SPD-P 2026/01

Victorian Student Privacy, Dignity and Cultural Respect Policy 2026

Communal intimate facilities stay separated by sex. Privacy is provided. It is not compelled away.

Companion instruments: Education and Equal Opportunity Amendment (Student Privacy, Dignity and Cultural Respect) Bill 2026 and Explanatory Memorandum EM-SPD 2026/01. 6 October 2026.

Operative rule

Where a student may undress, shower, change or sleep, the communal facility stays female or male.

A student who needs privacy gets a private facility. No other student is required to surrender bodily privacy to provide it.

1 Determination

This paper is Victorian Government policy on toilets, showers, change rooms, swimming and sports change facilities, and sleeping accommodation in government schools. It is the parent of the Education and Equal Opportunity Amendment (Student Privacy, Dignity and Cultural Respect) Bill 2026.

The Department of Education LGBTIQA+ Student Support policy, last updated on the Policy and Advisory Library on 5 December 2023, tells schools that use of toilets, showers and change rooms "should be based on the student's gender identity and whichever facilities they will feel most comfortable using", and that students without a disability should not be required to use disabled toilets. The same policy gives, as an example of a possible denial of a benefit, "excluding a transgender student from using the toilet that matches their gender because of the sex they were assigned at birth". That rule decides the communal intimate space by one student's affirmed identity. It does not decide it by sex, and it does not require a private alternative before another student's privacy is lost. This policy replaces that rule.

2 Settings

2.1 A government school that provides a communal toilet, shower, change room or other intimate facility may keep it female or male. Access to that communal facility is by sex. A private, single-user or all-user facility may be added. It does not replace the sex-separated communal facility.

2.2 A school must not abolish a female-only or male-only communal intimate facility merely because a private or gender-neutral facility is also provided.

2.3 Every government school takes reasonable steps to provide at least one private facility. Any student may request it, for any reason, including gender identity, gender dysphoria, religious belief, cultural modesty, trauma, disability, medical need, menstruation, body-image concern, personal privacy or a safeguarding concern. The student is not required to name a protected attribute in public to make an ordinary request.

2.4 A private facility is, so far as reasonably practicable, safe, available in the same general periods as the comparable communal facility, not materially inferior, and not arranged so as to identify or stigmatise the student. A disability toilet is not the private facility unless the student has a disability and that toilet is the suitable facility.

2.5 A transgender or gender-diverse student is treated respectfully and protected from harassment, bullying and humiliation. Accommodation is a private toilet, private shower, private change room, individual cubicle, privacy screen, a voluntarily accepted alternative time, a single

room or other suitable camp arrangement, or another individually agreed arrangement. Accommodation must not unnecessarily isolate the student. It must not require another student to undress, shower, change or sleep in intimate proximity to a person of the opposite sex in a communal facility.

2.6 A student is not disciplined, shamed, excluded from an ordinary school activity, or recorded as hateful, discriminatory or prejudiced, for a good-faith request not to undress, shower, change or sleep in intimate proximity to a person of the opposite sex. The protection does not cover bullying, harassment, threats, vilification or other unlawful conduct.

2.7 A school does not treat a request for bodily privacy or modesty as improper merely because it arises from religious belief or cultural practice. Before a material change to a school-wide intimate-facility rule, the school consults students, parents and carers, culturally and linguistically diverse families, relevant faith communities, disability representatives, safeguarding staff, and persons able to speak for transgender and gender-diverse students, so far as reasonably practicable. Consultation is not a veto.

2.8 A parent or carer is consulted on a significant intimate-facility arrangement for a minor student, unless disclosure would expose the student to a demonstrable risk of serious harm. Disagreement with a student's gender identity is not, by itself, that risk. A mature-minor finding on name, pronoun or social affirmation does not, by itself, remove the parent from a facility decision that affects the privacy of other students.

2.9 Safeguarding is behaviour and evidence. No student is presumed dangerous because of sex, gender identity, sexuality, religion, race or cultural background. A safeguarding rule is not suspended because a person has a protected attribute. Voyeurism, exposure, sexual harassment, intimidation, assault, deliberate invasion of privacy and misuse of an intimate facility are dealt with on the same standard for every student.

2.10 A camp or overnight activity provides sex-separated sleeping and washing, or a private alternative. A student is not required to share a bedroom, shower or change space with a person of the opposite sex where a reasonable alternative is practicable. A student with a variation of sex characteristics is not assigned a communal facility by presumption. The privacy plan decides.

2.11 A Department policy on gender identity, sex, toilets, showers, change rooms or camps has no effect to the extent of any inconsistency with this policy. The Secretary withdraws or rewrites the inconsistent sentences of the LGBTIQA+ Student Support policy within 90 days of commencement.

2.12 Before the Department makes or substantially amends a State-wide intimate-facility policy, it publishes an Intimate Facilities Impact Assessment and consults for not less than 60 days. The assessment covers female students, male students, transgender and gender-diverse students, students with variations of sex characteristics, multicultural and multifaith communities, disability access, safeguarding, privacy, parents, infrastructure and cost, reasonable alternatives, and the Australian and international evidence relied on. The policy is reviewed at least every 3 years.

2.13 This policy does not amend the Sex Discrimination Act 1984 (Cth). Section 21 of that Act still applies to an educational authority. A Victorian exception is not a defence to a federal complaint. The measure is incomplete until a companion Commonwealth amendment enacts the same rule: sex-separated communal intimate facilities are lawful where a reasonable private alternative is available.

3 What this policy does not do

It does not deny a transgender or gender-diverse student a toilet, a shower or a change facility. It does not authorise harassment, humiliation or disclosure of confidential information. It does not give a religion or a parent a veto over another student's education. It does not segregate

classrooms, playgrounds, libraries or ordinary lessons. It does not presume that any student is a risk. It does not ask a student to use a disability toilet as the improvised solution. It does not, by itself, close a complaint under the Sex Discrimination Act 1984 (Cth).