



Speech by

Mr T. MALONE

MEMBER FOR MIRANI

Hansard 21 July 1999

SCHOOL UNIFORM BILL

Mr MALONE (Mirani—NPA) (10.42 p.m.): I take great pleasure in speaking to the Opposition's School Uniform Bill. It is true to say that the issue of school uniforms has been bubbling away for many years, and it came to a head last October, when the Ombudsman's report was tabled in this House. For the benefit of honourable members opposite, it is useful to reiterate the Ombudsman's key findings. They were that school uniforms were not compulsory in State schools under existing legislation and that attempts to enforce their wearing were unlawful. The Ombudsman also stated that students who were reasonably dressed could not be punished or treated differently in any way for not wearing a uniform. He concluded that the situation could only be changed by legislation. This Bill directly addresses the Ombudsman's concerns. First and foremost, it would provide a sound statutory basis for school dress codes. It would also remove any uncertainty about a school's legal authority to enforce an approved dress code, whether or not that involves a formal uniform. It would ensure that issues such as exemptions, sanctions and safeguards were addressed in subordinate legislation, in close consultation with parents, teachers and principals. It would fill the statutory vacuum highlighted by the Ombudsman's report. This Bill is not about making uniforms compulsory for every student in every school.

The previous speaker in this debate indicated that there are schools throughout our State that actually have students who go to school without shoes. I can recollect that, in my day, we did exactly that. This Bill does not ensure that those students would have to wear a school uniform. That would be addressed simply by the P & C. And if they decided that they wanted children not to wear shoes, that would be okay.

As I said, this Bill is not about making uniforms compulsory for every student in every school. It is about allowing school communities to make their own democratic decisions tailored to meet local needs and circumstances within a practical policy framework. The alternative strategy announced by the Minister is a Clayton's strategy. We have seen that tonight. It fails to address the Ombudsman's central finding that the statutory shortcomings he identified could only be changed by legislation. It also disregards 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.

Another aspect of the school uniform debate which continues to concern members on this side of the House is the Minister's repeated refusal to release the legal advice on which he allegedly based his alternative strategy. The Minister has already admitted that his strategy was contrary to formal departmental advice. In fact, it was not even proposed by Education Queensland, let alone included among its preferred or recommended options.

We also know that the State Ombudsman himself has effectively rejected the Minister's strategy by reaffirming his view again this month that principals do not have the authority to enforce school uniforms. The Ombudsman has specifically advised that he is unlikely to change his view without "convincing legal advice or opinion to the contrary". The Ombudsman's views are highly significant, because he was briefed on the Minister's strategy four months ago. In other words, he has had ample time to reach a considered conclusion. His opinion, quite frankly, was not offered off the cuff. It was a formal response to a formal question and casts grave doubt on the Minister's strategy and personal credibility.

In summary, we now have a situation in which the Minister has rejected the Ombudsman's findings, not once but twice. He has also rejected his own departmental advice. Quite frankly, this leaves the Minister's credibility hanging by a thread. It is simply not reasonable for the Minister to ask parents, teachers and principals to rely on his own unsubstantiated say-so against the formal advice of the Ombudsman and Education Queensland. These are highly unusual circumstances, and the Minister should immediately release his legal advice for public scrutiny.

This issue affects the day-to-day lives of almost half a million students and possibly a million parents, so the time has come for the silly games to be over. We have laid our cards on the table, and the Minister should do likewise. Quite frankly, we do not believe that any self-respecting lawyer would support the Minister's half-baked strategy over purpose-built legislation, but this is his big chance to prove me wrong. The onus is now on the Minister to back his claims with something more substantial than hot air.

Mr WELLS: I rise to a point of order. The letter conveying the advice to the P & Cs and the principals was settled by the Solicitor-General. That is an imputation against lawyers that the member is making.

Madam DEPUTY SPEAKER (Dr Clark): Order! There is no point of order.

Mr MALONE: A recent search of Education Queensland's files under freedom of information did not find one letter from one school or P & C opposing a statutory solution to this problem. What it did reveal was a long history of disputes and confusion, ranging from the trivial to the very serious. It revealed a lengthy trail of correspondence between the Ombudsman's office and the department, leading all the way to this debate tonight. It also revealed that the overwhelming majority of school communities are strongly in favour of clear-cut legislation. As one particular community noted in its own correspondence on this issue, legislative support to enforce appropriate dress standards would allow State schools to reinforce the core values of safety, equity, cost-effectiveness and identity. That particular school made some very sound points which are highly relevant to this debate tonight.

The points were as follows: uniforms ensure that intruders are readily identifiable; non-compliance by a very small minority of students threatens the security of all students; uniforms are invaluable for identification and security purposes when taking students on field trips, sporting excursions and the like; they address equity issues by reducing readily apparent differences between those who are well off and those who are less well off financially; they lessen the chances of bullying and harassment where students are singled out because of the clothes they are wearing; they reduce the cost of school clothing over the longer term; they reduce the peer pressure on students to wear trendy gear; they reduce the pressure on parents to buy those trendy items of clothing; they assist in maintaining an appropriate standard of modesty and presentation; they play a major role in creating and maintaining a school's identity in spirit; they address workplace health and safety issues such as garment flammability and protective clothing—for example, in school laboratories and workshops; they help to prepare students for the practical realities in many workplaces; and they help State schools compete with non-Government schools in presentation and appearance. These are all valid points and we hear them time and time again from schools throughout Queensland.

At the end of this process there can be only one of two media headlines—"Parliament passes School Uniform Bill", or "Parliament rejects School Uniform Bill". The latter would send a most unfortunate message to the general community.

Similar legislation has been operating very successfully in Western Australia for quite some time. I believe that Queensland schools deserve the same unequivocal statutory support.

I would like to read a section of a letter that was received from a school in my electorate. The letter reads as follows—

"We strongly support the motion of the Queensland Secondary Principal Association that urgently requires a change in the Education Department Act to make uniforms compulsory in all State Schools.

We have had a uniform policy and some of the benefits devised from this policy are brought to your notice.

1. Uniforms used to identify students on activities and excursions.
2. Uniforms help lift pride within the student body.
3. Uniforms are cost effective and minimise 'competition' for the latest fashions.
4. Uniforms help identify undesirables (strangers) entering school grounds.

We urge you to support this motion in every respect and move swiftly to resolve what we see as an unacceptable situation."

I have another letter from Townsville from which I wish to quote. It reads—

"In reference to your correspondence of 11 March 1999, namely a School Uniform Bill, the Parents and Citizens Association of Townsville State High School fully supports the Coalition's proposed Bill. Our association perceives this Bill as providing the appropriate legal support for the Principal and Staff of our school.

A dress code is integral to the development of a strong school spirit as well as providing safety for students by identification of non-school persons within the school grounds. The P & C of Townsville State High School fully endorses your Bill."

I have much pleasure in supporting the Bill.
