduled day finishes; and
  - (f) oversee the management and recordkeeping of the processes and documentation related to making changes to school hours.
- (3) The principal will—

- (a) implement, monitor, and evaluate the trial of changed school hours;
- (b) identify and collect relevant data, and community feedback, during the trial;
- (c) identify, record, and manage issues that arise during the trial; and
- (d) determine findings from the trial and report on future recommendations.

**9. Communication with the Department of Education**

- (1) The principal must submit a proposal for a limited duration trial with a minimum duration of two terms to the Department of Education to which there will be an assessment of—
  - (a) human rights impacts; and
  - (b) discrimination impacts.
- (2) The Department of Education will advise the principle of the proposal outcome.
- (3) The principal will communicate with the Department of education’s decision to all key stakeholders and—
  - (a) if the trial is approved, the principal determines the trial commencement date taking into consideration factors such as any adjustments to school transport services and outside school hours care services.
  - (b) The trial commences and the principal provides further details about the trial implementation to all stakeholders.

**Division 3 — Alternative schools**

**10. Establishment of alternative schools**

- (1) Alternative public schools based off Montessori education shall be established to provide alternative education to students who either;





have been deemed appropriate by the Department of Education Alternative Schools Program.

**13. School structure and curricular requirements**

- (1) The school curriculum shall adhere to the Montessori National Curriculum, and is not subject to follow the *School Education Act 1999*.
- (2) The alternative Montessori based schools shall not—
  - (a) exceed class sizes of more than 30 students per educator in its secondary cohort;
  - (b) exceed class sizes or more than 15 students per educator in its primary cohort; or
  - (c) exceed a birthyear difference of more than three years to students in an established class;
- (3) Alternative schools shall gain accreditation to the completion of compulsory education in Western Australia.
- (4) Portfolio Based Tertiary Education shall be completed congruent to optional Upper Secondary High School (Years 11 and 12).

**14. Faculty operations**

- (1) Staff and faculty shall adhere the rules and guidelines set by the Montessori Australia Group Pty Ltd.
- (2) Should the Montessori Australia Group Pty Ltd cease operation the Western Australian Department of Education will enforce and maintain the rules and regulations of faculty requirements.
- (3) Staff and faculty shall be administered by the Western Australian Department of Education.

**15. Funding**

- (1) The Western Australian Government shall institute the following methods to fund the alternative schools' program:



### **Part 3 — Equal Opportunities**

**16. Establishing alternative pathways into university**

- (1) All universities are to implement an alternate entry pathway for students without an ATAR score.
- (2) The alternate entry pathway must include at least one of the following as valid points for consideration—
  - (a) previous school experience;
  - (b) TAFE or VETDSS qualifications;
  - (c) WACE or equivalent accreditation of completed secondary education;
  - (d) volunteer experience;
  - (e) alternative school curriculum recognition (eg. Big Picture Learning Credentials, Montessori National Curriculum)
  - (f) extra-curricular programs; and/or
  - (g) other relevant life experience as seen fit by the university.
- (3) Students applying with an alternate entry pathway must be eligible for all courses that require the minimum ATAR score set by the university.
- (4) Alternative pathway programs must be made available for students wishing to study courses that do not fall under the conditions outlined in section 3. This can be achieved by—
  - (a) establishing free or low-cost programs during the school holiday period that are completed before the new university year begins; and
  - (b) establishing a system to transfer eligible units from one undergraduate course to another.

- (5) The alternative pathways program at universities, shall incorporate initiatives providing resources and support to students from disadvantaged backgrounds.

**17. Practical classes for WACE accreditation**

- (1) Mandates the inclusion of practical classes aimed at WACE accreditation within the curriculum of all educational institutions.
- (2) These practical classes will be designed to provide students with hands-on experience and skills necessary for successful completion of the WACE program.
- (3) The curriculum of these practical classes shall be aligned with the learning outcomes and assessment criteria outlined by the WACE program, ensuring that students acquire the necessary skills and knowledge to excel in their chosen fields.

**18. Joint ATAR classes for all schools**

- (1) Schools shall self-nominate to take part in a scheme offering Joint ATAR classes.
- (2) The object of these classes is to broaden the spectrum of ATAR classes available to students through facilitating inter-school collaboration.
- (3) Prior to submitting a nomination, the school must complete the following:
  - (a) Conduct and compile the results of a comprehensive student survey.
    - (i) The survey shall include students from Years 8-12.
    - (ii) The survey must identify ATAR subjects that are not currently offered by the school but are of interest to students.

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- (b) Schools must submit a formal letter of nomination, including—
  - (i) a list of ATAR subjects not currently offered by the school;
  - (i) a list of ATAR subjects the school believes would be beneficial to offer students ; and
  - (iii) any ATAR subjects that the school can offer to facilitate the inclusion of students from other schools.

**19. Implementation**

- (1) The Department of Education shall review the nominations and identify potential collaborations between schools.
- (2) Collaborations will be established where it is determined that one school (School A) can offer ATAR classes identified as missing in another school's (School B) student survey or letter of nomination.
- (3) The collaboration between School A + School B shall result in—
  - (a) at least one ATAR class being offered jointly to School A's students by School B;
  - (b) at least one ATAR class being offered jointly to School B's students by School A; and
  - (c) the establishment of a joint timetable that facilitates the attendance needs of students at School A + School B.
- (4) Collaboration is not limited to one other school.
- (5) Schools may collaborate with multiple other schools, to cover a range of missing ATAR classes, as deemed necessary or beneficial by the Department of Education.

**20. Implementation of Joint Classes**

- (1) Joint classes shall be conducted online, to minimise transportation costs.
- (2) Students may participate in these online classes, in any location around the school which—
  - (a) has sufficient internet access; and
  - (b) is conducive to student productivity, in that it is a—
    - (i) quiet; and
    - (ii) clean space.
- (3) Participating schools will receive the following:
  - (a) Additional government funding support to support—
    - (i) additional staff training;
    - (ii) purchase of online resources to facilitate joint ATAR classes; and
    - (iii) any other schemes deemed necessary to the successful implementation of the joint ATAR program.
  - (b) Access to shared resources, including (but not limited to)—
    - (i) teaching staff; and
    - (ii) educational materials and resources.
- (4) A student attending an ATAR joint class must be accredited for their class the same way they would at their school of enrolment.

**21. Facilitating Lack of Capacity**

- (1) If a school (School C) self nominates and it is determined that they lack the capacity to offer any Joint ATAR classes, this shall be identified in both—
  - (a) the School's formal Letter of Nomination; and

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- (b) the Department of Education’s assessment of their nomination.
- (2) This lack of capacity may be due to—
  - (a) understaffing;
  - (b) insufficient financial resources; or,
  - (c) any other reason identified in the School’s Letter of Nomination and verified by the Department of Education.
- (3) In such cases, School C shall still be matched with another nominating school (School D) that can facilitate the provision of the identified missing ATAR classes.
- (4) To compensate for the lack of reciprocal benefit in the collaboration between School C and School D, School D shall be provided with compensatory government funding.
  - (a) This government funding will be provided in addition to that identified in Clause 20 (3).
  - (b) The amount of this funding shall be determined on a case-specific basis by the Department of Education.

**22. Accountability and Effectiveness Mechanisms**

- (1) Every two years, all participating Schools shall conduct a student survey, to re-identify areas of Student interest.
  - (a) The survey shall include students from Years 8-12.
  - (b) The survey must identify ATAR subjects that are not currently offered by the school but are of interest to students.
- (2) Every two years, all participating Schools shall submit—
  - (a) the results of the survey discussed in Clause 22(1);
  - (b) a Joint ATAR Classes Update Letter, identifying—



- (i) whether, according to their discernment, the Joint ATAR classes continue to address the needs of students; and
  - (ii) the benefits and/or difficulties in working with their assigned School/s.
- (3) The Department of Education shall review the biennial submissions from participating schools.
  - (a) Based on this review the Department shall either note the continuation of the existing format of a School's Joint ATAR classes if they are deemed beneficial; or
  - (b) re-allocate schools based on the needs identified in the submissions detailed in Clause 22(2).
- (4) If at any point there is a change in the school's circumstances that affect their Joint ATAR Classes' participatory financial needs or their overall capacity to participate, the school must draft a submission to the Department of Education.
- (5) The Department of Education shall review any such submissions regarding changes in school circumstances.
- (6) Based on this review, the Department shall make necessary adjustments to the program to ensure its continued effectiveness and feasibility.

## **Part 4 — Equal Accessibility**

### **23. After-school care**

- (1) Secondary Schools should ensure the school library is open to willing students to remain after school hours and ensure appropriate supervision can be provided.
- (2) Library opening hours and staffing to be organised and agreed upon by the relevant school management.

### **24. Gender-neutral accessibility**

- (1) All schools shall ensure the establishment of at least one gender-neutral bathroom in each toilet block. These bathrooms must be—
  - (a) accessible without the use of a key and must be self-contained; and
  - (b) lockable to the same degree as male and female bathrooms.

### **25. Act amended**

- (1) This section amends Part 3, division 3, section 35 of the *School Education Regulations Act 2000*.
- (2) In section 35 delete (2) and insert:

On an application under sub-regulation (1), the principal of a school must exempt the student from complying with any requirement of the school's dress code on any of the following grounds—

- (a) the unavailability of a component of the dress code;
- (b) a matter relating to the student's mental and physical health;

- (c) a matter relating to the religious beliefs of the student or the student's family;
- (d) a matter relating to the cultural background of the student or the student's family;
- (e) a matter relating to the financial ability of the student or the student's family;
- (f) a matter relating to sex or gender-based discrimination; and/or
- (g) any other matter which, in the principal's opinion, is sufficient to exempt the student from complying with the requirement.

**26. Women in STEM**

- (1) All universities and tertiary education centres must create and take part in a Women in STEM program depending on their institution's specialty
- (2) All high schools must encourage partnership with tertiary institutions.
- (3) All female-identifying students would be encouraged and expected to attend at least one of the above program's events.
- (4) All female-identifying students receive one-on-one mentorship at each event.
- (5) Mentors can be students from tertiary institutions, staff, or other industry professionals and employees in their respective STEM fields.
- (6) Female-identifying students are encouraged actively to participate in STEM classes, especially during Year 11 and Year 12 ATAR.

**27. Provisions for people with learning disabilities**

- (1) All primary and secondary schools in WA must provide a safe and accessible place of learning which—

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- (a) must have at least one sensory room open to all students during normal school hours;
  - (b) incorporates wheelchair access in all doorways, walkways and classrooms;
  - (c) has a designated wheelchair storage space and room for other equipment;
  - (d) ensures toilets have a designated wheelchair friendly stall; and
  - (e) creates a plan of action and improvement detailing the changes when the requirements cannot be implemented and executed within the foreseeable future, and will seek funding from the Department of Education if required.
- (2) All primary and secondary schools in WA must—
- (a) create awareness regarding disability and inclusivity of students with different needs;
  - (b) form strong school policies and principles regarding disability and accessibility;
  - (c) create awareness campaigns and programs to share the policies and goals among students and staff;
  - (d) Provide awareness, resources and educational programs for parents, guardians and caregivers; and
  - (e) provide resources to all students, including information about mild-intellectual disabilities and other non-visible disabilities.
- (3) All primary and secondary schools in WA must—
- (a) improve education options and pathways for students with disability and other needs;
  - (b) provide online or other alternative forms of learning if students are unable to attend school;
  - (c) provide alternative forms of studying and learning, including braille scripts, larger textbooks, auditory materials, and other forms as deemed necessary; and

- (d) provide alternative forms of assessment including auditory, verbal, or online version.
- (4) All primary and secondary schools in WA must—
- (a) create more pathways and programs to increase learning and engagement;
  - (b) create transitional pathways and procedures for students graduating from primary school and entering secondary schooling;
  - (c) create educational programs and ties with tertiary institutions and universities for options available after secondary school; and
  - (d) create programs and ties with other schools that offer education support for students with disabilities or other needs.
- (5) All primary and secondary schools in WA must—
- (a) develop and monitor their own disability, inclusivity and accessibility policies and reports and must;
  - (b) create policies that are up-to-date with the state’s legislation and are reviewed annually;
  - (c) incorporate different types of disabilities and needs for students;
  - (d) create procedures to review, update and monitor the school’s progression with such policies; and
  - (e) seek extra funding, resources and feedback if necessary.

**28. AUSLAN**

- (1) All schools shall implement an introductory Australian Sign Language (AUSLAN) class that is compulsory in years 5 and 6.
- (2) The introductory AUSLAN class is not to have assigned homework unless set classwork is not completed during allocated class time

- (3) The contents of the introductory AUSLAN class are to be established by the Department of Education in collaboration with the Western Australian Association of the Deaf.

## **Part 5 — Equal Understanding**

### **Division 1 — Miscellaneous provisions**

#### **29. Professional development**

- (1) The Department of Education shall establish a free professional development program that provides information for staff by addressing sexuality, sex and gender-based discrimination, harassment and bullying.
- (2) The professional development program must be created in consultation with state-recognised advocacy groups to ensure relevancy
- (3) All qualified teachers must undergo this professional development training within twelve months of receiving their qualification.
- (4) The professional development program may be delivered through—
  - (a) in-person workshops;
  - (b) live online workshops; and/or
  - (c) recordings of an in-person or online workshops.
- (5) If delivered in person, the school that a teacher is employed at must cover the cost of transport to and from professional development.
- (6) Once teachers have completed the professional development program, they must be supplied with a certificate and digital resources to document their participation.

#### **30. Asian languages**

- (1) Every school that offers classes for Languages Other Than English shall offer at least one (1) Asian language class.

- (2) A school that specialises in the instruction of a non-Asian language shall be exempt from this section unless that language is English.
- (3) The Minister may exempt a school from this section by issuing a Certificate of Exemption if the Minister is satisfied that doing so is in the public interest.
- (4) A school that is not otherwise exempt from this section may apply for an exemption from the Department of Education.
- (5) The Department of Education shall not approve an application for an exemption under Section 4 unless the Department of Education is satisfied that—
  - (a) the school is financially unable to comply with this provision; or
  - (b) the cultural or religious background of the school is such that the instruction of an Asian language would be contrary to the school’s identity or values.
- (6) The Department of Education may reject an application for an exemption under Section 4 even if the criteria stated in section 5 are met.

**31. Financial literacy**

- (1) Financial literacy education will be mandated in the curriculum of all educational institutions directed by SCSA to ensure students acquire essential skills for managing personal finances responsibly.
- (2) Financial literacy shall be structured according to age groups to provide appropriate and relevant instruction at each stage of development:
  - (a) Primary school students (Years K-2) shall be taught basic financial concepts.
  - (b) Middle school students (Years 3-6) shall be taught—
    - (i) budgeting and financial planning;



- (ii) different forms of payment; and
  - (iii) the basics of earning and saving.
- (c) Secondary school students (Years 7-12) shall be taught—
  - (i) managing bank accounts and understanding the difference between credit and loans;
  - (ii) investment basics; and
  - (iii) long-term financial planning and goal setting.
- (3) Financial literacy education will be integrated into existing subjects such as mathematics and social studies, to ensure comprehensive coverage and practical application.

**32. Disability education**

- (1) Disability awareness education shall be mandated into the curriculum to teach the symptoms and traits of common disabilities in an age-appropriate manner from Year 6, including but not limited to—
  - (a) cognitive disabilities or impairments such as—
    - (i) Autism Spectrum Disorder;
    - (ii) Attention Deficit Hyperactivity Disorder; and
    - (iii) Speech Impediments;
  - (b) physical disabilities or impairments such as—
    - (i) endometriosis;
    - (ii) adenomyosis; and
    - (iii) how they can differ according to sex;
  - (c) advice on how to best support peers and students experiencing these symptoms or disabilities.
- (2) Public schools are to implement a system where the employed psychologist can refer a student to an educational psychologist for diagnosis of a learning disability if they believe they have reason to, and the student gives their consent.

- (3) Following the system in section 2, the school will be responsible for developing an individual education plan and/or healthcare plan on a case-by-case basis.

**33. Health education**

- (1) The following topics shall be incorporated into the Western Australian Curriculum Health Scope and Sequence and taught in an age appropriate manner from Year 4:
- (a) body image;
  - (b) sexism, racism, homophobia, and disability discrimination;
  - (c) gender, and how it differs from sex; and
  - (d) related language.
- (2) The following topics shall be incorporated into the Western Australian Curriculum Health Scope and Sequence and taught in an age-appropriate manner from Year 5:
- (a) menstrual cycle and disorders;
  - (b) sexual identity;
  - (c) sexual attraction; and
  - (d) related language.

**34. Civics education**

- (1) Every school that offers Humanities and Social Sciences Education shall provide compulsory civic education to all students with the topics of democracy, voting, parliaments, Australia's civic history, and shall conduct mock elections for all secondary school students.
- (2) The Minister may exempt a school from this section by issuing a Certificate of Exemption if the Minister is satisfied that doing so is in the public interest.

- (3) A school that is not otherwise exempt from this section may apply for an exemption from the School Curriculum and Standards Authority.
- (4) The School Curriculum and Standards Authority shall not approve an application for an exemption under section 4 unless the School Curriculum and Standards Authority is satisfied that the school is financially unable to comply with this section.
- (5) The School Curriculum and Standards Authority may reject an application for an exemption even if the criteria stated in section 4 are met.

**35. Human relations education**

- (1) Mandatory human relations education shall be implemented into the health education curriculum and will be compulsory to all students.
- (2) Human relations education will cover the topics of communication, conflict management, conflict resolution, trust, self-awareness, motivation, consent, and appropriate and inappropriate behaviour.
- (3) The Department of Education will review human relations topics quarterly and can alter the human relations curriculum.

**36. Act amended**

- (1) This section amends Part 2, Division 1, section 10 of the *School Education Act 1999*.
- (2) In section 10 delete section 2 “Penalty: \$2 500” and insert:  
  
“Penalty: \$5000”

**Division 2 — Mandatory primary caregiver mediation**

**37. Establishment**

- (1) A school under the jurisdiction of the Western Australian Department of Education must enforce appropriate mediation in collaboration with Primary Caregiver(s).
- (2) Mediation will occur and be conducted by the school when there is—
  - (a) behavioural concerns of the student;
  - (b) mental health concerns of the student;
  - (c) attendance concerns of the student; or
  - (d) an immediate request for mediation by the student or the primary carer/s.

**38. Implementation**

- (1) A minimum of one primary caregiver in addition to the student must attend the mediation session either—
  - (a) in person at the school premise; or
  - (b) online in a suitable manner requested by the school and able to be accessible to the primary caregiver/s and student.
- (2) The mediation time shall be requested and organised by the school with a minimum of 7 business days notice to the primary caregiver/s and—
  - (a) an appropriate time will be deemed most suitable which will be chosen by the school; and
  - (b) appropriate measures have been taken to contact all relevant stakeholders.
- (3) The Primary Caregiver/s and the student must attend the requested mediation session no later than sixty days from the date of request made by the school.

**39. Stakeholder rights and responsibilities**

The time and location of the mediation can be requested to be changed by the primary caregiver/s to ensure—

- (a) mediation can commence;
- (b) postponement for the mediation can not occur on more than 3 occasions; and
- (c) the school administration is responsible to maintain appropriate contact with the relevant stakeholders.

**40. Non-compliance**

- (1) Failure to comply with the requirements made by the school will be subject to a fee of \$2500 due within 28 days of issue as per the requirements of the Fines Enforcement Registry, or to any equivilant date set by the Fines Enforcement Registry.
- (2) Penalties for non-payment of fines before the due date are subject to the Fines Enforcement Registry.
- (3) Failure to comply with the requirements made by the school include resulting in a fee include—
  - (a) the caregiver/s and the student do not attend mediation in the 60-day time period as requested by the school;
  - (b) the caregiver/s and the student have not arranged an appropriate alternative arrangement to the mediation date and time within the 60 days upon initial notice from the school; and
  - (c) any abusive or intentionally harmful behaviour made by the carer/s directed toward any faculty member or student of the school as a result of the mediation.