

# CORRECTED VERSION

## EDUCATION AND TRAINING COMMITTEE

### Inquiry into dress codes and school uniforms in Victorian schools

Melbourne—30 April 2007

#### Members

Mr M. Dixon (from 18 September 2007)	Dr A. Harkness
Mr N. Elasmarr	Mr S. Herbert
Mr B. Finn (1 March – 18 September 2007)	Mr G. Howard
Mr P. Hall	Mr N. Kotsiras

Chair: Mr G. Howard

Deputy Chair: Mr N. Kotsiras

#### Staff

Executive Officer: Ms K. Ellingford

Research Officer: Ms J. Hope

Committee Administrative Officer: Ms N. Tyler

#### Witnesses

Mr B. Burgess, president, Victorian Association of State Secondary Principals Inc.

**The CHAIR**—I welcome you all to the first of the public hearings of the Education and Training Committee for this year. We will be looking at the issue of dress codes and school uniforms in Victorian schools. We have the representatives from the Victorian Association of State Secondary Principals here, and we will hear from them in a second.

I will read out a formal advice in regard to your submission before you speak. The evidence that is presented at an inquiry such as this is taped for *Hansard* purposes. The issues associated with parliamentary privilege apply, as provided by the Constitution Act 1975 and, further, subject of the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of the reciprocal legislation in other Australian states and territories. In other words, parliamentary privilege applies to these discussions. However, you would be aware that anything that is said outside of the parliamentary precinct is under normal jurisdiction. As I have already advised, we will be taping this for *Hansard*, and as early as possible we will get a transcript of everything you have said today out to you for correction and return to us.

We had in mind that you would speak for about 10 minutes and then we will have questions that will follow on from that. You will see that Andrew is taking photos of the committee for the website and so on. I hope you do not mind. If you do, let Andrew know. Welcome to the committee.

**Mr BURGESS**—Thank you for the opportunity to appear. My name is Brian Burgess. I am the president of the Victorian Association of State Secondary Principals. I have copies of my submission. Would you like those now, Geoff?

**The CHAIR**—If you can hand those around, we can look at them.

**Mr BURGESS**—I will highlight some of the issues that are in the submission. In relation to the submission, we did not have a lot of time from the notice of this to go through our formal committee executive structures, but we did ask for responses from principals. We had about 60 responses from principals from around the state, which would represent something like about 20 to 25 per cent of secondary schools.

The submission itself contains comments based on each of the criteria—we are commenting on criteria 1 to 8—but it also includes actual comments from principals out of their very mouths. We thought it was important for members of the committee to understand the feelings and the passion that uniforms and dress codes can elicit in schools, equally for and against. Whilst the vast majority of schools would have a compulsory uniform code, there are many that do not, and they are equally as passionate about not having a dress code as are those that do. So we thought it was important that you got a feeling for what principals said. In the indented sections of this submission you will find comments from the emails that we received. We have not identified the individual schools, but they all come from principals in school communities.

Under the first criterion, the benefits and costs, most principals would say that reduced costs and practicality are issues with compulsory school uniforms. It mitigates the fashion creep amongst students, especially adolescent girls. It takes out the 'what is cool' emphasis. There is a particular advantage for students from low socioeconomic groups in the provision of school uniforms, and we will get to costs and procurement later. Having said all of that, the policing of school uniforms is a very time-consuming process for schools, mostly at the low level, 'I've left it in the wash,' or, 'The dog ate it,' or something along those lines.

Principals highlighted that having a school uniform was an important social symbol of belonging, and a subtle benefit for some was that the uniform or lack of it was an excuse for a principal or an assistant principal to begin a conversation with a student, which often leads on to other matters that are impacting on the student and their schooling. It offers less opportunity for bullying, in the sense that everybody looks the same, so there is none of the, 'We look better than you and therefore we're better than you.' It also takes a lot of the costs out. For example, one principal highlighted that a surf shop school bag can cost up to \$90, whereas you might be paying \$40 or \$50 for a school bag through a uniform provider.

In terms of criteria (b), the views of school communities, there are things like unity, pride, identity, and also noting that codes of dress are prevalent in many industries, so it is a bit of a training ground for students to get used to the idea that there are expectations about dress. Identity of outsiders was a thing that was highlighted by many people. It is easy to identify an outsider in the school grounds or on an excursion if all the students

are in uniform.

On the counter side, schools that have no compulsory uniform would highlight the fact that it removes a source of conflict between teachers and students and sometimes the school and parents. This is especially true in the senior years. A number of schools would have a 7 to 10 uniform but perhaps an 11 and 12 where there is no uniform or a modified uniform. They indicated that the conversations with students were therefore around learning rather than around dress. Students could reflect their personality and individuality, and it was really about the core purpose of education, which was to enhance the learning process and not to ensure that everybody looks the same. As I said, this issue elicits a lot of passion both for and against a school uniform.

A number of schools highlighted the fact that the processes that are currently used in setting a compulsory school uniform or a dress code are very collaborative processes—they involve parents, they involve the school council and they involve students—and that the removal of those processes and engaging the local community in that decision making would be a retrograde step. All submissions were very much of the opinion that this decision should be left at the school level. One comment from a principal was:

The cultural impact and sense of pride in one's school cannot be overlooked. Also, the kids look good and they know it.

A lot of submissions would reflect that type of line. However, there is also, on the counter—for no uniform—equally as passionate a response, as I said. One comment was:

We would rather believe that our students are recognised as members of our communities through their qualities and actions rather than by the clothes they wear.

In terms of uniform procurement arrangements, all school councils or principals that contacted us recommended that it would be a retrograde step for there to be some sort of statewide procurement. That process should be left to the individual school councils. A number mentioned perhaps an increased assistance through State Schools' Relief Committee Inc., which would be the main body that schools would use to cater for students from low socioeconomic backgrounds. Most schools run second-hand uniform shops, so the general feeling was that there was not really an issue about being able to provide things for people from low socioeconomic backgrounds in terms of cost. It was just the way you did it.

A number, as I said, would like to see a bit more support for State Schools' Relief. I do not know if you know anything about State Schools' Relief, but generally they get their funds from schools themselves. At the school where I was principal, we used to collect \$8,000 or \$9,000 a year that we would contribute to State Schools' Relief, but then we would get about \$8,000 or \$9,000 a year back in uniforms, so it does seem a bit of a circular operation.

In my submission of criterion (d), which is the matters to be considered in terms of anti-discrimination and health promotion, this did elicit a few comments. I think comments around health promotion policies are more about educating the community and parents. Some schools were worried about increased costs involved with some of the things that were noted. Mostly they are getting these things, too, via the newspaper reports that are talking about different materials and longer-sleeved shirts and those sorts of issues. There were comments like, 'SunSmart policies are unbelievably hard to enforce in secondary schools,' especially things like hats, other than the little ones like Lleyton Hewitt wears. We need to be practical about teenagers at school. Almost all the submissions talked about the big push on sunscreen and issues around religious freedom and policies, that these things should be part of policy; so cultural and religious symbols should just be part of the dress code or compulsory uniform policy.

Schools consider the timing of activities. They include sunscreen in kits for students. One principal noted that a child is at school something like 11 per cent to 14 per cent of their day. Of this time, maybe an hour or an hour and a half is spent outside. He made the point that students are not silly up here and they will look for shade. Remember, we are talking about older students and the level of activity of the older students is a lot less than you would have in a primary school. Many of the older students basically sit around and talk. That is what their lunchtime activity is, and they will sit in the shade. One principal commented:

I have yet to hear from a parent complaining about a student who has been sunburnt whilst at school during a standard school day.

In terms of the SunSmart policies, principals would prefer to see recommendations but no mandatory requirements in terms of those policies.

Going back to the cultural and religious areas, a number of schools mentioned the hijab and Muslim students. No school would like to go down the French government policy route of banning things like that. It is more useful for schools to include details of cultural dress in their uniform policy. For example, there is no problem in schools allowing students of Muslim faith to wear the hijab. Just do it in school colours. In my school it was school colours or white. That was not an issue in the school community.

Piercings, however, are probably a more contentious issue in schools. One comment from a principal:

A piercings policy was passed in council but this is the one that draws the most abuse from parents who regard putting holes in their children's bodies as a really nice birthday present.

Issues around piercings are probably the biggest that we would have. Generally, schools would have a policy where one or two earrings are allowed, of a small size, but other piercings like nose or chin or visible piercings at least—the invisible one we do not want to investigate, quite frankly—are probably the areas that cause the most angst.

In terms of appropriate enforcement of sanctions, we believe that it should be approved by your school council and then backed by the region and the centre; by which I mean the Department of Education. Once approved, it should be a condition of enrolment and be non-negotiable. Parents have a responsibility to see that their students are in uniform when they leave home and it is particularly galling for parents who actually do that when the school policy is not enforced and they see other students around that are not in uniform.

Usually in this there is not a lot of entrenched opposition. Mostly there is low-level noncompliance by students that is easily worked out but on occasions, when it does get nasty, it can be very nasty. One principal indicated:

We were taken to the Ombudsman, the Human Rights and Equal Opportunity Commission, we endured threats to my assistant principal and I believe we received very little support in dealing with these people. I think we need the community to understand that councils have rights in determining uniform and should be supported by our masters instead of running scared all the time. As you can see, I am still a little angry about all the nonsense that went on last year.

So when it does go pear-shaped, it can be a particularly difficult process to work your way through. Another example which was given a couple of years ago:

A father of a boy beginning in year 7 stated that his son would not be wearing school uniform and would simply wear whatever he wanted. After a lot of work at the school level with the family, we were told by the region not to bother, that we could not enforce the wearing of uniform and just to allow him to wear what he chose. What's the point?

Most school council expectations are very clear. They expect teachers to enforce the uniform policy and they expect a rewards and sanctions system to be set up. They expect principals to be able to enforce all aspects, including things like the removal from excursions et cetera, and they expect all families to comply. In terms of exemptions, most schools do not have exemptions except on health grounds, but that is within the context of a commonsense implementation of a school policy. Individual cases are listened to. Examples cited were things like the wrong school shoes. The compromise is, 'We'll let you wear those shoes out but the next pair you buy will be the appropriate school footwear.' Sometimes that is the case. There are other issues like that where commonsense is used in the implementation of the school policy. Requests to wear talismans of a religious nature have meant that we allowed them, provided they cannot be seen. There are issues like that that are done on a commonsense type basis.

In terms of the recommendations that VASSP would make, the first is that the school uniform and dress code policies remain the responsibility of individual school councils. These are on the last page. The second recommendation is that the uniform and dress code procurement arrangements remain the responsibility of each school council. The third recommendation is that the inclusion of health promotion policies in school uniform and dress codes be encouraged but not mandated. The fourth is that school uniform and dress code policies be encouraged to be flexible enough to cater for cultural differences and religious requirements. The fifth is that government support financially the State Schools' Relief Committee so that families in financial

hardship are more directly supported. The last recommendation is that a condition of student enrolment be adherence to the school policy on uniform and dress code and that principals and school councils be unreservedly supported in the implementation of the school's policy by regional offices, the central office the DOE and government.

**The CHAIR**—Thank you for your time. I commend you and your members for obviously going to so much trouble to help to put together that material for us. Did you have any other copies?

**Mr BURGESS**—Yes, I have some other copies.

**The CHAIR**—One further copy will do. We would appreciate that, thank you. Now, questions to Brian.

**Mr ELASMAR**—If a student refuses to wear the uniform, what was the excuse?

**Mr BURGESS**—It can be a whole range of excuses. 'It's in the wash.' There are a thousand reasons that students will use.

**Mr ELASMAR**—But when the father will refuse? You said one father refused?

**Mr BURGESS**—That father refused on philosophical grounds, the father of a year 7 student who did not agree with the school uniform policy and felt that his child should be able to wear what he wanted.

**The CHAIR**—What was the follow-up in that case, Brian? Is that the case that went to the Equal Opportunity Commission, that dealt with it?

**Mr BURGESS**—That went to the Equal Opportunity Commission. I am not sure if I have listed there exactly what happened. He finished up saying:

Although the decision by council was validated by all these authorities, we were under pressure from politicians, the regional director and the media to respond to the parental complaint.

So I am assuming that he actually won the battle, but that it was a very bruising battle. I think from a practical principal's point of view, what happens in those cases is that a school cannot suspend on the basis of not wearing a uniform, if it gets to that point, so we go through low-level sanctions first: detention or something along those lines.

**Mr KOTSIRAS**—Would you agree that they should be able to be suspended?

**Mr BURGESS**—I think they should be supported.

**Mr KOTSIRAS**—What does that mean?

**Mr BURGESS**—At the end of the day, that means that if a student will be suspended on the basis of not wearing a uniform then, yes, I do agree with that; whereas at the moment suspension can occur but it occurs on the basis of the student not following an instruction of the principal. Remember, we are talking about a very small number of cases here, so we do not want to overemphasise it, but when it happens it really happens in a big way and it is very stressful. I had one a couple of years ago over make-up and we changed the policy on the senior campus. We went through the appropriate consultation processes. A student decided she wanted to wear more make-up than was acceptable, and it ended up being in the daily papers and all of these sorts of things. At the end of the day we won the case and the student complied, but it was a very difficult process to get to that point.

**Mr KOTSIRAS**—The reason why I ask is that many years ago I was a year 8 coordinator and the biggest problem I had was enforcing students in year 8. There was one particular child who refused to wear a uniform, and that child had the support of the parents. My biggest bluff was, of course, to suspend the child, which I could not do. Do you think that suspending a child from a normal class should be allowed if it gets to

that stage?

**Mr BURGESS**—I think it should be. At the moment, really, the government policy is that students should not be disallowed educational opportunities on the basis of not wearing a uniform. That is my understanding of the current policy. In a private school, if you do not wear a uniform you are not in the school, so why should we be treated any differently?

**The CHAIR**—While we are on that subject then, what would be the other processes that most schools would take?

**Mr BURGESS**—Firstly it would be a chat to the kid: 'Why are you out of uniform?' Perhaps the parent will have a note or something along those lines and it may be acceptable. There might be some issues around costing for the family and those sorts of things, so some common sense is brought to those matters. It may be a time frame given to the kid: 'You've got a couple of weeks to get this sorted out,' or some sort of negotiation along those lines. If the excuse is not something that is acceptable to the school, then it might be a detention; a lunchtime detention, perhaps an after-school detention, that sort of level of impact.

Even before that, actually, there would be contact with the parents. You would talk to the parents and say, 'What's going on?' Then you get your low-level, detention type processes. Then if that was still not working, you may then lead into more discussions with the parents and perhaps put it on the line basically that, 'This is a school decision. It is a requirement of the school,' and then you may head up to more serious consequences like suspension and those sorts of things.

I have had parents write to the school council, and I have encouraged that. If they have a problem with the uniform policy, then please—it is a decision by school council—write to the school council. I have had parents present to school council over what they believe is unfair uniform policy, and then I have used the power of the school council to say, 'Well, we agree with the policy and we agree with the way the policy is being implemented.'

So there can be quite a graded set of processes before it gets to anything like a suspension of a student. Even with suspension, there are two forms. You may have an internal suspension where you withdraw the kid from the class but they still receive all the work and all of that, they are just not doing it within the class, and then there is the external suspension where the students are kept at home. Work is also provided, I might add.

**The CHAIR**—Other questions?

**Mr HALL**—Brian, I thought your submission was excellent. Well done on that.

**Mr BURGESS**—Thank you.

**Mr HALL**—I am going to ask about body piercings, which you said is an issue. Do schools classify that as part of school uniform policy or part of personal appearance?

**Mr BURGESS**—The same thing. It would be part of the school uniform policy. In my school the policy was not only dress but general appearance. In terms of piercings, it would be, usually, visible piercings.

**Mr HALL**—Do schools generally have policies on, say, hair—colour, length and style?

**Mr BURGESS**—Yes. Our policy was that it would have to be a natural colour, so you could have your hair dyed, but not purple.

**Mr HALL**—Do you believe the guidelines set by the department are adequate enough for school councils?

**Mr BURGESS**—I think the guidelines are adequate in terms of the processes for having good community consultation and setting the school uniform policies. I think they are quite good. Really, the issue that I would have, and that most principals would have, would be around the enforcement. That would be the

essential point.

**Mr HALL**—So you do not believe that the regional office is strong enough in their support for school principals?

**Mr BURGESS**—I think it really does vary and in some regions it is better than others. But when it really gets to the pointy end and people are really pushy, pushy, pushy, sometimes the regional offices would prefer not to have the publicity. Actually, that is a value judgment; I do not know why, but often they will pull back and encourage the schools who perhaps accept the issue as put forward by the family.

That really does vary. I do not want to sit here and make out as though I am saying this happens all the time with the regions and the department. It does not at all. But on occasions we feel that there is not enough support and we feel that it should be more explicit in the sense that if you are not in uniform, that is the reason why these sanctions are applying. It is not a matter of not following an instruction. It is actually about the uniform. The point is the uniform. Let us make that the point and let us make that the issue, and let us make that the thing that schools are allowed to enforce.

**Mr HALL**—Do you think the view expressed towards the end—"Thanks for the chance, but I cannot believe we are wasting time and energy on this"—is a generally held view: that school uniform is a minor issue in terms of the total number of issues there are?

**Mr BURGESS**—No, not really. I think schools just get a bit frustrated. At school councils you could bring up an issue about uniform and, honestly, you could be there for three or four hours talking about it. You could bring up a curriculum issue and it is over in three seconds. It is more a reflection of that frustration.

**Mr KOTSIRAS**—In line with what you said, what about jewellery? What happens if it is part of the cultural side of the student? Where do you divide culture and religions?

**Mr BURGESS**—That can be difficult, but mostly the piercings we are talking about are not religious piercings. You are talking about something through an eyebrow or a chin. If it were someone from a Hindu background with a nose thing, it might be perfectly acceptable as a religious thing and that is really not an issue. My own daughter got a nose piercing, much to my chagrin, when she was about 16. The school policy was against it and I said to her, 'Well, I'm not going to support you. If you want to go to the school and get into trouble that's your business.' She went to the school and she ended up negotiating a plain one that you could hardly see, a see-through plastic one, which she had for about six months and then it went. So the school, I thought, was rational and sensible in the way that they dealt with that issue, and she was the one who took the running of it and had to argue her case; I certainly was not going to do it for her.

**Mr HERBERT**—Just on Nick's point, with modern cultural trends, whether they are piercings or tattoos or whatever, and particularly at a secondary level where you have 18- and 19-year-old people doing VCE, it really comes to the question of what the role of the school is in terms of determining, or outlawing or prescribing, what is acceptable culturally and what is not, and whether that is a legitimate role for a school administration or whether in fact there are more appropriate bodies—parents et cetera—to make those decisions.

**Mr BURGESS**—You could make exactly the same point about a business. McDonald's does not allow facial piercings.

**Mr HERBERT**—You made a point that you could not see much difference between the secondary private schools and public schools, but, of course, we do know there is a difference and that public schooling in this state and in this country is a compulsory activity. It is part of the ethos and the very nature of our society that students have a right to attend school. So there is quite a difference between someone voluntarily working in a job and the rules of that employment and someone who is by law required to go through a public school, with the school being required to take them in.

**Mr BURGESS**—A properly constituted uniform policy allows for community input, student input and parent input. It reflects the wants, the needs and the views of that community. We have that in the laws

that you make. That is how our society operates. We do not operate on the basis of every individual making decisions just because they want to make decisions. We have community expectations.

**Mr HERBERT**—But you would recognise that, just as we have restrictions in terms of the boundaries between the legal side of the state and the policy-making of government, schools have boundaries too. Where is the fine line? If I took your viewpoint through, schools could make policies on virtually any area. It is a question of where the boundary is of their legitimate role in terms of educational function, and that is what I am trying to get at in terms of PSEs. For instance, it is not illegal for a 19-year-old to have a tattoo, but would that mean an expulsion from the school or from VCE?

**Mr BURGESS**—We have anti-discrimination laws that we follow. There are guidelines that we have through the department. There are implementation issues that are reasonable and fair. If those things are not followed, then I have no problem with a school being held to account for that. But I think that if a school approaches this in a commonsense way and allows communities to have an input into decision making, 99.9 per cent of the time it is perfectly acceptable, and I think that mirrors how our community operates.

Whilst I take your point that it can get to a pointy end where it can be difficult, if proper processes are followed and the implementation is done in a commonsense way—and most of the time it is—then I think it is perfectly reasonable to expect students to be part of a community. In our multicultural society we have expectations as a community, as well as recognising the cultural and religious backgrounds of individuals within a community. But there still is a community expectation.

**Mr HERBERT**—Yes, but your answer is essentially that that is up to the central government—the education department—to set the parameters of where and how schools should determine the scope of their activities in terms of what is acceptable and what is not.

**Mr BURGESS**—Yes, which is what we do.

**The CHAIR**—Yes, a very interesting issue. In terms of the costs and so on, none of the principals who responded indicated that they had frustrations in terms of purchasing uniforms.

**Mr BURGESS**—There was one country school where there was some difficulty. It is noted in the report that procurement was a bit of a problem for that school, but I do not think that that was a general case. It was a small country school where the local supplier had difficulty in terms of supplying the one school and having enough stock on hand. Some of the stock had to come from Melbourne, and they had some criticism within the local community because they were not accessing local businesses. I do not think that that is a general problem. In most cases we have contractual agreements with various companies around the state, and that seems to work quite well. The tenders often are very competitive and costs are kept relatively low.

**Mr FINN**—Mr Chairman, can I get back to the issue that Mr Hall raised a few moments ago. Brian, thank you for coming in and for your submission. It is very informative indeed. On a scale of one to 10—10 being very important and zero being 'Who cares?'—where does this issue rate as far as you are concerned?

**Mr BURGESS**—That is a hard question to answer, in the sense that it is a very important issue because it reflects the community within the school. I think the level of frustration only comes from within school communities; a lot of time is spent on something like uniforms when really we should be talking about teaching and learning and educating people about that. In terms of a scale, it is an eight out of 10. It is an important issue and it is something that school communities are very passionate about. When you read the document, that comes through very strongly. They are as passionate about having a uniform as not having a uniform.

**Mr FINN**—If this committee decides to make a recommendation that the government accept one way or the other, that will hopefully allow you to get on with the education of our young people. Would that be a fair assumption?

**Mr BURGESS**—School communities would still prefer to make the choice themselves. Whilst it can be time-consuming and annoying, I do not think school communities would actually want to have a

compulsory uniform mandated by the state. I do not think that is the process that schools would prefer.

**Mr FINN**—But do you see this committee as an opportunity to get an issue out of the way, if you like, and allow you to get on with what you should really be concentrating on?

**Mr BURGESS**—As I have said before, it is more to do with clarity about the enforcement processes. Sometimes the uniform issue is a way of engaging people in the community. One of the comments there was from a principal of a new school, and it was her way of getting the community involved in the school. Whilst in one sense it is a low-level issue, it is quite an important way of engaging the community and then perhaps getting them engaged in other aspects of how the school operates. Whilst there are frustrations about school uniforms, I do not think school communities would want to relinquish the opportunity to make the decisions themselves, because they can engage the school community quite solidly in the discussion. Parents feel comfortable talking about a school uniform. They are not that comfortable talking about what year 8 maths should look like. It is a way of getting into it.

**Mr FINN**—So your concern is that, once a school council has made a decision, they should have the authority—and be given the authority by government—to enforce that decision.

**Mr BURGESS**—Yes, essentially.

**The CHAIR**—Are there any further questions?

**Mr HERBERT**—I have one more, very quickly, on that point that it should be up to the school council. Other states around Australia have had compulsory school uniform requirements recently. What has been the response of your sister-brother organisations in other states to this issue?

**Mr BURGESS**—I really could not answer that question. I have not had a discussion about school uniforms with other state jurisdictions.

**Mr HALL**—Would I be right in assuming from your comments today, Brian, that your association is confident that 95 per cent of the school policy issue—the way we do it in Victoria—is as it should be and you are happy with it?

**Mr BURGESS**—Yes.

**The CHAIR**—Following on from that, it sounds like you are saying that passions run both ways. If government were trying to push on a policy, there would clearly be some members in your association who would be quite concerned about that.

**Mr BURGESS**—Yes, and you can see that very clearly in the document.

**The CHAIR**—Thank you very much, Brian, for that.

**Mr BURGESS**—Thank you for the opportunity.

**Witness withdrew.**



# CORRECTED VERSION

## EDUCATION AND TRAINING COMMITTEE

### Inquiry into dress codes and school uniforms in Victorian schools

Melbourne—30 April 2007

#### Members

Mr M. Dixon (from 18 September 2007)	Dr A. Harkness
Mr N. Elasmarr	Mr S. Herbert
Mr B. Finn (1 March – 18 September 2007)	Mr G. Howard
Mr P. Hall	Mr N. Kotsiras

Chair: Mr G. Howard

Deputy Chair: Mr N. Kotsiras

#### Staff

Executive Officer: Ms K. Ellingford

Research Officer: Ms J. Hope

Committee Administrative Officer: Ms N. Tyler

#### Witnesses

Mr S. Franzi-Ford, chief executive officer, Association of School Councils in Victoria.

**The CHAIR**—The Association of School Councils is next to address us. You were here when I read the section in terms of parliamentary privilege, *Hansard* and so on, so you are aware of all of that.

**Mr FRANZI-FORD**—We are aware of that.

**The CHAIR**—If you could give about a 10-minute presentation, we will be pleased to follow up with some questions.

**Mr FRANZI-FORD**—Firstly, thank you for the opportunity to appear before this committee, because it is important for school councils. It is a governance issue for us and is something that involves the community working very closely with the school. We do have concerns with the issue of uniforms in schools. Probably the greatest concern is the jewellery component of uniforms, where it is quite an easy process, we see, for schools to negotiate, talk to and facilitate with their community to see what the community expectations are in the way of uniforms.

It also involves the corporate image of the school, which is now very important for education as we are encouraged to involve our communities in the education of our children and the resources that they may be able to bring to the school. So this is an issue for us. The body jewellery falls under a different area as far as the governing body is concerned—and that is, health and safety issues, where schools do not tend to go out to the community and ask them about body jewellery as much as they do with clothing. There are very strict compliance guidelines around how we go about asking the community to deal with clothing, but the problem we have with body jewellery is a separate issue because it is risk management, as far as we are concerned. We would love there to be stronger guidelines and support from the government with regard to these issues.

As far as the clothing of children for school uniforms is concerned, we are somewhat fascinated, like our colleague from the principals' association, at the time and energy that is put into going over this again when there are guidelines there, that we are quite happy about, to operate within. We see it as a framework that the school governing body can operate within to have a uniform that suits the community. That is my opening comment.

**The CHAIR**—Thank you. In terms of your organisation, are you aware of, or how do you deal with, challenges that are brought forward by parents in regard to school uniform school policy?

**Mr FRANZI-FORD**—Quite often it is a problem between compliance and a philosophical point of view and a school governing body will come to us for support where an incident happens. There have been some of those. One last year got to VCAT over body jewellery and the school was seen, by VCAT, to have made the appropriate decision, which was that the child was stood down until they removed the body jewellery. It was as simple as that. It was an occupational health and safety issue. As far as the risk management for the school council is concerned, if we know that they have some of these piercings—and they have them in all sorts of parts of their body that we cannot see—and if, in the rough-and-tumble games that kids play at school, they are tugged on a jumper and it pulls out or rips them, then where do we sit as a governing body, knowing that these activities take place and we have said that we do not mind them wearing this sort of jewellery? That is one of our greatest concerns.

**The CHAIR**—Are there other questions?

**Mr HALL**—Stephen, are there any issues in respect to availability and cost of school uniform supply, for country schools in particular?

**Mr FRANZI-FORD**—No. Country schools are no different to metropolitan schools as far as supply of uniforms is concerned. There are a number of suppliers around the state, and local schools either come to an arrangement to have their own school uniform shop where they can buy from the wholesaler, or a store in the town may hold a stock of clothing for the school. Cost can be a problem, but schools can address this on an individual case. Firstly, mention was made before of State Schools' Relief, which we see as one of the flagships in Victoria for schools, where there are no children who cannot afford to be wearing a school uniform because it is given to them by State Schools' Relief.

There are concerns at times. I chair a school council at our school. Our community was of the impression that they wanted our students to wear a blazer whenever they went out, to promote our school. It was seen as an image for our school. We looked at the price of what it would cost for parents. Our parents range from well-off to the very low socioeconomic group and we thought there was an issue there, so, as a council, we were able to arrange a supply of a large number of blazers that we had embroidered with the school logo that we keep in stock at the school. When any child from our school goes out to represent the school, they are given a blazer and a tie to wear. It has become something very special for our school that kids fight for the privilege to go out and represent the school in their blazer, and have their photo taken.

**Mr HERBERT**—That is very creative, a very novel approach.

**Mr FRANZI-FORD**—We also supply stockings for the girls.

**Mr HALL**—Is the issue of school uniform different for primary school councils as opposed to secondary school councils?

**Mr FRANZI-FORD**—The introduction of a uniform is not different. It is the same process. The greater problem is enforcing how it is done. Most primary school students are quite happy to wear the clothing that their parents have given them to wear to school for the day. Secondary school children are a bit older so there is more fashion-consciousness. They want to sometimes wear the most up-to-date, most modern bit of clothing they can find, which may not suit the school community. The issue is enforcement at secondary school as against primary school. The body jewellery, we thought originally, was not a problem in primary schools. We now find out that body jewellery is a problem even in primary schools.

**Mr HALL**—With regard to some of the comments from the Cancer Council about school uniform and what they are saying about sun protective type school uniform, is that an issue for primary schools?

**Mr FRANZI-FORD**—It is mainly an issue around hats for kids to wear. Primary school students are not quite as fashion-conscious with hats, either, as the secondary school students. We have a problem enforcing hats with a brim for secondary school students, but hopefully as these primary schools students go through into secondary school they will be more accepting of a hat with a shade on it.

**Mr FINN**—I would not be putting money on that.

**Mr HALL**—I have not seen a secondary school's school uniform incorporate a broad-brimmed hat.

**Mr FRANZI-FORD**—Most of them are the floppy cricket hats. Bucket hats, I think they are called.

**Mr HALL**—They are quite prevalent in secondary school uniforms?

**Mr FRANZI-FORD**—They are quite prevalent. The problem with it is that most secondary school kids want the up-market one with the surfing logo or something on it, that is worth four times as much as the one without a surfing logo. Some schools can be more entrepreneurial. My school went to the supplier from China that made them for one of the large surfing groups. We were able to incorporate a logo that looked similar to the surfing one, with the school's name on it; so it became fashionable to wear the hat.

**The CHAIR**—That has been able to be made compulsory?

**Mr FRANZI-FORD**—Yes. If you want to go outside at lunchtime, you must have a hat.

**Mr FINN**—Stephen, how would your association react to an edict from on high one way or the other on this: either to make uniforms compulsory or to scrap them altogether?

**Mr FRANZI-FORD**—Either way we would have a problem, because if they were made compulsory for all schools, that is taking away the right of the individual community and we encourage school councils to represent that community. We would also be appalled if you scrapped school uniforms.

**Mr HERBERT**—With regard to Peter's point, one of the difficulties I have with school uniforms is at the VCE level. Often when kids are 18 or 19, the last semester, they go through a massive growth spurt and the arguments become a bit unclear. Do you have a view on the issues for when people are adults, essentially?

**Mr FRANZI-FORD**—The majority of government secondary schools have a special uniform for the VCE students, their year 12s. As you go around schools you will see them with every student's name emblazoned on the back of it. The growth is not really a problem and it becomes a culture thing for kids in VCE levels to have the right to wear that part of the uniform.

**Mr HERBERT**—Schools show a bit more flexibility at that end level?

**Mr FRANZI-FORD**—We are dealing with young adults by that stage. We would hope that the schooling we have given them lets them work out the difference between compliance and their view.

**Mr KOTSIRAS**—Do schools make profit on selling uniforms?

**Mr FRANZI-FORD**—There is a small profit to be made in some schools. Others that use a second-hand clothing uniform shop can make substantial amounts of money. At one of the large schools in Melbourne that is a selective entry school, we find that most of the parents donate all of the clothing back when the child finishes, and that is sold at the start of the year. In that way, a lot of money is made by that school.

**Mr KOTSIRAS**—I know in the private school sector, because they have one supplier, there is no competition. You have to buy a blouse, you have to buy a shirt and you have to pay \$300 for a blazer because there is no other distributor. So the school makes some money. Do you know of any schools that make a lot of money?

**Mr FRANZI-FORD**—I know of no school that makes substantial money out of selling new clothes. No, they do not. As for school uniforms being expensive, most of the uniforms now, apart from the logos that are put on them, are pretty standard clothing that you can buy from a number of outlets. Parents will shop around and find where they can get an identical dress or whatever that suits. The problem is the logo. Some schools get the logo and give it to the parents to stitch on or you can get iron-on logos to try and help with the cost.

**Mr HERBERT**—Have you done some mini-surveys at schools about the cost of uniforms? Do you have any quantitative information about the cost of uniforms or the types of uniforms?

**Mr FRANZI-FORD**—I cannot give you the exact numbers, but as someone that has had eight children go through school, I did not find that the cost of school clothing was any different from buying casual clothing.

**Mr HERBERT**—Do you issue guidelines or does the government have guidelines on the cost of uniforms, guidelines for school councils to determine? Does anything like that exist?

**Mr FRANZI-FORD**—Schools will always tend to get the best arrangement they can for parents, because they do not want to price themselves out of it. The last thing we want is parents saying, 'We can't afford this. It's not reasonable.' When the uniform policies are set, quite a lot of community consultation takes place, so those discussions will be held then as well.

**Mr HERBERT**—I have one more question, Chair, if you would not mind. We have had a big debate in this state about compulsory surveys, strike action et cetera. What is the nature of your advice to school councils in terms of the consultation process with parents? Do you advocate that they do a survey of parent groups and then get back to you?

**Mr FRANZI-FORD**—We advocate they send out information to every parent and ask for comment—not just to parent groups, because quite often a parent group may cover only a very small number of the parents in the school.

**Mr HERBERT**—Is that generally how schools operate?

**Mr FRANZI-FORD**—That is generally how things operate. In relation to the guidelines that we set out for policies, there is community consultation, and that means everybody in the community.

**Mr HERBERT**—Thank you.

**Mr HALL**—Stephen, to summarise, you mentioned the need for stronger guidelines and support regarding jewellery as part of the school uniform. Is there anything else that you see that we should change in respect of school uniform policies and procedures?

**Mr FRANZI-FORD**—The only thing we would like to see is the line management within Education being a bit more fearless in their approach to complaints by parents regarding uniforms. Quite often it breaks down when people can blatantly ignore the school policy and because the process may go directly to a regional director's office and the parents tend to get much greater support than the school may get. It is about keeping the parents happy.

**Mr HALL**—So your view is pretty much consistent with the principals' association.

**Mr FRANZI-FORD**—Very much so. We have the same issues and we get the same phone calls.

**The CHAIR**—No other questions? Thank you, Stephen, for your contribution.

**Mr FRANZI-FORD**—Thank you for your time.

**Witness withdrew.**



# CORRECTED VERSION

## EDUCATION AND TRAINING COMMITTEE

### Inquiry into dress codes and school uniforms in Victorian schools

Melbourne—30 April 2007

#### Members

Mr M. Dixon (from 18 September 2007)	Dr A. Harkness
Mr N. Elasmarr	Mr S. Herbert
Mr B. Finn (1 March – 18 September 2007)	Mr G. Howard
Mr P. Hall	Mr N. Kotsiras

Chair: Mr G. Howard

Deputy Chair: Mr N. Kotsiras

#### Staff

Executive Officer: Ms K. Ellingford

Research Officer: Ms J. Hope

Committee Administrative Officer: Ms N. Tyler

#### Witnesses

Dr H. Szoke, chief executive officer and chief conciliator; and

Mr M. Carroll, manager, human rights unit, Victorian Equal Opportunity and Human Rights Commission.

**The CHAIR**—The next submission is from the Victorian Equal Opportunity and Human Rights Commission. I welcome you to the first of our public hearings for this year of the Education and Training Committee. As you would be aware, we are inquiring into the issue of dress codes and school uniforms in Victorian schools.

There are a couple of things I should point out to you before you start your address to us, and I will read them out because there is a bit of a technicality in regard to parliamentary privilege which applies to your contribution. All evidence taken at the hearing is protected by parliamentary privilege, as provided by the Constitution Act 1975 and, further, subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states or territories. Of course, any comments you make outside the hearing will not be afforded parliamentary privilege.

You will also see that we have Hansard recording your contribution and our discussions today, and we will be getting a draft of that to you as soon as we can so that you can correct any issues that you pick up in there where we have gained the wrong impression or things have been recorded wrongly. Other than that, we are allowing something like 10 minutes for your contribution and then perhaps another 20 minutes for questions.

**Dr SZOKE**—Thank you very much.

**The CHAIR**—Thank you for your contribution.

**Dr SZOKE**—I am Helen Szoke. I am the chief executive officer and the chief conciliator for the Victorian Equal Opportunity and Human Rights Commission. My colleague is Matthew Carroll, who is the manager of our human rights unit. To give some context in case members of the committee are not familiar with the commission, we are an independent statutory authority and we have a responsibility to report to parliament. We are quite small in the scheme of things, with about 42 EFT and \$5 million in terms of budget. We have responsibility and interface with three different pieces of legislation that may have some bearing on the issue that is before your committee today.

The commission, in terms of its functions, has responsibility to undertake an education function for the Victorian community in both equal opportunity and human rights more broadly. We have specific functions under the new Charter of Human Rights and Responsibilities in relation to reporting on the performance of the charter. We have some review and intervention functions as well. We also have responsibility to administer two other pieces of legislation: the Equal Opportunity Act and the Racial and Religious Tolerance Act. By way of further elaboration, members may be aware that this year we are celebrating 30 years of anti-discrimination legislation in Victoria, so it is a bit of a milestone in many respects.

For the purposes of your inquiry, let me first talk about the Equal Opportunity Act. This legislation, which has been the subject of a number of amendments in the 30 years of its life span, prohibits direct and indirect discrimination. It prohibits this in the area of education, which is the matter before your inquiry at the moment. Direct discrimination occurs when a person is treated less favourably because they have or they are assumed to have a particular attribute, and these attributes or features are called 'protected attributes' for the purposes of the legislation. Indirect discrimination occurs when a condition or requirement is applied to a group of people, some of whom are unable to comply because they have a protected attribute. In such a situation, it must also be shown that the condition or requirement is unreasonable. That is indirect discrimination for the purposes of the Equal Opportunity Act.

The attributes that are protected under the legislation are numerous but, for the purposes of your investigations today, we believe that the ones that are probably most relevant in relation to the issue of school uniform include age, physical features, religious belief or religious activity and sex. The prohibition of discrimination in education is very broad under the legislation and covers virtually all aspects of the relationships that exist between schools and their students. This prohibition on discrimination will relate, for example, to decisions as to who should or should not be enrolled as a student and the terms of their enrolment. It may relate to expulsion, access to benefits and subjecting students to any other benefits. They are the broad areas that the prohibition relates to.

The prohibition on discrimination is also, for the purposes of education, subject to a number of exceptions and, most importantly for this inquiry, educational authorities may set and enforce reasonable standards of dress and appearance and, critical to actually assessing whether a standard or a requirement is reasonable, is the requirement that the views of the school community have been taken into account in developing that standard. That means that there has to be some sort of consultative process that goes around that standard. That is broadly what is covered in terms of the Equal Opportunity Act.

The Charter of Human Rights and Responsibilities, members would be aware, is a new piece of legislation that was passed by the government in 2006, part-way through last year. This charter will impose a positive duty on public authorities—and there is a very broad definition of 'public authorities'—to be compliant, or for their activities, their laws and their regulations to be compatible with the rights that are contained in the charter. Those rights are civil and political rights which are, broadly, under the headings of 'Rights relating to freedom', 'Rights relating to respect', 'Rights relating to equality' and 'Rights relating to dignity'.

It is our view, although not a formal advice, that a number of human rights that are contained in the charter are of potential relevance to school uniform policies. These include, obviously, the equality rights, so these rights adopt and reinforce the anti-discrimination provisions that are covered in the Equal Opportunity Act; freedom of religion and belief, including the right to demonstrate one's beliefs; cultural rights, which recognise the rights of individuals and communities to enjoy their culture and to declare and practise their religion; and, in some circumstances, the right to express oneself freely may also be relevant.

Again, in certain circumstances the rights that are contained in the charter may be limited. This is permissible when a limitation is reasonable and demonstrably justified when measured against the standards or expectations of a free and democratic society based on human dignity, equality and freedom. So, again, if there is some appropriate reason or rationale why those rights may be compromised, then that is appropriate in the context of the charter.

In relation to enforcement mechanisms, if I can just elaborate—and, again, I am sure this is familiar territory to members of the committee—under the Equal Opportunity Act there is the capacity to bring an individual complaint, or a representative complaint, where someone feels that they have been treated less favourably on the basis of one of the protected attributes. The commission has been operating that free and impartial complaint service for a number of years. The charter, however, does not have the capacity to seek an individual remedy in the same way that one might in terms of the equal opportunity jurisdiction. Again, as members would be aware, the emphasis on the charter is actually 'getting it right' at the start of the process, so in terms of the law making, the regulation making and the policies and procedures that are administered through public authorities subsequent to that process. So there is not the capacity for an individual to seek redress solely calling, if you like, upon the rights that are contained in the charter. If a complaint is brought to the Ombudsman or to the commission which is about a matter that has some bearing to that jurisdiction, it is possible for consideration of a breach of the charter rights to be joined to that matter, but it cannot be brought in its own right.

We can give you further details about the attributes that are covered under the Equal Opportunity Act, but my sense is that this is information that is readily available to the committee members and probably not worth going through in detail at this stage. There are relevant provisions that have a direct impact on educational authorities. Section 37 of the Equal Opportunity Act deals with discrimination by educational authorities. It imposes certain requirements in terms of 'an educational authority must not discriminate against a person in relation to admission and it must not discriminate against a student by limiting any benefit'. Section 40 of the Equal Opportunity Act contains an exception in relation to standards of dress and behaviour to which I have already referred more generally, and that is that it is possible for an educational institution to impose a standard or requirement of dress and appearance, provided it is considered to be reasonable and that it has been subject to some consultation with the school community.

What all of this means is that the framework for school uniform policies must not directly or indirectly discriminate against students on the basis of one of the attributes that are protected in the Equal Opportunity Act. From our perspective it is possible to identify what you might call risk scenarios in relation to the relationship of development of policy in this area. Policies that differentiate between male and female students, for example, in relation to hair length or by adopting uniform components that involve a

considerable price differential for boys and girls may be considered to be direct sex discrimination. Policies based on the age of students that differentiate them on the basis of age may be direct or indirect age discrimination. Policies that prohibit the wearing of religious icons or garments may constitute direct or indirect religious discrimination.

There is also a potential that there may be prima facie difficulties that can emerge in relation to policies relating to piercings and tattoos, given that the Victorian Civil and Administrative Tribunal has interpreted physical features to include such adornments. From time to time issues can arise in relation to the need for school uniform policies to accommodate individual needs, particularly where these may be associated with an impairment or a disability. Schools also need to be cognisant of issues related to gender identity.

Wherever a situation is alleged where indirect discrimination may have occurred, the issue from the commission's perspective will involve consideration and assessment of the reasonableness of the relevant policy. Basically, what the commission has to do—and I guess what you have to take into account in terms of the policy that you are developing—is the assessment of the reasonableness provisions that exist under the legislation, how that reasonable requirement is imposed on a particular school community one way or the other. I am advised that there has been no consideration of this provision by VCAT or the courts. That means that there is not a lot of clear guidance on how that might be interpreted, so that can offer some challenges, I think, in the development of your work as it unfolds.

It will be a challenge for you and it will be a challenge for us if the matter comes before us as a discrimination complaint, but basically the imprecise nature of the terminology in the section 40 provisions around reasonableness is to take into the account the views of the school community. How that is applied and the level of detail that applies in that regard has not really been tested, if you like, with any judicial interpretation. One view is that the wording of this section might be read as making a scenario of a school prohibiting students from wearing religious clothing or religious icons lawful, provided it took the views of the school community into account. Clearly, from our view, we would see that as a quite dangerous scenario because of the issues around the charter and the anti-discrimination provisions.

The Charter of Human Rights and Responsibilities obviously talks about human rights, what they are and when they may be limited. Again, a human right that is contained in the charter may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society, based on dignity, equality and freedom, and taking into account all of the relevant factors. Those provisions are outlined in section 7 of the charter and would have to be a determining factor in your own considerations. Section 8 of the charter relates to recognition and equality before the law. Section 14 relates to freedom of thought, conscience, religion and belief. Section 15 relates to freedom of expression, section 19 cultural rights, and all of this of course is important for the conduct of public authorities. So schools that are funded through our state system would constitute public authorities for the purposes of the rights as they are contained in the charter.

This means that government schools will need to consider the impact upon school uniform policies of the rights enshrined in the charter, and the charter includes very broadly expressed protections in relation to a number of matters that are relevant to school uniforms. We would propose, for your purposes, that these include freedom of religion and protection of culture, which is not confined to simply adopting or holding religious beliefs but being entitled to express one's belief and live one's culture, and also freedom of expression which, again, is not confined to expressing one's view or opinions verbally or in writing but through a variety of forms. So it is not inconceivable that the manner of dress, including the wearing of clothes with political adornments, would be regarded as a form of expression for this purpose.

Certain rights contained under the charter contain specific limitations within their formulation—for example, freedom of expression can be limited where it is reasonably necessary to protect the rights and reputations of other persons or to protect national security, public order, public health or public morality. In addition, and in a significant departure from international law, all rights in the charter including those which incorporate specific limitations can be subject to reasonable limits that can be demonstrably justified in a free and democratic society.

In the context of school uniforms and the policies which may curtail an individual's right, assessing whether the limitation is reasonable and demonstrably justified could include the consideration of the following: the

nature of the right—for example, the right to express one's religion may be seen to be of greater significance than the right to express oneself through a piercing; the importance of the proposed limitation that the policy will set down, so decision-makers should ask themselves and articulate why it is necessary to include a particular provision in a school uniform policy and why a right should be restricted, so what ends are trying to be met; the nature and extent of the limitation—a policy that effectively extinguishes a right will be far more difficult to justify than one which places some moderate limits or parameters on a right; the relationship between the limitation and its purpose and are the two in fact linked—sometimes they are not; finally, is there a less restrictive means where you can achieve the same purpose through the imposition of a policy?

In conclusion, we would say that one of the things that is critical of course is that schools are about young people and young people are about learning behaviour through a whole range of methods and avenues, including modelling, and how policies and procedures and requirements are imposed on young people is part of that modelling behaviour in relation to human rights. Given that the intent of the charter was to try to achieve a positive compliance or adherence to the rights contained in the charter through cultural change, how decisions are made about school uniforms and how they are imposed is one good way to demonstrate good practice in that regard. I would like to put on the record my thanks to Matthew Carroll who has prepared this briefing and both he and I are available to answer any questions that the committee may have.

**The CHAIR**—I think there might be one or two. You have opened up a range of questions in our minds, I think, as you have gone through that. Who wants to go first? Bernie.

**Mr FINN**—Thank you, Mr Chairman. Doctor, we have been talking about the role of enforcement in all of this, because it seems to be coming back, time and again, to the issue of enforcement. If a student were suspended on the basis of their refusal to wear a uniform, could that be construed as discrimination?

**Dr SZOKE**—I think the answer is, 'It depends.' It depends on the context in which the requirements in relation to a uniform have been imposed on a school community and it depends on what the suspension is trying to achieve in relation to the interests of the individual and the interests of the school community more generally.

**Mr FINN**—Presumably, they would be suspended on the basis that they were refusing to follow the policy of the school, as every other student was doing.

**Dr SZOKE**—But there may be good reasons why they are unable to comply with that policy, for example. If they are around what we would argue might constitute a protective attribute—if someone were unable to comply because they had an impairment that was not necessarily immediately visible to the school or if they had difficulty complying on the basis of some religious belief—that might constitute a matter that could result in a complaint of discrimination.

**Mr FINN**—Let us say that most schools would be reasonable and fair on those matters. But if a parent or student came to the school and said, 'I have a philosophical objection to wearing a uniform. It's a contravention of my freedom of expression,' or whatever other reason they may throw in, and that student was suspended as a result of that, could that constitute a case of discrimination?

**Dr SZOKE**—No, not of discrimination.

**Mr FINN**—So the school would not find itself before the commission?

**Mr CARROLL**—A simple complaint of, 'I am opposed to uniform policies. I don't wish to comply,' in the absence of a link to a protected attribute would mean that it could not come to the commission as a discrimination complaint. If a student or their parent were alleging broader issues around freedom of expression, the only avenue that we could identify at this point would be the possibility of a complaint to the Ombudsman, on the basis that the policy being auspiced by the Department of Education and enforced by the school might be in conflict with the Charter of Human Rights and Responsibilities.

**Mr FINN**—How likely is that? That was the next issue I was going to raise. How strong a case would they be able to put? That is the question I am asking.

**Mr CARROLL**—The Ombudsman's complaint process is somewhat different to our own, of course, in that it is entirely about investigation and conciliation. It could not lead to any tribunal process, as it does with the commission. It is about the Ombudsman investigating and forming an opinion around those matters. It is difficult to say how popular that avenue might be in relation to people who are wanting to pursue issues related to the charter. It is certainly an accessible and a low-cost mechanism, so it has that attractive feature, but in terms of suggesting how often it may be used, I do not think we could comment on that.

**Mr FINN**—You do not see any course of action where the policy of a school council could be overturned by going to the Ombudsman under the charter?

**Mr CARROLL**—The mechanism that is contained in the charter simply clarifies that the Ombudsman's existing complaint-handling jurisdiction and functions apply to allegations against bodies that are covered by the Ombudsman Act and that they have not complied with the charter.

**Dr SZOKE**—There is bound to be a continuum of issues that might come under consideration. You might argue that, if the Ombudsman's office received a stream of complaints which related to one particular educational institution, they might view that very differently—for example, it might suggest some systemic problem there and how a policy is being applied versus a student or parents who want to stretch the understanding of how their rights are going to be protected or otherwise within the state system.

**Mr FINN**—Are you suggesting that one individual might have less of a chance of being heard than, say, a group of 10?

**Dr SZOKE**—What I am suggesting is that our understanding of the way that the Ombudsman would work is that, if there were some suggestion that there was a problem which was embedded in the way policies and procedures were being operated, they might react to that differently than to a single isolated complaint which may not suggest that there are systemic problems.

**Mr HERBERT**—On that point, would it make a difference to that which you have just outlined if the school itself had expertise that the student relied on—for example, they might have a fantastic music program that a particularly gifted student wished to go to—but the student opposed wearing the uniform? Would that impact on what you have just said—if there were something specific in that school in terms of the offerings, in terms of expulsion policy or suspension policy?

**Mr CARROLL**—Certainly not in relation to their capacity to pursue a discrimination complaint with us.

**Mr HERBERT**—So they would have little chance. Okay. Thank you.

**Mr HALL**—Thank you for your very informative and helpful submission. It provides us with a lot of legislative background, which is helpful. With what frequency are matters of school dress codes raised with the commission?

**Mr CARROLL**—A search of recent complaints identified that we had had only four such matters, but it was not a comprehensive search of our records. They are not frequent.

**Mr HALL**—Over what sort of time frame would those four have been reported?

**Mr CARROLL**—That goes back almost 10 years, but I would like to double-check that before giving you a specific answer.

**Mr HALL**—Okay.

**Mr CARROLL**—A reflection that I would share is that they do not arise numerically very often but these are the types of complaints that sometimes attract a disproportionate level of publicity, not just in Victoria but interstate as well, which is why they can sometimes seem a bit magnified in terms of their

volume.

**Mr HALL**—The department has published guidelines to assist school councils in developing school dress codes, from which school councils then develop their own school dress codes. Does the commission provide any service by which a school council might say, 'This is our proposed school dress code. In your opinion, does it breach any provision of any particular act?' and the commission could provide advice in that matter?

**Dr SZOKE**—We provide a consultancy service, which in many cases perhaps school councils would not necessarily have the resources to utilise. I am thinking maybe more of primary schools and so on. One of the things that the commission has done is worked with the Department of Education in the last 12 months to build into the governance framework that is available to all state schools basic principles around equal opportunity and anti-discrimination and how those policies should be administered in a general sense within schools that are trying to develop policies and procedures around different issues that they tackle. That is now available online, linking back to our website, and we understand that a lot of schools utilise that governance framework to inform their decision-making processes.

**The CHAIR**—Has that brought about changes in the government policy advice to schools? How has that brought about change?

**Dr SZOKE**—Basically, what we wanted to do was to integrate the equal opportunity principles into all of the overall considerations that schools have to take into account, to embed that as you would occupational health and safety, privacy, security and child safety and so on. The project was launched in February this year, so it is a little bit early in terms of determining how effective it is in that regard, but it is there. It is a start.

One of the considerations that we might take back as a result of the work of this committee is whether we might refresh that within a year to deal with the contentious issue of school uniforms and how that policy might be developed. We might take that back as a suggestion.

**Mr HERBERT**—There are legal frameworks in regard to piercings and tattoos. For example, you have to be a certain age before you can get a tattoo or a piercing. Is that correct?

**Mr CARROLL**—I believe so, yes.

**Mr HERBERT**—So there is a legal framework. Does that impact on a school's capacity to develop policy that totally bans piercings or totally bans tattoos? Have punitive measures been taken—for example, suspending a student if they have a tattoo? Is there an issue there?

**Mr CARROLL**—The issue arises in the context of schools being presented with a situation of a student with piercings or with tattoos, regardless of whether they have obtained those lawfully or with or without parental consent. In terms of the Equal Opportunity Act, the main issue that we would see presenting itself is whether the particular policy that a school has adopted is one that is based on and reflective of the views of the entire school community, in which case, if it were, there would be the opportunity for the school to rely on exceptions that are contained in the Equal Opportunity Act to enforce rules around those sorts of features.

**Mr HERBERT**—In the case of a tattoo—say an 18-year-old gets a tattoo doing VCE—are you saying there would be no issue if all the schools in that area had a no-tattoo policy? It is not something that is reversible and you can just pull the tattoo off, like you can jewellery. There would be no issue for that student to be expelled or suspended from school?

**Mr CARROLL**—The application of the exception would depend upon whether the school had consulted its community, which is not a defined term but we would take that to mean its students, its parents and that notion defined quite expansively, taking into account the views of all those groups in coming to its position on a policy around tattoos.

**Mr HERBERT**—That would not take priority over a student's right to an education, would it?

**Mr CARROLL**—In terms of the Equal Opportunity Act, it would, because what the exception says is that if there has been consultation and the policy is based on those views the exception applies. Different questions come into play if, for example, a similar issue was being pursued as an Ombudsman complaint in light of the Charter of Human Rights and Responsibilities. There is not that clear exception around consultation based policies. As noted before—and it sounds a bit flippant—I think it is quite a genuine message that issues relating to the rights of students around tattooing or piercing will not be viewed with the same seriousness under the charter framework as, for example, issues around students' rights to express or dress in accordance with their religious beliefs. The tests are a bit different but could certainly take into account the same considerations.

**Dr SZOKE**—In relation to that, I think the other issue is what the purpose of the ban is and whether there are other ways to achieve that purpose. It would depend on the extent of tattooing and all of that sort of thing as well. I do not think it is a black-and-white matter in that regard, and a school would have to be quite clear on what it was trying to achieve to expel a person on the basis of just a tattoo.

**Mr KOTSIRAS**—I will give an example. If it was a tattoo of a cross—and we know the policy has gone through community consultation—and that is my religious belief and I want to show it, would that change your answer in any way?

**Mr CARROLL**—When issues such as religious beliefs are involved, particularly in light of how the charter will influence the way the Equal Opportunity Act is interpreted and applied in the future, and where a policy is impacting on individuals' religious beliefs, we would caution against simply being able to say, 'Well, we spoke to the school community and a certain number supported the policy that we've adopted.' Where it is infringing on those more fundamental rights around religious belief and expression, then arguably it is not simply a matter of majority rules around those things but really testing and exploring the need for a particular policy and whether it can be enforced differently—for example, rather than prohibiting a tattoo, prohibiting its display or requiring it to be covered up or an in-between course of action such as that.

**Dr SZOKE**—Which has often arisen where people wear a crucifix. I know it is not the same as a tattoo—it is not permanent—but in schools where there is a no-jewellery policy, people who want to wear a crucifix for religious reasons are allowed to but it is concealed under their shirts or school uniforms or whatever the case may be.

**Mr ELASMAR**—I know some religions like to wear headwear, probably a hijab or something else. If the school decides to make a colour for that that goes with the uniform, would that be discrimination against their religion?

**Dr SZOKE**—What is your view? If the school uniform is green, so the requirement is that the hijab must also be green, is that a reasonable requirement?

**Mr CARROLL**—I do not know enough about whether there are colour requirements around the colour hijab that an individual wears. To the best of my limited knowledge, I did not think there were.

**Mr ELASMAR**—So really the colour would not make any—

**Mr CARROLL**—If it permits the garment in the style that is required, unless its colour were also a religious requirement, then I do not think there would be a problem there.

**Mr HALL**—Do you think that the definition of 'reasonable' needs to be expanded in the act? We were talking about that before as a potential issue. It has not been challenged in court as yet.

**Mr CARROLL**—The answer to that changes in terms of context. Sometimes when you are trying to answer particular questions about it, it would be useful to give more direction, but there are also situations where the flexibility of that undefined term is attractive and permits a far more thorough analysis of a particular issue. On balance, I would say probably not. It is one of those things: the more you try to define, the

more difficulties you might create.

**Mr HALL**—I understand that and agree with your view.

**Mr FINN**—Doctor, you mentioned in reference to I think it was the charter an issue that may be of relevance to this inquiry—that is, the issue of gender identity. Just so that we can be perfectly clear what that is, what is the definition of gender identity?

**Dr SZOKE**—Is that a legal definition?

**Mr CARROLL**—Gender identity is in the context of the Equal Opportunity Act. The Equal Opportunity Act prohibits discrimination on the basis of sex, male or female, but also prohibits discrimination on the basis of, and the term used is, 'gender identity' which, in more general terms, is taken to cover people of indeterminate sex or a person who is transitioning, or transgender.

**Mr FINN**—So if a student came to school one day who yesterday was a boy and today announced he was a girl, that student would, within the law, be fully within his rights to wear a female's uniform. Is that what we are talking about?

**Dr SZOKE**—It depends.

**Mr CARROLL**—There are going to be a huge number of issues that the school is managing there, of which uniform is probably the most visible and the one which brings it into play at the moment.

**Mr FINN**—It could cause some consternation in the schoolroom, I would imagine.

**Mr CARROLL**—Yes, and the reason we noted it was simply as an issue that conceivably schools may need to be aware of: that from time to time they will face a situation of a student who is of indeterminate gender or is looking to transition. Obviously they are very infrequent.

**Mr FINN**—We have to look at the hard cases, if you want to call it that. But this is an issue that may come up from time to time and one that I believe this committee should address.

**Mr CARROLL**—To summarise, the fundamental obligation under the Equal Opportunity Act to students who are transgender or intersex is to provide a safe and supportive schooling environment. There will be a number of issues to work through there of which uniform will be one of the most visibly pressing but needing to be managed within the context of a range of other issues as well.

**Mr FINN**—What are the rights of the student who has changed gender?

**Mr CARROLL**—If a student were transitioning or changing gender and wished to wear the uniform of their new gender, and the school had not responded positively to that, then the starting point of our analysis of a complaint about that would be that, in the absence of a good reason why not, then the prohibition on discrimination on the basis of gender identity would suggest that a student in that situation be allowed to wear the uniform of their choice.

**Mr FINN**—Just to make it absolutely clear: the student comes to school, announces he is now female and is wearing a female uniform. There may well be some consternation in the local school community and maybe some steps are taken to remedy the situation as they see it. That student would then have recourse to the Equal Opportunity Commission in their defence. Yes?

**Mr CARROLL**—They could make a complaint, yes.

**The CHAIR**—You would always expect in that case that a school would go through a counselling process with a student and be pretty sensitive to picking up how genuine the student is in regard to that.

**Mr CARROLL**—These very same issues arose in the context of employment when these

amendments to the legislation were first proposed, and a lot of work was done around the notion of its being an individual issue, transitioning gender, but also there needs to be consideration of an organisation or a body that you are part of and the need to work collaboratively with them and that the change is gradual.

**Dr SZOKE**—Just so that you are clear, we are not a tribunal. If a complaint such as that came to us, we would utilise the statutory functions that we have to investigate and conciliate, to try to build a process rather than necessarily just an outcome because of the sensitivities and the safety, educational and cultural change issues that are implicit in something as sensitive as that.

**The CHAIR**—Thank you very much, Helen and Matthew, for attending. If you do follow that path of looking more closely with that work you are doing with the education department and school uniforms, then it would be useful if any further information came back to us.

**Dr SZOKE**—Our best wishes for your work on this committee. It is going to be quite a complex job, I think.

**The CHAIR**—Thank you.

**Hearing suspended.**

# CORRECTED VERSION

## EDUCATION AND TRAINING COMMITTEE

### Inquiry into dress codes and school uniforms in Victorian schools

Melbourne—30 April 2007

#### Members

Mr M. Dixon (from 18 September 2007)	Dr A. Harkness
Mr N. Elasmarr	Mr S. Herbert
Mr B. Finn (1 March – 18 September 2007)	Mr G. Howard
Mr P. Hall	Mr N. Kotsiras

Chair: Mr G. Howard

Deputy Chair: Mr N. Kotsiras

#### Staff

Executive Officer: Ms K. Ellingford

Research Officer: Ms J. Hope

Committee Administrative Officer: Ms N. Tyler

#### Witnesses

Ms L. McGaw, Co-ordinator - Youth Engagement Team, CMYI

Ms N. Mohamed, Project Officer, Roxburgh Park Group (Northern Region) and NAYSS Lead Provider, CMYI

**The CHAIR**—Welcome to the Education and Training Committee. This is our first public consultation in regard to the inquiry on uniforms and dress codes in Victorian schools. So thank you for agreeing to come along and speak to us today.

I will just advise you a little bit of formality that in terms of your presentation to us this afternoon you are protected under parliamentary privilege for things that are said in here, but of course that doesn't apply for anything that's said outside this room, and we are taping this for *Hansard* purposes and afterwards the transcription will be forwarded to you as soon as possible. So you can have a look at it and if there are any corrections you wish to have made in regard to understanding or in the way it is written then you could get those back to us. But other than those formalities we are sort of allowing 10 minutes for your presentation and an opportunity then for us to question you in regard to your presentation, or if you have any questions then you want to follow up with us, we are happy to answer those. If you start by, just for the purpose of the tape and for our benefit too, since we know you are not Steve Francis, either of you, to give your name and your relationship with the Centre for Multicultural Youth Issues.

**Ms McGAW**—Yes, we are both here on behalf of CMYI today. CMYI is a community based organisation that advocates for the needs of young migrants and refugees and we undertake service delivery, police advice, research, training and community education. The main role at CMYI—

**The CHAIR**—And your name is?

**Ms McGAW**—Leanne McGaw.

**The CHAIR**—Thanks, Leanne.

**Ms McGAW**—And I coordinate the youth participation team which includes programs, such as leadership, mentoring, training for youth group members, and also a youth led project seeking to address racism and discrimination in the community.

**Ms MOHAMED**—My name is Nadia Mohamed. I work at CMYI as a project officer for the NAYSS as the lead provider. NAYSS is the Newly Arrived Young People's Support Service and so—like, my role is sort of get services to share best practice in regards to working with newly arrived young people through a newsletter, a web site, forums and teleconferences, yes, for that sort of thing, and this involved with community leaders in the Somali community as well and, yes, that is about it.

**The CHAIR**—Good, thank you. So in terms of your observations, in terms of school uniform policy.

**Ms McGAW**—Yes, so in terms of the cultural and religious considerations that schools need to take into account, it is our view that schools need to make allowances for students to wear necessary religious attire, such as the hijab and yarmulke, and I guess another pressing issue is that school uniforms need to be tailored to allow, particularly young women to dress modestly, such as longer skirts and also full body attire when they are swimming and taking sport and recreational activities. They were the two main points.

**Ms MOHAMED**—Yes, I mean, with the schools as they are, a couple of schools that allow—that have that flexibility with regards to, you know, for example, if there was a shorter skirt that is available to the whole school, then they would give the option of a longer skirt which is still the same colours and everything, so that always helps.

**Ms McGAW**—The young people that we work with tend to live in areas where there is a high level of diversity and so we have not encountered a problem with schools as such who haven't been able to make allowances for young people to wear appropriate attire. For instance, we are aware of schools, such as Broadmeadows and Brunswick Secondary Colleges, who allow girls in winter to wear longer skirts that go down to the ankles, so it is just a longer version of the existing uniform and doesn't cause them too much—

**Ms MOHAMED**—I mean, even in summer if there was only the option of the shorter skirt then they would have to wear the pants underneath it which would make it uncomfortable which would make it an effort, an extra effort that they have to make which would then sort of create issues for them, yes.

**Ms McGAW**—However, in having said that, I guess we are aware of other issues that young people have encountered in wearing their school uniforms, and there are issues such as racism by young people in school by their peers who make fun of them for wearing the hijab or—

**Ms MOHAMED**—Even in terms of feeling included, I mean, sports and rec is like a great way of— just from experience and observation, it is a great way for young people to feel included without necessarily having to look like them or whatever, and we find that sports and rec uniforms, for example, swimming and netball, say, for example, Muslim women can't participate in fully without having to have certain adjustments and the options are available. There is a woman now—you probably might have heard of her—who designs the surf lifesaving uniforms in New South Wales and she does the whole—in the surf lifesaving colours and everything for Muslim women and they have the option now of having that swimming uniform for women and other sports uniforms, and it is early days still because she just started around about a year ago or something, two years.

But I mean it is really, I think, empowering for young women to know that they have that option because what happens is that if they are excluded from sports and these sort of things that it creates isolation and—do you know what I mean? So, yes, what is available to them should be made known.

**Ms McGAW**—I guess anecdotes we have heard from young people in schools are that they do get teased about—or they have been teased about the colour of the hijab or for wearing it which causes them considerable distress and also pressure for them then to feel like they have to conform into the mainstream community.

**Ms MOHAMED**—Yes, or the opposite can happen where they will absolutely not conform and then therefore they become more hostile and defensive and isolated, yes.

**Ms McGAW**—Costs is another issue that we hear about in terms of school uniforms, particularly when, with larger families on low incomes, the cost for them to be able to get school uniforms for all of their children is quite difficult. Although there are second-hand shops available for these uniforms the cost is very prohibitive. But I guess in terms of addressing your second question which was about if schools effectively communicate uniform policies to student populations, in our experience and understanding is that schools do communicate uniform policies to all the students and their families but we believe there needs to be greater dialogue between migrant and refugee communities and school staff just to ensure that there is a greater understanding about the issues we mentioned previously affecting young people in the schools, for instance, pressure to conform and feeling uncomfortable about—

**Ms MOHAMED**—Just to give an example of that, I went to a school that—and this is an approach that worked. A lot of the girls weren't wearing like a full school uniform and there was a constant—and the teachers do communicate effectively. They say, 'Well, so-and-so, you're not in the school uniform,' and they would be like, 'Yeah, well, I know, but, you know, what are we going to do, I'm trying to be, you know, following my faith,' or whatever. The approach that the school I attended took was that they had a meeting with a group of us and they said, 'Okay, why is this done?' and the girls said, 'Because, you know, it's my religion,' just to put it simply, and then we explored solutions to this issue which was how can they have an input in like, sort of coming up with the right school uniforms that comes from—and that is empowering and we came up with that and said, 'Okay. Well'—we started to make compromises. 'Okay. Well, I won't wear a pink scarf because our uniform is grey and navy and white,' so we said, 'Okay. How about if we did the option of a white scarf and a navy scarf and you guys gave us the option of a longer skirt, took into consideration over the year,' and this is something that came into play eventually. So excluding the CLD students into the solution to the uniform issue that the school may be facing with the particular students can be a possible way of addressing these sort of issues.

**The CHAIR**—So in terms of your experience, schools are generally pretty open to finding ways

through some of the cultural issues that they're experiencing?

**Ms MOHAMED**—Well, it depends on the schools. I was fortunate enough to be at that school. About a year before that I went to a school that was—I was the only black woman with a scarf and I stood out like a 'woo' you know because I just wore whatever and there was—it was almost like—it was so obvious that I didn't wear the scarf but they didn't know how to approach it. Even though they didn't make me feel bad about it there was an issue with it and it was never addressed, it was never talked about. That within itself can be a negative thing, whereas when they discussed it with us at this other school that I ended up finishing my VCE at, they addressed the issue and they said, 'Okay. Well, this is an issue for the school. We're wanting to have a uniform and how can you guys be a part of this, because you are a part of the school,' yes. I mean, it depends on the school's approach.

**Mr KOTSIRAS**—May I ask CMYI, in general, do you think having school uniforms assists newly arrived migrants and refugees, especially from the Horn of Africa, or is it best not to have a school uniform?

**Ms McGAW**—That's not such an easy question to answer because I think, yes, there are—

**Ms MOHAMED**—I liked having a school uniform.

**Ms McGAW**—I think school uniforms certainly has its benefits in terms of young people feeling included and part, you know, of a board of structure and community but I guess for some people, depending on, yes, the colours or particularly like in primary school there should be greater freedom for young people in terms of wearing the hijab and colours. I mean, I can understand for high school the need for greater conformity about attire—specific requirements for attire. But I think in primary school, yes, perhaps there could be greater allowances for young people to deviate from the strict parameters of the school uniform as such.

**Ms MOHAMED**—I mean, there shouldn't be so much a way, like with the scarf especially, 'You're not wearing it the right way,' or whatever, in primary school because that's when a whole complex is created in the young person, like, 'I'm being attacked, I have to go on the defence now.' It should sort of be like—if I can give you an example again of myself. The woman who operated the school uniform shop at the school, there was the hats like that and then there's the caps like that and all she did was, 'Oh,' and I said, 'But I wear the scarf,' and she said, 'No, no, hold on we can adjust it.' I mean, just that acceptance of it just helps you to want to do your part and go halfway. But if you're made to feel excluded it's always about that, 'Let's meet halfway.' I think even primary school kids can understand that. I mean, I did at age 11, so, you know, yes.

**Mr KOTSIRAS**—Because I would have thought that—I mean, I can give myself as an example when I first arrived, my clothes weren't anywhere near what the others were wearing, different. So when I finished primary school and I went to a secondary school where there was some sort of uniform I felt more at ease in the classroom.

**Ms McGAW**—It was a relief.

**Mr KOTSIRAS**—It was a relief.

**Ms McGAW**—Yes.

**Mr KOTSIRAS**—So that's why I posed the question, you know, with the newly arrived migrants, is it best or better for them—keeping in mind that there are some parts of the uniform which will differ that will help them mix with the other children if there was a school uniform.

**Ms McGAW**—I think that's why it's hard to give a categorical answer yes or no because it does depend on young people. I think religious—the attire can be a critical part in young people's identity as well, and so some people in the resettlement process really want to hold onto that strongly and not want to deviate, I guess, from—

**Ms MOHAMED**—Yes, and that's obvious we feel really different if that was to be criticised or to be

put down. I mean, they would be on the defensive. A uniform definitely does make you feel more included and a part of the school but it depends again, if we're very frank, on where you come from. For a dark person with a scarf or just a dark person, it wouldn't be as easy for them to just blend in, 'Yes, I feel blended in,' do you know what I mean? So it's not just like the influence about that, that meeting halfway, and I'm talking about it in a broader sense, not just with the uniform but the attitudes and all of that.

**Ms McGAW**—I think the key is schools need to be flexible and to be open to dialogue with young people and their families within the community to be able to have these discussions about, yes, how young people are choosing to wear the hijab or other parts of the uniform just to ensure that issues of racism and discomfort amongst young people and their peers don't arise, and that all young people who attend the school feel included and feel part of the broader school community as well.

**Ms MOHAMED**—Yes, and the school staff need to be aware of the fact that if there are a group of students who are of Islamic faith or whatever and they wear the scarf, that doesn't mean that they all wear it the same way. Some are more strict than others. I used to take off my scarf when I was playing my softball or my basketball. My culture influences my religion as well and whereas there are some families that would be like, 'No, you definitely wear it.' There has to be recognition by the staff of how different, diverse it is within the Muslim community, how diverse they are.

**Ms McGAW**—A homogenous group.

**Ms MOHAMED**—Exactly, yes.

**Mr HALL**—For many newly arrived immigrants the concept of a school uniform would not be unfamiliar to them, I wouldn't think. Is that right? Probably just different.

**Ms McGAW**—Yes.

**Ms MOHAMED**—Not for—

**Ms McGAW**—For many of them they would have been used to wearing uniforms in the past, yes.

**Mr HALL**—Was that your case in fact?

**Ms MOHAMED**—Yes, it was. Well, I went to school for six months and then the war started but anyway, yes, we had a school uniform and it was fine, there was no issue. So it wasn't completely foreign.

**Mr KOTSIRAS**—Which country, sorry?

**Ms MOHAMED**—Somalia. So it wasn't completely new but it was obviously different, yes.

**Mr ELASMAR**—Talking about the hijab and the scarf, that part of the uniform, would one colour be any problem to any particular religion or culture?

**Ms McGAW**—From the Koran?

**Ms MOHAMED**—No, not really. There isn't a logical reason why you would say no to navy or white, do you know what I mean, or whatever would go with the school colours? I can't think of a logical reason for it.

**Mr ELASMAR**—So the colour really is not an issue.

**Ms MOHAMED**—I don't think so. If the school said, 'This is our policy and our school uniform policy,' I can't see any valid argument that would come out of anyone that would say anything against it.

**The CHAIR**—Are there examples of other forms of uniform other than—I mean, the scarf and the hijab are the sorts of things that initially come up in discussions, but are there other variations in uniform—

and you have raised the ones about longer skirts and so on, and swimming attire. Are there other examples, male wear or—

**Ms MOHAMED**—I was thinking facial hair, especially in high school. It's very rare to have facial hair in primary school, but in high school it is all a part of that developmental phase that adolescents go through. You are not just exploring yourself physically, what is happening physically and emotionally, socially, spiritually as well. They should feel comfortable enough to be able to explore that as well. Again if that is attacked it might create some issues, 'Don't wear your beard,' or whatever, because that is I think a process that a lot of young men go through. They think, 'It's spirituality. Jesus did it, Mohamed did it, Moses, so why can't I?' It's an expression. It's a stage that they go through and I don't think that should be—

**Ms McGAW**—We haven't heard any anecdotes from young Muslim men, for instance, with a facial hair issue that that has been problematic for them at school. It has mostly been—the issues and the discussions more being around wearing the hijab and issue of modesty for women.

**The CHAIR**—There are obviously communication issues, the key area you are talking about, but are there any examples where schools have put themselves into situations where the students really have had to challenge the position the school has taken?

**Ms MOHAMED**—Can't think of it right now.

**Ms McGAW**—Yes, I think we're really fortunate in the area and the schools we work with. We don't encounter schools that are very mainstream or anglicised who—

**The CHAIR**—Who are setting up barriers?

**Ms McGAW**—Yes.

**The CHAIR**—I would have thought that would have been the case and I'm pleased to hear that.

**Ms McGAW**—The schools we work with tend to have large multicultural populations who have been very open. We've been very fortunate.

**Ms MOHAMED**—Yes. I think that needs to be maintained. It can go up and down, depending on the staff changes and their experiences of working with CLD young people. There are a couple of years where you experience an enthusiastic group of staff and they want to learn from this and do something from that and then it might change slightly or something like that.

**Ms McGAW**—I think as long as there is ongoing staff education and school education about issues around school attire, just to ensure that the policies and procedures of those schools are flexible and dynamic to keep up to date with the existing population of the school because—

**Mr HALL**—Are body piercings or body markings an issue for any of the people that you come across?

**Ms MOHAMED**—Yes, there is the East African—certain East African young people do come with distinct facial scarring or tattoos that are evident, but they usually don't experience anything because I think it is the culture now that aren't unusual with the insults to their appendages.

**Ms McGAW**—Yes, there are enough mainstream people with body piercings and tattoos. It's not an issue.

**Ms MOHAMED**—I think really there are people that accept tattoos and piercings in areas that they are not used to, so it's a two-way thing. It's good stuff.

**The CHAIR**—All right.

**Ms MOHAMED**—How did this come about?

**The CHAIR**—The inquiry?

**Ms MOHAMED**—Yes.

**The CHAIR**—Inquiries come to us referred via governments, so there is often some form of discussion happening in government to come up with the view that there is reason for a committee like ours to review the broad issues in uniforms right through and so we're looking at a range of views and then we will provide our report back to the government in regard to all of those broad range of issues of uniform policy codes. So we are wanting to make sure we get a broad range of views, so if there are things that come out of it we can ensure they are in our recommendations.

**Ms McGAW**—Thank you for the opportunity.

**The CHAIR**—Thank you for coming along.

**Witnesses withdrew.**



# CORRECTED VERSION

## EDUCATION AND TRAINING COMMITTEE

### Inquiry into dress codes and school uniforms in Victorian schools

Melbourne—30 April 2007

#### Members

Mr M. Dixon (from 18 September 2007)	Dr A. Harkness
Mr N. Elasmarr	Mr S. Herbert
Mr B. Finn (1 March – 18 September 2007)	Mr G. Howard
Mr P. Hall	Mr N. Kotsiras

Chair: Mr G. Howard

Deputy Chair: Mr N. Kotsiras

#### Staff

Executive Officer: Ms K. Ellingford

Research Officer: Ms J. Hope

Committee Administrative Officer: Ms N. Tyler

#### Witness

Ms G. McHardy, Executive Officer, Parents Victoria

**The CHAIR**—So we are guessing you are Gail?

**Ms McHARDY**—Yes, that is correct. Would you like me to come down?

**The CHAIR**—Yes, please. Thank you for agreeing to come along and speak to the Education and Training Committee inquiry into dress codes and school uniforms in Victorian schools.

**Mr HALL**—Gail is a familiar face.

**Ms McHARDY**—Yes.

**The CHAIR**—So you understand what this committee is generally about and that we are MPs from all parties reviewing issues. Just before you start your presentation to us, Gail, just to make you aware, anything said in this form of inquiry is covered by parliamentary privilege issues and we are taping all that is said for *Hansard* and afterwards we will get a copy of the *Hansard* response back to you for you to just check over to see whether there are any issues you would like to see corrected. That is the standard way the inquiry will work. We are looking for you to make a presentation maybe for 10 minutes and then we would just like to have a two-way dialogue with you, Gail, about any of the issues, as you perceive them, relating to Parents Victoria's views on education policy and those broad-ranging issues that I think you have received a questionnaire about.

**Ms McHARDY**—No problem. I have brought a business card just in case you needed one for the details for correspondence if that helps. Are you happy for me to begin?

**The CHAIR**—Yes, thanks, Gail.

**Ms McHARDY**—Okay. You may or may not be familiar with the organisation so I will just very briefly tell you. I am Gail McHardy, I am the current executive officer for the organisation and Parents Victoria is a state parent organisation representing parents in government primary and secondary schools. If I am talking too fast, tell me. We have been an active organisation—we are in our 82nd year, so we have been around a substantial amount of time and have certainly represented the views of parents in state government schools.

School uniform is obviously something that has been very cyclic and always comes up right across our sector on many of occasions. So we have to say that we welcome the inquiry but at the same token we have to date been quite satisfied with the current regulations, guidelines that we currently act under. However, in saying that, certainly what I will try to do here in our presentation, as advised to Karen, we will submit a written submission but today I am basically just giving a bit of an overview and from what sort of angles we will be coming from.

So we tried to keep this pretty much under the guidelines that you put to us to draw submissions from so that is pretty much what I have tried to do here today. To kick it off, basically—before I do so, just so you understand how we draw our information, parent associations which originally were known as mothers clubs and parent clubs—they are called all sorts of things these days because as society is changing as does the way of work and how it impacts on families and so forth. But our representation is that the parents in state government schools elect to join the organisation, be it through the parent association which is uniquely what we like them to do because then that is a representative body, but failing that, parents—if they do not have a parent association or mechanism to do so—can actually, if they have a real interest in educational issues, they can apply to the organisations as an individual member which goes through a process, because our whole objective is to have a representative view.

If there are things that are not currently in our policy that we have developed over the last 82 years, we certainly seek out that information from parents directly by going through the PV reps in state schools or directly to people that have shown an interest in a particular area and get them to canvass other views as well to draw back into us. Of course there is the web site, the whole range of mechanisms now through media and so forth that we get people approaching the organisation. So from our perspective, people often ask how many people we represent, how many members we have, and I am sure you are going to ask me all those questions,

but we are a unique organisation in the sense that we are still predominantly—our members, a group of people that join at the local level but in fact the number to that of each school is very difficult to predict unless they are registered at the schools through the schools paying voluntary fees and so forth, because some schools are a little bit creative and get parents to join the parent club or parent association at the local level by that means.

So as far as the dress code and school uniforms, when we were putting our feelers out at the announcement of this inquiry, the main things that keep cropping up as always is the affordability and accessibility to uniform. That is something that is an ongoing debate. Of course all our public schools, when it does come to our attention where schools aren't being reasonable, we certainly go through the appropriate processes and mechanisms to ensure that we support those families in trying to source the appropriate supports or a way to broker with the school, what is reasonable.

However, we are very fortunate in the state of Victoria, we still have some schools that in fact have no uniform policy, they have free dress, pretty much predominantly inner Melbourne and that is across the board at primary and secondary. From our understanding, even though there may be people in the outer community may have objection to that, those people within those communities are quite comfortable with it. They do not believe that the fact of enforcing a uniform impacts on their learning. They want the individual students to be able to have their own individual expression and to feel comfortable in what they wear as long as it abides by a reasonable dress code. Of course our organisation would be supportive in ensuring we have the appropriate protocol in what you wear, that it won't be offensive or inappropriate in a school place of learning.

That is pretty much that prospect. The other thing that has come in more recent times, not just about equity, as we are a very multicultural and diverse community in Victoria, but also more recently around skin allergies—and on the affordability side of things—around about what type of materials and things, because unfortunately in some schools where they have tried to up the ante on the uniform about its presentation—be it blazers, be it the type of fabrics that they select with a specific supplier—that in fact has put more money constraints on families. So there is a bit of angst around the community about that. The other part of it too was all in relation to mandating the uniform, so where schools are very specific about what you can and can't wear. Some vary from one extreme to another is not just about the cost but also about compliance and enforcement. So where students, for example, girls in particular—I will give an example—where they have to wear the summer dress only in term 1 and term 4 and the winter dress code in term 2 and 3, with our unpredictable Melbourne weather, and depending on where you live in Victoria, also have an impact on students because sometimes they are quite uncomfortable due to heat conditions and so forth, and travelling to and from school.

Even close to home, even my own daughter who is now in year 8, last year and this year where we have had notices come home saying, 'She must wear this particular piece of uniform at this particular time,' and as a parent I object to that because I feel that if she is in uniform as such, irrespective of if it is summer or winter, as long as she is neatly presented and she is clean, I think that is the most important thing as a parent that I can ensure she can do. I don't really see the impact on learning if she has different coloured socks to the uniform code. They have to be white or navy, but if they are navy this day, for whatever reason, as long as they are matching socks I think it is quite okay. That is just a personal anecdote.

When we drew from a number of parents, a couple of them weighed into this quite strongly and a number of them were saying about particularly again a growing trend—everything in education is a trend—in secondary colleges from year 7 to year 10 where you have the junior uniform, or junior middle school uniform, and then you go into a senior uniform. A lot of students quite like that because they like to be seen to be a bit more senior of the school. However, for families that does have an impact because of cost and the growth rates of young people are different from one child to the next. That's something also that impacts on families regarding cost.

The other thing too, of course, is when a college gets into its head, particularly secondary schools, again lots of examples of this, where they are going to review the school uniform in a transition phase—as it is currently funded, uniform policies in schools—is the timing and sometimes the communication or the consultation process is highly questionable in some of these schools, mainly in secondary and not so much in primary. Yes, there is the occasional primary school that may have gone from a no dress uniform to a uniform policy, and again that transition phase could be a little bit debatable, again that timing and the communication strategy

that has been adopted by the school. That often comes up but it usually can be addressed pretty quickly. In secondary schools it's certainly something—because I think the amount of items and the clothing type and size is far more expensive than primary school uniforms.

We have a number of people that are going to be submitting into the inquiry specifically from their own personal experience, and this was something we wanted to raise today and that was in fact that where schools haven't been communicative about the process, and the other part of it too, the factors, the consultation process specific about who they consult with. For example, there was a secondary college out in the northern region where they were adopting new uniform items for year 7s and it was a blazer in particular—this is by way of example—they will be making their own submissions. Unfortunately, the people that were consulted, the parents already at the school, that wasn't going to impact upon. This got quite controversial. Then when those families, when they thought it was quite reasonable to approach the school—and these are new families to that local public school—questions, wanted clarification around what was going to happen, they were deemed to be seen as parents causing trouble. This all dovetailed into the Department of Education's complaint process which Parents Victoria is working extremely hard to rectify and improve for the families of Victoria.

So then you go down that not very nice pathway depending on how it is managed by your regional office and our schools specific. Their experience hasn't been pleasant and it has created whole other things which I am sure this inquiry will be very interested in because there are whole things about enforcement, monitoring, consequences for students that do not come to school with the new blazer and things like that; also equity issue is around if it is compliant to the year 7s why isn't it enforced across the whole school. Look forward to that submission. I am sure you will get a number of them.

I have done quite a splatter across all your areas but probably—I can tell you one straight up. The national and international trends. We haven't the resources to comment on that today or in our written submission so we will not do that. We think we would pretty much like to keep it closer to home. The exemption criteria and processes, we think that like our policy says is understanding and accepting the philosophical view of people and sometimes the religious beliefs and so forth, particularly for the Muslim members of our community. I know there has been a lot of debate in the media around the hijab and so forth. We too believe in respecting certain culture but as long as it is done with consultation of that immediate school community. If everyone has been consulted, everyone is happy, we would be supportive of those things.

A, B, C and D—it was quite interesting at our recent national parent conference of the Australian Council of State School Organisations which is the acronym of ACSSO, also uniform came up in that arena in relation to dress code of teachers and department employees. We thought that was something too you might like to look at as well, because it is all very well to impose on students but it is also about role modelling and best practice as far as in our sector. Students find that quite interesting, particularly around SunSmart and so forth, the wearing of hats and appropriate things like that.

The other thing too is pretty much about the school uniforms suppliers. Some families, if there are some difficulties about making arrangements about purchasing the uniform or trying to address some of the things I flagged earlier around skin allergies and so forth, the choice of fabrics and so forth. Sometimes these uniform shops seem to have a strong hold over the school and/or the school do not realise—they are quite happy in their arrangement so they don't look at other suppliers. Sometimes that can be quite frustrating for families when they are trying to purchase a uniform within the school uniform policy and school uniform list, appropriately to do the right thing by the school. There are sometimes difficulties in that.

I can give you another example of that where in some situations, in secondary colleges where they have tried to bring the uniform up to a bit more of a fashionable sort of level for students, to assist the students they do it sometimes in consultation with the uniform supplier but not with the students and certainly not with the parents. That continues to happen from time to time. As an organisation our parent associations, we encourage them to keep brokering and building the relationship between the governance bodies, be it the school council and the staff, because also staff have very strong views about uniform because they are the ones that have to be the enforcers in the classroom, and they get a little tired of having to give detention and office slips to go to the office and so forth about when students don't comply with uniform policy.

We would advocate that government schools should provide parents with alternative and affordable price outlets to purchase uniforms, if they were to be mandated, but in fact we would hope that the current status would proceed where it is a local school community decision under the governance regime, but certainly there has to be some sort of independent and transparent process. If for any reason the governance of that school is not doing its job appropriately or there were some problems we would want to make sure that the government provides an avenue for people to take their concern further if needed.

Currently, as I said earlier, there are particular processes dictated by the Department of Education but unfortunately due to our recent research project into complaints that has been proved to be a little difficult. We have a lot of evidence around that. Hopefully the government has undertaken to improve that so that is all good news if that all comes off. Views of schools about dress codes and uniforms need to be sincere, open and transparent when surveying their school communities, so again that consultative process is something that's still a bit of a thorn in the side at times for some communities when seeking opinions and feedback about the particular items of the mandatory uniform clothing. Again you will get a couple of submissions that will fight those.

The most cost efficient and practical uniform procurement arrangements—yes, there are some parents that see cost benefits of having a mandatory uniform but there are also people that see cost benefits having a free dress code of buying it second-hand and so forth. Families can do that quite cheaply, or from hand-me-downs from other family and relatives. We also believe and we have been quite supportive of the SunSmart things they have been advocating around the world we live in today, that we need to be ensuring that our children remain safe and we don't want schools to be facing litigation cases but we believe in the workplace there is safety wear that has to be worn. We believe, especially for young children, if there can be some preventative things done we would like those things to be considered when selecting items of clothing and fabrics for children in the future. We are certainly mindful of all that.

We also think commonsense needs to prevail too, like the example I said about the heat that students are being forced to wear a blazer on a bus and so forth. That is not really government healthy policy if children are expiring on the bus on the way to school or removing their jackets because they are not happy and uncomfortable and then they are penalised. We have had examples where kids have been in detention, or in the reverse are getting rewards and getting points for their house teams where they are doing the right thing, but in fact that is picking students against students. If there is one particular classmate in class that feels strongly about the uniform policy and is not complying by not wearing the blazer, by way of example, that also can create some internal friction between student to student.

Appropriate enforcement sanctions—I will just lead into that—parents need to be communicated with and clear rules need to be set out in a document in regards to wearing of the uniform, when and where and what the exceptions are. Rules should not be communicated verbally to the students who are expected then to advise the parents, it needs to go to both. It needs to go via students and their parents. If the initial consultation is done well across the whole school, agreements are reached and policies are well communicated to families, there certainly would be support for policy enforcement. We wouldn't even be having this discussion today if that is what was happening across the state. We are all for that. If schools are doing all that part of it right, we don't have a problem because parents will be happy, students will be happy. As I say with a lot of these things, I hope students will get the opportunity and will be listened to through this inquiry. Thank you.

**The CHAIR**—Thank you, Gail. A number of questions? Who wants to—

**Mr FINN**—Thank you for that, Gail. That's a very interesting viewpoint that you have put and something that obviously we will have to take into consideration. One area that you touched on which saw lights and whistles go off in my head and that is the potential dress code for teachers. It is interesting you say that because in years gone by—and I've visited many schools over a number of years and some of them I have to say I have seen better dressed people in the outer at Victoria Park than some of the teachers that I have seen in classrooms. Firstly, do you have a suggestion as to how we can rectify that problem and, secondly, do you think that if a teacher is not dressing to a sufficient standard that undermines their authority in the classroom and the respect that they get from their students?

**Ms McHARDY**—I think the way you dress is a very personal thing and I think the students are the

first ones to argue that teachers—adults—that were being reasonable have the opportunity to be like them and feel comfortable in what they wear, but I think we all have a responsibility to students, parents and teachers and leaders in schools, we all need to role model and act appropriately. So baring midriffs or wearing no shoes or whatever it might be, the sensible thing to do would be to provide—for example, in some of our senior secondary colleges where they may have a free dress code, like Bendigo Senior Secondary or Princes Hill and so forth, there would be dress codes when you're doing chemistry or where you're doing a particular subject where you have to wear a full shoe and so forth, we would think that has to be practical across the board, not just for students but for adults alike. In answer to your question I think the fact is there has probably been a little bit of a downturn in some of—and I think that is right across Victorian society, across the whole world, to be honest about how people dress in particular places. We don't believe that you have to be in a suit to conduct your business of the day.

Accordingly, for men and women—I mean, my first job was in an organisation where you were not allowed to wear slacks and I am only in my 40s. I think there has to be some flexibility. It is a bit like bowling clubs where the women for many years had to wear stockings, they couldn't go with bare legs and all this sort of stuff. There is a whole range of things that we have moved upon and I think that is about being just practical and commonsense.

**Mr FINN**—But do you think if a teacher is dressed like a slob, the students will treat them like a slob?

**Ms McHARDY**—I think what it is, is depending on the relationship between the teacher and the student, irrespective of their dress. It is probably also how they conduct the class and how they deliver learning, impose that learning on to children. I think there is a combination of contributing factors about what students respect. However, students are very fashionable, the majority of them. There are always trends being set, we can see that right across the board. You always can tell what are the labels and so forth because you can see the fashion trends right across every genre and era of education. At the same token I think it is fair to say that I would like to think—the organisation would like to think—the adults are demonstrating and role modelling accordingly, so students can respect that.

**The CHAIR**—Just following on from that, is there a serious view that it isn't the case in a large amount of cases, or is it—

**Ms McHARDY**—It certainly has been observed and commented on, not only at local level but at national level.

**Mr HALL**—Gail, you mentioned the issue about affordability. Do you think there is a significant difference between the cost of providing school uniforms as opposed to providing the casual clothes that students would otherwise wear?

**Ms McHARDY**—I think it depends on where you live and where you shop and your own socioeconomic circumstance. I was born and bred and went to school in the eastern suburbs, I moved away and married and lived in the northern suburbs and then I went back to the eastern suburbs with my own family and I see a huge comparison about the perceptions around that stuff, about the cost and affordability. When I was a parent in the northern suburbs with children going to school, I was fascinated with the resourcefulness of families, of what they could do with their very limited suburbs. When I go to the eastern suburbs it depends on the prioritising. That is a very personal thing. That is my learning experience from living in two different suburbs of Melbourne. It is fair to say that I don't believe that students—and I feel very strongly about this, that all children should be able to have the opportunity to learn and I don't believe that having a uniform policy in fact should be a barrier to that.

That is why we are very fortunate to have the State Schools Relief Committee which I didn't mention earlier and that I would like to touch on because there are certainly some concerns there. Now what they can afford to resource is very difficult. The process around that is a bit questionable, because I have helped a lot of children and families with disabilities. I have an example of a young girl in senior high school who was in the same calliper shoes for about four, five years. It was a bit worrying but her mother couldn't afford to change them. When we made an application it was knocked back. In fact that money would have only bought part of the

shoe. It was just a way of trying to get her resourced for the child's shoe.

**The CHAIR**—It might be helpful if any of your members could identify actual case studies of cost issues.

**Ms McHARDY**—Yes. We do have examples where—the debate around voluntary contributions—uniform comes up every time.

**The CHAIR**—Some would argue to us that the provision of a school uniform is often a lot cheaper than the designer clothes the kids would want to wear anyway. That is thrown up all the time. That is why I am saying if you had any case studies or examples it would be—

**Ms McHARDY**—I think probably it would be best for our organisation to encourage all the support organisations like the Smith Family, Brotherhood of St Laurence to counteract those arguments because they would be very good at doing that.

**The CHAIR**—All right. You can encourage them for us.

**Ms McHARDY**—I certainly will.

**The CHAIR**—What about the issue you raised about the conditions on wearing school uniforms—the winter uniform and the summer uniform—the blazer on the bus et cetera. That is a decision, I understand, as part of school council make that decision.

**Ms McHARDY**—Under the governance, the way it currently sits, yes. They are meant to broker through the uniform policy and then you have subcommittees of school council. For example, I have sat on education subcommittees where we have looked at and reviewed and if it is a best practice governance school they will go through those processes and review it every three years to five years, depending on the schools and the number of policies they may have to ensure that they are reflecting their current cohort of students and families. So in answer to your question, yes, it is, where it sits currently and we would hope that that continued to be practised, but unfortunately we have a couple of examples where that hasn't been done as well. I really believe that it only contributes to the fact that those people in those roles aren't fully aware of their roles and responsibilities and haven't had the appropriate training.

**The CHAIR**—If I was the Minister for Education how would I address that issue then?

**Ms McHARDY**—I would be making sure that the training that is done for school councils that that component is covered by way of example, because that is a good example, school uniform policy. If you were looking at introducing a new item to the uniform is a good example of demonstrating good governance practice and the processes that you should be having and doing within department guidelines and so forth.

**The CHAIR**—I was just wanting to follow on in terms of your own example of your daughter. How was that resolved with the school, saying that your daughter should wear certain—

**Ms McHARDY**—I wrote a letter to the principal.

**The CHAIR**—Did they back down?

**Ms McHARDY**—I think they thought I was being reasonable and they were quite agreeable to what I did, but they are a reasonable school and I nuanced the letter in the sense that I said that it is not that I am a parent that is being difficult or wanting not to comply, I want to support the college in ensuring the students do the right thing, but I certainly do not think it is practical when you have a lot of hot weather things or a lot of cold weather things and maybe something is not dry in time, or whatever it might be. There are a lot of parents—we are the first ones to say we have examples where some families find it a bit easier if the child is very strong-willed, that they will just write the note saying, 'It's okay to wear the jeans,' or whatever and feel a bit bullied into doing, because it does happen in some families. It is easier just to sign the note. We are very honest and open about all this sort of stuff because no-one is perfect. However, that sometimes can undermine

the school; the intention of trying to do the right thing. If you do it for one child then you start seeing all that sort of thing happening.

**Mr HALL**—My last question sort of flows on from that. The department publishes a school dress code guideline that provides a framework for school councils to adopt the school dress policy. You may not be able to answer this today but at some time we wouldn't mind a response from Parents Victoria as to whether you think those guidelines are adequate or not; whether they should be more specific, particularly in terms of spelling out the consultation process that you said was deficient in some schools. At the end of the day this committee has to make some recommendations and I seriously sort of doubt whether we're going to make—well, we might. The options there are to make legislative change or to make suggested change to those codes, those guidelines.

**Ms McHARDY**—We would hope, particularly on the consultative sort of process, they are very strong and clear because unfortunately where we have examples where you are consulting with cohort of people that are not going to be impacted upon, how can that be representative of the people that it is going to have an impact on. It just doesn't make sense. It is certainly not democratic and it is certainly not reflective of the Victorian community.

**Mr HALL**—Have a look at those guidelines and if you think they need to be strengthened in any way—

**Ms McHARDY**—Okay. We're certainly happy to do that.

**The CHAIR**—In terms of the complaints procedure that you raised, if parents have concerns—it sounds like you are worried—it is hard sometimes for those issues to be taken up by the Education Department or anybody—

**Ms McHARDY**—Or to be resolved is probably the answer to that question. For that example I cited earlier—and as I say, those people will be making a submission—the process they had to enter into, they in fact had meetings at the school and after they kicked up a fair bit of fuss they then had the opportunity to go to the regional office to have a meeting. In the end—which I would say was not appropriate—they weren't allowed to go in a group, they had to go individually. It was all not very pleasantly done. Even to this day most of them have not had a response from the regional office about it. In good practice in a government school system would be, I would think—for people to continue to send their kids to a public school—is to get back to those families. There may be concerns—some months down the track—'How are you feeling? Did it get resolved?' but none of that has happened. There have been situations now where the school has had to basically cave in—because what they did right from the outset was inappropriately done—is give them reduced rate blazers, and then that creates problems because someone might have it, someone didn't, someone might have already just thought, 'This is all too hard, I'll just pay for it,' so then you get that angst and that creates a whole bad taste in the mouth of people. That is not what we want in public schools because they are great schools.

**Mr ELASMAR**—Just one more question, Gail. Apart from the cost—I know it's very important—do you believe any parents would go against the uniform for different reasons?

**Ms McHARDY**—Depending again on their school experiences or their just personal beliefs, there are some people that are quite strong in relation to individual expression. Those people that I have met over the years—and there have not been many, there have been a few. It is a bit like you have seen in the media about people dyeing their hair or wearing a particular piece of clothing they shouldn't have worn to school or wearing other shoes or whatever it might have been, but it was something probably just to make a statement really. When I have met those parents I think they are feeling that they have just strong-willed children. At the end of the day they tend to agree that be it the free dress code or be it a uniform, there has to be an appropriate code of dress, to go into a school, to feel comfortable and to respect your peers in the classroom. But I couldn't say on my experience—and I have been doing this now for nearly 14 years—that I have met anyone outlandish that has done it for any other reason.

**Mr ELASMAR**—We believe some schools make money from the uniforms, some money benefits.

Would they help some struggling families from that practice, do you understand or you came across?

**Ms McHARDY**—Some really good practice schools, what they do is with a lot of families they give their second-hand uniforms, not necessarily with any hope for return, they get a percentage back and the school gets a percentage and so forth. I should say is parent associations in particular usually take carriage of the second-hand uniform shop. That is sometimes our biggest angst because they are volunteer labour that do this for the goodwill of the college or the primary school and often they are the last people to be consulted about when something is going to change in the uniform and yet they are the people that are contacting and talking to people all the time on a regular basis. But in answer to your question, some best practice schools in fact give those second-hand uniforms to those families that are suffering and don't have money, so that is fantastic. However, it is a tricky one because sometimes there are some suppliers out there that probably are not as cost-effective as some of the others. I believe in the marketplace that colleges should be still very diligent in making sure they get the best supply for the families at their school. I don't know how diligent that is carried out because that will depend on the person that takes the carriage of that responsibility. To be fair, schools are pretty overworked places, so it is a really difficult one to make criticisms. Does that answer that?

**The CHAIR**—Yes, all right. Thank you, Gail. We look forward to the formal submission that your group puts and take on board the suggestions from Peter and other committee members. Some of that feedback would be much appreciated.

**Ms McHARDY**—Okay. I am just checking my sheet here. I think I have covered all the points. We have a check sheet that we provide as an organisation to parents about reference points and so forth where they can get their materials, because again access to what the policies are, are not always necessarily easy to obtain when there is an issue. But I will take on Peter's point about that.

**The CHAIR**—All right. Thank you, Gail.

**Witness withdrew.**

**Committee adjourned.**