

School Education Act 1999
Advance Determination Policy Direction 2019
Made by the Minister for Education and Training under section 157C
of the *School Education Act 1999*

1. Citation

This is the *Advance Determination Policy Direction 2019*.

2. Commencement

- (1) This Policy Direction applies to applications submitted on or after 1 January 2020 and remains in force until amended or repealed.
- (2) The *Advance Determination Policy Direction 2015* is repealed.

3. Definitions

Act means the *School Education Act 1999*;

adverse effect means that the implementation of the school planning proposal will cause one or more of the following:

- (a) a reduction in enrolments causing the school to become financially unviable or to close;
- (b) a significant reduction in curriculum offerings; or
- (c) a significant reduction in teaching and non-teaching staff.

application means an application for advance determination for a school planning proposal made in accordance with section 157A of the Act;

CARE school means a school established and registered solely for secondary-aged students at educational risk;

catchment area means the geographic region from which a school draws, or is expected to draw, its students;

Panel means the Non-Government Schools Planning Advisory Panel appointed by the Minister in accordance with section 241 of the Act to receive applications, consult about and assess school planning proposals and provide advice and recommendations to the Minister in accordance with this Policy Direction, the Act and the Regulations;

planned school means a school planning proposal for which an advance determination is in force;

Regulations means the *School Education Regulations 2000*;

school planning proposal means a proposal to establish a new school or to make a significant registration change to an existing registered school;

student at educational risk means a student of compulsory school age who is unable, for one or more reasons such as the following, to participate in mainstream schooling:

- (a) is disengaged from school or vocational education and training as evidenced by persistent non-attendance or a failure or refusal to enrol;
- (b) experiences learning disadvantages or difficulties which cannot be effectively catered for at a reasonably local mainstream school;
- (c) is affected by life risk factors such as domestic violence, abuse, homelessness, transience, addiction, chronic ill-health or pregnancy;
- (d) is subject to a Children's Court order;
- (e) is the subject of a Responsible Parenting Agreement covering school attendance; or
- (f) is a persistent or serious juvenile offender.

submission means an objection to a school planning proposal made in the form approved by the Minister and providing information and supporting evidence in relation to the considerations in clause 6 and/or clause 7.

4. Scope

This Policy Direction sets out the matters the Minister will take into account in making a decision about an application as required by section 157B(1) and addresses when consultation is required about school planning proposals.

5. Consultation required

(1) The Minister, or the Panel on behalf of the Minister as directed, will consult as required by regulation 130 of the Regulations, with respect to every application with the following exceptions:

- (a) an application to establish a new CARE school where the proposed catchment area does not coincide with or overlap that of an existing or planned CARE school;
- (b) an application to add a campus to a registered CARE school where the proposed additional catchment area does not coincide with or overlap that of another existing or planned CARE school;
- (c) an application to relocate a CARE school or a campus of a CARE school where the proposed new catchment area does not coincide with or overlap that of an existing or planned CARE school; and
- (d) an application to relocate a registered school or a campus of a registered school within its existing catchment area.

(2) An application as described in sub-clause (1)(a), (b) and (c) is to include information about the transport infrastructure, recreational facilities, schools, education and care services and other facilities within the catchment area and the way in which the proposed CARE school or campus and its staff and students will interact with each of these.

(3) The exception referred to in sub-clause (1)(d) does not apply to a change in respect of a registered school whose catchment area is the entire State of Western Australia or the entire Perth Metropolitan Area.

6. Consideration – all applications

In assessing a school planning proposal, the Minister, or the Panel on behalf of the Minister, will consider the extent to which and the manner in which it contributes to the diversity of schools and educational choices.

7. Considerations – submissions received

In assessing a school planning proposal about which one or more submissions have been received, the Minister, or the Panel on behalf of the Minister, will consider, in addition to the consideration in clause 6:

- (a) whether it will or is likely to have an adverse effect on an existing or planned school in the same or an overlapping catchment area, taking into account projections of demographic change in those areas;
- (b) the nature and extent of community opinion about the proposal both in support and in opposition to it, including expressions of interest in enrolment, if any; and
- (c) the governing body's capacity to comply with relevant laws.

Note: Prospective applicants are advised that this Policy Direction is to be read in conjunction with the Act (particularly sections 156 - 158A and 168) and the Regulations (regulations 129 and 130).

Approved 24th of November 2019.

SUE ELLERY MLC
MINISTER FOR EDUCATION AND TRAINING