



Speech by

**Mrs J. SHELDON**

**MEMBER FOR CALOUNDRA**

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Hansard 21 July 1999

### **SCHOOL UNIFORM BILL**

**Mrs SHELDON** (Caloundra—LP) (9.49 p.m.): I rise to speak on the School Uniform Bill. All I can say is that it is appropriate that the Minister gave his reply on the 30th anniversary of man landing on the moon because his contribution sure came from outer space. We always think that the Americans were the first on the moon, but I think possibly the Minister beat them to it because his contribution was certainly full of moon rocks.

This Opposition Bill ensures that State school communities have the legal backing they need to apply their own individual dress codes in relation to school uniforms, and that is exactly where that decision should be made. As we know, the issue of school uniforms has been the subject of ongoing debate, and the need to legislate has arisen as a result of the Ombudsman's 1997-98 annual report to this House, which was tabled last October.

As a result of his investigations into this issue, the Ombudsman concluded that school uniforms are not compulsory in State schools, attempts to enforce their wearing is unlawful and that the position can be changed only by legislation. As members will hear, a lot of schools, their principals and their P & Cs have been very concerned about the position that that decision has created. The Ombudsman stated also that students who are reasonably dressed could not be punished or treated differently in any way for not wearing a uniform. The questions that have arisen in the minds of a lot of principals and P & Cs are: who is to decide what is reasonable; who is to decide what is safe or unsafe; who is to decide what is offensive?

It is quite obvious that schools want to have the ability to give directives and to make decisions that will not be challenged. The coalition is strongly in favour of school uniforms, and I think that this Bill shows that. We believe that school uniforms offer many benefits in terms of safety and security, behaviour management and good discipline. I think that, similarly, a lot of principals think that having a school uniform creates that desired effect. It also gives personal pride and team spirit and, contrary to what the Minister said, it promotes egalitarian values.

Many schools have come out very strongly in support of the Opposition's proposal. I refer to a letter from Kawana High School, which is in my electorate. It was sent to the students, parents and staff. It is a joint letter from the principal and the president of the P & C association and signed by both of them. The Minister stated that P & Cs and parents should make these decisions. In letters that I will read out, they are saying very clearly that this is their decision and they want to know that they can do it and that it is legally enforceable. The letter states—

"Dear students, parents and staff.

You would all be aware that the image of our school is important to the Kawana Community. It is essential therefore that we clarify our school's Uniform Policy and Dress Code.

Acceptance of a student's enrolment at Kawana Waters State High School is conditional upon the student and parent's understanding and acceptance of the uniform dress code.

Our current school uniform was decided through an intensive consultative process involving students, parents and staff during 1997. The new uniform is being phased in over 1998 and 1999. From 1998 all Year 8 students will be in the new school uniform.

The uniform is a multipurpose uniform. It provides parents and students with inexpensive options and cheaper alternatives to the many label names that some students prefer to wear.

This school is a uniform school.

Students choosing to enrol here commit to wearing the school uniform.

We believe the wearing of the school uniform assists students develop positive self image. Employers are constantly advising us that personal presentation is the first factor they take into account when recruiting staff.

Additionally, when supervising our students, it is much easier to identify those people who do not have permission to be on school grounds. This is an issue concerning student safety.

The Parents and Citizens' Association has generously made available items of clothing for students who for a period of time are unable to meet the above requirements. Parents are advised to contact a member of the school executive team"—

and they list two—

"if you wish to avail your student of this opportunity.

Students who are unable to wear part of the uniform are required to bring a note signed by their parent.

Students who fail to provide notes are acting outside the school's policy.

We believe this to be a fair and equitable policy and expect students to support it. We trust that all parents support our policy as we believe it to be in the best interests of our whole school community."

The letter also provides a copy of the dress code for people's information. This letter was sent to the students by the principal and the president of the P & C. I think that the views that I have just expressed from Kawana High are views shared by an overwhelming majority of parents, teachers and principals.

However, the coalition believes that individual school communities are best placed to make these sorts of decisions. So the Bill before the House does not seek to impose our views on any school that would prefer not to have or not to enforce a school uniform code. That decision would be left to the discretion of each individual school community. What can possibly be wrong with that? This Bill removes any legal uncertainty about a school's authority to enforce an approved dress code, whether or not that involves a school uniform. It seeks to rectify the problems, as highlighted by the Ombudsman's report. It restores an acceptable level of certainty to students, to parents, to teachers and to principals and it does not involve any appreciable addition to school workloads.

The Ombudsman's report must be acted upon, otherwise legal challenges may occur. Whether they are successful or not is yet to be seen, but they may occur. I think that schools, school communities and P & Cs should not be put in a position where they are uncertain about their legal rights, or where they may have to face legal challenges that could be mounted with all the attendant time and resources involved.

The alternative strategy to that proposed by the Opposition, which was announced by the Minister, is really a Clayton's solution. It fails to address the Ombudsman's central finding that the statutory shortcomings he highlighted could be changed only by legislation. He said that himself. It also seems to disregard the fact that the Ombudsman has already investigated and rejected the option of linking a school's dress or uniform code to its behaviour management plan and related statutory powers. So certainly, the Opposition has introduced this Bill in the best interests of the schools and their students. If it is defeated by the Government along party political lines, the Ombudsman's reasoning in last year's report suggests that he may well interpret that rebuff as a vote against any school's powers to enforce a dress or uniform code, including those proposed by the Minister. The Opposition is aiming to create a sense of certainty in which our schools and their communities can operate. Surely, that is just plain commonsense.

The Opposition put in freedom of information applications on this subject to see, in fact, what information had been going to the Minister. They were certainly a real eye-opener. They revealed a long history of disputes and confusion ranging from the trivial to the very serious. The Opposition's Bill is the Government's chance, if it supports it, to make amends for what it has not done, since the Ombudsman's report said that the situation could be remedied only by legislative change. These applications that the Opposition made under FOI have revealed that, following that report from the Ombudsman, not one of the many letters from schools or P & C associations opposed a legislative solution. In fact, the overwhelming majority strongly supported a clear statutory response so that there

could be no question about a principal's authority to maintain school uniform policies and apply approved sanctions, if necessary.

I am going to read some of those letters, because they were sent to the Minister for Education. The letters to which I will refer are the ones that relate particularly to the Sunshine Coast. However, there were a ton of letters sent from schools throughout Queensland saying exactly the same thing.

**Mr Sullivan:** We wrote half of those. You know that.

**Mrs SHELDON:** If the member says that they wrote them, I wonder what the P & Cs of Beerwah High School, Maleny High School and the Noosa District State School are going to say about his comment. The letter from Beerwah High School P & C states —

"Dear Minister,

The Beerwah P & C are proud of the schools uniform and uphold the wearing of it. We feel that a uniform gives the students a sense of pride in their school and a feeling of belonging. Students at our school wear their uniform with pride.

The P & C feels that the wearing of a uniform allows the Students to concentrate on learning not making a fashion statement. The schools uniform is comfortable, durable and fairly inexpensive. There is also an element of safety with the wearing of a uniform as it allows teachers and staff members to easily identify strangers in the school grounds.

Our school receives comments from other schools and students on how smart our students look when they represent the school at various functions. The school uniform came about after a full consultation with the school community including parents staff and students.

While we know that we can not enforce the wearing of a uniform under the act the way it stands at the moment, we hope that you will take the measures necessary to allow us this power.

We look forward to you addressing this issue at your earliest convenience."

The Noosa District State High School P & C Association also wrote to the Minister. It stated—

"Dear Mr Wells

The Parents and Citizens Association of the Noosa District State High School have recently reaffirmed that we are a 'uniform school'. We believe strongly in the value and positive image our uniformed students have on our school.

We are concerned that following the Ombudsman's comments we do not have the authority to enforce our Uniform Policy.

We urge you to consider changing the legislation to allow schools to be able to enforce Uniform Policies.

We of course, as always, have ensured that no student through economic hardship is disadvantaged.

We have an excellent school that is well run and is respected in the community. We are proud of our school image and feel our image may be damaged through the non-compliance of our Uniform Policy."

The member for Nicklin wrote to the Minister, enclosing a letter that he had received from the Maleny State High School. In his covering letter, he said that he believed that the submission had some merit. Under the heading "School Uniform Policy", the submission from the Maleny State High School P & C Association stated—

"It was decided at our last P&C meeting that I should write and request that you investigate why school uniforms cannot be made compulsory for all high school students.

We feel that school uniforms should be compulsory, in light of:

- a) School based management where staff, parents, and students have been surveyed and the vast majority support the policy of all students wearing school uniforms.
- b) Workplace Health & Safety issues.
- c) Providing a safe environment for our students. (Our School has had several disturbing instances with intruders lately, where the school staff were not easily able to identify these intruders due to lack of all students wearing the school uniform.)"

That point was raised again and again in representations that I received from school communities. The letter concludes—

"We would be most grateful if you could look into this matter."

Those letters very clearly demonstrate that the school communities and P & Cs actively support the stance that the Opposition is taking. We are endeavouring to give a sense of certainty, security and surety to school communities so that they know that they can act and that they are not going to be in any way legally challenged. If they felt that they had this security now, they would not be writing these letters. They would not be asking the Minister to legislate. That is clearly mentioned in the letters.

It would be good if, for once, the Government looked at something that was proposed by the Opposition and said, "This is a good idea. Let us support it. For once, let us forget party politics. Let us look to the good and the interests of our school communities, our parents and our students. Let us put politics aside for once and support a really good concept." The concept proposed by the shadow Minister for Education, Mr Quinn, is a very good concept.

An independent survey of P & C associations has shown strong support for a legislative solution to the problems that were highlighted by the Ombudsman. In his speech, the Minister said that parents should have the right to choose. Indeed they want the right to choose, but they want some legislative support for their choice.

A sample survey was initiated by the Gold Coast P & Cs, which involved 41 State schools—31 primary and 10 secondary schools—with a total of more than 30,000 students. Only one P & C formally rejected a legislative solution, eight adopted a wait-and-see position and 31 voted in favour of legislation. I think that that is an overriding majority in anyone's book. Another P & C supported legislation providing it applied only to hats and footwear. A recent search of Education Queensland files under the FOI did not find one letter from a school or P & C opposing a statutory solution to this problem. All of that evidence gives great credence to the position that the Opposition has taken on school uniforms. In fact, most schools were strongly in favour of clear-cut legislation.

The cure as proposed by the Minister is as bad as the disease. The problem for our schools will continue to fester until it finally erupts in the courts, and that is not fair on the schools. Without clear legislation, this issue will be a running sore. Therefore, I strongly support the Bill as put forward by the Opposition. I hope that some thinking members of the Government who are not just interested in cheap political point scoring will support the Bill as put forward by the Opposition.

I was very disappointed in the substance of the Minister's speech to this House on the Bill and the contribution that various members on his side of the House made during that speech. That showed that they do not have any serious understanding of the situation that our schools, P & Cs, parents and principals are facing. We have endeavoured to clarify that position in this Bill so that they will no longer feel under threat. I strongly urge all members of the House to support this very good Bill.

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