

SCHOOL EDUCATION AMENDMENT BILL 2023

Introduction and First Reading

Bill introduced, on motion by **Dr A.D. Buti (Minister for Education)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

DR A.D. BUTI (Armadale — Minister for Education) [3.30 pm]: I move —

That the bill be now read a second time.

The safety and wellbeing of students is paramount across our public school system. There is a strong link between positive wellbeing and positive life and learning outcomes. This government is committed to ensure that all our students feel safe at school and seeks to put in place arrangements that accord with the *Final report: Royal Commission into Institutional Responses to Child Sexual Abuse* released in December 2017. The commission's report made recommendations about children with harmful sexual behaviours and the need to have procedures to deal with complaints about these children. A recommendation was also made that government agencies should ensure that the needs of victims and survivors are recognised.

Currently, the authority to suspend and commence an exclusion process for a student resides with the principal of the student's school, under section 91 of the School Education Act 1999. The principal is required to determine that the student has committed a breach of school discipline or has disrupted the educational instruction of other students. The process for exclusion is school-centric and in some circumstances the principal is unable to determine, or is unsure, whether the requirements of section 91 apply. A student could offend in the school holidays anywhere in the community and the principal would have limited, if any, knowledge of the offence. In these circumstances, the principal is unlikely to have sufficient information to commence an exclusion process.

The details of a charge or conviction, particularly of a sexual offence committed by a minor, may not be known to the school. A student who has been sexually assaulted by another student could raise the matter with the principal, but it is obviously a difficult and sensitive matter for that student. The knowledge of an alleged sexual offence and the need for sufficient certainty to commence an exclusion process can create a difficult tension to reconcile at the school level. The Department of Education has arrangements in place that allow access to information that is not available at the school level. The department has protocols for information sharing about sexual offences committed by a student.

The Children's Court Amendment Regulations 2022 provides that the director general of Education and the deputy director general Schools are the prescribed persons who may request information from the Children's Court about criminal proceedings before the court. However, the director general of Education currently has no authority to commence an exclusion process based on information available to her. The authority to exclude that will be provided to the director general by the amendment will allow, when the required circumstances exist, to, firstly, direct the principal to suspend the student and, secondly, commence an exclusion process. The process initiated by the director general recognises the need to consider the safety and welfare of the student subjected to the sexual offence.

If the director general directs suspension and commences an exclusion, a principal cannot deal with the matter. The process for exclusion and the basis for such will be treated with confidentiality. A risk management plan will be put in place at the new school that the excluded student attends. The student remaining at the school will be offered support and, if requested, the opportunity to modify their education program. If the student does not wish to remain at the school, arrangements will be made to accommodate the student. Any change of school will be treated in a confidential and sensitive manner.

These amendments will provide the director general of Education with the authority to exclude a student who has been charged with, or convicted of, a sexual offence against another student at the same public school.

I commend the bill to the house.

Mr P.J. RUNDLE: Madam Acting Speaker (Mrs M.R. Marshall), congratulations on your new term as acting speaker.

Debate adjourned, on motion by **Mr P.J. Rundle (Deputy Leader of the Opposition)**.