



Speech by

**Hon. D. WELLS**

**MEMBER FOR MURRUMBA**

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Hansard 21 July 1999

### **SCHOOL UNIFORM BILL**

**Hon. D. M. WELLS** (Murrumba—ALP) (Minister for Education) (9.24 p.m.): When an honourable member strives so hard to solve a problem that was long ago fixed, honourable members might very well take a breath and wonder exactly what that other honourable member was trying to prove. The fact is that the school uniforms problem observed by the Ombudsman last year has since been resolved. The problem the Ombudsman observed was that there was not, within the present framework under the Act, a means by which principals could adopt the behavioural management tools that were available to them by virtue of the fact that there was nothing which constituted the wearing of school uniforms, or not wearing school uniforms, as behaviour within the meaning of the Act. That problem was solved by the simple device of a determination being made under section 84 of the Act.

Section 84 of the Act prescribes the functions of P & C associations. P & C associations, as we know, are basically the mums and dads and some of the teachers at the school who turn up, and they represent the social capital of the school. They represent the community. They have an interest in that particular community and a special understanding of that community. If one were looking for the group that knew most about the school, the body constituted under an Act of Parliament which was best advised of the needs of that school, one would go to the P & C.

The determination I made under section 84 of the Act was that P & Cs would be responsible for the decision as to whether there was to be a school dress code and for the prescribing of that school dress code, if there was to be one. In other words, that function has been accorded to the P & Cs formally under the Act. The Act is the Education (General Provisions) Act 1989, which is not an Act of a Labor Government but an Act of the previous conservative Government—a very adequate Act that has been comparatively little amended. Once that determination gave the P & Cs the opportunity to do that around the State, parents and citizens associations set to work to decide the best thing for their schools.

When a P & C association decides that there should be a school dress code, that decision is taken on behalf of that particular school community. It is culturally appropriate for that school community. It is made by those who have privileged access to an understanding of what is good for that particular school community. They may then advise the principal of the school of the resolution that the P & C has passed.

It has been suggested to the P & Cs, in correspondence which was sent to them, that they might like to advise the principal in terms of section 27 of the Education (General Provisions) Act, which is the section which enables the principal to write into the school's behaviour management plan such matters as a decision that might be made by the P & C in those circumstances. It has been suggested to the P & Cs that if they thought the wearing of school uniforms promoted a supportive environment or, because of the particular circumstances of that school, promoted a safe learning environment—it may be desirable, for the safety of the children, to be able to very quickly identify which of the children are students of the school and which are not—or if they thought it promoted an effective teaching and learning environment by, for example, eliminating distinctions of dress and therefore of class, then maybe it would be desirable for them to mention that and thus further attach themselves to the provisions of the Education (General Provisions) Act.

Once that is written into the school's behaviour management plan, then it becomes behaviour for the purposes of the Act. Consequently, the problem which the Ombudsman identified has been resolved and the capacity of the principal to employ behaviour management tools available to him or her elsewhere in the Act is enlivened.

The powers that are thereby imported would need to be used sensitively, and special instructions have gone out to principals indicating to them the way those behaviour management tools should be used. For example, it has been made very clear to them that special care needs to be taken with respect to students who come from poverty circumstances or students who come from families that move around a great deal. Some people are employed in jobs which can move them up to 20 times over a school lifetime—that is, 20 times over 12 years, or maybe even more. One would not want to be buying 20 different school uniforms.

Other students might simply come from families where the funds are not available to buy school uniforms for whatever reason, good or bad. Whether the reasons are good or bad, the child should not be punished for that misfortune. So it has been suggested to principals that, where a school has decided that it wants a 100% school uniform policy, there should be kept at the school a supply of clean school uniform items so that if a student turns up without a school uniform he or she can be invited to put on the school uniform items. If the student were to refuse for any reason other than conscientious objection, this would enliven the principal's powers with respect to behaviour management. Conscientious objection, where it is genuine— however bizarre it might be—should also be respected, and that has been indicated to principals.

So what we have is a solution which uses the social capital of our community to its fullest effect. It is a solution which does not impose gratuitous regulation from above. It is a solution which puts in the hands of the people who should be making the decision the capacity to make the decision and to make that decision effective. It is not the business of Parliaments or of Governments to attempt to regulate every detail of the lives of those who give them the privilege of governing them. It is the business of Government to allow the social capital of a community to be released to the maximum extent that it can be. Principals should not be making decisions as to what children should wear. Members of Parliament should not be making decisions about what children should wear. Administrators should not be making decisions about what children should wear. Mums and dads should be making decisions about what children should wear. That is why the decision should be in the hands of the P & Cs. That is a solution which is already in place. That is a solution which is effective, which is minimalist—

**Mr Fenlon:** They don't like it because it's working.

**Mr WELLS:** And which is, as the honourable member for Greenslopes says, working.

The Bill before us does not manifest any of these features. The Bill before us does not put the decision as to what children should wear in the hands of their mums and dads. Specifically, it takes it out of the hands of their mums and dads and puts it in the hands of the principals in the first instance. The Bill says, quite explicitly, that it shall be the decision of a principal whether there shall be a school uniform policy and the principal decides what the school uniform policy shall be. Of course, we will get a great deal of parenthetical stuff from the Opposition saying—

**Mrs Sheldon** interjected.

**Mr WELLS:** I can spell it for the honourable member for Caloundra, if she likes. We also have literacy programs in our schools, and I recommend them to her. We will get a great deal of parenthetical stuff from the Opposition, and they will say that, of course, P & Cs can be consulted. That is great, isn't it! They are actually going to consult with the mums and dads as to what the children should wear. It is a clear choice: put it in the hands of the mums and dads, or the P & C, or put it in the hands of the administrators. The Bill goes a lot further than that. It is not just that it is in the hands of the school principal to decide whether they have a school uniform—

**Mr Schwarten** interjected.

**Mr WELLS:** I am sorry to interrupt the honourable member.

**Mr Schwarten:** Auntie Joan was making some rude remarks about your good self.

**Madam DEPUTY SPEAKER** (Dr Clark): Order! The member will not use such unparliamentary language. He will withdraw.

**Mr Schwarten:** I am sorry—what, "Auntie"?

**Madam DEPUTY SPEAKER:** Order! "Joan" is not the correct terminology, either. I remind the member that it is "honourable member".

**Mr WELLS:** As I was saying, it goes much further than this. It is not just a matter of putting it in the hands of the principal instead of in the hands of the mums and dads. The Bill goes further. The

director-general has to approve every single school uniform. There are 1,300 schools in the State school system, and if the honourable member for Merrimac thinks that I am going to—

**Mr Quinn** interjected.

**Mr WELLS:** I appreciate the honourable member's suggestion. What he is suggesting, effectively, is that we should have devolution of authority; so we should have an Act that puts it in the hands of the director-general. But I should correct the mistake that the member is putting into the Bill now by devolving it. This is brilliant! If I need to devolve something that—

**Mr Quinn:** Go and read your Act. You have the power.

**Mr WELLS:** We know this. But if I need to devolve—

**Mr Quinn:** There is a whole range of things.

**Mr WELLS:** I am keen to respond to the member's first idea, because it was actually better than his subsequent ones. If I should have to devolve some power that the member is now proposing to give to the director-general, why would we give it to him in the first place? Why not devolve it in the Act? What is the point of legislating for something that we need to undo by administrative decree? This is the futility of what the honourable member for Merrimac is proposing. And if it is going to be the case that the director-general has the responsibility for doing this, either the director-general or some other public servant is going to have to sit up there on the 22nd floor or the 21st floor of Education House reading 1,300 school uniform proposals. And according to what standards of expertise is the director-general going to make these decisions? Is the director-general going to inform himself by reading Vogue and Belle and Marie Claire? And if the honourable member for Merrimac thinks that I am going to suggest to Terry Moran that he should expand his horizons to reading that sort of thing, then he has an inflated notion of the extent of ministerial power, because this is not something that I could do, nor is it something that I would wish to do. It is an absolutely absurd proposition, but it is one that naturally flows. According to what standards of expertise is the director-general supposed to make this decision? Although there is no answer to this question in the Bill, although there is a hint. The standards of expertise are going to come from a higher plane still—from the Governor in Council.

**Mr Schwarten:** The old Governor has got to come into this every day of the week.

**Mr WELLS:** Yes. The regulation-making power is clear here. The Governor in Council can make regulations about all sorts of things, in particular the things that can be in school uniform equipment—the kinds of items.

**Mr Lucas:** Could you move a disallowance of socks if you did not like them?

**Mr WELLS:** I suspect that one could. The honourable member for Lytton, who is a man learned in the law, has got quickly onto the point that anything that Governor in Council does by regulation is capable of being disallowed by the Parliament. Consequently, we will have members of Parliament advising His Excellency as to socks, hats and shoes. The skills of a clothier and a haberdasher will become important in the corridors of power.

Under the provisions of this Bill every member of the Executive Council will need to know about these sorts of things. They will need to know about fashion. They will have to make it their business to have some expertise in this area. When the matter comes to Parliament, of course, it will require honourable members to inform themselves appropriately. I suspect that this Bill is just an excuse so that members oppose—

**Mr Lucas:** The member for Mount Isa should be in charge of this because—

**Mr WELLS:** I thank the honourable member for his contribution, but I do not think that any member of Parliament should be in charge of the question of what school children should wear. I believe it should be their mums and dads who decide such things. I do not think people want to see the involvement in this matter of every busybody in every nook and cranny of public administration. This is a matter of consequence for the families concerned. I believe that this Bill is simply an excuse so that Liberal members of Parliament can go on study tours to the boutiques of Vaucluse and South Yarra in order to better inform themselves of the kinds of fashions that should be included.

This Bill is laughable. This Bill is silly in that it involves a whole massive administrative machine in an essentially simple decision, namely what should John and Betty be wearing when they go down to the local State school on the first Monday of school. Surely the mums and dads should be making that decision.

**Mr Schwarten:** It's not too much to ask, really, is it?

**Mr WELLS:** It is not too much to ask. That is the decision that is made available to the parents under the resolution which has been achieved. May I point out that that resolution was achieved under a determination made under an Act which was passed by a Government of the conservative political persuasion.

The problem that the Ombudsman raised in the first instance has been resolved. Some statements have been attributed to the Ombudsman to the effect that he is not clear on, does not understand or is not satisfied with the resolution. Perhaps I could remedy that. I am very happy to explain the details to him if he wishes me to do so. I received advice yesterday that the Ombudsman, in his capacity as Ombudsman, has not been in touch with my office since last August. If he experiences any dissatisfaction, that fact has not been communicated to me, to my knowledge.

I am aware that statements have been made by members of the Opposition about what the Ombudsman thinks. I urge the honourable member for Merrimac, and others opposite, to be very careful about what they attribute to the Ombudsman because the Ombudsman himself does not purport to be a legal adviser to Government. He does not purport to have the qualifications or the official office support to provide legal advice to Government. The Ombudsman does not purport to be a policy adviser to Government. Indeed, he would be stepping outside the provisions of his statute if he did purport to question ministerial decisions. So I would urge honourable members opposite not to represent him as if he were doing that. The problem which the Ombudsman identified has been solved. It has been addressed in precisely the way I indicated.

I would like to say a few words about social capital. It is very easy for social capital to be eroded. It is very easy for the glue which holds social systems together and which holds communities together to become unstuck. Institutions which build on those bonds which bind society together are institutions which conduce to the health of that society. If we allow people to make decisions about the matters that affect them directly and in the first instance, if we entrust people to make those kinds of decisions rather than try to hand those decisions down from on high, if we leave the decisions that should be in the hands of the mums and dads with the mums and dads, we build social capital, we build trust and we build a viable and workable social system. That is what the resolution of this problem did.

May I say that this solution has been communicated extremely extensively to the P & Cs and the principals around the State. May I make it perfectly clear that the letter which the P & Cs and the principals received was settled by the Solicitor-General. That document settled by the Solicitor-General has received widespread publication and is publicly available. Clearly, it is the best solution to the problem.

Of course, no solution is immune. Any resolution of any problem can be challenged. As long as there are smart lawyers around, anything can be challenged. I put it to honourable members that a piece of legislation on this subject would be akin to a red rag to a bull to anyone who wanted to challenge the right of any community to have people wearing school uniforms. We would have gratuitous legal challenges. We would have people doing it just for the fun of it. We would have complaints to the United Nations. We would have all sorts of nonsense going on. We would have a three-ring circus as a result of this rather silly and ill-thought-out Bill.

To sum up: the solution is in place. The solution is one which builds social capital. The solution is one which was conveyed very widely to the community in a letter which was settled by the Solicitor-General. The solution has been working. It is a solution which puts this matter in the hands of the mums and dads, and they are the ones who should be deciding what children should wear.

There is a clear decision on this Bill. Do honourable members want the question of what children are going to wear to be decided by principals, administrators, politicians and every busybody in every nook and cranny in Government, or do they want the question of what children will be wearing to be decided by the mums and dads? It is a simple question. I recommend to honourable members that they vote against the Bill which gives such a complex answer.

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