

# **INCLUSION AND DIVERSITY COMMITTEE BILL**

**NSW YOUTH  
PARLIAMENT**





## **Inclusive Uniform Bill 2021 (NSW)**

The Hon. Tahlia Barwick (Tamworth)

The Hon. Neera Bhatt (Prospect)

The Hon. Anna Cheng (Kogarah)

The Hon. A Fraser (Blue Mountains)

The Hon. Kiara Hearne (Bankstown)

The Hon. Pratham Gupta (Wakehurst)

The Hon. Max McFarlane (Northern Tablelands)



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## **Inclusive Uniform Bill 2021 (NSW)**

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A Bill

for

For an Act for a Framework for an inclusive uniform code within  
state schools

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## **Explanatory Notes**

A significant disparity between students with diverse gender identities, religions, and socioeconomic statuses exists through a lack of supportive uniform policies and procedures in New South Wales education facilities. Currently, under Anti-Discrimination and Education legislation, exemptions from specific clauses may exist for educational institutions. This is due to standards for appropriate school wear and broad terminology that may allow schools to discriminate against students through the enforcement of uniform policies.

### **Importance of inclusivity in clothing**

School uniforms are a direct representation of student unity and their sense of belonging to the school. The manufacturing of Australian school uniforms currently lacks the intention to include a broad range of gender identities and religions amongst other diversities to the preconceived tradition of establishing distinguished male and female uniforms. NSW Education is obliged to ensure that school uniforms reflect the changing ideals of society and the increasing importance of self-identity through self-expression. The exploration of ubiquitous uniforms in state schools and action to resolve a lack of accessibility will form a more profound sense of connection and support between students, encouraging values for inclusivity that will be carried on beyond years at school.

### **Diversity in gender**

Current school uniforms offered at Australian schools place limits on gender identities, often leaning towards either male or female options. The restriction to only wear certain clothing items does not perpetuate inclusion and prevents a sense of acceptance for young peoples and hinders cohesion in the student body. Current versions of "unisex uniforms" tend to present masculine images and do not compensate for other body types. These issues pose a restriction to those who prefer to wear gender-neutral clothing and may lack confidence and productivity within the school. By implementing a variety of uniform options, the school's broader community will be unified, improving the overall sense of belonging and clarity to the school community.

### **Diversity in religion**

While Anti-Discrimination legislation upholds the need for general understanding and sensitivity towards those with religious convictions, state schools in Australia often struggle to simultaneously comply with state uniform policy and accommodate a student's religious and cultural affiliation. A failure on the school's part to recognise when the uniform procedure may



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be discriminatory or uncomfortable towards an individual's religious beliefs may impede a student's performance at school. It is integral for the inclusion of all students that the necessary policies are implemented within schools to allow for religious and cultural freedom of dress.

For example, female Muslim students at Denbigh High School in United Kingdom were permitted to wear the shalwar kameez, an alternative form of Islamic dress. The school had agreed on this accommodation for its Muslim students in consultation with the local community. The schools' aim in this uniform policy was to promote social cohesion in a multicultural, multi-faith school. From this case study, it is evident that the accommodation for students of varying religious faiths facilitates a greater sense of inclusion and integration into multicultural communities.

#### **Accessibility for low-income/low-socioeconomic individuals:**

Considering the prevalence of low-income families in New South Wales, it is imperative to minimise the impact their socioeconomic status has on a child's access to education within a positive and inclusive environment. The implementation of newly gender-inclusive uniforms may introduce higher costs for students who may not afford them, meaning that the uniforms are not truly inclusive. Applications for financial support in this area may be an uncomfortable process for some families, and thus it is not sufficient to rely on this. For this reason, the adoption of inclusive uniforms must also cater to those who experience the extents of financial difficulty.

#### **Accessibility for regional/rural areas:**

Uniforms are often difficult to access in regional and rural areas due to the higher percentile of low socioeconomic families residing in these areas and their geographical isolation from metropolitan areas. Rural and regional areas report high levels of isolation and social disengagement from youth in schools due to the pressing socioeconomic issues that the students are faced with each day. Providing accessible uniforms for students in these areas will increase the sense of connection and belonging in a school community.

#### **Individuals with sensory disabilities:**

Children with Sensory Processing Disorder, Autism, and/or Attention Deficit Hyperactivity Disorder (ADHD) are often over or under-responsive to certain sensory information, including visual, tactile, and vestibular. Over or under-stimulation can cause difficulty focusing, irritability, anxiety, fidgeting and other 'disruptive behaviours'. Moreover, buttons, zips and laces can be irritating or frustrating for those with dyspraxia or physical disabilities. The inclusive school uniform and dress code policy will ensure that each individual's comfort is taken into account with the consideration of sensory disorders, overstimulation and flexibility, to ensure equitable opportunities and access to education for all students.



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## References

- Barker, R., 2017. School uniform policies need to accommodate students' cultural practices. [online] The Conversation. Available at: <<https://theconversation.com/school-uniform-policies-need-to-accommodate-students-cultural-practices-81548>> [Accessed 23 May 2021].
- Best Dermatologist in NJ | Eczema, Psoriasis, Acne Skin Care | East Windsor, NJ. 2015. Fabrics and Your Sensitive Skin - Windsor Dermatology. [online] Available at: <<https://www.windsordermatology.com/fabrics-and-your-sensitive-skin/>> [Accessed 18 May 2021].
- Çakmak, K. and Team, O., 2018. Sensory Processing Disorder - Types and Definition | Otsimo. [online] Otsimo. Available at: <<https://otsimo.com/en/sensory-processing-disorder-definition-types/#:~:text=Sensory%20Processing%20Disorder%2C%20or%20SPD,overwhelmed%2C%20results%20in%20confusing%20behavior.>> [Accessed 23 May 2021].
- Dictionary.com. n.d. Dictionary.com Is The World's Favorite Online Dictionary. [online] Available at: <<https://www.dictionary.com/>> [Accessed 20 May 2021].
- Icpa.com.au. 2020. Isolated Children's Parents' Association of New South Wales Inc.. [online] Available at: <<https://icpa.com.au/sites/default/files/docs/5618-rural-health-submission-final.pdf>> [Accessed 21 May 2021].
- Johnson, F., 2021. Keeping kids in their school uniforms makes everyone even equal, experts say | The New Daily. [online] The New Daily. Available at: <<https://thenewdaily.com.au/news/national/2019/01/31/school-uniform/>> [Accessed 20 May 2021].
- NewsComAu. 2018. Welsh schools to let boys wear skirts and girls wear pants in gender neutral uniform shake-up. [online] Available at: <<https://www.news.com.au/lifestyle/parenting/school-life/welsh-schools-to-let-boys-wear-skirts-and-girls-wear-pants-in-gender-neutral-uniform-shakeup/news-story/850eab96bdf2d508f842041eba5eee4a>> [Accessed 19 May 2021].
- Policies.education.nsw.gov.au. 2021. School Uniform Policy | Policy library. [online] Available at: <<https://policies.education.nsw.gov.au/policy-library/policies/school-uniform-policy>> [Accessed 22 May 2021].



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The Youth Parliament of New South Wales enacts –

## **Part 1: Preliminary**

### **1. Short Title**

This Bill may be cited as *Framework for an Inclusive Uniform Code within State Schools*.

### **2. Commencement**

The Act shall commence at the beginning of the state school year, with an integration period of two years for state schools to allow for the development of a new uniform policy. This integration period will also instate the current review process in accordance with the Framework for an Inclusive Uniform Code within State Schools.

### **3. Objects**

1. The uniform policy of each state school has a well-established clear system for the students, parents, caregivers and guardians to access the uniform directly, whilst also taking into consideration the circumstances of the individual.
2. The individual school uniform policy takes into consideration the comfortability of the uniform for the individual with consideration to sensory disabilities.
3. Each school takes into consideration religious clothing standards by ensuring the accessibility of a previous example or supplied option that is directly available.
4. The uniform policy does not have a separate uniform based on gender with a singular uniform for all students. This would include items of uniform such as pants, skirts and dresses being readily available to all students.





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#### 4. Definitions

- 1 **Accessibility** - Capability to universally acquire what an individual needs at little to no cost.
- 2 **ADHD** - Attention Deficit/Hyperactivity Disorder - a common neurodevelopmental disorder diagnosed usually from childhood - can lead to trouble paying attention, controlling impulsive behaviours (action without thought of consequence), or being overly active.
- 3 **Autism** - Autism, also commonly referred to as ASD, is a developmental disorder that affects the nervous system and impairs one's ability to communicate and partake in social interactions as well as sometimes causing them to engage in obsessive and repetitive behaviours.
- 4 **Comfortability** - Being free from pain or constraint; a state of physical ease.
- 5 **Diversity** - The practice of including and accepting individuals of all backgrounds, ethnicities, genders, sexualities and socio-economic statuses.
- 6 **Gender** - Either of the two sexes (male and female), especially when considered with reference to social and cultural differences rather than biological ones. The term is also used more broadly to denote a range of identities that do not correspond to established ideas of the male and female sex.
- 7 **Gender Dysphoria** - The condition of feeling one's emotional and psychological identity to be at variance with one's birth sex.
- 8 **Inclusivity** - Providing equal access to resources and encouraging respectful relations between diverse members of society.
- 9 **Non-binary** - An individual who does not exclusively identify as male or female.
- 10 **Religious Coverings** - A length of material or cap worn on one's head or body as a physical sign of faith or culture.
- 11 **Schools** - Educational institutions for students aged between five and 18 years old.



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- 12 **Sensory Processing Disorders -** The brain has trouble receiving and responding to information that comes through the senses. This includes Tactile Defensiveness (TD) or hypersensitivity, which is a condition that causes an adverse response in individuals to certain tactile stimuli.
- 13 **Sensory Processing -** Refers to the way a person perceives, processes and organises information received through their senses - hearing, sight, touch, smell, taste and movement. This also impacts communication between the individual and the external world and their ability to interact with both their social and physical surroundings.
- 14 **Suppliers -** The distributors of school uniforms, from which students can access and purchase.
- 15 **Transgender -** An individual whose sense of personal identity and gender do not correspond with their birth sex.
- 16 **Uniform Policy -** A set dress code determining what members of an educational institution are allowed to wear.
- 17 **Uniforms -** The physical dress worn by students within educational institutions.
- 18 **Unisex -** Designed to be suitable for all sexes/genders.



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## Part 2: Clauses

### Clause 1: Inclusivity through Unisex Uniform

#### 5. An outline of the current status as per NSW School Uniform Policy

- 1) The current legislative NSW School Uniform Policy fails to accommodate for:
  - a) As per the Schools, Uniforms in NSW Government Schools Guidelines clause 1(1.4) suggests that ‘Girls must have the option to wear shorts and pants.’
  - b) There is no legislation that provides information regarding other gender identities and their ability to wear clothing they are comfortable in.
  - c) Existing legislation implements gender-specific requirements for clothing, stating that for a girl to wear shorts and pants is acceptable but is not preferred, leading to inequalities and gender-based discrimination in the school environment when an individual chooses to dress outside of traditional gender stereotypes.
  - d) Existing legislation does not provide scope for gender diverse students to express themselves or be comfortable in the uniform options available to them.

#### 6. Introduction of a new framework

- 1) The creation of a uniform that is unisex and universal and is not confined to traditional gender stereotypes, instead of promoting an individuals’ comfort and gender identity inclusivity, which is supported and sanctioned by the Australia Sex Discrimination Act 1984.

#### 7. Importance of a new framework

- 1) School uniform policies should not associate clothing with gender and instead provide a range of uniform options that are equally encouraged and respected to correspond with Section 5B Discrimination on Grounds of Gender Identity in the Sex Discrimination Act 1984. The provision of gender-neutral school uniforms is necessary in NSW schools, as well as the discontinuation of gendered uniforms to ensure the inclusion of gender identities within a school environment.

#### 8. Implementation

1. Uniform policies implemented within a NSW state school are to refrain from using gender to determine uniform. This includes, but is not limited to:
  - a. When excluding parts of a uniform, these exclusions must be universal for all students regardless of gender identity (i.e., jewellery, hairstyle).



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- b. The specifications of uniform cannot differ regarding colour, style and/or fit of the uniform, and are to be correctly specified with terms which exclude gender in description (loose, tight, etc.).
- c. The way in which the uniform is worn must not differ in length specifications and must be universal across the student body.
- d. The uniform is to promote a sense of belonging for all students and create a positive identity for the school community. School uniforms also contribute to the personal safety of students by allowing easier recognition of students inside the school and in the community. This is to be reinforced through a universal unisex uniform allowing for easier identification.
- e. School uniform requirements should take into account the diverse nature of a school's student population with direct consideration of gender, removing its importance in the uniform policy.
- f. All students should have the opportunity to access the full range of school activities, including physical activities while wearing a school uniform. This must be universal regardless of gender.



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## **Clause 2: Accessibility of Unisex Uniform**

### **9. For students from low socioeconomic backgrounds**

1. An outline of the current status as per NSW School Uniform Policy:
  - a. The socioeconomic status and incomes of all individuals will be taken into consideration with the implementation of a newly gender-inclusive school uniform.
  - b. This could be done by, but is not limited to, the following:
    - i. Alternatives to school uniforms sold by the school, which are often higher in costs than uniforms sold in retail stores/supermarkets. Students should be allowed the option to wear clothes that replicate their uniform.
    - ii. The option for students to wear clothing given it reflects the colour and style of the school's uniform will create significant financial ease for families through lower costs.
2. This framework would provide for students from low socioeconomic backgrounds to be considered to ensure holistically inclusive uniforms. Subsequently, a general lack of equitable access to affordable and comfortable uniform options is the driving motivation behind an aim to aid individuals residing in rural or remote areas of the state.

### **10. For students from rural and regional areas**

- 1) Alleviated Supported access to adequate school uniform is vital for families living in regional and rural parts of NSW.
- 2) The NSW Legislative Council's Portfolio Committee No.2 Health Article 2020) states that "Adequate and uniform assistance should be available to assist geographically isolated, vulnerable and at-risk children accessing face-to-face specialist sessions with expenses such as travel and accommodation when extensive travel is required to attend these consultations." This highlights a societal obligation to dedicate special attention and resources towards alleviating hardships that rural students experience in attaining uniform.
- 3) It is important that rural and regional students are explicitly considered when implementing these reforms. The reasons for this group to be specifically consulted are:
  - a) Accessibility for uniform is often difficult in low-socioeconomic areas of NSW, especially regional/rural areas, due to the higher percentile of low socioeconomic families residing in these areas.
  - b) Accessing uniform items is significantly more difficult in comparison to the attainment of uniform items in metropolitan areas.
  - c) The physical distance from central hubs which students and families, who reside in regional and rural experience, exemplify the need to provide school uniforms inclusively.



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- d) Rural/regional areas report high levels of isolation and social disengagement from youth in schools due to the pressing socioeconomic issues that students are faced with.
- e) The financial strain of purchasing costly uniforms will further impact the economic stability of these vulnerable families, characterising the need to consider expenses and affordability when implementing inclusive uniforms.

## 11. Implementation

- 1) As stated, schools are currently encouraged to organise facilities such as clothing pools to assist families who may benefit from the price of second-hand items. This current system is particularly effective; however, it is harder for schools in low-socioeconomic areas to implement such clothing pools.
- 2) This could be done by, but is not limited to:
  - a) A financial package to be sent out to schools in low-socioeconomic areas to assist students' access to uniforms and to make it more readily available in a number of stations in a particular area, rather than the limited options that are available in the current status quo.
  - b) Schools purchase the uniforms in bulk to reduce the costs that each family would be required to pay. The cheaper the school acquires the new uniforms will allow families to purchase the uniforms at a far more cost-friendly price.
  - c) Clothing pools to be carried out within state schools to reduce the costs for families that may not be able to pay full price for new uniforms. Schools may implement this through:
    - i) Families providing older uniform and second-hand clothing to the school uniform shop.
    - ii) Uniform exchange services where students may buy and sell second-hand uniforms.
    - iii) Local businesses and trades may provide subsidised resources and materials for lower-income families, to aid in lowering the overall cost for the student's education. The discount and assistance may come in the forms of school-related purchases such as shoes, ties, socks, stationery, and further materials necessary.
  - d) To further support local businesses which serve importance in the integrity of a small town, which are providing supplies to vulnerable families, should have grants implemented. Through government subsidies, local businesses are able to produce and provide adequate school supplies to the students in a manner which benefits their business.



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## **Clause 3: Religious Clothing**

### **12. Status quo**

- 1) There are currently no legislative frameworks accommodating inclusive school uniform options in the event of religious conflict. As per the *Schools, Uniforms in NSW Government Schools Guidelines* clause 3 (3.1) suggests that the local uniform requirements must comply with relevant legislation, including the Anti-discrimination Act (1977). There is no legal basis that requires schools to provide school uniform options or alternatives which align with religious requirements.

### **13. Framework**

- 1) A general, common and reasonable understanding and sensitivity towards those with religious convictions will be applied. This will be supported and sanctioned by state-based anti-discrimination legislation.

### **14. Importance**

- 1) School uniform policies need to accommodate the religious requirements of students to create an inclusive environment. In correspondence with the Anti-discrimination Act (1977), all schools within NSW need to provide uniform options that benefit students with religious requirements. This builds an inclusive nature within the school community.

### **15. Implementation**

- 1) For students who wear religious clothing, schools must provide a colour scheme that students:
  - a) This population may consist of a singular; and
  - b) Dual religion composition - being two religions comprising the majority of the student population in totality.
  - c) Should this 50 per cent consist of more than two (2) religions, state schools should rely on clause 3(b) for their inclusive uniform policy.
  - d) If the school's religious population doesn't meet the 50% requirement but has students of particular faiths who require access to religious garments, the school must provide alternatives where applicable. These alternatives should be provided in instances where the colour, material or design of the existing uniform conflicts with the religious convictions held by the student. Should this be the case, schools must seek and obtain approval from the Department of Education



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as to which alternatives they are willing to accept and offer those students in addition to its existing uniform.

- 2) Schools should seek to provide consistency across all offered school uniforms however it is noted this may not always be possible.
  - a) Colour:
    - i) Schools must provide alternatively coloured uniforms they will consider in addition to their existing uniform required to be worn by non-religiously conforming students. Schools can also offer colour schemes for students who are religiously required to wear particular garments.
    - ii) For example, a Muslim student who wears the hijab attending a school with a small population of Muslim students can be given a colour scheme they must correspond with when wearing the garment.
  - b) Clothing material:
    - i) If students have religious requirements regarding material, schools should provide an alternative. This is also in correspondence with comfortability regarding sensory issues. These alternatives must be Department approved and suit the needs of the students.
  - c) Hair:
    - i) Hairstyles with religious and/or cultural significance must be allowed within state schools.
    - ii) Schools are unable to reject students' ability to don a religious or cultural hairstyle as it interrupts the students' connection to culture and faith.
  - d) Other uniform alternatives:
    - i) Schools should be able to provide other alternatives of the uniform where appropriate. For example, alternatives for students with modesty concerns or comfortability regarding religion.





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## **Clause 4: Comfortability**

### **15. Any introduction of new school uniform must consider suitability for students with sensory issues.**

- 1) An outline of the current status as per NSW School Uniform Policy:
  - a) There is a lack of catering for students with sensory issues under current policy.
  - b) One relevant section of the NSW Uniform Policy outlines, “A school uniform should include items that are ... comfortable”.
- 2) This framework would provide for the individual school uniform and dress code policy taking each individual’s comfort into account, with the consideration of sensory disorders and issues. This would include, but is not limited to:
  - a) Children with Sensory Processing Disorder, Autism, and/or Attention-Deficit/Hyperactivity Disorder are often over or under-responsive to certain sensory information, including visual, tactile, and vestibular. Over or under-stimulation can cause difficulty focusing, irritability, anxiety, fidgeting and other disruptive behaviours.
  - b) To eliminate as many of these issues as possible, particularly focusing on overstimulation, uniforms need to acknowledge the requirements of all students and accommodate for their specific needs.

### **16. Accommodation of sensory requirements**

- 1) It is extremely important that uniforms are comfortable for students to wear and do not impact or limit physical movement or provide discomfort.
- 2) Comfortable clothing is a requirement of the NSW uniform policy and significantly impacts the wellbeing of students in schools.
- 3) Comfortable uniform for the diverse student body is an important aspect to consider when it comes to inclusion and the proposed Bill will ensure that all forms of inclusive uniform provide comfort to individuals.
- 4) Ensuring that all students are comfortable promotes learning and will contribute to positive educational outcomes.

### **17. Implementation**

- 1) The following criteria must be met to ensure comfort for students with diverse sensory capabilities:
  - a) Schools should avoid fabrics such as nylon and polyester as they are both highly common materials that cause sensory discomfort, instead using materials such as cotton.



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- b) Schools should avoid excessive embroidery, tags or raised seams as they are a common cause of discomfort. Switching to printed emblems, seamless style clothing and minimal tags where possible.
- c) Schools should allow flexibility with the use of visible undershirts or leggings as they provide a barrier from a potential issue.
- d) Schools should allow flexible sizing of uniform items, as looser or tighter clothing can improve comfort for individuals.
- e) Schools need to accommodate the sensory needs of the individual that have not been addressed in the above statements.



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## Part 3: Amendments

### Amendment One

Clause number

Clause Three part 15 b

Amendment request (bold the appropriate option):

- **AMENDMENT**
- OMITTING
- NEW CLAUSE

Original clause

b) If the school's religious population doesn't meet the 50 per cent requirement but has students of particular faiths who need access to religious garments, the school must provide alternatives where needed.

Amendment request:

Remove the need for a population quota.

New clause show now read:

b) If there are religious students within a school who need access to religious garments, then the school must provide alternatives where needed.



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## Amendment Two

Clause number

Clause 2 section 11 part 2

Amendment request (bold the appropriate option):

- **AMENDMENT**
- OMITTING
- NEW CLAUSE

Original clause

b) Schools **purchase the uniforms in bulk** to reduce the costs that each family would be required to pay. The cheaper the school acquires the new uniforms will allow families to purchase the uniforms at a far more **cost-friendly price**.

d) To further support the local businesses who serve importance in the integrity of a small town, who are providing supplies to vulnerable families, should have grants implemented. Through the government subsidies, the local businesses are able to produce and provide adequate school supplies to the students in a manner which benefits their business.

Amendment request:

Paragraph B and D be deleted.

New clause show now read:

Clause 2 section 11 part 2

- a) Remain the same
- b) Deleted
- c) Remain the same
- d) Deleted



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## Results of the Vote

The results of the vote on the amendments were 26 Ayes, 27 Noes, and 1 Abstained. As such, the amendments were resolved in the negative.

The results of the vote on the Bill were 35 Ayes, 14 Noes, and 3 Abstained. As such, the Bill was passed.

The Inclusive Uniform Bill 2021 (NSW) was **passed unamended**.