



Speech by

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STATE MEMBER FOR KURWONGBAH

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SCHOOL UNIFORM BILL

Mrs LAVARCH (Kurwongbah—ALP) (9.23 p.m.): The member for Merrimac stated in his second-reading speech that the purpose of this Bill is to give legislative backing to State school communities developing and applying their own individual dress codes with an agreed framework whether or not that involves a student uniform. In fact, the Bill actually gives the decision in relation to dress codes or whether or not there is a school uniform to the principal and the Government, but I will come back to that point a little later.

When one reads the second-reading speech of the member for Merrimac, the implication is that this is an aspirational objective and, as such, it can be reached without legislative backing; it is an objective that does not even need bureaucratic administration; it is one that can and should be achieved at a school community level, that is, by school P & Cs. The simple point is that the aspirations in relation to school uniforms do not need legislative reinforcement.

Until I heard the member for Caboolture tonight, I thought that everyone in this debate was on the same wavelength. Before the member for Caboolture spoke, I had not heard any disagreement from anyone in this House about the wearing of school uniforms. That has changed a little.

I still do not believe that any member of this Assembly is really arguing about what is to be achieved. The arguments of the Opposition are only about how it is to be achieved. For us there is no argument because the Minister has already demonstrated that his administrative approach is working, and working well. In fact, it has been achieved; it is fixed. As pointed out by the Minister in speaking to this Bill on 21 July, the problem that the Ombudsman observed was able to be solved by the simple device of a determination being made under section 84 of the Education Act. Tonight's debate is redundant. If the member for Merrimac really wanted to make a constructive contribution to education in this State, he would withdraw the Bill.

The legislation will not advance the position of school dress codes one iota, and the member for Merrimac admitted as much in his response to the Scrutiny of Legislation Committee's Alert Digest report on the Bill. The Scrutiny of Legislation Committee, in Alert Digest No. 2 of 1999, reported on this Bill and, whilst reaching a view that a requirement to wear a school uniform does not unreasonably intrude upon the rights and liberties of students or their parents, the committee did express concern that the term "dress code" in proposed new section 26A is not defined. The committee was of the view that if it is the Bill's proposal to have dress codes made by regulation, then that would be an inappropriate delegation of legislative power.

The committee also expressed concern about the provision that the sanctions that may be applied for contravening a dress code would be prescribed by regulation. The committee's recommendations were that the Bill be amended to incorporate a definition of the term "dress" or "dress code" and, further, that the Bill be amended to list the possible sanctions for contravention of the dress code rather than leave these to regulations.

In response to those concerns, the member for Merrimac reiterated his public statements on the matter that the coalition's School Uniform Bill was never intended to address every last issue involving school uniforms. Perhaps he could tell that to some of the other members on his side of the House. He goes on to state that he always favoured the minimalist approach. He says that, in common with the Minister, he does not believe that we should legislate for the colour of socks, expressing the view that

the Bill is not meant to extend existing practice; it is there simply to legitimise the status quo. The member for Merrimac welcomed the committee's acceptance that dress codes should be instituted by administrative action rather than be incorporated into regulation.

In response to the committee's recommendations that the Bill be amended to define "dress code", the member for Merrimac stated that it would be totally inconsistent with the fundamental commitment to a minimalist approach in drafting this Bill to comprehensively define "dress code". In response to the concerns that the sanctions would be made by regulations and that these sanctions could include exclusion or suspension from school, the member for Merrimac was adamant that it is not the Bill's intention to apply such severe sanctions to a contravention of the dress code. However, I am not so confident that this would be the case.

Even if the regulations made under the proposed new clause do not specifically provide for suspension or exclusion, such sanctions could be applied as a disciplinary action under Part 4 of the Education (General Provisions) Act. That is, if one looks at section 28 of the Education Act, it could be said that consistent failure to wear the correct jumper or the right coloured socks or not wear three earrings in your ear or have your nose pierced is disobedience, and disobedience under section 28 can be dealt with by suspension.

Mr Quinn interjected.

Mrs LAVARCH: No, it is not our problem. This Bill makes the situation much worse.

The Opposition is clearly advocating an aspirational, minimalist measure in relation to dress codes with the first port of call being the schools making the determination on what the dress code is—not the P & C, but the principal. The Bill then requires the Director-General of the Department of Education to approve that dress code and, as was rightly pointed out by the member for Gladstone, that is in contravention of the member for Merrimac's own beliefs. When he was the Minister for Education, his beliefs were that it was to be school-based management.

I concur 100% with the Minister, the Honourable Dean Wells, when he says that principals should not be making decisions about what children wear. Members of Parliament should not be making decisions about what children wear. Administrators should not be making decisions about what children wear. Mums and dads should be making decisions about what children wear. That is why the decision should be in the hands of the P & Cs.

What the Opposition seeks to achieve and what the Bill will require if it becomes an Act are two very different things. I think the Opposition should be very conscious of this, because if the law does not reflect the policy, then this State has a very bad law.

In conclusion, I draw to the attention of the House what the Smith Family had to say about the Opposition's proposal to legislate for school uniforms. It says that its client surveys show that uniforms are considered a costly but acceptable expense within reason. It states that the concerns of parents have been over rigid compliance with school uniforms. Stories of children being sent home because their jumper was not the right shade of maroon, even though they had nothing else, or because they wore incorrect socks and so on, although relatively isolated instances, were prevalent and the major factors affecting these students. The possible enforcement through regulation opens the door for even greater pressure to be applied to those in our schools who are already marginalised.

The enforcement through regulation often limits the options available, and the pressures applied for financial gain or the need to simplify standards can be justified and act as a vehicle to exclude. A sensible, understanding approach needs to be taken with school uniform policy through a mix of community resolve and collaboration with agencies that represent the interests of children. The Smith Family says that we need to be cautious. I concur with it, and that is why I will be opposing the Bill.
