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The Parliament of Victoria
LEGISLATIVE ASSEMBLY

Presented and read a first time

Education and Equal Opportunity Amendment (Student Privacy, Dignity and Cultural Respect) Bill 2026

No. , 2026

A Bill for an Act to amend the Education and Training Reform Act 2006 and the Equal Opportunity Act 2010 to keep sex-separated communal intimate facilities in schools, to require a private alternative, to protect a good-faith privacy request, and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

(a) to protect the bodily privacy, dignity and safety of students using school toilets, showers, change rooms and other intimate facilities;

(b) to require reasonable private accommodation for a student who seeks it, including a transgender or gender-diverse student;

(c) to recognise cultural and religious considerations of modesty without giving them a veto;

(d) to give legal certainty that a sex-separated communal intimate facility, with a private alternative, is not of itself unlawful discrimination; and

(e) to require consultation, a safeguarding assessment and an impact assessment before a State-wide intimate-facility policy is made or substantially amended.

2 Commencement

(1) This Act comes into operation on the day after the day on which it receives the Royal Assent.

(2) The Secretary must complete the review required by section 2.2A.14 of the Education and Training Reform Act 2006 within 12 months after commencement.

3 Definitions

In this Act—

communal intimate facility means a multi-user toilet, shower, changing room, dressing room or other facility in which a person may reasonably be expected to undress, shower, change clothing, undertake personal hygiene or perform a private bodily function;

private facility means a facility arranged so that a student can undertake the relevant private activity without being observed by another student;

sex-separated facility means a communal intimate facility designated for female students or for male students.

Part 2—Amendment of the Education and Training Reform Act 2006

4 New Part 2.2A inserted

After Part 2.2 of the Education and Training Reform Act 2006 insert—

"Part 2.2A—Student privacy in intimate facilities

2.2A.1 Definitions

In this Part—

communal intimate facility, private facility and sex-separated facility have the meanings given by section 3 of the Education and Equal Opportunity Amendment (Student Privacy, Dignity and Cultural Respect) Act 2026;

reasonable accommodation means an adjustment that is reasonable and practicable having regard to the student's needs, privacy, dignity and safety, available infrastructure, disability access, cultural or religious considerations, the interests of other affected students, and the resources reasonably available to the school;

student privacy plan means an individual plan for a student's use of intimate facilities.

2.2A.2 Bodily privacy

(1) Every student has a right to reasonable bodily privacy when using a communal intimate facility provided or controlled by a Government school.

(2) In administering an intimate facility, a school must have regard to privacy, dignity, safety, religious belief, cultural practice, disability, sex characteristics, gender identity, sex, vulnerability arising from trauma or other personal circumstances, and the rights and interests of other students using the facility.

2.2A.3 Sex-separated communal facilities

(1) A Government school may provide communal intimate facilities separately for female students and male students.

(2) Where a school provides a sex-separated facility, the school may reserve that communal facility according to sex.

(3) Subsection (2) does not prevent the provision of an additional private or single-user facility.

(4) A school must not abolish a female-only or male-only communal intimate facility merely because a private facility is also provided.

(5) Nothing in this section authorises harassment, humiliation or discriminatory treatment of a transgender, gender-diverse or intersex student, or of a student with a variation of sex characteristics.

2.2A.4 Private facilities

(1) A Government school that provides a communal intimate facility must take reasonable steps to ensure that a private facility is available to a student who reasonably seeks one.

(2) A private facility must, so far as reasonably practicable, provide adequate privacy, be safe, be accessible during the same general periods as the comparable communal facility, not be materially inferior, and not unnecessarily identify or stigmatise the student.

(3) A student is not required to establish membership of a protected class in order to request reasonable privacy.

(4) A disability toilet is not the private facility for the purposes of this section unless the student has a disability and that toilet is the suitable facility.

2.2A.5 Student privacy plan

(1) A school may develop a student privacy plan in consultation with the student and, subject to subsection (2), the student's parent or carer.

(2) A parent or carer is consulted unless disclosure would expose the student to a demonstrable risk of serious harm. Disagreement with the student's gender identity is not, by itself, that risk.

(3) A plan may provide for a private facility, an individual changing arrangement, a privacy screen or cubicle, a shower arrangement, camp accommodation, a sporting arrangement, a timing arrangement voluntarily accepted by the student, or any other reasonable accommodation.

(4) A student with a variation of sex characteristics is not assigned to a communal facility by presumption. The plan decides.

2.2A.6 No compelled exposure

A school must not require a student, as a condition of receiving education or participating in an ordinary school activity, to undress, shower or change clothing in the presence of a person of the opposite sex where a reasonable alternative is practicable.

2.2A.7 Protection of a privacy request

(1) A school must not discipline, disadvantage, humiliate, threaten, exclude from educational participation, or characterise as misconduct, a student's good-faith request for reasonable bodily privacy.

(2) This section does not protect bullying, harassment, threats, vilification or other unlawful conduct.

2.2A.8 Cultural and religious considerations

(1) When making or reviewing a school-wide policy on communal intimate facilities, a Government school must reasonably consider the cultural and religious composition of its school community.

(2) A school must not treat an otherwise reasonable request concerning bodily privacy or modesty as inherently improper merely because the request arises from religious or cultural belief.

(3) This section does not require a school to adopt or endorse a religious belief, and it does not give a parent or a community a veto.

2.2A.9 Consultation

Before materially changing a policy governing communal intimate facilities, a school must undertake reasonable consultation with affected members of the school community, including, where reasonably practicable, students, parents and carers, culturally and linguistically diverse communities, relevant faith communities, disability representatives, safeguarding personnel, and persons representing transgender and gender-diverse students.

2.2A.10 Safeguarding neutrality

(1) Safeguarding standards apply equally regardless of a person's sex, gender identity, sex characteristics, sexuality, religion, race or cultural background.

(2) Nothing in this Part creates a presumption that a student poses a risk because of a protected attribute, or prevents a school from responding to an objectively identified safeguarding risk.

2.2A.11 Camps and overnight accommodation

A school conducting a camp or overnight activity must provide reasonable arrangements preserving student privacy, which may include sex-separated accommodation, private sleeping

accommodation, an individual room where practicable, a privacy partition, or a private washing and changing arrangement.

2.2A.12 Departmental policy yields

(1) The Secretary must ensure that any Department policy relating to gender identity, sex, toilets, showers, changing facilities or school camps is consistent with this Part.

(2) A Departmental policy has no effect to the extent of any inconsistency with this Part.

(3) Within 90 days after the commencement of this Part, the Secretary must withdraw or rewrite any sentence of the LGBTIQA+ Student Support policy that requires use of a toilet, shower or change room to be based on gender identity rather than sex, or that treats a sex-based reservation of a communal intimate facility, where a private alternative is available, as an example of a denial of a benefit.

2.2A.13 Intimate facilities impact assessment

(1) Before the Department makes or substantially amends a State-wide policy governing student access to communal intimate facilities, the Secretary must prepare an Intimate Facilities Impact Assessment.

(2) The assessment must examine impacts on female students, male students, transgender and gender-diverse students, students with variations of sex characteristics, students from multicultural and multifaith communities, disability access, safeguarding, privacy, parental concerns, infrastructure and cost, reasonable alternatives, and the Australian and international evidence relied on.

(3) The assessment must include public consultation for not less than 60 days. The Secretary must take reasonable steps to facilitate participation by culturally and linguistically diverse communities.

(4) The Secretary must publish the proposed policy, the assessment, a summary of submissions, the response to material concerns, and the final policy.

(5) A State-wide policy governing intimate facilities must be reviewed at least once every 3 years.

2.2A.14 Transitional review

(1) A Government school must review its intimate-facility arrangements within 12 months after the commencement of this Part.

(2) An existing individual support arrangement must be reviewed in consultation with the affected student so that no student is left without reasonable and dignified access to a facility.

2.2A.15 No diminution

Nothing in this Part diminishes a protection against bullying, harassment, vilification, sexual harassment, assault or unlawful discrimination.”.

Part 3—Amendment of the Equal Opportunity Act 2010

5 New sections 42A and 42B inserted

After section 42 of the Equal Opportunity Act 2010 insert—

“42A Exception—sex-separated intimate facilities in schools

(1) An educational authority does not discriminate against a person on the basis of gender identity or sex characteristics merely by—

(a) providing a communal intimate facility separately for female and male users;

(b) reserving that communal facility according to sex; and

(c) providing reasonable alternative accommodation for a person who cannot reasonably use the facility designated for that person's sex.

(2) Reasonable alternative accommodation may include a private toilet, private shower, private changing room, self-contained facility, individual privacy enclosure, or another arrangement providing substantially equivalent privacy and access.

(3) An educational authority cannot rely on this section if it—

(a) denies a transgender or gender-diverse student reasonable access to a toilet, shower or changing facility;

(b) subjects that student to humiliation or harassment;

(c) provides accommodation that is unnecessarily unsafe or materially inferior;

(d) prevents participation in education merely because of gender identity; or

(e) discloses confidential personal information without lawful justification.

(4) Reasonable steps taken to accommodate a student's request not to undress or shower in the presence of a person of the opposite sex do not, of themselves, constitute discrimination.

(5) In this section, communal intimate facility and private facility have the same meanings as in section 3 of the Education and Equal Opportunity Amendment (Student Privacy, Dignity and Cultural Respect) Act 2026.

42B Religious and cultural modesty

(1) An educational authority must reasonably consider a request for a private or sex-separated facility based on a sincerely held religious or cultural practice concerning bodily privacy or modesty.

(2) Nothing in this section requires the educational authority to adopt or endorse the religious belief.".

Part 4—General

6 Charter

This Act is to be interpreted, so far as possible consistently with its text and purpose, in a manner compatible with the Charter of Human Rights and Responsibilities Act 2006, balancing privacy, equality, freedom of religion, protection of children, cultural rights, and the safety and dignity of all students.

7 Repeal of this Act

This Act is repealed on the first anniversary of its commencement. The repeal does not affect the continuing operation of the amendments made by this Act.