



Speech by

Hon. D. WELLS

MEMBER FOR MURRUMBA

Hansard 18 August 1999

MINISTERIAL STATEMENT

School Uniform Policy

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Education) (5.59 p.m.), by leave: I table a document which I made available last Monday to the Leader of the Opposition and the member for Albert in conjunction with a supplementary answer to question on notice No. 673. I make this available to honourable members ahead of this evening's school uniform debate in order to make the process of policy formulation preceding the establishment of the present school dress code policy transparent. I make no secret of the fact that I put that policy in place contrary to a stream of thought in my department that had become established tradition.

At the time that I answered question on notice No. 673, there was no copy, and no record of this paper ever having been submitted to my office—and quite rightly so, because it had been cancelled in the department. When I became aware that this cancelled paper was in the files in the Justice Department, I retrieved it and, on the very next day of business, provided the supplementary information to the record of Parliament. I was not forced to make this public. An FOI application to Justice has not elicited it, and I do not think that it is competent to elicit it. Assertions made to this Parliament by the member for Merrimac that this document is public as a result of an FOI document are blatantly untrue.

As to the status of this document, it is not departmental advice. A departmental officer came to me with a paper and said that he was not submitting this to me as an advice, because it did not represent his concluded view on the subject and it lacked the customary endorsement of the director-general, as it was at that time work in progress within the department. After discussions, the departmental officer took no further steps to refine the memorandum and submit it to the director-general. It was then treated as cancelled, as advice beyond that embraced by the department's approach was required.

Although my statement in answer to question on notice No. 673 that there was no written departmental advice was true and complete to the best of my knowledge at the time, I can accept that some members might want to insist that a document which was tendered to me with the caveat that it was not departmental advice was nevertheless departmental advice. For that reason, I followed the Westminster convention applicable in those circumstances, and a member who believed that I had misled the House in my answer to question on notice No. 673 would have to acknowledge that I corrected the record at the very first opportunity, and without prompting, as soon as I had the document which founded the additional information.

While I apologise to any member who was aggrieved or inconvenienced by my first answer to question on notice No. 673, I cannot make available pieces of paper I do not have, and I will not purport to have been advised in terms in which I have not been advised. I stand by the view that I expressed on the cancelled paper that the argument that we cannot have a school dress code policy unless we have a school uniforms Act is logically invalid. There are many sources of law apart from statute, and there are many sources of cooperation between people, including the source of social capital which is harnessed in the present school dress code policy.