



MINISTRY OF EDUCATION

Te Tāhuhu o te Mātauranga

National Office

Sector Enablement and Support  
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New Zealand

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OIA: 847150  
IM60/104/57/3

9 May 2014

Tanya Jacob  
fyi-request-1522-ffb65ea0@requests.fyi.org.nz

Dear Tanya Jacob

Thank you for your letter of 6 March 2014 requesting:

- (1) copies of all contact the Ministry has received expressing concern or complaint regarding religious instruction (RI) in state primary and intermediate schools dating back to the beginning of 2005. This would include any log of phone calls made to the Ministry, as well as emails, letters and personal visits to offices,*
- (2) copies of any and all internal memos and reports pertaining to RI, including advisories regarding public position statements,*
- (3) please attach dates;*
- (4) names of complainants;*
- (5) who dealt with the complaint, as well as;*
- (6) who that staff member directly reported to.*

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

1. All contact the Ministry has received since 2005 re religious instruction complains/concerns:

The Ministry has undertaken a search of electronic records and identified a number of attachments that are relevant to your request. Copies of these documents are itemised in the attached list and enclosed. We have included, where available, copies of the Ministry's and the Minister's office replies to enquires.

Please note, that the Ministry does not have a central database system so there may be other documents relevant, but not included in this request.

A search of the Ministry's archive records would entail substantial collation and research and to this extent, the request is refused under section 18(f) of the Act.

There do not appear to be overriding public interest reasons that support the release of the information withheld.

2. Copies of internal memos and reports pertaining to RI, including advisories regarding public position statements are included in the enclosed documentation:

Copies of the above are also enclosed in the documentation where available.

There do not appear to be overriding public interest reasons that support the release of the information withheld.

3. To include dates:

Dates are included on copies where recorded.

There do not appear to be overriding public interest reasons that support the release of the information withheld.

- 4. Names of complainants:
- 5. Who dealt with the complaint:
- 6. Who the staff member directly reports to:

Due to the Privacy Act, we cannot release this information. Consequently, this part of your request has been refused under section 9(2)(a) to protect the privacy of natural persons, and section 9(2)(f)(iii) to maintain the constitutional convention protecting the neutrality of others.

There do not appear to be overriding public interest reasons that support the release of the information withheld.

**Withholding**

**Withholding of information – Sections 9(2)(a) and 9(2)(f)(iii)**

Deletions have been made under section 9(2)(a) of the Act to protect the privacy of natural persons and under 9(2)(f)(iii) of the Act to maintain the constitutional convention protecting the neutrality of officials.

There do not appear to be overriding public interest reasons that support the release of the information withheld.

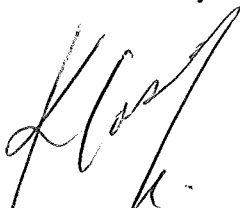
**Withholding of information – Section 9(2)(h)**

Deletions have been made under section 9(2)(h) of the Act to maintain legal professional privilege.

There do not appear to be overriding public interest reasons that support the release of the information withheld.

Under sections 19 and 28(3) of the Official Information Act 1982 you have the right to ask an Ombudsman to review this decision

Yours sincerely



Katrina Casey  
Deputy Secretary  
Sector Enablement and Support

Encls

### Document List

Doc No	Date of Doc	Description	Deletions/Withheld
1.	13 October 2005	Email and response from parent re legal rights of staff and students in a state secondary school in regards to religion at Mt Albert Grammar School and internal memo's on response	9(2)(a) (9)(2)(f)(iii) 9(2)(h)
2.	28 February 2006	Email response to individual from Ministry re RI	9(2)(a) (9)(2)(f)(iii)
3.	23 August 2006	Acknowledgement letter from Minister re RI	9(2)(a)
4.	23 August 2006	Direct reply to individual from the Minister re RI	9(2)(a)
5.	23 August 2006	Direct reply to individual from the Minister re RI	9(2)(a)
6.	23 August 2006	Direct reply to individual from the Minister re RI	9(2)(a)
7.	24 August 2006	Letter from individual to MP re religion in schools	9(2)(a) (9)(2)(f)(iii)
8.	24 August 2006	Direct reply to individual on concerns for restrictions on prayer	9(2)(a)
9.	24 August 2006	Enquiry re the secular clause	9(2)(a) (9)(2)(f)(iii)
10.	24 August 2006	Direct reply to individual re RI in schools	9(2)(a)
11.	24 August 2006	Letter from individual to Prime Minister office re schools and spirituality	9(2)(a) (9)(2)(f)(iii)
12.	24 August 2006	Direct reply to individual re religious instruction and observances in state schools	9(2)(a)
13.	24 August 2006	Email from parent inquiry about bible studies	9(2)(a) (9)(2)(f)(iii)
14.	25 August 2006	Direct reply to individual from the Minister re RI	9(2)(a)
15.	29 August 2006	Direct reply to individual from the Minister re RI	9(2)(a)
16.	29 August 2006	Direct reply to individual from the Minister re RI	9(2)(a)
17.	29 August 2006	Direct reply to individual from the Minister re RI	9(2)(a)
18.	30 August 2006	Direct reply to individual from the Minister re RI	9(2)(a)
19.	30 August 2006	Email from parent re religious education in schools	9(2)(a) (9)(2)(f)(iii)
20.	13 September 2006	Direct reply to individual from	9(2)(a)

		the Ministry re Religious Instruction	
21.	01 September 2006	Internal memo re religion advice FAQs	9(2)(a) (9)(2)(f)(iii)
22.	18 September 2006	Direct reply to Principal from the Ministry	Nil
23.	15 September 2006	Letter to the Ministry and Direct reply from Ministry to individual re RI	9(2)(a) (9)(2)(f)(iii)
24.	12 October 2006	Letter to individual from Ministry re teaching of religion in schools (b) Letter from parent to Minister of Education re Bible in Schools in Amberley Primary School  (b) Direct reply to individual from the Ministry re Religious Instruction	9(2)(a) (9)(2)(f)(iii)  9(2)(a)
25.	16 October 2006	Letter from Ministry to CEC re claims that CEC has been approved by MOE	9(2)(a)
26.	16 October 2006	Internal memo from legal re total hours of religious instruction	(9)(2)(f)(iii) 9(2)(a)
27.	16 October 2006	Letter to CEC from Ministry re the Ministry does not endorse any voluntary providers of religious instruction	Nil
28.	14 November 2006	Internal memo from legal re Ministry view on religious instruction -Avondale School	(9)(2)(f)(iii) 9(2)(a) 9 (2)(h)
29.	04 December 2006	Email from Massey university to Ministry re complaint against CEC	(9)(2)(f)(iii) (9)(2)(f)(iii) 9(2)(a)
30.	11 January 2007	Internal emails from legal to advisors re a letter re Bible readings in state schools Response from Minister	9(2)(a) (9)(2)(f)(iii) 27(1)(h)
31.	02 February 2007	Email from Massey university to Ministry re CEC complaint  (b) CEC documentation	(9)(2)(f)(iii) 9(2)(a)  Nil
32.	20 February 2007	Follow up letter from Ministry to CEC re agreed changes to wording on CEC website	9(2)(a)
33.	27 February 2007	Internal memo from legal guide to RI for local office	(9)(2)(f)(iii)
34.	15 March	Email response to parent re religious education in schools	(9)(2)(f)(iii) 9(2)(a)

35.	20 March 2007	Memo to Regional Directors re parent complaint re Avondale School re RI	9(2)(a) (9)(2)(f)(iii)
36.	21 March 2007	Email and response from the Principal of Albany School	9(2)(a) (9)(2)(f)(iii)
37.	27 March 2007	Internal memo from legal to local office re RI	(9)(2)(f)(iii)
38.	10 July 2007	Email from individual to Ministry asking advice on RI	9(2)(a) (9)(2)(f)(iii)
39.	1 December 2008	Email from parent re West Auckland school to Ministry with response from Ministry re Bible Studies	9(2)(a)
40.	4 August 2009	Letter to individual from Ministry along with proposed response re RI	9(2)(a) (9)(2)(f)(iii)
41.	11 August 2010	Direct reply to individual re RI	9(2)(a)
42.	15 January 2014  9 September 2011	(a) Internal emails relating to St Heliers  (b) Email to Ministry from parent re Bible Studies in St Heliers School	9(2)(a) (9)(2)(f)(iii)  9(2)(a) (9)(2)(f)(iii)
43.	16 February 2012	Phone log: Request for information from parent re Christchurch East School Bible in Schools	9(2)(a) (9)(2)(f)(iii)
44.	28 March 2012	File note: Phone call with NZSTA re Christchurch East School	9(2)(a) (9)(2)(f)(iii) Information is out of scope of request
45.	10 October 2012	Direct reply from Ministry to individual re teaching of RE in schools	9(2)(a)
46.	15 October 2012	File Note: Contact re Christchurch East School	9(2)(a) (9)(2)(f)(iii)
47.	15 October 2012	Email to and from BOT Chair Christchurch East School	9(2)(a) (9)(2)(f)(iii) 27(1)(h)
48.	01 November 2012	Letter from and response parent re religious instruction in schools from Ministry	(9)(2)(f)(iii) 9(2)(a)
49.	04 April 2013	Open letter to Peter Hughes re religious instruction	Nil (from requester)
50.	1 August 2013  9 August 2013	Email from parent: Religious study at St Heliers School (b) Follow up emails to Ministry re bible studies at St Heliers School	9(2)(a) (9)(2)(f)(iii)  9(2)(a) (9)(2)(f)(iii)
51.	11 August 2013	Letter to Peter Hughes for	9(2)(a)

		repeal on Section 78 of the Act	(9)(2)(f)(iii)
52.	11 September 2013	Direct reply from Jim Greening to individual re state schools being secular	9(2)(a)
53.	8 November 2013	Email from parent re religious instruction at Dominion Road School  Correspondence between parent and BOT of Dominion Road School	9(2)(a)  9(2)(a)
54.	20 November 2013	Enquiry from parents and response about Bible in Schools	9(2)(a) (9)(2)(f)(iii) And out of scope
55.	3 December 2013	Call log religious education enquiry from Board member	9(2)(a) (9)(2)(f)(iii)
56.	15 January 2014	Email from parent re bible studies at St Heliers School	9(2)(a) (9)(2)(f)(iii)
57.	29 January 2014	Email from individual re religion at Forrest Hill School	9(2)(a) (9)(2)(f)(iii)
58.	02 February 2014`-	Email from individual re religion at St Heliers School	9(2)(a) (9)(2)(f)(iii)
59.	11 February 2014	Email from BOT member asking advice on RI	9(2)(a) (9)(2)(f)(iii)
60.	No Date	General Religion in Schools FAQ	Nil

-----Original Message-----

**From:** Webb Raymond

**Sent:** Thursday, 13 October 2005 11:19 a.m.

**To:** Breakwell Jan

**Subject:** FW: Re queries on the legal rights of staff and students in a state secondary school in regards to religion.

Hi Jan

Can you give me some bullet points about how to respond given that the '64 Act refers to primary schools.

I think the school needs some advice and support from the HRC on what appear to be some interesting practices when the school is a 'magnet school' for a variety of cultures.

Cheers

Ray

-----Original Message-----

**From:**

**Sent:** Thursday, 13 October 2005 10:57 a.m.

**To:** Webb Raymond

**Subject:** FW: Re queries on the legal rights of staff and students in a state secondary school in regards to religion.

-----Original Message-----

**From:** On Behalf Of Enquiries Auckland

**Sent:** Thursday, 13 October 2005 10:45 a.m.

**To:**

**Subject:** FW: Re queries on the legal rights of staff and students in a state secondary school in regards to religion.

Hi

Is this something you would deal with?

Thanks

-----Original Message-----

**From:** On Behalf Of Resourcing Mailbox

**Sent:** Thursday, 13 October 2005 10:34 a.m.

**To:** Enquiries Auckland

**Cc:**

**Subject:** FW: Re queries on the legal rights of staff and students in a state secondary school in regards to religion.

Hi there,

Can you please forward this email on to the appropriate person for response?

Kind Regards,

Resourcing Officer  
Resourcing Division - Te Wahanga Whakarato Rawa  
Ministry of Education  
DDI: |  
FAX: 04-463-8374  
PO Box 1666, Wellington  
-----Original Message-----

**From:**

**Sent:** Thursday, 13 October 2005 9:55 a.m.

**To:** Resourcing Mailbox

**Subject:** Re queries on the legal rights of staff and students in a state secondary school in regards to religion.

To the Ministry of Education. I'm

I wish to obtain information on the rights of staff and students regarding religion within state secondary schools. My concerns relate to questions asked of me by some Year 11 students of Indian ethnicity, who enquired as to whether they had to attend / participate in the Christian prayers during assembly which are held each Friday. The response from our was that all staff and students had to partake in assemblies or find themselves other schools to teach or study in. Another senior management person claims that under the Education Act (1964) the Board of Trustees and the Senior Management Team can insist upon religious participation under the law and that they have the right to dictate the school policy on this matter. And finally, the in the board of trustees has stated in an email that students and staff must observe our traditions, they are not expected to take part i.e. read out aloud, just respect our culture or they can return to their own culture.

Issues that concern staff and students include; the rights of teachers and students. Basically can the BOT or the SMT insist on compulsory participation in religious activities? What defines participation? Can we be discriminated against in terms of our views on religion? Incidentally, my ancestors came to the farming areas in South Otago and Southland in the 1860's. To be told that I must return to my own culture is offensive.

and  
have read extensively this on issues relating to the dominant culture verses the 'other' in our society, so I feel quite strong about how the dominant culture of MAGS which traditional has been conservative and Christian treats non-Christian people.

If anyone can help assist the staff members (which include people of various cultural backgrounds – secularists, Jews, Hindu's Sikhs etc) could they please assist us. Thank you

Yours truly,

RELEASED UNDER THE OFFICIAL INFORMATION ACT



## Religion in Schools

### Primary and intermediate schools and “secular teaching”

- The Education Act 1964 is clear in stating that teaching in all primary and intermediate schools must be *‘entirely of a secular character.’*<sup>1</sup>

### Limited provision for “religious instruction and observances”

- For those school Boards of Trustees that wish to offer religious instruction or observances, however, limited discretion is available to do so during periods where classes or the school as a whole are considered closed. The periods where the school is used for religious instruction or observances cannot exceed either 60 minutes in any week or 20 hours in any school year and any instruction can be led only by voluntary instructors. Any student participation in these activities is voluntary, and students may be given an exemption from participation if a parent requests this in writing.
- In this way, the aim of education legislation is to ensure that, if religious instruction and observances are offered, they are effectively “fenced off” from the secular life of a school. The instruction and observances should occur outside normal teaching hours, instruction should be led by voluntary instructors only, and there should be no compulsion for students to participate.

### No restriction on “teaching about religion”

- It is important to note that the restrictions on the provision of religious instruction and observances in no way impede schools’ ability to offer education about religion. The neutral presentation of information *about* religion is a legitimate part of secular teaching and may be discussed in many parts of the national curriculum, including the social studies and health and physical education curricula. Conversely, religious instruction and observances involve education *in* religion. Religious instruction and observances include programmes based on a primary religious text, such as the Bible in Schools programme, the recitation of prayers and the singing of hymns. These are not neutral activities and either presuppose prior religious belief on the part of students or actively encourage this.

### Secondary and composite schools and the discretion of Boards to manage as they “think fit”

- Unlike primary and intermediate schools, secondary and composite schools are not subject to a secular teaching requirement. This means that Boards may choose to include religion in the life of a secondary or composite school through their general discretion *‘to control the management of the school as it thinks fit’* provided under the Education Act 1989.<sup>2</sup>

<sup>1</sup> Section 77

<sup>2</sup> Section 75

- This may extend beyond the teaching about religion through the curriculum to the inclusion of religious instruction or observances. Once again, however, student participation is not compulsory and students may be excused from tuition under the Education Act 1989 for sincerely held religious or cultural views.<sup>3</sup> "Tuition" includes attendance at assemblies or other whole-of-school events where religious instruction or observances may feature.

### Integrated and designated character schools

- Both integrated and designated character schools operate in accordance with an approved special character, which may be religious in nature, thus offering parents an alternative to state "secular" education. Where a school's special character is religious in nature, it is able to offer religious instruction and observances as appropriate, but student participation in these activities remains optional as in other types of state schooling.<sup>4</sup>

### The New Zealand Bill of Rights Act and its impact on religion in schools

- Boards of *all* state schools are subject to the New Zealand Bill of Rights Act, and must protect and promote the rights and freedoms that it contains. The Act contains five rights that have a direct application to religious instruction and observances in schools:
  - *freedom of thought, conscience and religion* (section 13), by which everyone has the right to freedom of thought, conscience, religion and belief, including the right to hold opinions without interference;
  - *manifestation of religion and belief* (section 15), by which every person has the right to manifest his or her religion or belief in worship, observance, practice or teaching, either individually or in communities with others, and either in private or in public;
  - *freedom from discrimination* (section 19), by which everyone has the right to freedom from the prohibited grounds of discrimination outlined in section 21 of the Human Rights Act, including religion and the lack of a religious belief; and
  - *rights of minorities* (section 20), by which a person who belongs to an ethnic, religious or linguistic minority in New Zealand shall not be denied the right, in community with other members of that minority, to enjoy the culture, to profess and practise the religion, or to use the language, of that minority.

<sup>3</sup> Section 25A

<sup>4</sup> Students attending designated character schools may be exempt from participation under the EA1989, while students attending integrated schools may be exempt under section 32(2) of the Private Schools Conditional Integration Act.

**From:**  
**Sent:** Tuesday, 28 February 2006 5:08 p.m.  
**To:**  
**Subject:** Religious instruction in state schools  
**Attachments:** Religiuos instruction in State schools (Trevor Mallard).doc

Hi Rosemary,

Further to our conversation earlier today, please find attached a copy of a letter sent by Trevor Mallard to a member of the public last year on the subject of religious instruction in schools. While not focused on the particular issue you raise, this does provide some good, general information about what state secondary schools are currently able to do in relation to religious instruction.

If you are interested in looking at the matter further, the relevant sections of the Education Act 1989 are:

- Section 25A (release from tuition)
- Section 75 (the Board of Trustee's general powers of discretion in school governance)

By way of comparison, you may also be interested in looking at the relevant sections of the Education Act 1964, as this applies to primary schools. See:

- Section 77 (all teaching to be of a secular character)
- Section 78 (Board may close the school for purposes of religious instruction or observances)

In addition, as noted on the phone, all Boards of Trustees are subject to both the Human Rights & New Zealand Bill of Rights Acts. For those sections of the New Zealand Bill of Rights Act that are of particular relevance to Boards when considering religious instruction or observance, see sections 13, 15, 19 and 20.

All the above Acts can be found online here: <http://www.legislation.govt.nz/>

I hope this information will be of some help.

Many thanks,

**Education Management Policy**  
Ministry of Education

p: (C  
f:

RELEASED UNDER THE OFFICIAL INFORMATION ACT

A distinction needs to be made between “religious education” in schools, and the teaching about religions, belief systems and cultural practices that takes place as part of a school’s education programme.

New Zealand schools are self-managing and determine their own curricula beyond the core requirements of national regulation. New Zealand’s curriculum policy is designed to allow schools to deliver programmes appropriate to the needs of their student cohorts. Decisions about offering “religious education” time are made by a school’s Board of Trustees, after appropriate consultation with the school community. Similarly, the degree of emphasis on religious and cultural practices as part of curriculum delivery is decided by the principal and teachers within each school.

### **Religious education**

While teaching in state primary schools is required to be entirely of a secular character, the 1964 Education Act, sections 78 to 81, sets out limited circumstances under which religious instruction and observances may take place. These allow Boards of Trustees to close any class or classes within the school, or the school as a whole, for a period not exceeding 30 minutes a week for religious observances or for religious instruction provided by voluntary instructors approved by the Board. Pupils cannot be required to attend or take part where their parent/guardian does not wish them to and advises the principal of this in writing. Teachers at the school have the right to choose without pressure whether or not to participate in such religious observances or instruction, and there must be no adverse consequence from non-participation.

In taking decisions about class or school closure for the provision of religious education, and about the nature of the education, Boards of Trustees need to take account of their responsibilities under the New Zealand Bill of Rights and the Human Rights Act and ensure that their actions do not result in discrimination—whether direct or indirect. An example of a particular aspect that needs to be considered is the range of faiths in the school community. Another is the impact of the timing of school closures. Schools are not able to abrogate their responsibility for their students’ wellbeing and safety merely because the school is deemed closed for religious instruction. In all cases, Board of Trustee consultation with the school community is important and should help to ensure that decisions made are those that are best for that community.

Many—but not all—school communities who hold religious education classes present Christian religious beliefs. Some of the voluntary instructors use resources provided by an inter-denominational body, the Churches Education Commission—information can be found at <http://www.cec.org.nz>. This is and has always been outside the role of the Education Department/Ministry of Education.

### **Community consultation and decision-making is vital**

It is up to schools and their communities to decide whether they want to provide “religious education” as an additional offering by their school, in much the same way as schools decide to offer sports events or theatrical programmes that are not part of their required curriculum. It would therefore not be appropriate for me to respond to the specific questions about “Bible in Schools” and other religious education programmes, since I cannot speak for individual schools and their communities.

Dear

Thank you for your email of 23 August 2006 concerning religious instruction and observances in state schools.

The Education Act 1964 requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. On this basis, religious instruction and observances may be offered by schools only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

You are right in stating that restrictions around the provision of religious instruction and observances in state primary and intermediate schools apply to all religion. However, because of the unique place of Māori language and culture in New Zealand society, and the associated obligations to reflect and promote this through the Treaty of Waitangi, the relationship between secular teaching and schools' inclusion of tikanga Māori requires special attention.

The Education Act 1989 contains several provisions that assist Boards to give effect to their obligations under the Treaty of Waitangi.

These include:

- section 60A, which provides for the National Education Goals; and
- section 61, which directs all Boards to develop *policies and practices that reflect New Zealand's cultural diversity and the unique position of Māori culture* and to ensure that all reasonable steps are taken to *provide instruction in tikanga Māori (Māori culture) and te reo Māori (Māori language) for all full-time students whose parents ask for it.*

Meaningful and culturally appropriate inclusion of tikanga Māori does not always allow for a split between secular and religious content to be observed in the manner envisaged by the secular teaching requirement contained in Education Act 1964. A karakia, for instance, may be spiritual or religious or both; in all cases, it remains an intrinsic part of tikanga Māori. For this reason, it is not always possible or appropriate to limit those aspects of tikanga that may contain religious elements, such as karakia, to times when the school is closed for the purposes of secular teaching.

Student participation, however, is not compulsory, and in much the same way that students may be exempted from participation in religious instruction and observances, they may also be released from participation in aspects of tikanga Māori on religious or cultural grounds.

This exemption is available under section 25A of the Education Act 1989 and may be requested by students themselves if aged over 16, or by parents where students are aged under 16.

I thank you for taking the time to put your concerns in writing and trust that this information will be of use to you.

Yours sincerely

Steve Maharey  
Minister of Education

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OFFICIAL INFORMATION ACT

Dear

Thank you for your email of 23 August 2006 concerning religious instruction and observances in state schools.

As you may be aware, the rules applying to the provision of religious instruction and observances within the public education system differ according to schooling types and levels.

While state primary and intermediate schools are required by law to provide teaching that is *entirely of a secular character*, there is no such restriction on state secondary and composite schools. Similarly, there are no restrictions around state-integrated schools, which have approval to operate in accordance with a special character that is often religious in nature.

Student participation in religious instruction and observances is voluntary in all cases, however, it is my view that there are no undue restrictions around participation in these activities in integrated schools or in secondary and composite schools.

Further, I would note that there are no restrictions at all around religious education – that is, the neutral presentation of information *about* religion – in any state school. Religious education is distinct from religious instruction and observances – which involves the teaching *in* or *of* religion – and may be taught through many parts of the New Zealand curriculum, including the social studies and health and physical education curricula:

On this basis, I believe that there is sufficient scope within the public education system to foster an interest in religion among students and to provide neutral information about this through the curriculum. I do not believe that further provision for religious instruction and observances is required.

I thank you for taking the time to put your concerns in writing.

Yours sincerely

Steve Maharey  
Minister of Education

Dear :

Thank you for your email of 23 August 2006 concerning religious instruction and observances in state schools.

Education law requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. On this basis, religious instruction and observances may be offered by schools only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

Although the New Zealand national anthem contains a reference to God (as you note), it does not function as a religious observance and is, instead, an expression of civic or national identity. Accordingly, there are no restrictions around the singing of the national anthem in state primary or intermediate schools.

The Ministry of Education became involved in this area as a result of a steady stream of complaints from parents and other members of the public concerning school practices that may be in breach of the New Zealand Bill of Rights Act. Complaints of this type have also been received by the Human Rights Commission.

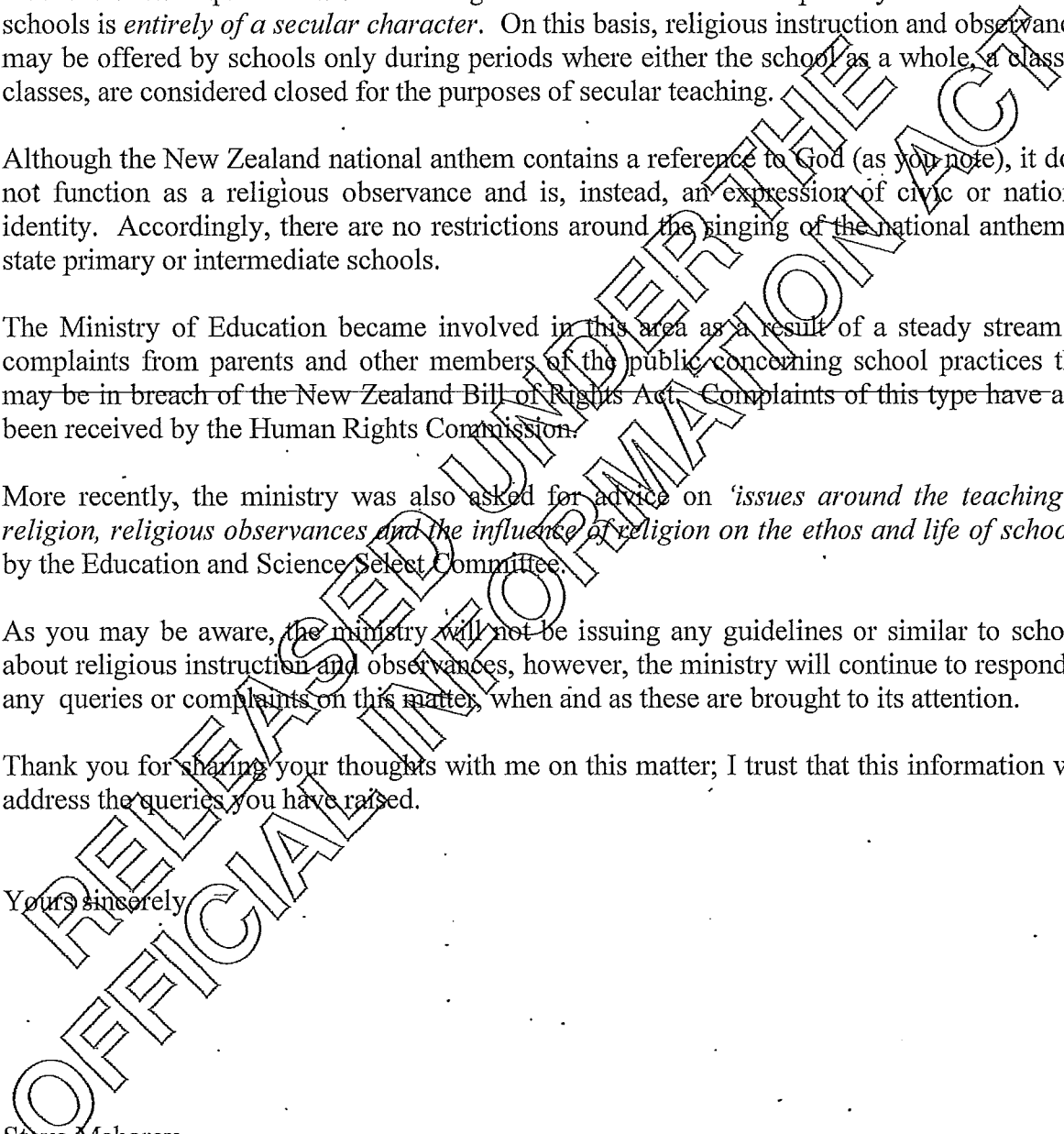
More recently, the ministry was also asked for advice on *'issues around the teaching of religion, religious observances and the influence of religion on the ethos and life of schools'* by the Education and Science Select Committee.

As you may be aware, the ministry will not be issuing any guidelines or similar to schools about religious instruction and observances, however, the ministry will continue to respond to any queries or complaints on this matter, when and as these are brought to its attention.

Thank you for sharing your thoughts with me on this matter; I trust that this information will address the queries you have raised.

Yours sincerely

Steve Maharey  
Minister of Education





Dear

Thank you for your email of 23 August 2006 concerning religious instruction and observances in state schools. The Prime Minister has asked me to respond on her behalf.

Education law dating back to 1877 requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. On this basis, religious instruction and observances may be offered by schools only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

There has been no recent change in the law and teaching in these schools therefore continues to be secular in nature. Equally, for parents who wish their children to be exposed to some religious instruction or observances, the option remains available in many schools to participate in these activities outside of school hours.

The restrictions in place around religious instruction and observances apply equally to all religious beliefs and are not intended to exclude any one religion in particular.

I agree that it is important for our public education system to reinforce the common societal values that we all hold, such as respect for one another, and believe that the best way to do this is to incorporate some of these common societal values into the New Zealand Curriculum. As you may be aware, the curriculum is currently being revised to ensure that values are given a more prominent place in our public education system in the future. If you are interested in viewing or commenting on the draft curriculum, this is available online at: <http://www.tki.org.nz/r/nzcurriculum/>

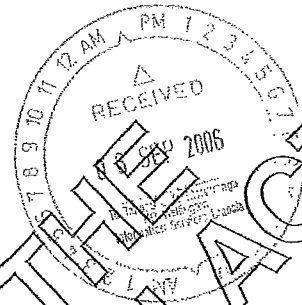
I thank you for taking the time to put your concerns in writing and trust that this information will be of use to you.

Yours sincerely

Steve Maharey  
Minister of Education

6 September 2006

Hon Harry Duynhoven  
MP for New Plymouth  
Parliament Buildings  
Wellington  
Attn: Electorate Secretary



Dear Electorate Secretary

On behalf of Hon Steve Maharey, Minister of Education, I would like to acknowledge your Minister's letter of 5 September 2006 regarding his constituent, and the proposed guidelines for religious instruction in schools.

The letter is with the Minister for his consideration and Hon Duynhoven may expect a reply shortly.

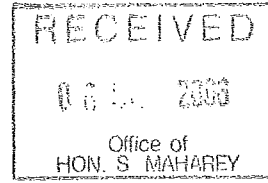
Yours sincerely

Private Secretary (Education)

RELEASED UNDER THE OFFICIAL INFORMATION ACT



66



5 September 2006

Hon Steve Maharey  
Minister of Education  
Parliament Buildings  
WELLINGTON

Dear Steve

I enclose a copy of a letter recently received from a constituent expressing concern at the Ministry of Education's proposal to release guidelines regarding religious instruction in schools.

I understand that since the letter was received, the Ministry has advised that it would not be moving ahead with the proposal but I would be grateful if you could confirm whether that is indeed the case, and comment on the other issues that have been raised.

Yours sincerely

Harry Duynhoven  
MP for New Plymouth

OFFICIAL INFORMATION ACT

LI

re: your constituent

MOE	DATE REQUIRED
	PRIORITY 1-10 WORKING DAYS
	PRIORITY 2-20 WORKING DAYS
REPORT	SPECIFIED DATE
APPROPRIATE ACTION	

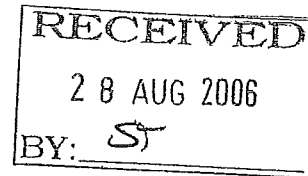
and proposed guidelines for religious instruction in schools

encl.

Phone  
Email:

24<sup>th</sup> August 2006

The Honourable Harry Duynhoven  
Parliament Buildings  
Private Bag  
WELLINGTON



Dear Harry

I write in response to the news that the Ministry of Education proposes to release guidelines regarding religious instruction or events which could require parents to have to 'opt-in' so their children can participate.

Information in the media notes a "... a "modest stream" of concerns that the schools *could* be breaching the Education Act... and *could* face action under the Bill of Rights *if* parents felt their children were humiliated in front of classmates by leaving religious classes..." ( Daily News 24.08.06)

It seems that the Ministry is more concerned about hypothetical litigation from a miniscule minority than about providing an opportunity for young people in our state schools to experience the benefits of best religious ideas and practice. Quality, non-dogmatic religious education, together with sensitive inclusion of prayer as a normal part of everyday life, helps young people deal with crises, gain some insight into their value as individuals, and their place as members of a community - and the joys, sadness and responsibilities that brings.

Spirituality has to do with the meaning and purpose of life, how we express our deepest selves and engage with those around us. Religion helps us develop a framework with which to explore and express the spiritual - it gives us language, ritual and ideas to help us grapple with some of the mysteries of life as well as encouraging behaviours and attitudes which can build up society and strengthen people to know they are loved and precious.

While a desire not to replicate the dominance of the 'established' Church of England influenced N.Z.'s establishment of a 'secular' educational system, we fool ourselves if we think that both the spiritual and the religious are not woven throughout our lives.

The return of the Unknown Warrior was both a spiritual and religious event - there were symbolic acts of connection and songs of lament as well as formal prayers in the Christian tradition - this event was deeply moving for many New Zealanders.

This week we have just seen the Maori Queen's tangi, and could recognise that spirituality and religion are an integral part of Maori life. Blended together in her service were elements of traditional Maori spirituality, indigenous expressions of Christianity in Pai Marire and Ratana, and a variety of Christian prayers and readings offered by representatives of a number of Christian denominations.

We see prayer in all sorts of contexts and three current examples illustrate this:

- our new Governor-General yesterday ended his speech of commitment with the prayer - 'So help me God';
- we sing the words of "God defend New Zealand" - a prayer - at all major sporting gatherings;
- a candle is lit for a missing cameraman, as prayers are offered for his return

Prayer is a normal part of what it means to be a human being. Maori model this for us all on a daily basis and I am appalled to think that karakia could also be put at risk. In fact far more people *could* have a case to bring against the Ministry of Education under the Bill of Rights should that be enforced, than the few whose children might be 'humiliated' by 'having to leave a religious event'. My sense is that if such children were helped to understand that it was perfectly fine for them to be follow their family's particular religious framework and it wasn't something to be ashamed of, then there would be no need for embarrassment.

It seems to me that the ministry guidelines are an example of political correctness taken to absurd and disturbing lengths. I strongly urge the Ministry to reconsider its stance. New Zealand children will be the poorer - spiritually - and in every other sense, if these guidelines are implemented.

Yours sincerely

M.A., Dip.Ed., Dip.Tchg  
Adult educator and Anglican priest

5

Dear

Thank you for your email of 24 August 2006 concerning restrictions placed on when and where you feel you able to pray. The Prime Minister has asked me to respond on her behalf.

I would like to assure you that Government has no plans to introduce any restrictions on when and where individuals may choose to pray. Religion is a private matter and your right to freedom of religion is protected in law by the New Zealand Bill of Rights Act.

New Zealand state schools, however, are public and this does have some bearing on the practice of religious beliefs. There are two particular points here that I think it is important to note.

First, the teaching in all state primary and intermediate schools must be *entirely of a secular character*. This means that prayers cannot be included as part of the secular teaching and learning that occurs in these schools. Schools may, however, choose to offer religious instruction and observances, including prayers, during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching. Parents can choose whether they wish their children to participate in these activities or not.

Second, despite being secular, all state primary and intermediate schools, and all state secondary and composite schools, must have regard to section 15 of the New Zealand Bill of Rights Act, under which

*every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.*

In a school environment, it is up to individual Boards of Trustees to give reasonable accommodation to this section of the Act, but it may extend to the accommodation of religious observances (such as prayers) during the school day, if these are required by a student's religious beliefs.

I hope that this information has helped to clarify the place of prayer in New Zealand's state schools and thank you for taking the time to put your concerns in writing.

Yours sincerely

Steve Maharey  
Minister of Education

28 August 2006

Dear

On behalf of Hon Steve Maharey, Minister of Education, thank you for your letter of 24 August 2006 regarding the proposed guidelines for religious instruction in schools.

Your letter is with the Minister for his consideration and you may expect a reply shortly.

Yours sincerely

Private Secretary (Education)



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RECEIVED  
20 AUG 2006  
Office of  
HON. S. MAHAREY

324

Email:

24 August 2006

The Honourable the Minister of Education  
Parliament Buildings  
Wellington

LI  
re: ~~the~~ proposed guidelines  
for religious observances  
in schools

Dear Mr Maharey,

Re: The secular clause in education

I note some extremely silly remarks at a Select Committee by a representative of the Ministry of Education regarding religious observances in schools. I believe that it is an appropriate time for you to call a consultation of theologians to discuss with you a responsible understanding of the role of religious practice in our society.

I note:

1. Recent attempts to privatize religion as if it had nothing to do with living together in society. Claims as to religion as a private affair are a nonsense as evidenced by the current debate in theological circles on the nature and responsibilities of "public theology."
2. Extremely silly remarks coming out of the Ministry of Education suggesting that one can speak about "spirituality" without considering the ways in which spiritual experience comes to expression through ritual, symbol and story. Suggesting that spirituality can be divorced from its practice in religious communities is a nonsense.
3. Assumptions that one can have prayers or karakias that do not address "God" in some form. It is delightfully naïve and grossly discriminatory to think that one can address God in the unity of the divine being as Jews and Muslims do, but not as Christians do – addressing the divine Trinity.
4. I am concerned at the levels of sustained ignorance now present in our society arising in part from an educational system that does not deal with the stories and practices that shape our culture. It is not funny that people can leave school not knowing what Christmas and Easter are about – or for that matter what the Exodus or the Haj are about.
5. When secular assumptions are brought to bear on understanding the world, this is a form of reductionism that sets out to exclude entire dimensions of human experience. It assumes that the world is closed to the presence of God and does not participate in the life of God. Such assumptions are open to the severest question.

I am perfectly aware of the pluralism in our society and the diversity of practice and belief. However a responsible education system deals positively and creatively with this. It does not try to impose an outmoded form of nineteenth century reductionism and think that it is being responsible.

FROM: OFFICE OF HON S MAHAREY	
TO	MCE
DATE REQUIRED	
<input type="checkbox"/> PRIORITY 1 TO WORKING DAYS	
<input checked="" type="checkbox"/> PRIORITY 2-20 WORKING DAYS	
SPECIFIED DATE	
DRAFT REPLY / REPLY	
DIRECT REPLY / APPROPRIATE ACTION	
RECORD	



I note that various forms of extremism particularly from fundamentalist Christians attempts to skew any responsible discussion. Because fundamentalism whether Christian, Jewish or Islamic is a social phenomenon that is causing hostility and division, is no reason for our educational authorities to react in stupidly ignorant ways. Before your people speak again bin this area, they need to become informed on the role of religion in society.

I repeat that a high level consultation with informed thinkers would be one good step on the way.

Yours sincerely,

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OFFICIAL INFORMATION ACT

Dear

Thank you for your email of 24 August 2006 concerning religious instruction and observances in state schools.

There is no rule stating that schools must have prayers if parents request this. Decisions about whether to provide religious instruction and observances or not are made entirely at the discretion of individual Boards of Trustees, in accordance with section 78 of the Education Act 1964. If Boards do choose to exercise this discretion, the instruction or observances may occur only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching. Participation in any such activities is strictly voluntary and any student may be withdrawn from participation if a parent requests this in writing.

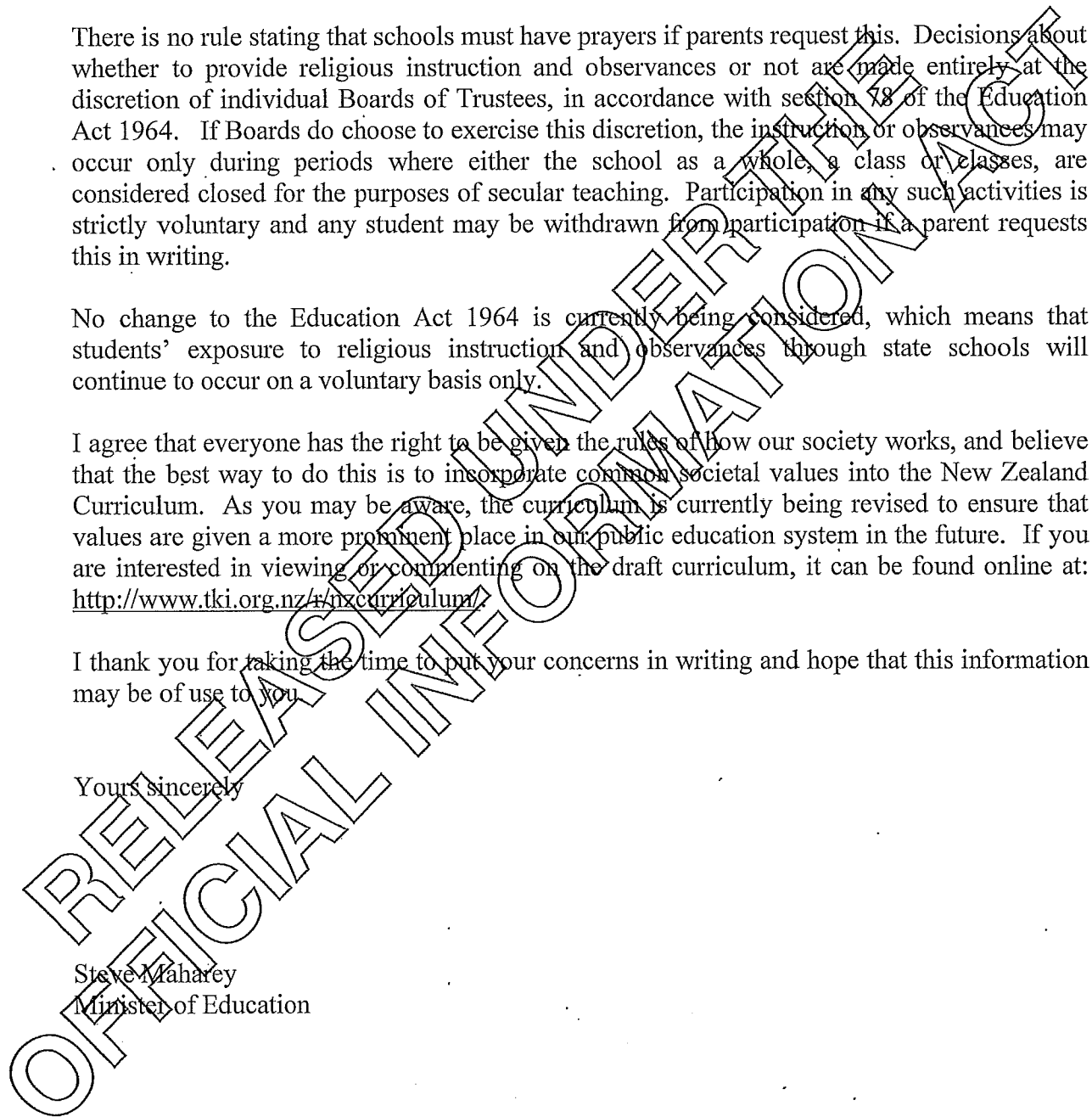
No change to the Education Act 1964 is currently being considered, which means that students' exposure to religious instruction and observances through state schools will continue to occur on a voluntary basis only.

I agree that everyone has the right to be given the rules of how our society works, and believe that the best way to do this is to incorporate common societal values into the New Zealand Curriculum. As you may be aware, the curriculum is currently being revised to ensure that values are given a more prominent place in our public education system in the future. If you are interested in viewing or commenting on the draft curriculum, it can be found online at: <http://www.tki.org.nz/#/nzcurriculum/>

I thank you for taking the time to put your concerns in writing and hope that this information may be of use to you.

Yours sincerely

Steve Maharey  
Minister of Education



**From:**  
**Sent:** Thursday, 24 August 2006 3:19 p.m.  
**To:** Ministerial Requests  
**Subject:** Assigned for Direct Action: (M37351) Schools and Spirituality

draft reply, Hon Maharey to write on behalf of PM please  
 Thanks

----- Forwarded by on 24/08/2006 03:18 pm -----

24/08/2006 02:37 pm  
 To:  
 cc:  
 Fax to:  
 Subject: Assigned for Direct Action: (M37351) Schools and Spirituality

Details:

Assignee:  
 Initiator:

Hi, can your Minister reply to this one please?  
 thanks

To: <pm@ministers.govt.nz>  
 cc:  
 Subject: Schools and Spirituality

24/08/2006 01:37 pm

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Dear Prime Minister

I wanted to express my growing concern about new Zealand prompted by this

mornings Christchurch Press article about Religious education in schools, in the hope you will be able to respond with your understanding of the concerns of many "Generation X" people and in my view the majority of Gen Y people coming through.

My concern is the ridiculous concept in New Zealand that one can separate the secular from the spiritual. The article makes the comment that it is inappropriate in Maori culture to separate secular and spiritual. Well, it is inappropriate in most cultures worldwide to make this separation. Only a modernist western worldview would attempt to do such a thing.

As Prime Minister, committed to representing New Zealand faithfully I am sure you are observing a growing conservatism in society. Among others this trend has been observed in the recent NZ Lifestyles survey released by the University of Otago. A growing aspect of this, accepted almost without question among younger people, is the recognition that humans are spiritual beings. Although this does not necessarily translate into Christianity most people under 40 today would profess to some form of spirituality in their lives.

The Select Committee note a concern that state schools are breaking the law by including religious practices in the school day. Yet, I am in no doubt that this has been prompted not only by the reality of our Postmodern climate but because an Underlying Principle in our NZ Health Curriculum itself is Hauora (well-being) which includes the four elements of physical, mental, social *and spiritual*. The model is that these are like four walls of a house, without any one of which the house would fall down. This is not just a Maori concept but I suggest a basic reality of humanity. So schools are trying to include this Health Curriculum principle, but are now being told they're breaking the law in doing so.

I do hope that you can demonstrate an insight into our changing culture and wisdom about the human condition and redirect this bizarre push to convince our children that spirituality can be separated out from the rest of life.

Sincerely

Diocesan Youth Adviser  
Direct Dial

---

Office of the Prime Minister

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

Dear

Thank you for your email of 24 August 2006 concerning religious instruction and observances in state schools. The Prime Minister has asked me to respond on her behalf.

Education law dating back to 1877 requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. On this basis, religious instruction and observances may be offered by schools only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

There has been no recent change in the law and teaching in these schools therefore continues to be secular in nature. Equally, for parents who wish their children to be exposed to some religious instruction or observances, the option remains available in many schools to participate in these activities outside of school hours.

Although the New Zealand national anthem contains a reference to God (as you note), it does not function as a religious observance and is, instead, an expression of civic or national identity. Accordingly, there are no restrictions around the singing of the national anthem in state primary or intermediate schools.

I thank you for taking the time to put your concerns in writing.

Yours sincerely

Steve Maharey  
Minister of Education

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15

From:  
Sent: Monday, 28 August 2006 11:11 a.m.  
To:  
Cc:  
Subject: FW: Religious Education

Hi  
I have been told by in legal services to forward this query directly to you for a response.

Ka kite

-----Original Message-----

From:  
Sent: Friday, 25 August 2006 6:11 p.m.  
To:  
Subject: RE: Religious Education

I would suggest that you go directly to the

- > school concerned, to seek clarification. I understand that there may
- > be times that different religious groups visit schools and offer
- > copies of publications to students, but that this would be on a
- > voluntary basis, held during a lunch break, or before or after school.

Thank you,

My question really is: is it Ministry of Education policy that schools have to ask parents if they will allow their children to be present at such as session.

Can you please answer that question?

I will also check with the school.

Thanks

Hi

In response to your query below, I would suggest that you go directly to the school concerned, to seek clarification. I understand that there may be times that different religious groups visit schools and offer copies of publications to students, but that this would be on a voluntary basis, held during a lunch break, or before or after school. If you are unable to get clarification or a satisfactory response from the staff or principal, you may wish to write directly to the Board of Trustees for clarification.

Ka kite

Schools Development Officer

-----Original Message-----

From:  
Sent: Thursday, 24 August 2006 11:41 a.m.  
To: Enquiries Dunedin  
Subject: Religious Education

Hello

My Year 9 son recently came home from his state secondary school with a copy of the New Testament.

He told me all Year 9 students were given a talk and offered a copy of this book on the way out. He said that they were not given the option of not attending.

This is the first time I had heard about this. Is the school supposed to inform and seek consent first from parents before students attend such talks?

Thanks

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Dear

Thank you for your letter of 25 August 2006 concerning religious instruction and observances in state schools. The Prime Minister has asked me to respond on her behalf.

Education law requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. Schools may, however, choose to offer religious instruction and observances during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

There has been no recent change in the law and teaching in these schools therefore continues to be secular in nature. Equally, for parents who wish their children to be exposed to some religious instruction or observances, the option remains available in many schools to participate in these activities outside of school hours.

Finally, I would note that the prayer room you refer to was constructed at a Christchurch school without the approval of the then Minister of Education, who advised at the time that this was an inappropriate use of public funding.

Thank you for taking the time to put your concerns in writing.

Yours sincerely

Steve Maharey  
Minister of Education

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Dear .

Thank you for your letter of 29 August 2006 concerning religious instruction and observances in state schools.

In response to your request for material that *'states explicitly what the rules are in state schools and whether there are any exceptions for integrated schools'* please find enclosed:

- a summary of the different rules applying to different schooling levels and types;
- all relevant legislative references from the Education Acts 1964 and 1989;
- a copy of a circular issued by the previous Department of Education on religious instruction and observances in state schools (dating from 1987); and
- a copy of advice provided to the Ministry of Education by the Crown Law Office in 2005 on the impact of the New Zealand Bill of Rights Act on the provision of religious instruction and observances in state schools.

Please note that the Crown Law Office advice is subject to legal privilege and must be treated in accordance with Cabinet rules.

There is no ruling that allows prayers in state schools if these are said in te reo Māori.

I hope that this information may be of use to you.

Yours sincerely

Steve Maharey  
Minister of Education

OFFICIAL INFORMATION ACT  
RELEASED UNDER THE ACT

Dear

Thank you for your email of 29 August 2006 concerning religious instruction and observances in state schools. The Prime Minister has asked me to respond on her behalf.

Education law dating back to 1877 requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. On this basis, religious instruction and observances may be offered by schools only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

There has been no recent change in the law and teaching in these schools therefore continues to be secular in nature. Equally, for parents who wish their children to be exposed to some religious instruction or observances, the option remains available in many schools to participate in these activities outside of school hours.

This does not mean, however, that children will be kept ignorant of '*a major part of our cultural history*' as you state in your email. The public education system distinguishes between religious instruction and observances, which involve the teaching *in or of* religion, and religious education, which involves the neutral presentation of information *about* religion. Religious education is entirely compatible with secular teaching and can be taught through several parts of the New Zealand curriculum, including the health and physical education and social studies curricula.

In this way, New Zealand students are still able to gain exposure to the current and historical place of religion in society and to discuss the cultural, literary, moral and legal ideas related to this through the curriculum. This can all occur in a '*prayer free*' secular environment.

I thank you for taking the time to put your concerns in writing and trust that this information will be of use to you.

Yours sincerely

Steve Maharey  
Minister of Education

17

19 September 2006

National Office

Education Management Policy  
45-47 Pipitea Street  
Thorndon  
Private Box 1666  
Wellington  
New Zealand

Direct: (04) 463 8096  
Fax: (04) 463 8106  
<http://www.minedu.govt.nz>

File: IO90/02/00/3

Dear

Thank you for your letter of 29 August 2006 regarding religious instruction and observances in state schools.

As you may be aware, since we met a decision has been made not to issue any Ministry of Education guidelines to schools about religious instruction and observances. We will, however, continue to provide advice on a case-by-case basis about how school Boards of Trustees may offer religious instruction and observances in a way that is consistent with the New Zealand Bill of Rights Act. The ministry's view as to what constitutes best practice in this area has not changed since our last meeting, and this is what we will be communicating to schools that request our advice in the future.

Thank you once again for your letter.

Yours sincerely

Martin Connelly  
Senior Manager  
Education Management Policy

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18

Dear

Thank you for your letter of 30 August 2006 regarding religious instruction and observances in state schools. The Prime Minister has asked me to respond on her behalf.

Education law dating back to 1877 requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. On this basis, religious instruction and observances may be offered by schools only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

There has been no recent change in the law and teaching in these schools therefore continues to be secular in nature. Equally, for parents who wish their children to be exposed to some religious instruction or observances, the option remains available in many schools to participate in these activities outside of school hours.

The restrictions in place around religious instruction and observances apply equally to all religious beliefs and are not intended to exclude any one religion in particular.

I thank you for taking the time to put your concerns in writing and hope that this information will be of use to you.

Yours sincerely

Steve Maharey  
Minister of Education

**From:**  
**Sent:** Wednesday, 30 August 2006 2:29 p.m.  
**To:**  
**Subject:** RE: Religious Education

Secondary schools are not legally required to seek  
> the  
> consent of parents (or students, if aged over 16) for participation in  
> any religious instruction or observances they may provide. It is,  
> however, good practice to do so.

Thanks for your comprehensive reply.

My fourteen-year-old said he wasn't asked if he wished to attend or not.

One of my concerns is that schools may call it 'religious education' but really it is 'Christian education': this happened at my daughter's primary school. I am happy for my children to be taught about all the different main religions in the world along with the choices they have to be an atheist or an agnostic but not to be 'taught' just the Christian 'perspective'.

Thank you once again.

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22

13 September 2006

National Office

Education Management Policy  
45-47 Pipitea Street  
Thorndon  
Private Box 1666  
Wellington  
New Zealand

Direct: (04) 463 8096  
Fax: (04) 463 8106  
<http://www.minedu.govt.nz>  
File: IO90/02/00/3

Dear

Thank you for your letter of 1 September 2006 regarding religious instruction and observances in state schools.

Education law dating back to 1877 requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. On this basis, religious instruction and observances may be offered by schools only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

There has been no recent change in the law and teaching in these schools therefore continues to be secular in nature. Equally, for parents who wish their children to be exposed to some religious instruction or observances, the option remains available in many schools to participate in these activities outside of school hours.

As you may be aware, since 1975 our public education system has also included a type of school known as a "state-integrated school," which has the approval of the Minister of Education to operate in accordance with a special character. Today, the majority of New Zealand's 326 state-integrated schools operate in accordance with a special character of a religious nature, thus providing a further layer of choice for parents who wish their children to receive a non-secular state education.

On this basis, the Ministry of Education does not consider that there is any need to broaden the provision for religious instruction and observances that already exists within the public education system.

Thank you for taking the time to put your concerns in writing.

Yours sincerely

Martin Connelly  
Senior Manager  
Education Management Policy