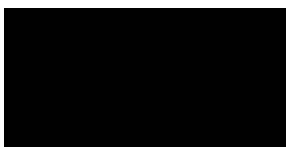




08 NOV 2018



Dear [REDACTED]

Thank you for your email of 14 September 2018 to the Ministry of Education requesting the following information:

1. *The number of complaints received by Moe during 2016, 2017, and the first half of 2018 relating to religious instruction in NZ state primary schools.*
2. *Please also supply details of the above complaints.*
3. *How many times the MoE has been made aware that section 78 of the Education Act 1964 has been enacted by NZ state primary schools during 2016, 2017, and the first half of 2018.*
4. *For each, please name the school, the religious organisation that came into the school, the time, and date.*
5. *Please also supply correspondence between Education Minister Chris Hipkins, his office, and MoE relating to guidelines around religious instruction in state primary schools.*

Your request has been considered under the Official Information Act 1982 (the Act).

On 20 September 2018, question five of the request was clarified with you during a phone call. Question five has been revised to the following:

- *Please also supply information (including emails, texts, letters, briefing notes, reports, etc.) between Education Minister Chris Hipkins, his office, and MoE relating to guidelines around religious instruction in state primary schools.*

On 3 October 2018, question five of the request was re-clarified with you during another phone call, limiting the scope of your request (in relation to emails) to the *draft guidelines on religious instruction in state primary and intermediate schools*, and excluding content on religious observances. As stated in this conversation, you will receive emails from 15 August 2018 to present between Minister of Education Chris Hipkins, his office, and the Ministry.

In relation to questions one and two, the Ministry does not have any centralised data on complaints received in relation to religious instruction in NZ state primary schools, I am refusing your request under section 18(f) of the Act, as a full data set cannot be made available without substantial collation and research.

In relation to questions three and four, the Ministry does not keep a record of when section 78 of the Education Act 1964 has been enacted by NZ state primary schools. We do not collect any information about which schools provide religious instruction because it is not part of the NZ curriculum. Schools are required to be closed for instruction when religious instruction takes place. Therefore, in accordance with section 18(g) of the Act, I am refusing your request as the information is not held by the Ministry.

The Secular Education Network has a link on their website to a data set in relation to this (<http://religioninschools.co.nz/which-schools-are-involved/>). However, the Ministry has had no involvement with this data set aside from the knowledge of its existence. This data set also appears to be outside the timeframe you specified.

In relation to question five, 15 documents were identified in scope of this part of your request. **Table 1** details the information we are able to release. I am withholding some information under the following sections of the Act:

- 9(2)(a) - to protect the privacy of natural persons,
- 9(2)(ba)(ii) – to protect information which is subject to an obligation of confidence,
- 9(2)(g)(i) - to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty, and
- 9(2)(h) – to maintain legal professional privilege.

I have identified no public interest considerations sufficient to outweigh the need to withhold this information at this time.

I am refusing one document under section 18(d) of the Act as this information is already publicly available:

<https://nz.educationhq.com/news/51995/draft-guidelines-on-religious-instruction-in-schools-released/>

For more information on religious instruction, please see the draft guidelines recently released on the Ministry's website:

<https://www.education.govt.nz/ministry-of-education/consultations-and-reviews/draft-guidelines-on-religious-instruction/>

The draft guidelines aim to:

- make clearer to school boards what their legal obligations are regarding religious instruction and how they can meet them, and
- make clearer to children and their parents, caregivers, family and whānau what their rights are, and what they can expect from their school regarding religious instruction.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. If you have further questions please feel free to contact our media team in the first instance at media@education.govt.nz. If you are unsatisfied with my response, you have the right to ask an Ombudsman to review it. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Schollmann', with a stylized, cursive script.

Andrea Schollmann
Deputy Secretary
Education System Policy

Table 1

	Date	Document Type	Document Title	Recommendation
1	5 September 2018	Email	Subj: FW: 1099319 Cabinet Paper...	Release in part. Contact information not in the public domain withheld, s9(2)(a)
2	13 September 2018	Briefing Note	Roles in religious instruction, religious education and religious observances	Release in part. Contact information not in the public domain withheld, s9(2)(a)
3	7 September 2018	Briefing Note	Talking points to support your discussion of the Cabinet paper: <i>Consultation on the draft guidelines on religious instruction in State primary and intermediate schools</i>	Release in part. Contact information not in the public domain withheld, s9(2)(a) and free and frank expression of opinion withheld, s9(2)(g)(i)
4	6 September 2018	Email	Subj: RE: Religious Instruction: draft guidelines and Cabinet paper	Release in part. Contact information not in the public domain withheld, s9(2)(a)
5	21 September 2018	Email	Subj: RE: Religious instruction comms plan	Release in part. Contact information not in the public domain withheld, s9(2)(a)
6	18 September 2018	Email	Subj: RE: Religious instruction guidelines	Release in part. Contact information not in the public domain withheld, s9(2)(a)
7	24 September 2018	Email	Subj: RE: Consultation now open on draft Religious Instruction guidelines	Release in part. Contact information not in the public domain withheld, s9(2)(a)
8	14 September 2018	Email	Subj: RE: revised Cabinet paper on religious instruction guidelines	Release in part. Contact information not in the public domain withheld, s9(2)(a)
9	14 September 2018	Email	Subj: RE: Religious Instruction Cabinet paper	Release in part. Contact information not in the public domain withheld, s9(2)(a)
10	14 September 2018	Email	Subj: change to RI guidelines cab paper requested	Release in part. Contact information not in the public domain withheld, s9(2)(a) and free and frank expression of

				opinion withheld, s9(2)(g)(i)
11	13 September 2018	Email	Subj: RE: 1153788 Briefing Note: Roles in religious instruction, religious education and religious observances	Release in part. Contact information not in the public domain withheld, s9(2)(a) and advice provided under legal professional privilege withheld, s9(2)(h)
12	11 September 2018	Email	Subj: Religious instruction consultation	Release in part. Contact information not in the public domain withheld, s9(2)(a)
13		Cabinet Paper	Religious Instruction in State Primary and Intermediate Schools	Release in part. Information provided under an obligation of confidence withheld, s9(2)(ba)(ii) and free and frank expression of opinion withheld, s9(2)(g)(i)
14	21 September 2018	Communications Document	Consultation on draft Guidelines on Religious Instruction in State primary and intermediate schools and kura	Release in part. Contact information not in the public domain withheld, s9(2)(a)
15	24 September 2018	Draft Media Release	Draft guidelines on religious instruction in schools	Refuse in full. Information is already publicly available, s18(d)

From: Sophie Smith
To: Sophie Smith
Subject: FW: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools
Date: Friday, 5 October 2018 11:39:23 a.m.

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen
Sent: Wednesday, 5 September 2018 5:58 p.m.
To: Sophie Smith <[REDACTED]@education.govt.nz>
Subject: FW: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

Kia ora Sophie

Can we expect the final of this cab paper tonight or early tomorrow?

Thanks

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand
[REDACTED]
W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

s 9(2)(a) OIA

From: Shelley Booyesen
Sent: Wednesday, 5 September 2018 9:09 AM
To: 'Sophie Smith' <[REDACTED]@education.govt.nz>
Subject: RE: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

Hi Sophie

There has been no feedback.

Regards

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand
[REDACTED]
W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

s 9(2)(a) OIA

From: Sophie Smith [[mailto:\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)]
Sent: Wednesday, 5 September 2018 9:04 AM
To: Shelley Booyesen <[REDACTED]>
Subject: RE: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

s 9(2)(a) OIA

Morena Shelley,

Just wanted to check whether any Ministerial feedback came through on the Religious Instruction Cab paper or guidelines last night?

Nga mihi,

Sophie Smith | Policy Analyst | Wellbeing and Learning Support
DDI [REDACTED]

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen

s 9(2)(a) OIA

Sent: Friday, 31 August 2018 11:58 a.m.

To: Sophie Smith <[REDACTED]@education.govt.nz>

Subject: RE: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

Thank you Sophie

Shelley

Shelley Booyesen | Private Secretary (Education)

Office of Hon Chris Hipkins | Minister of Education

6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

s 9(2)(a) OIA

From: Sophie Smith [mailto:[REDACTED]@education.govt.nz]

Sent: Friday, 31 August 2018 11:48 AM

To: Shelley Booyesen <[REDACTED]>

s 9(2)(a) OIA

Subject: RE: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

Kia ora Shelley,

We will circulate to departments at the same time. We undertook significant departmental consultation in March and April before the initial submission to SWC and received very few comments, and it was agreed at the time further Departmental consultation would not be helpful. However, given the lapse in time and the rescope of the guidelines to religious instruction only, I will send out an email with the updated version and allow for further comment to be provided if anyone wishes.

Nga mihi,

Sophie Smith | Policy Analyst | Wellbeing and Learning Support
DDI [REDACTED]

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen

s 9(2)(a) OIA

Sent: Friday, 31 August 2018 9:57 a.m.

To: Ben O'Meara <[REDACTED]@education.govt.nz>; DL Briefings & Reports Hipkins
<DLBriefings&ReportsHipkins@education.govt.nz>

Cc: Andrea Schollmann <[REDACTED]@education.govt.nz>; Helen Walter <[REDACTED]@education.govt.nz>;
Sophie Smith <[REDACTED]@education.govt.nz>; ESP Ministerials <ESP.Ministerials@education.govt.nz>

Subject: RE: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

Kia ora Ben

Just to keep you all updated.

The Minister has agreed to the Cabinet paper being circulated for ministerial consultation, prior to lodgement next week. This is underway.

Regards

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

s 9(2)(a) OIA

From: Sue Street [[mailto:\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)] **On Behalf Of** Ben O'Meara
Sent: Wednesday, 29 August 2018 10:24 AM
To: DL Briefings & Reports Hipkins <DLBriefings&ReportsHipkins@education.govt.nz>
Cc: Andrea Schollmann <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Ben O'Meara <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Helen Walter <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Sophie Smith <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; ESP Ministerials <ESP.Ministerials@education.govt.nz>
Subject: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

Hi Shelley

Updated Cabinet paper attached as requested.

Regards
Ben

Ben O'Meara | Group Manager, System & Schooling Policy Group | Education System Policy

DDI [REDACTED]
33 Bowen St, Wellington

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen
Sent: Wednesday, 29 August 2018 9:13 a.m.
To: Ben O'Meara <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Sue Street <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>
Cc: Andrea Schollmann <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Helen Walter <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Sophie Smith <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; ESP Ministerials <ESP.Ministerials@education.govt.nz>
Subject: RE: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

s 9(2)(a) OIA

Kia ora Ben

Could the team please relook at paragraph 62, page 8 of the Cabinet paper and amend the date here before I pass on for circulation.

Regards

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen
Sent: Monday, 27 August 2018 2:17 p.m.

s 9(2)(a) OIA

To: Ben O'Meara <[REDACTED]@education.govt.nz>

Subject: RE: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

Kia ora Ben

I am standing in for Shelley for a few days. In her absence I have passed the information on as per your request.

Regards

Beverly Steele

s 9(2)(a) OIA

From: Sue Street [mailto:[REDACTED]@education.govt.nz] **On Behalf Of** Ben O'Meara

Sent: Monday, 27 August 2018 11:39 AM

To: DL Briefings & Reports Hipkins <DLBriefings&ReportsHipkins@education.govt.nz>

Cc: Andrea Schollmann <[REDACTED]@education.govt.nz>; Ben O'Meara <[REDACTED]@education.govt.nz>; Helen Walter <[REDACTED]@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>; ESP Ministerials <ESP.Ministerials@education.govt.nz>

Subject: 1099319 Cabinet Paper - Consultation on the draft guidelines on religious instruction and observance in state primary schools

Hi Shelley

As requested, please find attached revised draft guidelines on religious instruction in schools, and a draft Cabinet paper seeking agreement to consult on these.

We have limited the scope of the guidelines to religious instruction, and included a rationale for this in paragraph 34.

If the paper and draft guidelines are circulated for Ministerial consultation, we could make any changes required early next week, allowing the paper to be lodged on Thursday 6th September, and considered by SWC on 12th September and Cabinet on the 17th.

Regards

Ben

Ben O'Meara | Group Manager, System & Schooling Policy Group | Education System Policy

DDI [REDACTED]
33 Bowen St, Wellington

s 9(2)(a) OIA

From: Parliament - Shelley Booyen

Sent: Wednesday, 15 August 2018 10:28 a.m.

To: Ben O'Meara <[REDACTED]@education.govt.nz>

Cc: Andrea Schollmann <[REDACTED]@education.govt.nz>; Helen Walter <[REDACTED]@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>; ESP Ministerials <ESP.Ministerials@education.govt.nz>

Subject: RE: 1141482 Education Report: Further advice on draft guidelines on religious instruction and observances in State primary and intermediate schools

Kia ora Ben

Please find attached, returned and signed Education Report : Further advice on draft guidelines on religious instruction and observances in state primary and intermediate schools.

The Minister has agreed to option b (ii) – limiting the scope of the draft guidelines to religious instruction.

He has agreed to resubmit the revised guidelines to Cabinet before releasing them for public consultation once this work is complete.

Kind regards

Shelley

Shelley Booysen | Private Secretary (Education)

Office of Hon Chris Hipkins | Minister of Education

6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

Released under the Official Information Act 1982



Briefing Note: Roles in religious instruction, religious education and religious observances

To:	Hon Tracey Martin, Associate Minister of Education		
cc:	Hon Chris Hipkins, Minister of Education		
Date:	13 September 2018	Priority:	Medium
Security Level:	In Confidence	METIS No:	1153788
Drafter:	Sophie Smith	DDI:	
Key Contact:	Ben O'Meara	DDI:	
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This briefing provides background information on the recommendation in the draft *guidelines on religious instruction in State Primary and Intermediate Schools* that boards use volunteers who are not school staff members to lead religious instruction.

Summary

- Religious instruction and religious observances are not part of secular school life or the New Zealand curriculum. However, the Education Act 1964 allows boards of trustees to choose to close their school for religious instruction or religious observances under certain conditions.
- The Education Act 1964 requires that religious instruction is led by volunteers, and religious observances can be led in a manner approved by the school's board of trustees.
- Having volunteers lead religious instruction, rather than teachers employed at the school, is aligned with a rights-based approach to delivering religious instruction.
- Religious education can be taught in schools as part of the New Zealand Curriculum and Te Marautanga o Aotearoa.

Proactive release

Agree that this Briefing will be proactively released as a part of the next release of education papers.

Agree / Disagree

Ben O'Meara

Ben O'Meara
**Group Manager, System and Schooling Policy
Education System Policy**

13 /09 / 2018

Hon Tracey Martin
**Associate Minister of
Education**

— / — / —

Released under the Official Information Act 1982

Background

1. You have asked for background on the recommendation in the draft *guidelines on religious instruction in State primary and intermediate schools* (the draft guidelines) that boards use volunteers who are not school staff members to lead religious instruction.
2. Boards of trustees may close their schools to offer religious instruction programmes and religious observances, under certain conditions. Religious instruction is when a particular religion or faith is taught or given preference. Religious observances are ceremonial or devotional acts of religion, such as prayers, Christian karakia, the singing of hymns, or religious readings.

The Education Act 1964 sets out that religious instruction must be given by volunteers, and religious observances may be conducted in a manner approved by the school's board

3. The Education Act 1964 (the 1964 Act) uses different language in relation to the roles of volunteers, students and teachers in religious instruction and religious observances.
4. Section 78 of the 1964 Act allows boards of trustees to close their school, or a place within their school, for "religious instruction given by voluntary instructors approved by the school's board" and "religious observances conducted in a manner approved by the school's board."
5. In contrast, Section 79 of the 1964 Act provides that no student can be required to "attend or take part in" religious instruction. Similarly section 80 enables a teacher to be released from their duties "to take part in his own school in religious instruction."
6. There are two approaches to statutory interpretation of the words used in these sections. "Take part in" could be interpreted as having a narrow definition meaning participate, or a broader definition, which would extend to both leading religious instruction or receiving religious instruction given by another.
7. On balance, we consider there is a stronger argument for the narrow interpretation. This is because:
 - a. if Parliament had intended teachers to be able to lead religious instruction, it is likely that they would have used the words "give religious instruction", as is the case in section 78, rather than using the formulation "take part in;"
 - b. alternatively, Parliament could have used "conducted in a manner approved by the school's board" as they did for religious observances to achieve this same effect; and
 - c. the words "take part in" are also used to apply to students, who are unlikely to be leading their own religious instruction.

Volunteers leading religious instruction is aligned with a rights-based approach

8. Under New Zealand's human rights laws (the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990), everyone has the right to be free from discrimination based on their religious or non-religious beliefs.
9. The requirement that religious instruction is led by volunteers is aligned with a rights-based approach:
 - a. children and young people are less likely to be confused about the place of religious instruction within the school;

- b. teachers or other school staff will avoid appearing as though they are endorsing one particular child or young person's religion over another. This reduces the risk that some children or young people feel excluded from their teachers and peers, or feel pressured to attend religious instruction to fit in.


Teachers are able to teach religious education

- 10. Religious education, when children are taught about different cultures, customs and religions in a neutral way, may be taught as part of the New Zealand Curriculum (NZC) or Te Marautanga o Aotearoa (TMOA) and is often undertaken as part of other subjects, such as social studies or Tikanga-ā-lwi.
- 11. The NZC and TMOA are taught in State schools by registered teachers with current practicing certificates.

Released under the Official Information Act 1982



Briefing Note: Talking points to support your discussion of the Cabinet paper: *Consultation on the draft guidelines on religious instruction in State primary and intermediate schools*

To:	Hon Chris Hipkins, Minister of Education			s 9(2)(a) OIA
Date:	7 September 2018	Priority:	Medium	
Security Level:	In Confidence	METIS No:	1099319	
Drafter:	Sophie Smith	DDI:		
Key Contact:	Ben O'Meara	DDI:		
Messaging seen by Communications team:	No	Round Robin:	No	

Summary

- This briefing provides you with talking points to support your discussion of the Cabinet paper *Consultation on the draft guidelines on religious instruction and observance in State primary and intermediate schools* at the Cabinet Social Wellbeing Committee on 12 September 2018.
- Once Cabinet has noted your intention to consult, we will work with your office to confirm a release. We are developing a communications plan and key messages for the release.
- We anticipate publishing finalised guidelines later this year.

Proactive release

Agree that this Briefing will be proactively released following the release of the draft guidelines.

Agree / Disagree



Dr Andrea Schöllmann
Deputy Secretary
Education System Policy

7/9/2018

Hon Chris Hipkins
Minister of Education

___/___/___

Talking Points

1. This paper informs Cabinet that I will soon be releasing draft *Guidelines on religious instruction in State primary and intermediate schools* for public consultation.

Legal framework

2. The Education Act 1964 says teaching in state primary schools must be secular (non-religious).
3. This same Act also allows boards of trustees to close their school, or parts of their school, to offer religious instruction or religious observances, for up to 60 minutes per week and no more than 20 hours per year.
4. Religious instruction programmes must be taken by volunteers. The person who delivers religious observances is decided at the board's discretion.
5. Children don't have to participate in religious instruction or religious observances if a parent or caregiver has written to the school.
6. Boards also have responsibilities under New Zealand's human rights laws, such as the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.
7. This means boards that choose to offer religious instruction or observances must do so in a way that does not discriminate against students, their families and whānau.

Guidelines on religious instruction in State primary and intermediate schools

8. The Ministry of Education has developed draft guidelines that recommend that boards of trustees:
 - a. consult with their community about whether, and what type of religious instruction should be allowed;
 - b. either offer educational alternatives if religious instruction is offered during a time that the school would usually be open for teaching, or offer religious instruction when the school is usually closed for teaching; and
 - c. adopt a signed consent approach to religious instruction and observance, with a default position of non-participation.
9. This is to ensure that the draft guidelines provide best practice guidance that supports boards of trustees to act consistently with, and meet their obligations under, our Human Rights Laws.
10. The Human Rights Commission supports the draft guidelines.

How the draft guidelines apply

11. The draft guidelines apply to religious instruction. This is because, although the Education Act 1964 regulates both religious instruction and religious observances, it does so in slightly different ways.
12. Usually, having religious observances at school will be lawful as long as the school allows children to opt out, observes the relevant time constraints, and makes sure the religious observance takes place during a period when that part of the school is closed for instruction.

13. The law regulating religious instruction and observance applies to State primary schools, intermediate schools, schools with designated special character, Kura Kaupapa Māori and Kura-a-lwi (kura).
14. The guidelines do not apply in the same way to State secondary schools, State-integrated schools with a religious special character or private schools, because they are not regulated by the religious instruction provisions in the Education Act 1964.
15. However, all schools should find these guidelines useful when designing their religious instruction programmes, as all schools are subject to human rights law.

Administrative and Compliance burden on schools

16. Boards of trustees can choose not to allow religious instruction during school hours, in which case the guidelines on the process for providing religious instruction do not apply.
17. The complex legal framework means that there is an administrative and compliance burden on boards of trustees who do choose to allow religious instruction and observances.
18. Publishing guidelines should lower the administrative burden for boards who want to allow religious instruction, by making it clear what practices should be followed in order to meet all of the existing legal obligations.

Consultation

19. I intend to release the draft guidelines for consultation later this month, for ten weeks.
20. Consultation will help us ensure the draft guidelines are practical for schools to implement, while promoting best practice.
21. Given the diverse and strongly held views on religion, this is likely to prompt debate.

Legal proceedings are ongoing

22. I would also like you to note that potential legislative considerations may arise from the outcome of current High Court proceedings (Hines and Jacob v Attorney-General) which seek a declaration that the religious instruction provisions in the Education Act 1964 are inconsistent with New Zealand's human rights law.

s 9(2)(g)(i) OIA

From: [Sophie Smith](#)
To: [Sophie Smith](#)
Subject: RE: Religious Instruction: draft guidelines and Cabinet paper
Date: Friday, 5 October 2018 11:23:27 a.m.
Attachments: [image002.png](#)

From: Parliament - Shelley Booyesen s 9(2)(a) OIA
Sent: Thursday, 6 September 2018 9:27 a.m.
To: Helen Walter <[REDACTED]@education.govt.nz>
Cc: Sophie Smith <[REDACTED]@education.govt.nz>; Andrea Schollmann
<[REDACTED]@education.govt.nz>; Ben O'Meara <[REDACTED]@education.govt.nz>
Subject: RE: Religious Instruction: draft guidelines and Cabinet paper

Hi Helen

The Cabinet paper refers to the guidelines as

Draft Guidelines on religious instruction in state primary and intermediate schools.

The clean copy that you have sent me of the guidelines includes *and kura* at the end of the title. Please advise about the inclusion of the words *and kura* at the end of the title. Given the application section explains this inclusion (page 3) – can this be removed from the title so that the names in the cabinet paper and the guidelines are the same?

Also – there are still tracked changes in the table of contents on page 1 of the version of guidelines sent to us. Could this please come across clean. Thanks.

Regards

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen
Sent: Wednesday, 5 September 2018 7:05 p.m. s 9(2)(a) OIA
To: Helen Walter <[REDACTED]@education.govt.nz>; DL Briefings & Reports Hipkins
<DLBriefings&ReportsHipkins@education.govt.nz>
Cc: Sophie Smith <[REDACTED]@education.govt.nz>; Andrea Schollmann
<[REDACTED]@education.govt.nz>; Ben O'Meara <[REDACTED]@education.govt.nz>
Subject: RE: Religious Instruction: draft guidelines and Cabinet paper

Kia ora Helen

Thanks for these.

I will be in touch tomorrow if there are any issues with the changes.

Regards

Shelley

Shelley Booysen | Private Secretary (Education)

Office of Hon Chris Hipkins | Minister of Education

6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

s 9(2)(a) OIA

From: Helen Walter [[mailto:\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)]

Sent: Wednesday, 5 September 2018 6:31 PM

To: DL Briefings & Reports Hipkins <DLBriefings&ReportsHipkins@education.govt.nz>

Cc: Sophie Smith <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Andrea Schollmann

<[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Ben O'Meara <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>

Subject: Religious Instruction: draft guidelines and Cabinet paper

Hi Shelley,

Attached are:

- Final Cab paper for lodging – a tracked change version and a clean version. The changes reflect feedback we've received from the Ministry of Justice and from MSD.
- draft Religious Instruction Guidelines.

Please give me a call if you have any questions.

Regards,

Helen

Helen Walter | Senior Policy Manager | Wellbeing and Learning Support, System and Schooling Policy

[REDACTED]
33 Bowen St, Wellington

s 9(2)(a) OIA

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We back ourselves and others to win *Ka manawanui ki a matou, me etahi ake kia wikitoria*

We work together for maximum impact *Ka mahi ngatahi mo te tuinga nui tonu*

Great results are our bottom line *Ko nga huanga lino pai a matou whainga mutunga*



From: [Sophie Smith](#)
To: [Sophie Smith](#)
Subject: RE: Religious instruction comms plan
Date: Friday, 5 October 2018 11:20:19 a.m.
Attachments: [image002.png](#)
[image003.png](#)

From: Rachel Dahlberg

Sent: Friday, 21 September 2018 4:21 p.m.

s 9(2)(a) OIA

To: Parliament - Ranjani Ponnuchetty <[REDACTED]>; Parliament - Richard Trow <[REDACTED]>

Cc: Media Team Shared Mailbox <Media@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>; Parliament - Shelley Booyen <[REDACTED]>; Ben O'Meara <[REDACTED]@education.govt.nz>; Helen Walter <[REDACTED]@education.govt.nz>; DL Hipkins Private Secretaries <DLHipkinsPrivateSecretaries@education.govt.nz>; ESP Ministerials <ESP.Ministerials@education.govt.nz>; Fiona Weightman <[REDACTED]@education.govt.nz>; Michael Parker <[REDACTED]@education.govt.nz>; Ruth Berry <[REDACTED]@education.govt.nz>; DL Secretaries Office <DLSecretariesOffice@education.govt.nz>

Subject: RE: Religious instruction comms plan

Ministry media release attached as requested.

Note that we will no longer be emailing the webpage link to media who have recently asked about the guidelines, the media release will go out to all media instead.

We'll aim for release at around 10am Monday.

Let me know if you need any further information.

Kind regards

Rachel

Rachel Dahlberg | Principal Advisor - Project Communications
DDI [REDACTED]

s 9(2)(a) OIA

From: Parliament - Ranjani Ponnuchetty

Sent: Friday, 21 September 2018 12:50 p.m.

s 9(2)(a) OIA

To: Rachel Dahlberg <[REDACTED]@education.govt.nz>; Parliament - Richard Trow <[REDACTED]>

Cc: Media Team Shared Mailbox <Media@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>; Parliament - Shelley Booyen <[REDACTED]>; Ben O'Meara <[REDACTED]@education.govt.nz>; Helen Walter <[REDACTED]@education.govt.nz>; DL Hipkins Private Secretaries <DLHipkinsPrivateSecretaries@education.govt.nz>; ESP Ministerials <ESP.Ministerials@education.govt.nz>; Fiona Weightman <[REDACTED]@education.govt.nz>; Michael Parker <[REDACTED]@education.govt.nz>

Subject: RE: Religious instruction comms plan

Many thanks

Ranjani Ponnuchetty | Press Secretary
Office of Hon Chris Hipkins

s 9(2)(a) OIA

s 9(2)(a) OIA

From: Rachel Dahlberg [mailto:[REDACTED]@education.govt.nz]
Sent: Friday, 21 September 2018 12:44 PM
To: Ranjani Ponnuchetty <[REDACTED]>; Richard Trow
<[REDACTED]>
Cc: Media Team Shared Mailbox <Media@education.govt.nz>; Sophie Smith
<[REDACTED]@education.govt.nz>; Shelley Booyesen <[REDACTED]@parliament.govt.nz>;
Ben O'Meara <[REDACTED]@education.govt.nz>; Helen Walter
<[REDACTED]@education.govt.nz>; DL Hipkins Private Secretaries
<DLHipkinsPrivateSecretaries@education.govt.nz>; ESP Ministerials
<ESP.Ministerials@education.govt.nz>; Fiona Weightman
<[REDACTED]@education.govt.nz>; Michael Parker <[REDACTED]@education.govt.nz>
Subject: RE: Religious instruction comms plan

Hi
Final version of RI comms plan attached.
All ready to go live Monday.
Kind regards
Rachel

Rachel Dahlberg | Principal Advisor - Project Communications
DDI [REDACTED]

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen
Sent: Thursday, 20 September 2018 3:52 p.m.
To: Rachel Dahlberg <[REDACTED]@education.govt.nz>
Cc: Parliament - Ranjani Ponnuchetty <[REDACTED]>; Sophie Smith
<[REDACTED]@education.govt.nz>; Helen Walter <[REDACTED]@education.govt.nz>; Ben
O'Meara <[REDACTED]@education.govt.nz>; ESP Ministerials
<ESP.Ministerials@education.govt.nz>; Fiona Weightman
<[REDACTED]@education.govt.nz>; Michael Parker <[REDACTED]@education.govt.nz>
Subject: RE: Religious instruction comms plan

Thanks Rachel
Much appreciated.
Regards

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand
[REDACTED]
W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

From: Rachel Dahlberg

s 9(2)(a) OIA

Sent: Thursday, 20 September 2018 3:47 p.m.

To: Parliament - Ranjani Ponnuchetty <[REDACTED]>; Parliament - Richard Trow ([REDACTED]) <[REDACTED]>

Cc: Media Team Shared Mailbox <Media@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>; Parliament - Shelley Booyen <[REDACTED]@parliament.govt.nz>; Ben O'Meara <[REDACTED]@education.govt.nz>; Helen Walter <[REDACTED]@education.govt.nz>; DL Hipkins Private Secretaries <DLHipkinsPrivateSecretaries@education.govt.nz>; ESP Ministerials <ESP.Ministerials@education.govt.nz>; Fiona Weightman <[REDACTED]@education.govt.nz>; Michael Parker <[REDACTED]@education.govt.nz>

Subject: Religious instruction comms plan

Hi

Comms plan attached for the release of the draft guidelines on religious instruction for consultation.

Note that the draft guidelines will be live on our website by **8am on Monday** to coincide with the School Bulletin.

We will also be emailing key stakeholders (including Churches Education Commission and Secular Education Network), people who have written to us in the past about religion in schools, and media who have recently enquired about the guidelines/religion in schools.

Reactivates at the back (pg 13 onwards).

The url from 8am Monday will be: <https://education.govt.nz/draft-guidelines-on-religious-instruction>

Consultation closes on 7 December. We note in the web copy that people may also like to comment on religion in schools more generally.

Let me know if you need any further information.

Regards

Rachel

Rachel Dahlberg | Principal Advisor - Project Communications

DDI [REDACTED]
33 Bowen St, Wellington

s 9(2)(a) OIA

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From: [Sophie Smith](#)
To: [Sophie Smith](#)
Subject: RE: Religious instruction guidelines
Date: Friday, 5 October 2018 11:06:02 a.m.

From: Parliament - Shelley Booyesen s 9(2)(a) OIA
Sent: Tuesday, 18 September 2018 10:58 a.m.
To: Helen Walter <[REDACTED]@education.govt.nz>; Ben O'Meara
<[REDACTED]@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>
Subject: RE: Religious instruction guidelines

Kia ora Helen

The Press secretary has asked for a copy of your coms plan and reactives to come over, so that they can liaise with the Prime-Minister's Office about the Ministry's release of the guidelines.

Could this please come across by **Thursday 20 September - lunchtime**.

Thanks

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen s 9(2)(a) OIA
Sent: Tuesday, 18 September 2018 9:35 a.m.
To: Helen Walter <[REDACTED]@education.govt.nz>; Ben O'Meara
<[REDACTED]@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>
Subject: RE: Religious instruction guidelines

Thanks Helen

That's very helpful.

Regards

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

s 9(2)(a) OIA

From: Helen Walter [[mailto:\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)]
Sent: Tuesday, 18 September 2018 9:29 AM
To: Shelley Booyesen <[REDACTED]>; Ben O'Meara <[REDACTED]@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>
Subject: RE: Religious instruction guidelines

Hi Shelley,

Here's our proposed timeline:

- Draft guidelines released: 24 September - to coincide with the last School Bulletin of the term
- Consultation lasts 10 weeks, and finishes on 7 December
- Ministry provides advice to Minister on what submissions said and any recommended changes by mid-December
- Cab approves final guidelines: in time for the start of Term 1, 2019. (so we'd be aiming for a Cab decision in late Jan).

We will do a proactive release of the associated papers after the guidelines have been published – this was noted in the Cab paper.

Happy to discuss if you have any questions.

Cheers,

Helen

Helen Walter | Senior Policy Manager | Wellbeing and Learning Support, System and Schooling Policy
DDI [REDACTED]

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen
Sent: Monday, 17 September 2018 5:14 p.m.
To: Helen Walter <[REDACTED]@education.govt.nz>; Ben O'Meara <[REDACTED]@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>
Subject: Religious instruction guidelines

Kia ora Helen

As discussed on Friday, could we please have a proposed timeframe and process for the release of the guidelines for consultation and the proactive release of the associated papers.

Please feel free to phone to discuss further.

Thank you

Shelley

Shelley Booyesen | Private Secretary (Education)

Office of Hon Chris Hipkins | Minister of Education

6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

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From: [Parliament - Ranjani Ponnuchetty](#)
To: [Rachel Dahlberg](#); [Media Team Shared Mailbox](#); [Michael Parker](#); [Ruth Berry](#); [Parliament - Shelley Booyesen](#)
Cc: [Sophie Smith](#)
Subject: RE: Consultation now open on draft Religious Instruction guidelines
Date: Monday, 24 September 2018 10:18:44 a.m.
Attachments: [image002.png](#)

Thanks

Sent with BlackBerry Work
(www.blackberry.com)

s 9(2)(a) OIA

From: Rachel Dahlberg <[REDACTED]@education.govt.nz>
Date: Monday, 24 Sep 2018, 9:46 AM
To: Media Team Shared Mailbox <Media@education.govt.nz>, Michael Parker <[REDACTED]@education.govt.nz>, Ruth Berry <[REDACTED]@education.govt.nz>, Ranjani Ponnuchetty <[REDACTED]>, Shelley Booyesen <[REDACTED]>
Cc: Sophie Smith <[REDACTED]@education.govt.nz>
Subject: Consultation now open on draft Religious Instruction guidelines

Confirming we are live online (as of 7am this morning): <https://education.govt.nz/ministry-of-education/consultations-and-reviews/draft-guidelines-on-religious-instruction>

School Bulletin went out just before 8am this morning:
<https://education.govt.nz/assets/Documents/School/SchoolsBulletin/2018-Bulletins/Issue98Bulletin.pdf#nameddest=Issue98Bulletin.indd:Religioused:685>

Email to stakeholders has now gone (see below)

Media release (not targeted emails with webpage link) will go out shortly

I'll give GEMS the content for the email to previous correspondents on religion in schools to start the mailout.

Rachel Dahlberg | Principal Advisor - Project Communications
DDI [REDACTED]

s 9(2)(a) OIA

From: Sue Street **On Behalf Of** Ben O'Meara
Sent: Monday, 24 September 2018 9:41 a.m.
To: Ben O'Meara <[REDACTED]@education.govt.nz>
Cc: RIO Submissions <RIO.Submissions@education.govt.nz>
Subject: Consultation now open on draft Religious Instruction guidelines

s 9(2)(a) OIA

Tena koe

As you may be aware, the Ministry of Education has been developing draft guidelines for the boards of trustees of State primary and intermediate schools and kura on religious instruction in

schools (the draft guidelines).

The draft guidelines are not designed to limit a board's choice as to whether it decides to close its school to allow religious instruction. Rather, the draft guidelines are intended to help schools who wish to close for this purpose, to do so in a way that complies with our education laws and human rights laws.

The draft guidelines aim to:

- make clearer to school boards what their legal obligations are regarding religious instruction and how they can meet them
- make clearer to children and their parents, caregivers, family and whanau what their rights are, and what they can expect from their school regarding religious instruction.

We would like your feedback on the draft guidelines before we finalise them. The draft guidelines can be read on our website: <https://education.govt.nz/draft-guidelines-on-religious-instruction>. Please also forward the link to any of your members who you think may have a particular interest in this issue.

The draft guidelines have also been sent to a number of other sector stakeholders. We will advise school leaders of the draft guidelines and the opportunity to make a submission in today's School Bulletin.

Submissions close on 7 December 2018.

Please contact RIO.submissions@education.govt.nz with any questions you might have. ***We are happy to meet with you to discuss the draft guidelines further.***

Nga mihi

Ben

Ben O'Meara | Group Manager, System & Schooling Policy Group | Education System Policy

DDI [REDACTED]
33 Bowen St, Wellington

s 9(2)(a) OIA

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▲▲▲
MINISTRY OF EDUCATION
TE TĀHURUHU O TE MĀTAURANGA

From: [Parliament - Shelley Booyesen](#)
To: [Helen Walter](#)
Cc: [Ben O'Meara](#); [Sophie Smith](#); [Chris Owen](#)
Subject: RE: revised Cabinet paper on religious instruction guidelines
Date: Friday, 14 September 2018 2:54:59 p.m.
Attachments: [image002.png](#)

Kia ora Helen

Could you please give me a ring.

Thanks

Shelley

Shelley Booyesen | Private Secretary (Education)

Office of Hon Chris Hipkins | Minister of Education

6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

s 9(2)(a) OIA

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<http://www.parliament.nz>

s 9(2)(a) OIA

From: Helen Walter [[mailto:\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)]
Sent: Friday, 14 September 2018 2:44 PM
To: DL Briefings & Reports Hipkins <DLBriefings&ReportsHipkins@education.govt.nz>; DL Briefings & Reports Martin <DLBriefings&ReportsMartin@education.govt.nz>
Cc: Ben O'Meara <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Sophie Smith <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>; Chris Owen <[\[REDACTED\]@education.govt.nz](mailto:[REDACTED]@education.govt.nz)>
Subject: revised Cabinet paper on religious instruction guidelines

Hi Shelley,

Attached is a revised Cab paper, as discussed. We've highlighted the new paragraphs added – they're in the executive summary.

Regards,

Helen

Helen Walter | Senior Policy Manager | Wellbeing and Learning Support, System and Schooling Policy

33 Bowen St, Wellington

s 9(2)(a) OIA

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We work together for maximum impact Ka mahi ngatahi mo te tukinga nui tonu

Great results are our bottom line Ko nga huanga tino pai a matou whanga mutunga

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From: [Helen Walter](#)
To: [Parliament - Shelley Booyesen](#); [Sophie Smith](#); [Ben O'Meara](#)
Subject: RE: Religious Instruction Cabinet paper
Date: Friday, 14 September 2018 2:41:37 p.m.

Hi Shelley, I'm sending it over right now. We've highlighted the new areas, which are in the Exec Summary.

Helen Walter | Senior Policy Manager | Wellbeing and Learning Support, System and Schooling Policy
[REDACTED]

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen
Sent: Friday, 14 September 2018 2:35 p.m.
To: Sophie Smith <[REDACTED]@education.govt.nz>; Helen Walter <[REDACTED]@education.govt.nz>; Ben O'Meara <[REDACTED]@education.govt.nz>
Subject: RE: Religious Instruction Cabinet paper

s 9(2)(a) OIA

Kia ora koutou

Could you please give me a heads-up about the time that the amended Cab paper is expected to come over this afternoon.

Thanks

Shelley

Shelley Booyesen | Private Secretary (Education)

Office of Hon Chris Hipkins | Minister of Education

6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

s 9(2)(a) OIA

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<http://www.parliament.nz>

s 9(2)(a) OIA

From: Sophie Smith [mailto: [REDACTED]@education.govt.nz]
Sent: Friday, 14 September 2018 10:06 AM
To: Shelley Booyesen < [REDACTED] >;
Helen Walter < [REDACTED]@education.govt.nz <mailto: [REDACTED]@education.govt.nz> >; Ben O'Meara
< [REDACTED]@education.govt.nz>
Subject: RE: Religious Instruction Cabinet paper

Kia ora Shelley,

Ben has arranged for Nicky Hampshire to speak with Minister Martin before we progress this any further. Will update you when we know more.

Nga mihi,

Sophie Smith | Policy Analyst | Wellbeing and Learning Support
DDI [REDACTED]

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen
Sent: Friday, 14 September 2018 9:24 a.m.
To: Helen Walter < [REDACTED]@education.govt.nz <mailto: [REDACTED]@education.govt.nz> >; Ben
O'Meara < [REDACTED]@education.govt.nz>; Sophie Smith < [REDACTED]@education.govt.nz
<mailto: [REDACTED]@education.govt.nz> >
Subject: Religious Instruction Cabinet paper

s 9(2)(a) OIA

Kia ora koutou

I have confirmed with the Cabinet Office that they want the changed paper to come directly to them via email.

They will upload it with a note that the paper has been amended following discussion at SWC and both versions will be on Cabnet.

They would like a sentence added that the guidelines will go some way to addressing the concerns being raised in litigation.

Thanks

Shelley

Shelley Booysen | Private Secretary (Education)

Office of Hon Chris Hipkins | Minister of Education

6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

s 9(2)(a) OIA

W: <<http://www.beehive.govt.nz/>> <http://www.beehive.govt.nz> and <<http://www.parliament.nz/>>
<http://www.parliament.nz>

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From: [Helen Walter](#)
To: [Ben O'Meara](#)
Cc: [Sophie Smith](#)
Subject: change to RI guidelines cab paper requested
Date: Friday, 14 September 2018 9:14:15 a.m.
Attachments: [image002.png](#)

s 9(2)(g)(i) OIA

Hi Ben, just to let you know, [REDACTED]
[REDACTED]

Sophie will get started on drafting something along these lines – we think we may need to add something to say that this is dependent on the extent to which schools follow the guidelines, which are voluntary.

We'll have something for you to review shortly.

Cheers,

Helen

Helen Walter | Senior Policy Manager | Wellbeing and Learning Support, System and Schooling Policy
DDI [REDACTED]
33 Bowen St, Wellington

s 9(2)(a) OIA

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We back ourselves and others to win Ka manawanui ki a matou, me etahi ake kia wikitoria
We work together for maximum impact Ka mahi ngatahi mo te tukinga nui tonu

Great results are our bottom line Ko nga huanga tino pai a matou whaingā mutunga

<<http://www.education.govt.nz/>>

From: [Parliament - Shelley Booyesen](#)
To: [Ben O'Meara](#); [DL Briefings & Reports Martin](#)
Cc: [Andrea Schollmann](#); [Helen Walter](#); [Sophie Smith](#); [ESP Ministerials](#); [Parliament - Olivia Funaki](#)
Subject: RE: 1153788 Briefing Note: Roles in religious instruction, religious education and religious observances
Date: Thursday, 13 September 2018 3:36:03 p.m.

Thanks Ben and team

Much appreciated.

Regards

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

s 9(2)(a) OIA

From: Sue Street [mailto: [REDACTED]@education.govt.nz] **On Behalf Of** Ben O'Meara
Sent: Thursday, 13 September 2018 3:34 PM
To: DL Briefings & Reports Martin <DLBriefings&ReportsMartin@education.govt.nz>
Cc: DL Briefings & Reports Hipkins <DLBriefings&ReportsHipkins@education.govt.nz>; Andrea Schollmann < [REDACTED]@education.govt.nz>; Ben O'Meara < [REDACTED]@education.govt.nz>; Helen Walter < [REDACTED]@education.govt.nz>; Sophie Smith < [REDACTED]@education.govt.nz>; ESP Ministerials <ESP.Ministerials@education.govt.nz>
Subject: 1153788 Briefing Note: Roles in religious instruction, religious education and religious observances

Hi Shelley

Please find attached requested Briefing Note: "Roles in religious instruction, religious education and religious observances".

Regards
Ben

Ben O'Meara | Group Manager, System & Schooling Policy Group | Education System Policy

DDI [REDACTED]
33 Bowen St, Wellington

s 9(2)(a) OIA

From: Parliament - Shelley Booyesen

s 9(2)(a) OIA

Sent: Wednesday, 12 September 2018 4:52 p.m.

To: Ben O'Meara <[REDACTED]@education.govt.nz>; Andrea Schollmann <[REDACTED]@education.govt.nz>; Helen Walter <[REDACTED]@education.govt.nz>; Sophie Smith <[REDACTED]@education.govt.nz>

Subject: FW: Religious Instruction Cabinet paper - RAPID

Kia ora koutou

Before the SWC meeting, DPMC approached us again and queried the interpretation of the ACT that Religious Instruction is only to be **given by** voluntary instructors, and that teachers may **take part**.

I put the advice you provided in May, back to our Minister as a cover note (see email trail below).

As a follow-up to SWC today, Minister Martin has requested a short, and more formal briefing note about the interpretation, prior to the paper going to Cabinet next Monday.

Could this please come across by **Thursday 13 September at 3pm**.

Please phone with any queries.

Regards

Shelley

Shelley Booyesen | Private Secretary (Education)
Office of Hon Chris Hipkins | Minister of Education
6.3 Beehive, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand

W: <http://www.beehive.govt.nz> and <http://www.parliament.nz>

s 9(2)(a) OIA

s 9(2)(a) OIA

From: Sheryl Chase [mailto:[REDACTED]@education.govt.nz]

Sent: Tuesday, 15 May 2018 1:32 PM

To: Shelley Booyesen <[REDACTED]>

Cc: Sophie Smith <[REDACTED]@education.govt.nz>; Ben O'Meara <[REDACTED]@education.govt.nz>

Subject: RE: Religious Instruction Cabinet paper - RAPID legal advice

Hi Shelley

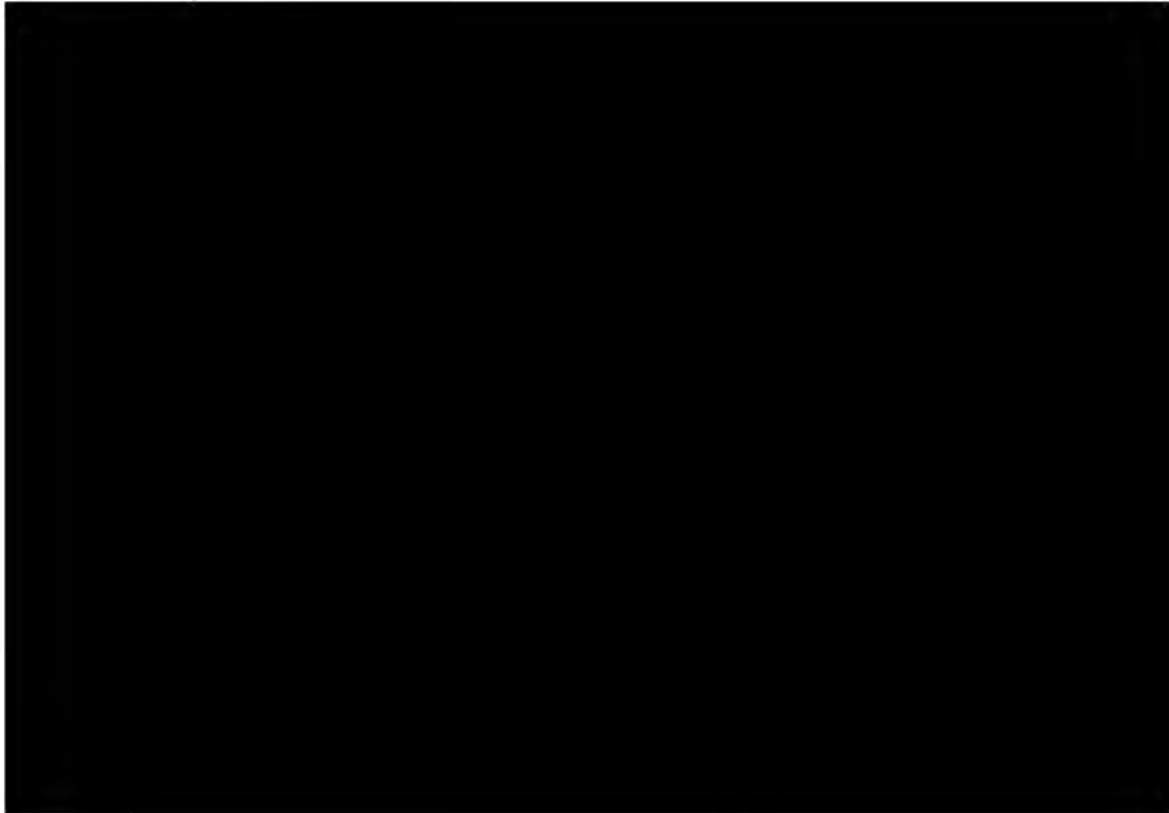
s 9(2)(h) OIA

As discussed, I had another conversation with our legal team. [REDACTED]

[REDACTED]

[REDACTED]

s 9(2)(h) OIA



Hope this helps. Let me know if you'd like anything further.

Thanks

Sheryl Chase | Senior Policy Manager

DDI [REDACTED]

s 9(2)(a) OIA

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From: [Rachel Dahlberg](#)
To: [Parliament - Richard Trow](#); [Parliament - Ranjani Ponnuchetty](#)
Cc: [Parliament - Shelley Boovsen](#); [Sophie Smith](#)
Subject: Religious instruction consultation
Date: Tuesday, 11 September 2018 2:35:43 p.m.
Attachments: [image005.png](#)
[image004.png](#)

The draft religious instruction guidance is due to go to Cabinet on Monday (assuming it gets through Cab committee tomorrow).

The draft guidance is due to go out for consultation in September. The guidance is intended to help school boards (of state primary and intermediate schools) navigate the extremely complex legal framework around religious instruction and observances (1964 Ed Act, Bill of Rights Act 1990 and the Human Rights Act 1993). It is intended to make help schools meet their legislative obligations, under existing legislation. The Minister notes in the Cab paper that he expects to hear perspectives on legislative change (even though that is not proposed in the consultation) regarding the legislative authority granted to boards of state schools to allow religious instruction or observances. The recent Khandallah School religious instruction club story is an example of the likely variety of opinions, and high media interest, on this. What they did was within the law as it currently stands.

It would be great to get a steer from you about whether you think the Minister, or Acting Minister, is likely to want to do anything on this draft guidance consultation (eg a PR), or if you'd like us to front it from the start?

Rachel Dahlberg | Principal Advisor - Project Communications

DDI [REDACTED]

33 Bowen St, Wellington

s 9(2)(a) OIA

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In Confidence

Office of the Minister of Education

Cabinet Social Wellbeing Committee

Consultation on draft *Guidelines on religious instruction in State primary and intermediate schools*


Proposal

- 1 This paper asks Cabinet to note that I am releasing, for consultation, draft *Guidelines on religious instruction in State primary and intermediate schools*.

Executive Summary

- 2 While teaching in state primary schools must be entirely non-religious (secular), the Education Act 1964 (the 1964 Act) gives boards of trustees (boards) of state primary schools the choice to close the school, or a place within the school, to allow religious instruction or religious observances to take place under certain conditions.
- 3 Boards must also comply with the New Zealand Bill of Rights Act 1990 (BORA) and the Human Rights Act 1993 (HRA). What this means in practice is that boards that choose to allow religious instruction programmes or religious observances must do so in a way that protects the rights of, and does not discriminate against, students and their families and whānau based on their religious or non-religious beliefs.
- 4 This legal framework is not easy for boards to navigate. I consider that guidance for boards is desirable to clarify what boards' existing legal obligations are when allowing religious instruction, and to give advice on how best to meet them. In addition, best practice advice has changed since the current Human Rights Commission (HRC) advice was published in 2009.
- 5 I am therefore planning to publicly consult on draft Guidelines on religious instruction in State primary and intermediate schools (the draft guidelines). The aim of the draft guidelines, developed by the Ministry of Education (the Ministry), is to help boards who choose to allow religious instruction as enabled by the 1964 Act, but in a way that reduces the possibility that children and their parents, caregivers and whānau will be subject to discrimination.
- 6 There are eight main recommendations in the draft guidelines. These include recommending boards consult with their communities to inform decision-making about religious instruction; providing parents, caregivers and whānau with full and accurate information about the religious instruction programme; and adopting a signed consent approach to religious instruction.
- 7 I want the draft guidelines to be simple, clear, and easy to understand. This is best achieved by limiting the scope of the draft guidelines to religious instruction. This is because the 1964 Act regulates religious instruction and religious observances in slightly

different ways. There are a number of complexities that have been identified around providing guidance on religious observances

- 8 These guidelines apply to state primary schools. This includes intermediate schools, schools with a designated special character, Kura Kaupapa Māori and Kura-ā-Iwi because they are designated as primary schools under the Education Act 1989 (the 1989 Act).
- 9 The guidelines do not apply in the same way to state secondary schools, private and state-integrated schools. However, these schools are bound by the BORA and the HRA in the same way as other schools, and should therefore find these guidelines useful if they wish to allow religious instruction programmes.
- 10 I want to undertake public consultation to ensure the draft guidelines are practical for schools to implement while promoting best practice. Consultation will enable the Ministry to capture the voices of key stakeholders, such as religious and secular interest groups, and to explore Māori cultural perspectives, as well as those of Pacific peoples.
- 11 Given the diverse views on religion, consultation on the draft guidelines is likely to prompt debate around the place of religion in schools. This is likely to include submissions suggesting law change and commenting on religious observances in schools.
- 12 I am not proposing legislative change through this consultation process. I note that, in the current High Court case on religious instruction (*Hines and Jacob v Attorney-General*), Hines and Jacob are seeking a declaration that the religious instruction provisions in the 1964 Act are inconsistent with the BORA and the HRA, and legislative considerations may arise from the outcome of this case.

- 13 Although I am not proposing legislative change, I am interested in capturing these perspectives through consultation, to inform any future decisions on the legislative authority granted to boards of State schools to allow religious instruction or observances.

§ 9(2)(g)(i) OIA

Background

Boards of trustees can choose to allow religious instruction and religious observances at State primary schools if they meet certain conditions

- 14 The 1964 Act states that the teaching in all State primary schools¹ must be entirely of a secular (non-religious) character while the school is open. Religious education can be taught as part of *The New Zealand Curriculum*. This is when children are taught about different cultures, customs and religions in a neutral way, and is often done as part of a subject such as social studies.
- 15 Religious instruction is when a particular religion or faith is taught or given preference. Religious observances involve activities such as saying prayers or singing hymns. Religious instruction and observances are not part of *The New Zealand Curriculum* and may not happen when the school is open.

¹ Under the Education Act 1989 State primary schools are those that offer education anywhere within the range of Years 1-8, and include State intermediate schools, schools with a designated special character, Kura kaupapa Māori and Kura-ā-Iwi.

- 16 The 1964 Act gives boards the choice of whether to close the school or a class to allow religious instruction and observances, under certain conditions. Boards also decide what kind of religious instruction and observances are allowed. Religious instruction can be based in any faith. However, most religious instruction programmes allowed in State primary schools are based on the Christian faith.
- 17 A school can close for religious instruction at any time, including during normal school hours. A school may close to allow religious instruction or observances for up to 60 minutes per week, and for no more than 20 hours in a school year. Children do not have to take part if their parents have indicated in writing they do not want their children to participate.
- 18 The 1964 Act regulates religious instruction in a slightly different way than religious observances. This is because, while religious instruction may only be provided by board-approved voluntary instructors, religious observances may be conducted in a manner approved by the schools board (i.e. the person leading religious observances does not need to be an external volunteer).

Boards also have responsibilities under human rights legislation

- 19 As well as complying with the 1964 Act, boards have an obligation to comply with the BORA and the HRA. These human rights laws ensure that all people living in New Zealand have the right and the freedom to their own religious beliefs, as well as the right to freedom from religion. These human rights laws aim to ensure that people are not discriminated against because of who they are or what they believe in, no matter what views they hold.
- 20 These human rights laws do not override a Board's right to close to allow religious instruction or observances under the 1964 Act, but do moderate how religious instruction can be provided. What this means in practice is that, while schools can close to allow religious instruction and observances, they must do so in a way that does not discriminate against anyone who holds different beliefs.

Boards also have to consider their wider responsibilities

- 21 Under Part 3 of the Vulnerable Children Act 2014, a board also has responsibilities to safety check the volunteers who are coming into the school to deliver religious instruction.
- 22 While not specified in legislation, if parents and caregivers do not wish their child to participate, schools should provide appropriate supervision. This expectation only applies if the school is closed during normal school hours to allow religious instruction to take place.

It is not known how many schools allow religious instruction and observance

- 23 Data is not collected on how many schools allow religious instruction or religious observances, or the way that religious instruction or observances are provided when a board chooses to allow it.
- 24 I am aware that one of the largest providers of religious instruction, the Churches Education Commission (CEC), estimates that 2,500 volunteers teach approximately 60,000 children in primary and intermediate schools each week.

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Draft Guidelines

The Ministry of Education has developed guidelines to support boards to protect the rights of students

- 25 The legal framework is not easy for boards to navigate. I consider that guidance for boards is desirable to clarify what boards' existing legal obligations are when allowing religious instruction, and to give advice on how best to meet them.
- 26 The draft guidelines provide practical advice for boards on how to enable the closure of schools for the delivery of religious instruction programmes, but to do so in a way that keeps the rights of diverse students, and their families and whānau, at the centre of their decision making and reduces the possibility of discrimination. The draft guidelines recommend that boards:
- 26.1 Use community consultation to inform decision-making about religious instruction;
 - 26.2 Provide students, families and whānau with full and accurate information about religious instruction, to help them make informed decisions;
 - 26.3 Offer education alternatives to religious instruction, and consider allowing religious instruction when the school is usually closed for teaching;
 - 26.4 Adopt a signed consent approach to religious instruction;
 - 26.5 Use volunteers who are not teaching staff to deliver religious instruction;
 - 26.6 Provide secular school and student support services and pastoral care;
 - 26.7 Perform safety checks on volunteers; and
 - 26.8 Communicate the school's complaints procedure to families and whānau that can be used to resolve issues.

The guidelines go further than the Education Act 1964, and further than current advice, to achieve a 'rights-consistent approach'

- 27 In 2009, the HRC and Victoria University of Wellington published *Religion in Schools: Questions and Concerns*. The HRC advice set out a series of questions and concerns around the interpretation of the current legal framework, and were informed by the type of complaints the HRC receives.
- 28 In 2014, the Secular Education Network (SEN) lodged a complaint with the HRC that the delivery of religious instruction and observances in schools is discriminatory and as such is inconsistent with the HRA and the BORA. The Ministry entered into a confidential mediation process with the SEN.
- 29 [REDACTED] s 9(2)(ba)(ii) OIA These principles were used by the Ministry as a starting point to develop the draft guidelines
- 30 The draft guidelines I propose to consult on include updated thinking on best practice advice, and have been developed to address problems identified with the delivery of religious instruction since the HRC advice was issued.

- 31 The draft guidelines go further than the HRC advice by recommending that boards:
- 31.1 Consult with their community about whether, and what type of religious instruction should be allowed;
 - 31.2 Consider allowing religious instruction at a time when the school is usually closed for teaching, such as before or after school, or during lunch time; and
 - 31.3 Adopt a signed consent approach to religious instruction, which is more likely to protect the rights of students as parents or caregivers must give their express permission before their child may participate
- 32 The HRC are supportive of the approach taken in the draft guidelines. By going further than the current HRC advice, the recommendations help align boards' decision making around religious instruction with the wishes of their communities. The recommendations also help ensure parents, caregivers and whānau are fully informed and engaged in a transparent and accountable decision making process. The signed consent approach will reduce the risk that children are inadvertently being included in religious instruction programmes that their parents would object to.
- 33 I recognise that the draft guidelines appear to narrow the broad discretion given to boards under the Education Act 1964. However, given the Education Act 1964 predates New Zealand's human rights law, these recommendations enable boards to develop best practice policies and practices around how to allow religious instruction, in a rights-consistent manner.
- 34 The draft guidelines clarify the significant role that the HRA and the BORA have in determining what boards should consider to protect and promote the rights of children and young people and their parents, caregivers, family and whānau in a multi-cultural, multi-faith society.

The draft guidelines do not apply to religious observances

- 35 I want the draft guidelines to be simple, clear, and easy to understand. This is best achieved by limiting the scope of the draft guidelines to religious instruction. This is because the 1964 Act regulates religious instruction and religious observances in slightly different ways.
- 36 Usually, having religious observances at school will be lawful as long as the school allows children to opt out, observes the relative time constraints, and makes sure the religious observance takes place during a period when that part of the school is closed for instruction.
- 37 There are a number of complexities that have been identified around providing guidance on religious observances including:
- 37.1 Creating confusion around who can lead religious instruction and who can lead religious observances;
 - 37.2 The use of religious observances as part of the culturally appropriate approach to teaching tikanga Māori and te reo Māori;

- 37.3 The culturally responsive teaching of Pacific young people, as religion is often a key part of their identity;
- 37.4 The place of the national anthem, which is not a religious observance despite having religious references; and
- 37.5 The place of traditionally religious public holidays, such as Christmas and Easter.
- 38 Although religious observances are outside of the scope of the draft guidelines, it is possible that submissions on these complexities will be made through the consultation process.

The draft guidelines only apply to schools designated as "State primary schools"

- 39 The draft guidelines do not apply to all schools in the same way. Private schools are not obliged to provide a wholly secular education. Some state-integrated schools have a special character that is religious in nature, and do not have to close to allow religious instruction. Boards of Trustees of State secondary schools are not regulated by the Education Act 1964, and may provide religious instruction or religious observances as they find appropriate.
- 40 However, these schools are bound by the Bill of Rights Act 1990 and the Human Rights Act 1993 in the same way as other schools, and should therefore find these guidelines useful if they wish to allow religious instruction programmes.

The guidelines only apply if a school chooses to allow religious instruction during school hours

- 41 Schools can choose not to allow religious instruction in school hours, in which case the guidelines on the process for providing religious instruction do not apply.
- 42 The administrative and compliance burden on boards of trustees (boards) who do choose to allow religious instruction and observances is created by a complex legal framework. If a board wishes to allow religious instruction and observances, they must do so in a way that is consistent with the 1964 Act, the 1989 Act, the NZBORA and the HRA. Boards must also consider their wider responsibilities.
- 43 The draft guidelines have been produced to help boards who choose to allow religious instruction develop best practice policies and processes to meet all of their obligations under the legal framework.
- 44 The guidelines will not be enforceable. However, publishing guidelines could lower the administrative burden for boards who want to allow religious instruction by making it clear what practices should be followed to meet all of the existing legal obligations. Boards could instead rely on the published guidelines and would not have to navigate the complex legal framework to understand what their obligations are and how to meet them.
- 45 The guidelines will also make clear to children, their parents, caregivers and whānau, what they can expect from their schools in relation to religious instruction. If a school is not meeting their legal obligations, they risk having legal proceedings brought against them by parents, caregivers or whānau. Legal proceedings would increase the administrative and financial burden on the school.

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Consulting with the public on the draft guidelines

- 48 I want to undertake wide consultation on the draft guidelines to ensure the draft guidelines are practical for schools to implement while promoting best practice.
- 49 I intend releasing the draft guidelines for consultation in September 2018. Given the diverse and strongly held views on religion, this is likely to prompt debate. Stakeholders, some in the education sector and some in communities, hold strong, and opposing, views about the delivery of religious instruction and observances in state schools. Consultation will enable all of these stakeholders to have input into the draft guidelines before they are finalised and published.
- 50 I am interested in hearing from the Māori-medium schooling sector on the practicality of these guidelines, given some Māori-medium schools provide for students from Year 1 to Year 13, and the religious instruction provisions only apply to students in the primary school years. Consultation with Māori-medium schools gives this sector an opportunity to consider the implications of implementing and operationalising the guidelines in their schools.
- 51 Consultation will also be promoted through Pacific community networks and key Māori education stakeholders will be contacted directly. This will provide an opportunity for the voice of Māori and Pacific communities to inform the further development of the guidelines and provide confidence that the draft guidelines are workable from both Pacific and Māori cultural perspectives.

Treaty of Waitangi Implications

- 52 The proposed consultation will ensure that the principles of the Treaty of Waitangi are observed by ensuring that iwi and Māori feedback is sought and incorporated.

Financial Implications

- 53 The paper has no financial implications.

Human Rights Implications

- 54 The proposed guidelines are consistent with the BORA and the HRA and with meeting our international obligations under the International Covenant on Civil and Political Rights. I anticipate that the issuing of improved best practice guidance will support schools to act consistently with, and meet their obligations under the BORA and the HRA to uphold the rights of students and their parents, caregivers, families and whānau.

Legislative Implications

- 55 This consultation process does not propose any legislative change. However, I do consider that the legal framework is complex for boards to navigate. It also makes it hard for parents, caregivers and whānau to understand what they should expect from their schools if the board decides to allow religious instruction.
- 56 I am therefore interested in capturing perspectives on legislative change through the consultation process, to inform any future decisions regarding the legislative authority granted to boards of state schools to allow religious instruction or observances.
- 57 I would also like Cabinet to note that potential legislative considerations may arise from the outcome of the current High Court case on religious instruction (*Hines and Jacob v Attorney-General*). Hines and Jacob are seeking a declaration that the religious instruction provisions in the 1964 Act are inconsistent with the BORA and the HRA.

Regulatory Impact Analysis

- 58 A regulatory impact statement is not required because this paper does not propose any changes to legislation or regulations.

Gender Implications

- 59 This paper has no direct gender implications.
- 60 Religion and belief systems have gender implications generally. More males than females stated they had no religion in the 2013 census.² Religion and belief systems may also specify or reinforce gender roles.

Disability Perspective

- 61 A disability analysis has not been undertaken as there are no direct identifiable disability implications.

Publicity

- 62 Given the diverse views on religion, consultation on the draft guidelines is likely to prompt debate about the place of religion in schools.
- 63 I have asked the Ministry to run an online consultation process that makes use of their existing channels to reach school leaders, teachers, young people and their families and whānau. The draft guidelines will be made available on the Ministry's website and emailed directly to relevant stakeholders in September 2018, and the consultation period will be open for ten weeks.
- 64 The Ministry of Pacific Peoples will also be supporting the consultation by promoting consultation through their Pacific community networks on the Ministry's behalf.
- 65 I recommend proactively releasing this Cabinet paper at the appropriate time. This will be after the guidelines are finalised and published.

Consultation

² <http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-culture-identity/religion.aspx>

66 The State Services Commission, Treasury, Education Review Office, Ministry for Women, Ministry for Pacific Peoples, Te Puni Kōkiri, Ministry of Health, Oranga Tamariki – Ministry for Children, Ministry of Justice, New Zealand Police, Ministry of Social Development, and the Department of Corrections were consulted on this paper. Crown Law was also consulted on this paper. The Human Rights Commission and the Department of the Prime Minister and Cabinet were informed about this paper.

Recommendations

67 The Minister for Education recommends that the Committee:

- 1 **note** that the Education Act 1964 requires teaching in state primary schools to be secular, but enables boards of trustees to close the school or classes within it to allow religious instruction or religious observances if they choose
- 2 **note** that boards of trustees must also comply with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, which impact on how religious instruction and religious observance can be allowed
- 3 **note** that data is not collected on how many schools allow religious instruction programmes or religious observances, or the way that religious instruction or observance is provided when a board chooses to allow it
- 4 **note** that, given the complexity of the legislative landscape, I intend releasing for consultation, draft *Guidelines on religious instruction in state primary and intermediate schools*, in September 2018
- 5 **note** that the draft guidelines do not apply to religious observances
- 6 **note** that the aim of the draft guidelines is to help boards of trustees to develop best practice policies and processes around how religious instruction is allowed in a manner that is consistent with the legal framework
- 7 **note** that consultation will be undertaken with Māori, and the Māori medium education sector, to provide confidence that the draft guidelines are workable, and do not undermine the protection and promotion of tikanga and te reo Māori
- 8 **note** that consultation will be undertaken with Pacific communities to provide confidence that the draft guidelines are workable, and do not undermine my continued focus on raising achievement for Pacific children and young people
- 9 **note** that, given diverse views on religion, consultation on the draft guidelines is likely to prompt debate around the place of religion in schools, including submissions on religious observances and requests for a law change
- 10 **note** that the consultation process does not propose any legislative change, but that I am interested in capturing these perspectives through the consultation process, to inform any future legislative decisions regarding the place of religion in state primary schools
- 11 **note** that I anticipate publishing final guidelines in December 2018.

Authorised for lodgement

Hon Chris Hipkins

Minister of Education

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Consultation on draft Guidelines on Religious Instruction in State primary and intermediate schools and kura

Communications and stakeholder engagement overview

FINAL 12.40PM 21 SEPTEMBER 2018

KEY MESSAGES

- The place of religious instruction in schools is regulated by New Zealand's education laws (the Education Act 1964 and the Education Act 1989) and human rights laws (the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993). This legal framework is hard for people to navigate.
- To make these legal responsibilities clearer, the recommendations in the draft guidelines are in general stronger than those of a previous 2006 draft circular and the "Religion in New Zealand Schools: Questions and Concerns" advice published in 2009 by the Human Rights Commission.
- The Ministry of Education has developed the draft *Guidelines on religious instruction in State primary and intermediate schools* (the draft guidelines) to:
 - make clearer what boards of trustees' existing legal obligations are regarding religious instruction in schools
 - help boards of trustees who choose to close their school to allow any religious instruction programmes to take place to do this in best practice ways that protect the rights of, and do not discriminate against, their students, parents, caregivers, family and whānau
 - make clearer to children and young people, and their parents, caregivers, family and whānau what they should expect from their school regarding any religious instruction programme.
- We now want to hear what you think about the draft guidelines before finalising them.
- The draft guidelines do not change the current legal framework that regulates religious instruction.
- Once finalised, the draft guidelines can be used by school boards to develop policies and practices around allowing religious instruction to take place in their school; while protecting and promoting the rights of children and their families to be free from discrimination based on their religious or non-religious beliefs. The draft guidelines may also be used by parents, caregivers, family and whānau to more clearly understand what their rights are, and what they should expect from their schools, in relation to religious instruction.

CONSULTATION COMMUNICATIONS ACTIVITY

NB: a separate set of activity will be developed for the release of the final guidelines, including updated web content for parents and notification to school leaders and boards of trustees.

When	Stakeholder	What	Responsibility
17 September CABINET NOTES THAT DRAFT GUIDANCE IS BEING RELEASED, 10 week consultation agreed			
Thursday 20 September	Directors of Education	Briefing on pending consultation. Provide comms material, reactive questions and contact information.	Policy
8am 24 September		Consultation web copy live on ed.govt	Comms
24 September	Ministry staff	Te Tahuu news item about the consultation	Comms
24 September	<ul style="list-style-type: none"> Office of the Children's Commissioner Secular Education Network Churches Education Commission Nga Kura-a-Iwi o Aotearoa Te Runanga Nui o nga Kura Kaupapa Māori NZ School Trustees Association NZ Association of Intermediate and Middle Schooling NZ Principal's Federation NZ Educational Institute Te Riu Roa 	Email about the draft guidelines, link to document and feedback form online. Ask them to share with their members.	Policy
24 September	School leaders	School Bulletin (regular schedule)	Comms/SE&S
24 September	Correspondents on religion in schools (anyone who has written to the Ministry or made an OIA since 2015 if possible)	Email noting that they have previously expressed an interest in this issue so we are letting them know about the consultation	Policy GEMS Comms
24 September	Sector and public	Twitter post linking to the consultation	Comms
24 September	Parents and whanau	Facebook post linking to draft guidelines and inviting parents to make submissions News story on parents.ed.govt website linking to consultation doc	Comms

		School Bulletin item for schools will include request to share with parents via school newsletters.	
24 September	Media who have recently enquired about the draft guidelines	Email link to draft Guidelines webpage	Comms
1 December	Public	Facebook and Twitter reminders about consultation closing soon.	Comms
7 December - CONSULTATION CLOSES, preparation of final guidelines begins			
Early 2019 - FINAL GUIDELINES RELEASED			

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TEXT FOR CONSULTATION ON WEBSITE

HAVE YOUR SAY ABOUT GUIDELINES ON RELIGIOUS INSTRUCTION IN STATE PRIMARY AND INTERMEDIATE SCHOOLS

Closing date for submissions is 7 December 2018

The Ministry of Education has developed the draft *Guidelines on religious instruction in State primary and intermediate schools* (the draft guidelines) to help boards of trustees who wish to close their school to allow religious instruction to take place, to do so in a way that complies with our education laws and human rights laws, and protects the rights of their diverse students and their families and whānau to be free from discrimination based on their religious or non-religious beliefs.

The draft guidelines aim to:

- make clearer to school boards what their legal obligations are regarding religious instruction, and how they can meet them
- make clearer to children and their parents, caregivers, family and whānau what their rights are under existing legislation.

DRAFT GUIDELINES

GUIDELINES TO BE INSERTED HERE AS WEB TEXT WITH EXPANDABLE HEADINGS. THIS MEETS ACCESSIBILITY REQUIREMENTS

Download the draft guidelines on religious instruction in State primary and intermediate schools
<https://education.govt.nz/draft-guidelines-on-religious-instruction>

HAVE YOUR SAY

Before we finalise the draft guidelines, we want to know what you think

Your feedback will help us ensure that the draft guidelines:

- are practical for schools and kura
- promote best practice
- make the rights of children and their parents, caregivers, family and whānau clear.

Once published, all boards of trustees and leaders of State schools me ngā kura should find the guidelines useful when thinking about whether they want to allow any religious instruction programmes to take place in their school, and ways that they could do this that uphold the rights of their students, and their parents, caregivers, family and whānau to be free from discrimination based on their religious or non-religious beliefs.

How to have your say

The questions below are a guide to help you make a submission. You can answer as many or as few as you like or you may want to make a more general comment on the draft guidelines. We need to hear what you think about the draft guidelines by no later than 7 December 2018.

You can email your submission to RIO.submissions@education.govt.nz or you can post your submission to:

RIO Guideline Submissions
Ministry of Education
PO Box 1666

Wellington 6140

Your submission will become public information. That means that a member of the public may request a copy of your submission from us under the Official Information Act 1982. Any submission summary we create as a result of this consultation may also mention your submission. Please tell us if you do not want your name included in any submission summary.

[EXPANDABLE HEADING] General questions about the draft guidelines

- Will these guidelines help school boards of trustees allow religious instruction in a way that does not discriminate against anyone who holds different beliefs?
- Do the draft guidelines clearly show how schools can meet their obligations under the Education Act 1964, the Education Act 1989, the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990 when providing religious instruction?
- Are the rights of children and their parents, caregivers, family and whānau about religious instruction clear?
- Will schools and kura find these guidelines useful and practical?
- Do you consider that these guidelines promote best practice for the purpose of allowing religious instruction programmes? If not, how should the draft guidelines change to promote best practice?
- Are the differences between religious education, religious instruction and religious observances made clear in the draft guidelines?
- Is there anything else you think should be included in the draft guidelines?
- Do you have any other comments in relation to the allowing of religious instruction in State primary and intermediate schools me ngā kura?

[EXPANDABLE HEADING] You may also like to comment on specific guidelines:

- Guideline 1 recommends boards of trustees consult with their community when deciding whether, and how, to allow any religious instruction programme.
- Guideline 2 recommends schools or kura provide full and accurate information to students, families and whānau to help them make informed decisions.
- Guideline 3 recommends schools or kura offer valid education alternatives to religious instruction. This guideline also suggests that schools wouldn't need to provide an alternative if the religious instruction were allowed outside of the school's usual hours.
- Guideline 4 recommends schools or kura adopt a "signed consent" approach to religious instruction which means families have to give the school express permission for their child to participate.
- Guideline 5 recommends schools or kura use volunteers who are not part of the school's teaching staff to deliver religious instruction.
- Guideline 6 recommends that schools or kura provide secular school and student support services.
- Guideline 7 recommends that schools or kura perform safety checks on volunteers who will be delivering religious instruction. This is consistent with the requirements under the Vulnerable Children's Act which requires an identity check, an interview, a police vet, work history check, referee checks and a risk assessment.
- Guideline 8 recommends that schools or kura communicate to families and whānau the school or kura's complaints procedure. The complaints procedure should be used to resolve any queries or complaints about whether and how the school or kura chooses to allow any religious instruction programmes to take place.

You may also like to comment on religion in schools more generally

Further information

If you have any questions about making a submission, or would like more information, please email RIO.submissions@education.govt.nz

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NEWS STORY FOR THE PARENTS EDUCATION WEBSITE

Have your say about guidance for schools who choose to close to allow any religious instruction programme to take place

Not all schools or kura allow religious instruction. For those that do, we want to make the rights of children, their parents, caregivers, family and whānau clear, and ensure school boards know what their legal obligations are and how to meet them when it comes to allowing religious instruction to take place at a school.

That's why we've developed draft guidelines for schools on religious instruction.

We'd like to hear what parents, caregivers, family and whānau think about the draft guidelines on religious instruction in State primary and intermediate schools me ngā kura. Consultation closes on 7 December 2018.

You can find out more about the draft guidelines, who they apply to, and how to make a submission on our consultations page <https://education.govt.nz/draft-guidelines-on-religious-instruction>

The draft guidelines are not designed to limit a board's choice as to whether it decides to close its school to allow religious instruction to take place. Our education law requires that teaching in State primary schools, intermediate schools me ngā kura must be secular (non-religious) while the school is open.

Religious education, when children are taught about different cultures, customs and religions in a neutral way, may be taught as part of the New Zealand Curriculum (NZC) or Te Marautanga o Aotearoa (TMOA) and is often undertaken as part of other subjects, such as social studies or Tikanga-ā-lwi. The NZC and TMOA are taught in State schools by registered teachers with current practicing certificates.

Our education law also gives boards of trustees of State schools me ngā kura a choice about whether or not to close their school or kura to allow religious instruction or observance under some conditions.

Religious instruction is when a particular religion or faith is taught or given preference. Religious observances are the things that are done to practice a religion, such as singing hymns or saying prayers. Religious instruction and religious observances are not part of the New Zealand Curriculum or Te Marautanga o Aotearoa.

Schools can close for religious instruction or religious observances to take place at any time, including during normal school hours, for up to 60 minutes per week and no more than 20 hours in a school year. Religious instruction must be led by board-approved voluntary instructors who are not school staff members. Religious observances can be led by a person that the board of trustees thinks is appropriate.

New Zealand's human rights laws give all people in New Zealand the right to be free from discrimination based on their religious or non-religious beliefs. What this means in practice is that boards who choose to close their school for religious instruction or religious observances to take place must do so in a way that protects the rights of their diverse students, and their parents, caregivers, family and whānau.

You have the right to withdraw your child from any religious instruction programmes or religious observances.

If you have concerns about religious instruction or observances in your child's school at the moment, it's important to talk to your child's teacher first. If you still have questions or concerns, talk to the principal or contact your school's board of trustees. If this does not address your concerns, please contact your [local Ministry of Education office](#).

Item for the School Bulletin

Consultation on draft guidelines for religious instruction in State schools me ngā kura

The Ministry has developed draft guidelines on religious instruction in State primary and intermediate schools me ngā kura.

The draft guidelines are intended to help boards of trustees who wish to close their school to allow religious instruction to take place, to do so in a way that complies with our education laws and human rights laws, and protects the rights of their students, and their families and whānau to be free from discrimination based on their religious or non-religious beliefs.

The draft guidelines aim to:

- make it clearer to school boards what their legal obligations are regarding religious instruction and how they can meet them
- make it clearer to children and their parents, caregivers, family and whānau about what their rights are under existing legislation.

We would like to hear the view of school trustees, principals, teachers, parents and whānau before finalising the draft guidelines. Consultation closes on 7 December 2018.

Read the draft guidelines and find out how to make a submission <https://education.govt.nz/draft-guidelines-on-religious-instruction>

We would appreciate you sharing this consultation opportunity with your parent and whānau community. You may wish to include the following item in your school newsletter:

Have your say about guidelines on religious instruction in State primary and intermediate schools me ngā kura.

The Ministry of Education is consulting on draft guidelines on religious instruction in State primary and intermediate schools me ngā kura.

The draft guidelines seek to make the rights of children and their families, and the obligations of school boards of trustees, regarding religious instruction clearer.

If this issue is of interest to you, you can find out more about the draft guidelines and how to make a submission on the Ministry's website: <https://education.govt.nz/draft-guidelines-on-religious-instruction>

EMAILS TO STAKEHOLDERS

Email to sector bodies and community stakeholders

Stakeholder	Contact	Actioned
New Zealand Human Rights Commission	John Hancock <JohnH@hrc.co.nz> Sue Smith <[REDACTED]> s 9(2)(a) OIA	
Office of the Children's Commissioner	Donna Provoost <d.provoost@occ.org.nz>	
Secular Education Network	David Hines <media@sen.org.nz> Tanya Jacob <christchurch@sen.org.nz>	
Churches Education Commission	Stephanie Sewell <office@cec.org.nz>	
Ngā Kura-a-Iwi o Aotearoa	Te Waimatao Murphy <wai@kuraaiwi.org.nz>	
Te Runanga Nui o ngā Kura Kaupapa Māori	Renee Wright <renee@runanga.co.nz> Trish Bevan <kaitiaki.putea@runanga.co.nz> Sandy Walker <sandy@runanga.co.nz>	
New Zealand School Trustees Association	Lorraine Kerr <lkerr@nzsta.org.nz>	
New Zealand Association of Intermediate and Middle Schooling New Zealand	Sharon Keen <execnzaims@gmail.com>	
New Zealand Principal's Federation	Whetu Cormick <whetu@nzpf.ac.nz>	
New Zealand Educational Institute Te Riu Roa	Lynda Stewart, Paul Goulter & Laures Park <nzei@nzei.org.nz>	

Tēnā koe,

As you may be aware, the Ministry of Education has been developing draft guidelines for the boards of trustees of State primary and intermediate schools me ngā kura on religious instruction in schools (the draft guidelines).

The draft guidelines are not designed to limit a board's choice as to whether it decides to close its school to allow religious instruction. Rather, the draft guidelines are intended to help schools who wish to close for this purpose, to do so in a way that complies with our education laws and human rights laws.

The draft guidelines aim to:

- make clearer to school boards what their legal obligations are regarding religious instruction and how they can meet them
- make clearer to children and their parents, caregivers, family and whānau what their rights are, and what they can expect from their school regarding religious instruction.

We would like your feedback on the draft guidelines before we finalise them. The draft guidelines can be read on our website: <https://education.govt.nz/draft-guidelines-on-religious-instruction>. Please also forward the link to any of your members who you think may have a particular interest in this issue.

The draft guidelines have also been sent to a number of other sector stakeholders. We will advise school leaders of the draft guidelines and the opportunity to make a submission in today's School Bulletin.

Submissions close on 7 December 2018.

Please contact RIO.submissions@education.govt.nz with any questions you might have. ***We are happy to meet with you to discuss the draft guidelines further.***

Ngā mihi,

Ben O'Meara,

Group Manager, System and Schooling Policy,

Education System Policy

DRAFT EMAIL TO PREVIOUS CORRESPONDENTS ON RELIGION IN SCHOOLS

Dear [name]

Religious instruction in State primary and intermediate schools me ngā kura

You have previously written to the Ministry or Minister of Education on the topic of religion in schools. Because of your interest in this issue, we thought you might be interested in the draft guidelines on religious instruction in State primary and intermediate schools me ngā kura we have just released for consultation.

The draft guidelines are not designed to limit a board's choice as to whether it decides to close its school to offer religious instruction and observance. Rather, the draft guidelines are intended to help schools who wish to close for this purpose, to do so in a way that complies with the law and reduces the chance that children and their families will be subject to unintended discrimination.

The draft guidelines aim to make it clearer to:

- school boards what their legal obligations are regarding religious instruction, and how they can meet those obligations
- children and their parents, caregivers, family and whānau what their rights are, and what they can expect from their school regarding religious instruction.

The draft guidelines and consultation document are on our website:

<https://education.govt.nz/draft-guidelines-on-religious-instruction>

Submissions close on 7 December 2018.

Please contact RIO.submissions@education.govt.nz with any questions you might have.

Ngā mihi,

Enquiries National Mailbox

EMAIL TO DIRECTORS OF EDUCATION

Thursday 20 September

Tēnā koe,

Draft guidelines on religious instruction in State schools

As you may be aware we have been developing draft guidelines for the boards of trustees of State primary and intermediate schools me ngā kura on religious instruction in schools (the draft guidelines).

Cabinet noted this consultation on Monday 17 September so the draft guidelines can now be released for consultation. We will be seeking feedback on the draft guidelines from Monday 24 September. A ten week consultation period has been agreed to, with submissions closing on 7 December 2018. We anticipate releasing final guidelines in early 2019.

The draft guidelines are not designed to limit a board's choice as to whether it decides to close its school to allow religious instruction to take place. Rather, the draft guidelines are intended to help schools who wish to close for this purpose, to do so in a way that complies with our education laws and human rights laws.

The draft guidelines aim to:

- make clearer to school boards what their legal obligations are regarding religious instruction and how they can meet them
- make clearer to children and their parents, caregivers, family and whānau what their rights are, and what they can expect from their school regarding religious instruction.

Given diverse views on religion, consultation on the draft guidelines is likely to prompt debate about the role of religion in schools more generally. We anticipate you may receive queries from schools or community members.

The draft guidelines and consultation questions will be available on <https://education.govt.nz/draft-guidelines-on-religious-instruction> at 8am on 24 September.

Please find attached:

- The draft guidelines
- The consultation questions
- Reactive questions and answers

We have set up an inbox to manage questions and submissions on the draft guidelines: RIO.submissions@education.govt.nz. Please forward any queries your office receives about the draft guidelines or the consultation to this address.

We will be emailing sector groups on 24 September and will also ask them to forward the consultation website link to any members they think may have a particular interest in this issue. We will advise school leaders of the draft guidelines and the opportunity to make a submission in Monday's School Bulletin. The Bulletin item includes suggested content for schools to include in their newsletters for parents and whānau if they wish to do so. We are also proactively contacting people who have written to the Ministry or Minister of Education about religion in schools and advising them of the availability of the draft guidelines and the opportunity to provide feedback.

Ngā mihi,

Ben O'Meara,

Group Manager, System and Schooling Policy

Education System Policy

TE TAHUHU (INTRANET) NEWS ITEM

For publication on 24 September

RELIGIOUS INSTRUCTION IN STATE SCHOOLS AND KURA

We're consulting on draft guidelines on religious instruction in State primary and intermediate schools me ngā kura

The draft guidelines are intended to help boards of trustees who wish to close their school to allow religious instruction to take place, to do so in a way that complies with our education laws and human rights laws, and protects the rights of students and their families and whānau to be free from discrimination based on their religious or non-religious beliefs.

We have developed draft guidelines for schools on religious instruction to:

The draft guidelines aim to:

- make clearer to school boards what their legal obligations are regarding religious instruction and how they can meet them
- make clearer to children and their parents, caregivers, family and whānau what their rights are, and what they can expect from their school regarding religious instruction.

We are now seeking feedback to help us ensure that the draft guidelines:

- are practical for schools and kura
- promote best practice
- are clear to the parents and whānau of children attending State schools or kura allowing any religious instruction programmes

The consultation process will run until 7 December 2018.

The draft guidelines, consultation document and information on how to make a submission are on our website <https://education.govt.nz/draft-guidelines-on-religious-instruction>

If you have any questions, please email RIO.submissions@education.govt.nz

Reactive Q&As

Note that definitions of religious education, instruction and observances are in the draft guidelines which will be publically available on the website.

Feedback from the Education Conversation | Kōrero Matauranga, and other engagements that relates to religion in schools will also be used to inform a consultation summary document, which will be published with the finalised guidelines.

Isn't this more anti-religion/pro-religion from the state?

The draft guidelines do not change, or propose to change, the existing legal framework that regulates religious instruction. The draft guidelines are intended to help boards of trustees who wish to close their school to allow religious instruction to take place, to do so in a way that complies with our education laws and human rights laws, and protects the rights of students and their families and whānau to be free from discrimination based on their religious or non-religious beliefs.

Once published, will schools have to follow these guidelines? / What can I do if I believe a school is not following the draft guidelines?

There is no legal requirement to follow guidelines and schools' uptake of the draft guidelines will be voluntary. However, the draft guidelines aim to make clearer to school boards what their legal obligations are regarding religious instruction and how they can meet them.

If a school appears not to be following the draft guidelines, this may mean they are not working within the current law. If this is the case, you should firstly raise this with your child's teacher, then the principal and board of trustees. If you do not get a satisfactory response then you should then raise it with your local Ministry of Education office. You can also make a complaint to the Human Rights Commission.

We hope that by producing these guidelines, we will increase the understanding of a board's legal obligations with respect to the rights of children and their families.

How many State schools allow religious instruction?

The Ministry of Education does not collect any information about which schools provide religious instruction because it is not part of the New Zealand curriculum and the school is closed for instruction when religious instruction takes place.

Schools are meant to be secular, why do schools even allow religious instruction?

The Education Act 1964 gives State primary school boards the right to close for instruction in order to allow religious instruction within certain conditions.

The Ministry's first priority is to consult on and publish the draft guidelines. These guidelines are intended to enable the delivery of religious instruction programmes to continue under the current legislation, if schools or kura choose to allow them, but in a way that increases the likelihood that the rights of children and their families will be protected.

It is for the Government to decide whether we may need to do more work on the religious instruction and observance provisions in the Education Act 1964, and people are welcome to express their views on this through this consultation process.

Why didn't you release the draft guidelines earlier under the Official Information Act request?

We withheld the draft guidelines in response to the Official Information Act requests because they were under active consideration.

When will the draft guidelines be finalised and released to schools?

Consultation closes on 7 December. We hope to have final guidelines for schools early in the 2019 school year.

I thought teaching in New Zealand schools had to be secular

The Education Act 1964 requires teaching to be entirely secular (non-religious) when a State primary or intermediate school is open for instruction. It also gives boards of trustees the choice to close the school, or a place within the school, to allow religious instruction or religious observances if some conditions are met.

It's important to note that children and young people are not required to participate in religious instruction and observances, if your school or kura allows them. Schools or kura need to make sure students who are not participating are supervised.

These guidelines go too far/ don't go far enough.

We encourage anyone with an opinion on this issue to make a submission so their views can be taken into consideration when finalising the guidance.

The 1964 Act gives boards the discretion to allow religious instruction or observances under certain conditions.

In addition to the Education Acts 1964 and 1989, schools are also bound by the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. This means religious instruction and observances need to be delivered in a way that does not discriminate against anyone who holds different beliefs.

The draft guidelines are designed to help boards to meet their obligations under Education Acts 1964 and 1989, the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. To make those legal obligations clearer, the recommendations in the draft guidelines are in general stronger than those of a previous 2006 draft circular and guidelines written in 2009 by the Human Rights Commission (HRC).

For example, the draft guidelines recommend that boards consult with their community about whether, and what type of religious instruction should be allowed, consider allowing religious instruction at a time when the school is usually closed for teaching, such as before or after school or during lunch time, and adopt a written consent approach.

The draft guidelines are based on best practice and we hope they are a good, practical compromise between enabling the delivery of religious instruction programmes to continue, but in a way that increases the likelihood that the rights of children and their families will be protected.

Are schools with a designated special character (includes Māori-medium education) exempt from these restrictions?

No. The Education Act 1964 requires teaching to be entirely secular (non-religious) when a State primary school is open for instruction. The Education Act 1989 clarifies that this law applies to State primary schools, intermediate schools, Kura Kaupapa Māori and Kura-a-lwi (kura), and schools with designated special character.

What about secondary schools, State-integrated schools and private schools?

The legislation only applies to State primary schools. This includes intermediate schools as intermediate schools are designated as primary schools under the Education Act 1989. The draft guidelines also apply to Kura Kaupapa Māori and Kura-a-Iwi, and schools with designated special character.

Private schools are not obliged to provide a wholly secular education. Some State-integrated schools have a special character that is religious in nature. The boards of trustees of these State-integrated schools, and State secondary schools are not regulated by the Education Act 1964, and may provide religious instruction or religious observances as they consider appropriate.

The Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990 apply to all New Zealand schools, including secondary schools, meaning religious instruction and observances need to be delivered in a way that does not discriminate against anyone who holds different beliefs. This means all schools should find these guidelines useful when designing their religious instruction programmes

Why don't the draft guidelines apply to religious observances?

We want the draft guidelines to be simple, clear, and easy to understand. This is best achieved by limiting the scope of the draft guidelines to religious instruction. This is because the 1964 Act regulates religious instruction and religious observances in slightly different ways.

Usually, having religious observances at school will be lawful as long as the school allows children to opt out, observes the relative time constraints, and makes sure the religious observance takes place during a period when that part of the school is closed for instruction.

What about tikanga me te reo Māori?

The draft guidelines do not apply to the teaching of tikanga or te reo Māori.

Do the draft guidelines ban students from expressing their religion?

The draft guidelines don't ban anything. They are a guide to meeting existing legal obligations.

The New Zealand Bill of Rights Act 1990 protects the rights of students to express their religion or beliefs. This means that students have the right to wear items like hijab or headscarves, crucifixes, or taonga.

Schools need to justify any restriction that they make on a student's religious expression.

Are school chaplains exempt from the requirement to be secular (non-religious)?

No. The Education Act 1964, and our human rights laws define a standard of behaviour that everyone must meet. A school chaplain must make sure they don't make students feel unsafe or discriminated against, just like anyone else.