

441

11 August 2010

National Office  
45-47 Pipitea Street  
Thorndon  
PO Box 1666  
Wellington  
New Zealand

Phone: 0-4-463 8000  
Fax: 0-4-463 8001  
www.minedu.govt.nz

Dear

Thank you for your email of 6 August 2010 to the Ministry of Education Enquiries Centre regarding religious instruction in primary schools.

As you are aware, religious instruction in primary schools is not compulsory. School boards of trustees decide if their school will offer religious instruction, normally in consultation with the school community. Boards must consider the responsibility of their school under the Bill of Rights Act and the Human Rights Act to ensure its actions are not discriminatory. Parents have the right, as you have chosen to do, to withdraw their children from any religious instruction at the school.

The Ministry of Education is unable to advise you on beginning a class action about religious instruction. You may wish to seek independent legal advice about this issue.

I am concerned that your children have been subject to unpleasant comments from other children and some adults about their withdrawal from religious instruction. I suggest you speak with your school principal in the first instance to resolve this issue. If you are still unhappy, you should write to the board of trustees of your children's school, outlining your concerns.

Thank you for writing to share your thoughts.

Yours sincerely,

Judy Kavanagh  
Acting Group Manager  
Schooling Policy

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42 (C)

**From:**  
**Sent:** Wednesday, 15 January 2014 12:28 p.m.  
**To:**  
**Subject:** RE: Bible Studies, Saint Heliers School

Hi

This is an ongoing concern for the school. I have dealt with this issue on two occasions with both the Board and the Principal.

The parent who is taking the issue to the Human Rights Commission is very narrow in his understanding of the legislation. The Board has reviewed its policies and procedures and has obviously continuing to provide Religious Education to years 1 and 2 Students.

They are not breaking the law and have been very careful to follow the policies of the school. A referendum has been held by the Board and my understanding is that there is an overwhelming agreement from parents that the RE programme continues. I will forward this communication to the school and the Board and ask that they supply us with a copy of their procedures and policies on RE.

has alerted me that this parent is wanting some answers. I will reply to his questions.

Cheers

Senior Adviser  
Education Curriculum and Performance Team  
Maungawhau Northern Regional Operations  
Ministry of Education

Level 4 Eden 5 Building  
Cnr Edwin Street and Normandy Road  
Mt Eden  
Private Bag 92644  
Symonds Street  
AUCKLAND 1140, NZ

eminedu.govt.nz

**From:**  
**Sent:** Wednesday, 15 January 2014 11:33 a.m.  
**To:**  
**Subject:** FW: Bible Studies, Saint Heliers School

Hi  
Can you pick this up? See reply below. has also answered queries like this in the past.

**From:**  
**Sent:** Wednesday, 15 January 2014 11:30 a.m.  
**To:**  
**Subject:** Bible Studies, Saint Heliers School

I know this is a bit of 'hot potato' at the moment.

---

**From:** [redacted]@gmail.com]  
**Sent:** Wednesday, 15 January 2014 10:51 a.m.  
**To:** Enquiries Auckland  
**Subject:** Fwd: Bible Studies, Saint Heliers School

Hi

---

I contacted you in 2011 when our eldest daughter started to attend St Heliers School, email exchange is below.

Our 2nd daughter is about to start attending the school in year 0 in June this year. Yesterday one parent from our school was on TV 3 news, discussing bible studies at St Heliers School, from what I could gather they have discussed the issue with the both the principle and the board, and now have taken the issue to the Human Rights Commission, I don't have more details at this stage.

I am an concerned parent and just want to understand what the rights and obligations of the school are before our 2nd daughter joins the school this year.

---

Currently bible studies are offering to year 1 and year 2 students only. Parents have never been told officially by newsletter, email or any other official communication method that:

1. the school is officially closing for religious studies.
2. that there are alternatives to religious study.
3. what the scope and topics are that will be covered by Bible Studies.

For our first daughter, I had no idea that Bible Studies was optional and that the school had to provide equivalent care as the school is not officially closed until she was in term 3. I had to basically plead with the principle to get an alternative care to be provided. The alternative care was basically the child was put into the ELS room (English as a second language), given art materials, and told to do drawings for the 1 hour. Given that the school was not officially shut, I think all the above is breaking ministry guidelines.

As a result of this, I am quite confused on the obligations of the school when it comes to bible studies.

I have some questions for you.

1. Does the school have to officially advise parents that the school is shutting for religious studies, and how should they do this?
2. Does the school have to official state what topics will be covered by religious studies and advise parents in writing of this?
3. If the school is not officially shut, what sort of care needs to be provided for those not attending?
4. Does the school have to officially state that there is an alternative to bible studies?

None of the above is happening in our school which I find quite alarming.

Regs,

On 23 September 2011 11:34,

[@minedu.govt.nz](mailto:) wrote:

Good morning

The ministry guidelines are as follows:

1. A board of trustees can decide to close the school for up to 60 minutes per week to offer religious instruction.
2. For this time, the school is technically "closed". Your child is therefore not required to attend.
3. The board of trustees, usually through its principal, must notify parents that it is closing the school for this specific purpose.
4. Parents have the right to withdraw their child from the religious instruction. They should notify the school of their decision in writing.
5. The school has a responsibility of care for children who are at school but not participating in the programme. This means that they should be supervised as they are before and after school, ie playground supervision. The school is not obliged to provide an alternative programme (as the school is technically closed).

Any concerns you have about the board's decision to close the school for this purpose should be referred to the chairperson of the board. Any procedural matter should be referred to the principal.

I hope this information is useful.

Kind regards



---

**From:** ]  
**Sent:** Thursday, 22 September 2011 9:56 a.m.  
**To:** Enquiries Auckland  
**Subject:** Fwd: bible studies at St Heliers Primary School

Hi,

---

I sent the below email to the general email address but have not had any feedback.

Just wondering if this is anything you can help with?

Regs,

---

----- Forwarded message -----

**From:** ]  
**Date:** 9 September 2011 14:33  
**Subject:** bible studies at St Heliers Primary School  
**To:** [info@minedu.govt.nz](mailto:info@minedu.govt.nz)

Hi,

Our daughter attends St Heliers Primary School in St Heliers, Auckland. She is year 1 and has been attending since the start of this year.

We noticed that year 1 have bible studies class on every wednesday for 1 hour. I did not pay much attention to this, but then was discussing this with some friends of our who have children in other schools in Auckland recently.

They mentioned that most public schools do not run any form of bible studies as the public schools were not meant to have any sort of religious studies.

Can you please confirm if this is correct? If this is correct, they why is St Heliers Primary School run bible studies?

Regs



# Contact Management System

Christchurch East School, Enquiry, Governance, Religious Education, 16-Feb-2012

11:41 ID:294771

[Add Note...](#) [History...](#)

0. Active

1. Closed

**Status:** Closed **ID:** 294771

**Lodged By:** **Date Lodged:** 16-Feb-2012 11:44 AM

**Last Changed By:** **Date Changed:** 21-Jun-2012 9:46 AM

**Start Date:** 16-Feb-2012 11:41 AM **Category:** ECP

### Customer Details

**Name:**  [View Contact Details](#)

**Organisation:**

**Address:** **E-Mail:**

**Phone (Work):** **Phone (Home):**

**Cellphone:** **Fax:**

### Request Details

**Actual Start Date:** 16-Feb-2012

**Select School for Lead SA:**

Contact	MoE Number	Lead Senior Advisor	Facility Type	Fundia Type
Christchurch East School	3317		Primary Full	State

**Senior Advisor:**

**Contact Name:**

**Contact Type:** Parent

**Contact Details:**

**Call Type:** Enquiry

**Enter Key Words:**

	Category	Subject	Topic
	Governance	Religious Education	(Unspecified)

**Issue or Request:** wanted information about parents' rights under Sections 77 - 79 around the Bibles in School programme.

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**Next Ministry Action Required:** No Further Action

**Ministry's Response:** Provided information about parents' and school's rights.

**School's Response (newly added field):**

**Risk:** Low

Any high or critical risk must be "Also Notified" to TL/LOM/ECP Manager

**Related CMS:**

Actual Start Date	Contact Name	Contact Type	Call Type	Enter Key Words
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No records to display.

**Create An Action:**

Description	Due	Short Description	Further Instructions
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No records to display.

**Create A File Note:**

Description	Actions Arising	Is Complaint	Additional Notes	Rega
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No records to display.

**Attachments**

No attachments.

**Assignment**

**Action Officer:**

**Escalation 1:**

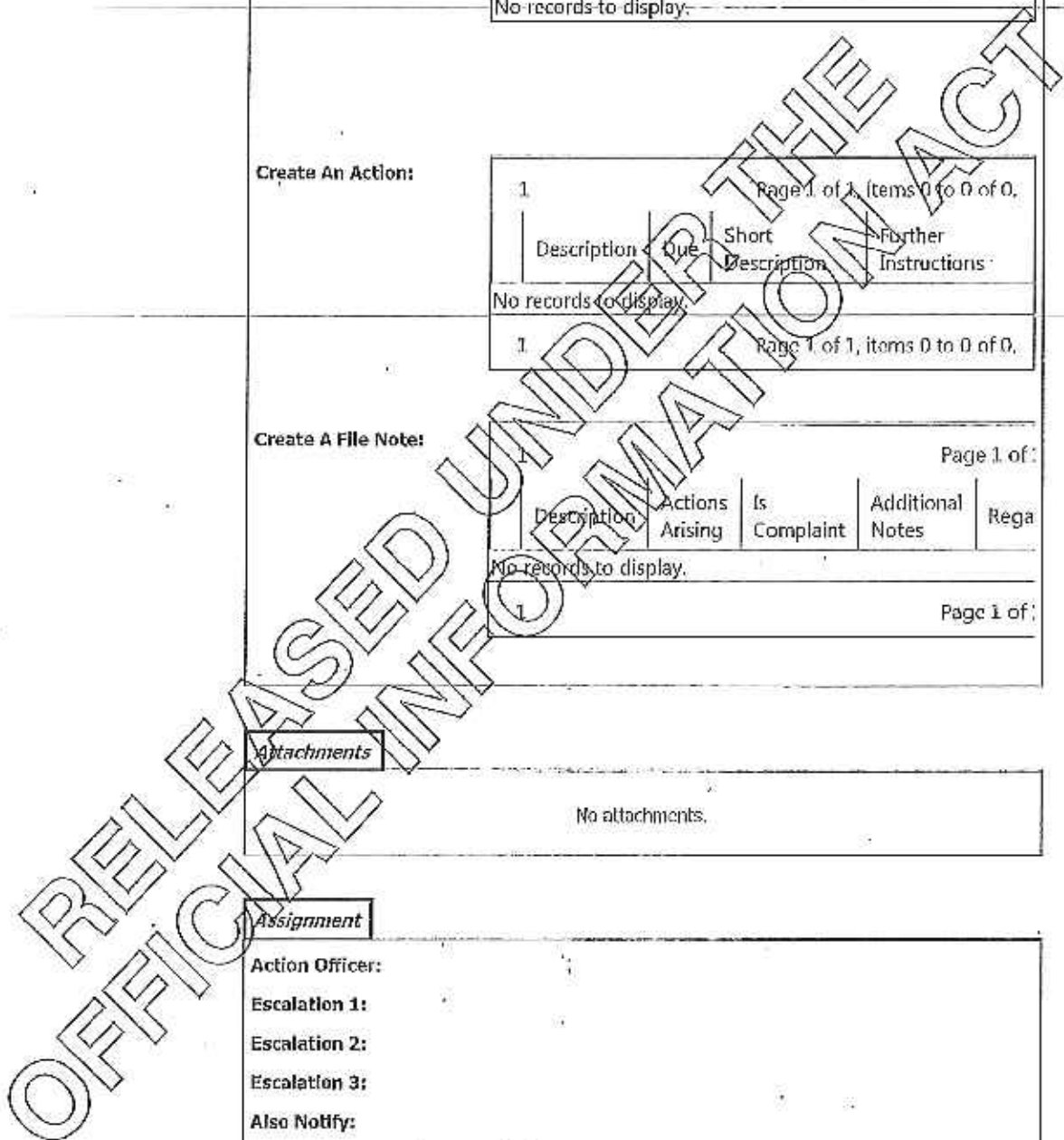
**Escalation 2:**

**Escalation 3:**

**Also Notify:**

**Calendar Profile:** Weekday, 8am-5pm

**Current State: 1. Closed**



<b>Action Log</b>		<b>Add Note...</b>			
<i>State</i>	<i>Actual Date</i>	<i>Logged By</i>	<i>Details</i>	<a href="#">Collapse All</a>	<a href="#">Expand All</a>
0	16-Feb-2012 11:41 AM		<i>Workflow added, assigned to</i>		
0	16-Feb-2012 11:44 AM		<i>Handoff to</i> FYI.		
0	21-Jun-2012 9:46 AM		<i>Progressed to 1. Closed, assigned to</i>		

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# Contact Management System

Christchurch East School, Outgoing, Governance, Operational, 28-Mar-2012  
8:05:ID:307703

[Add Note...](#) [History...](#)

**0. Active** | **Status:** Closed **ID:** 307703  
**1. Closed** | **Lodged By:** **Date Lodged:** 28-Mar-2012 8:15 AM  
**Last Changed By:** **Date Changed:** 21-Jun-2012 9:34 AM  
**Start Date:** 28-Mar-2012 8:05 AM **Category:** ECP

**Customer Details**

**Name:**  [View Contact Details](#)

**Organisation:**

**Address:**

**Phone (Work):** **E-Mail:**

**Cellphone:** **Phone (Home):** **Fax:**

**Request Details**

**Actual Start Date:** 28-Mar-2012

**Select School for Lead SA:**

Contact	MoE Number	Lead Senior Advisor	Facility Type	Fundit Type
Christchurch East School	3317		Primary Full	State

**Senior Advisor:**

**Contact Name:**

**Contact Type:** NZSTA Industrial Advisor

**Contact Details:**

**Call Type:** Outgoing

**Enter Key Words:**

Category	Subject	Topic
Governance	Operational	(Unspecified)

**Issue or Request:** Call for a quick update on Chch East due to pending Intervention. comments:

OFFICIAL INFORMATION ACT

Nothing there this year.  
the **OUT of score** is to

**Next Ministry Action Required:** No Further Action  
**Ministry's Response:** Logged on K-Base and Intervention File Notes  
**School's Response (newly added field):**  
**Risk:** Low

Any high or critical risk must be "Also Notified" to TL/LOM/ECP Manager

Related CMS:

Actual Start Date	Contact Name	Contact Type	Call Type	Enter Key Words
No records to display.				

Create An Action:

1		Page 1 of 1, items 0 to 0 of 0.	
Description	Dis	Short Description	Further Instructions
No records to display.			
Page 1 of 1, items 0 to 0 of 0.			

Create A File Note:

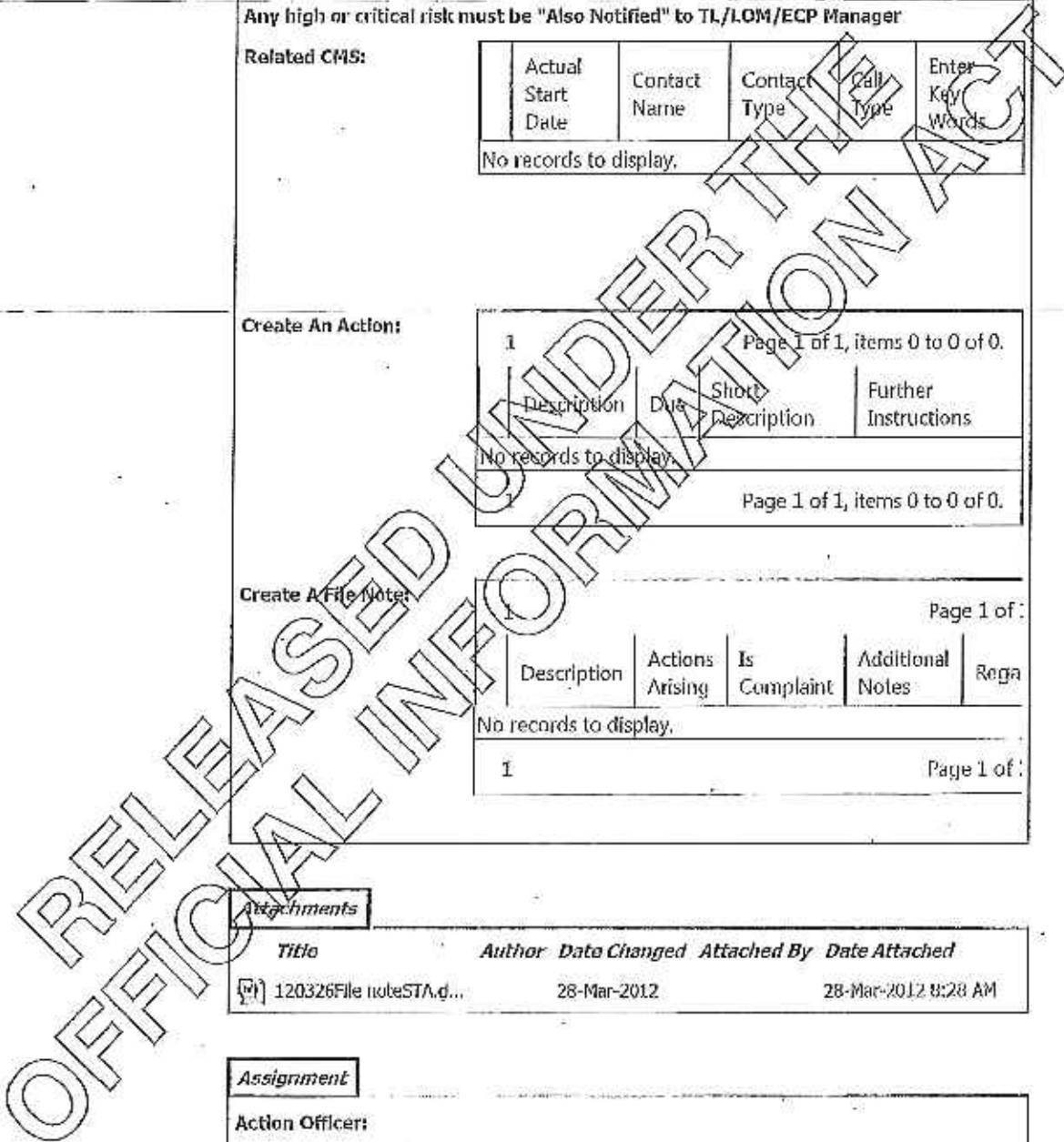
1					Page 1 of:
Description	Actions Arising	Is Complaint	Additional Notes	Rega	
No records to display.					
1					Page 1 of:

**Attachments**

Title	Author	Date Changed	Attached By	Date Attached
120326File noteSTA.d...		28-Mar-2012		28-Mar-2012 8:28 AM

**Assignment**

Action Officer:  
Escalation 1:  
Escalation 2:  
Escalation 3:  
Also Notify:



Calendar Profile: Weekday, 8am-5pm

Current State: 1. Closed

Action Log

Add Note...

State	Actual Date	Logged By	Details	<a href="#">Collapse All</a>	<a href="#">Expand All</a>
0	28-Mar-2012 8:05 AM		Workflow added, assigned to		
0	21-Jun-2012 9:31 AM		Progressed to 1- Closed, assigned to		

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**File note 26/03/2012**

Christchurch East School

J - NZSTA

---

Spoke to \_\_\_\_\_ by phone for an update regarding Christchurch East due to \_\_\_\_\_ pending Intervention.

**Comments:**

No involvement at the school this year.

\_\_\_\_\_ out of scope

in

\_\_\_\_\_ out of scope

fc

STA is aware there have been ongoing complaints to Board re Bible in Schools programme with a number of parents asking for this to be removed from the school.

\_\_\_\_\_ (STA) was previously involved with the school and may have further information.

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10 October 2012

RFJ

Dear I

Thank you for writing to the Minister of Education about the teaching of religion in schools. The Minister has asked me to respond to your letter.

You have provided a very good overview in your letter of what is already in the *New Zealand Curriculum* for science education. The key component of the science curriculum is the Nature of Science. This is how students learn what science is, how scientists work and how to apply science in their everyday lives. Teachers are required to provide lessons about the formation of the earth, the planets and living things, especially the natural science of New Zealand, chemistry and physics.

While all schools can offer education about religions as part of the curriculum, the Education Act 1964 prohibits the teaching of a particular religion in state primary schools. The Education Act 1964 is clear in stating that teaching in all primary and intermediate schools must be *entirely of a secular character*. This does not apply to secondary and composite schools which may choose to include religion in the life of their schools.

In primary and intermediate schools if Boards of Trustees wish to offer religious instruction or observances the Act allows schools to do so for up to 20 hours in any school year. When this happens, schools are considered closed. The instruction and observances are outside normal teaching hours, instruction is led by voluntary instructors only, and attendance is voluntary.

Some parents want an alternative to state "secular" education. They can choose to send their children to integrated or designated character schools which have an approved special character, which may be religious in nature. Such schools can offer religious instruction and observances as appropriate, but student participation in these activities remains optional as in other types of state schooling.

Through this range of provisions our young people are getting the best education in our schools, while still allowing for parental choice.

Yours sincerely

Frances Kelly  
Group Manger  
Ministry of Education





# Contact Management System

Christchurch East School; Outgoing, Governance, Religious Education, 15-Oct-2012 7:50 ID: 354943

[Add Note...](#) [History...](#)

0. Active

1. Closed

**Status:** Closed **ID:** 354943  
**Lodged By:** **Date Lodged:** 15-Oct-2012 7:53 AM  
**Last Changed By:** **Date Changed:** 15-Oct-2012 7:54 AM  
**Start Date:** 15-Oct-2012 7:50 AM **Category:** ECP

**Customer Details**

**Name:**  [View Contact Details](#)

**Organisation:**

**Address:**  **E-Mail:**

**Phone (Work):**  **Phone (Home):**

**Cellphone:**  **Fax:**

**Request Details**

**Actual Start Date:** 15-Oct-2012

**Select School for Lead SA:**

Contact	MoE Number	Lead Senior Advisor	Facility Type	Fundin Type
Christchurch East School	3317		Primary Full	State

**Senior Advisor:**

**Contact Name:**

**Contact Type:** Appointee

**Contact Details:**

**Call Type:** Outgoing

**Enter Key Words:**

Category	Subject	Topic
Governance	Religious Education	(Unspecified)

**Issue or Request:**

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**Next Ministry Action Required:** Letter/Email

**Ministry's Response:** copy of email sent attached

**School's Response (newly added field):**

**Risk:** Medium

Any high or critical risk must be "Also Notified" to TL/LOM/ECP Manager

**Related CMS:**

Actual Start Date	Contact Name	Contact Type	Call Type	Enter Key Words
No records to display.				

**Create An Action:**

1				Page 1 of 1 items 0 to 0 of 0.
Description	Date	Short Description	Further Instructions	
No records to display.				

1				Page 1 of 1 items 0 to 0 of 0.
No records to display.				

**Create A File Note:**

Page 1 of :				
Description	Actions Arising	Is Complaint	Additional Notes	Rega
No records to display.				
Page 1 of :				

**Attachments**

Title	Author	Date Changed	Attached By	Date Attached
<input type="checkbox"/> 121015W Complaint ...		15-Oct-2012		15-Oct-2012 7:53 AM
<input type="checkbox"/> 121015RE Complaint ...		15-Oct-2012		15-Oct-2012 7:53 AM

**Assignment**

**Action Officer:**

**Escalation 1:**

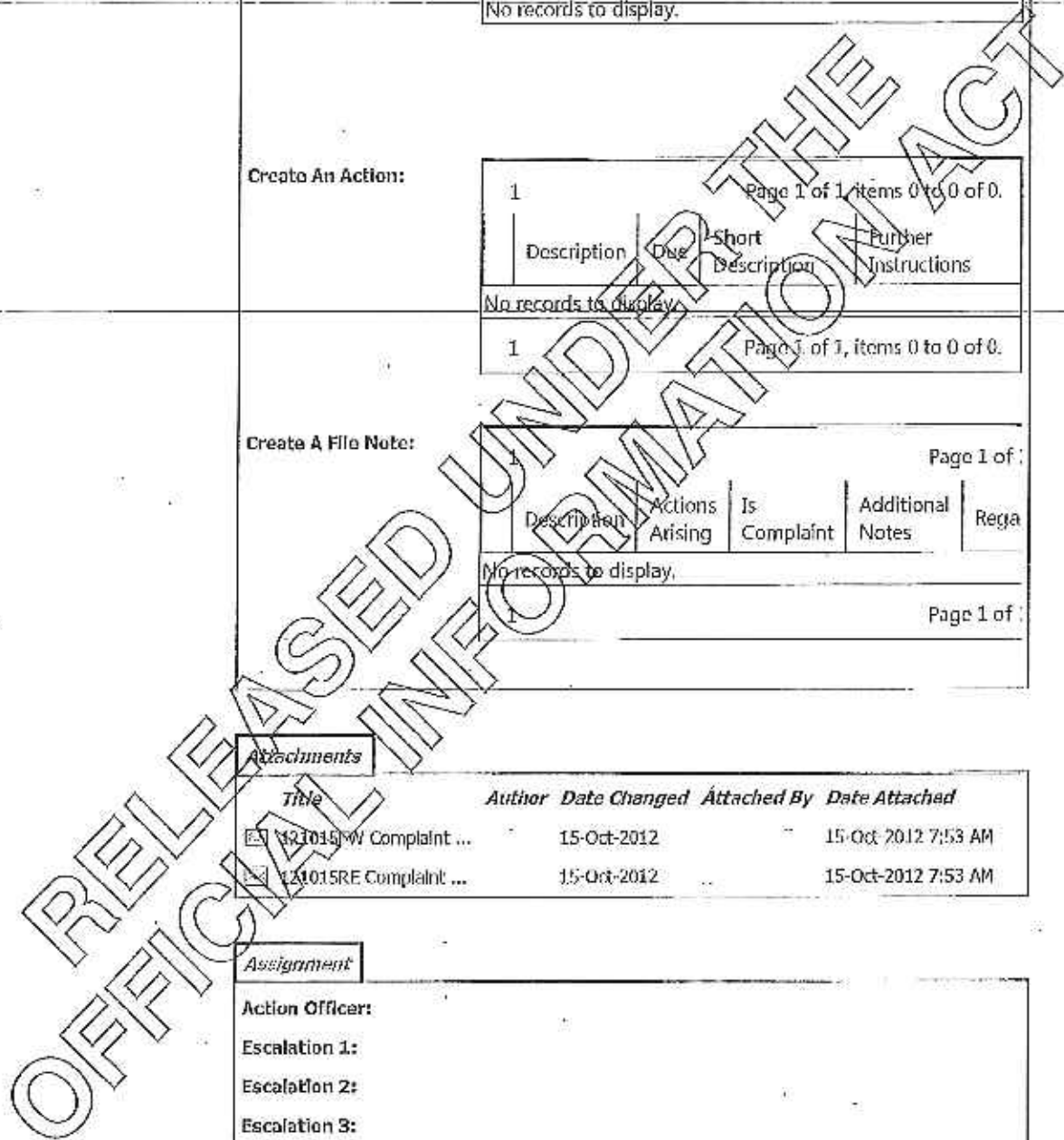
**Escalation 2:**

**Escalation 3:**

**Also Notify:**

**Calendar Profile:** Weekday, 8am-5pm

Current State: 1. Closed



Action Log		Add Note...			
State	Actual Date	Logged By	Details	Collapse All	Expand All
0	15-Oct-2012 7:50 AM		Workflow added, assigned to		
0	15-Oct-2012 7:53 AM		Progressed to 1. Closed, assigned to		

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OFFICIAL INFORMATION ACT

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**From:**  
**Sent:** Monday, 15 October 2012 7:30 a.m.  
**To:** 'Michael Rondel'  
**Subject:** RE: Complaint on the grounds of religion

Thanks Mike

Could you follow this up with Maria Hansen at HRC today please? Her DDI is

Thanks

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<http://shapingeducation.minedu.govt.nz>

**From:** Michael Rondel [mailto:Michael.Rondel@]  
**Sent:** Friday, 12 October 2012 9:43 a.m.  
**To:**  
**Subject:** RE: Complaint on the grounds of religion

Hi

Attached is the letter I referred to yesterday. We didn't have a signed copy at the School but Mike assures me this was sent. I can also confirm Mike tells me the insurers were notified at the time this was originally raised.

Can you please confirm you are OK that I contact Maria directly or if you want me to discuss this with your legal team first?

Many thanks  
Mike

**From:** [mailto:Michael.Rondel@minedu.govt.nz]  
**Sent:** Thursday, 11 October 2012 8:04 a.m.  
**To:** Michael Rondel  
**Subject:** FW: Complaint on the grounds of religion  
**Importance:** High

Mike

Can you call me about this please?

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<http://shapingeducation.minedu.govt.nz>

---

**From:** Maria Hansen [ ]  
**Sent:** Tuesday, 9 October 2012 1:27 p.m.  
**Subject:** RE: Complaint on the grounds of religion

Hello

I am contacting you about this matter because we have not been able to get the School to respond. I have made phone calls to the principal and the chair of the board but as yet not received any response to the complaint, or any indication of a willingness (or otherwise) to mediate. It is now six months since we notified. I followed up with a reminder letter to the principal in June.

So, I am taking the unusual step of contacting you. I wonder whether there is someone in your office, either in Wellington or in Christchurch who has a contact at Christchurch East School who could chase this up. It is most unusual that we are ignored by a school in this way.

Best regards

Maria

**Maria Hansen** Mediator  
Human Rights Commission  
DDI / Fax 64 03 353 0959  
FREELINE 0800 378 254  
PO Box 1578  
Christchurch 8140

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**From:**  
**Sent:** Wednesday, 11 April 2013 11:29 a.m.  
**To:** Maria Hansen  
**Cc:** 'Martha Coleman'; Lynda Morgan; Cecella O'Dell  
**Subject:** RE: Complaint on the grounds of religion

Iii Maria

Senior Solicitor | Legal Services  
People and Business Capability | Ministry of Education

8, Wellington 6011 | [www.minedu.govt.nz](http://www.minedu.govt.nz)





---

**From:**  
**Sent:** Monday, 15 October 2012 7:48 a.m.  
**To:**  
**Subject:** FW: Complaint on the grounds of religion  
**Attachments:** 20121012093414642.pdf

Kia ora

I have spoken to the Christchurch East Commissioner and his response is below. I have asked him to speak to Maria Hansen at HRC today.

He provided some background –

In June/July the principal contacted HRC to advise a Commissioner had been appointed and that one of the issues he would be looking at was Bible in Schools (BIS). I understand the Principal agreed to get back to HRC with progress.

The Commissioner planned to meet with the complainant to discuss her concerns about BIS but other more pressing work for the school took priority.

The Commissioner decided that given the level of concern about BIS the programme would be withdrawn from the school for term 4 with a full review planned for 2013. Alternative options for delivery are being discussed with the provider should a decision be made to continue BIS in 2013.

My notes show that the

The complainant has also made a number of complaints to the Ministry about a variety of matters and has been referred to the Commissioner for response.

The complainant has recently requested information from the Ministry under the OIA. This has been provided.

The Commissioner has met with the complainant on a number of occasions since his appointment to discuss other complaints she has laid and concerns she has had with the previous Board, the principal, and the Commissioner. He continues to manage communication positively with the complainant within his role.

I work Monday - Thursday, 7am - 4pm

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<http://shapingeducation.minedu.govt.nz>

---

**From:** Michael Rondel [mailto:  
**Sent:** Friday, 12 October 2012 9:43 a.m.  
**To:**  
**Subject:** RE: Complaint on the grounds of religion

Hi

Attached is the letter I referred to yesterday. We didn't have a signed copy at the School but Mike assures me this was sent. I can also confirm Mike tells me the insurers were notified at the time this was originally raised.

Can you please confirm you are no OK that I contact Maria directly or if you want me to discuss this with your legal team first?

Many thanks  
Mike

---

**From:** [redacted]@minedu.govt.nz]  
**Sent:** Thursday, 11 October 2012 8:04 a.m.  
**To:** Michael Rondel  
**Subject:** FW: Complaint on the grounds of religion  
**Importance:** High

Can you call me about this please?

---

Every child and every student learning and achieving every day. *la rā, he akoranga, he whakatūhanga, ā, te tamaiti, ā, te taupiri.*

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<http://shapingeducation.minedu.govt.nz>

---

**From:** Maria Hansen [redacted]@hrc.co.nz]  
**Sent:** Tuesday, 9 October 2012 1:27 p.m.  
**Subject:** RE: Complaint on the grounds of religion

Hello

I am contacting you about this matter because we have not been able to get the School to respond. I have made phone calls to the principal and the chair of the board but as yet not received any response to the complaint, or any indication of a willingness (or otherwise) to mediate. It is now six months since we notified. I followed up with a reminder letter to the principal in June.

So, I am taking the unusual step of contacting you. I wonder whether there is someone in your office, either in Wellington or in Christchurch who has a contact at Christchurch East School who could chase this up. It is most unusual that we're ignored by a school in this way.

Best regards

Maria

**Maria Hansen Mediator**  
Human Rights Commission  
DDI [redacted] Fax 64 03 353 0959  
FREEPHONE 0800 378 254  
PO Box 1578



Christchurch 8140

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---

**From:** ..  
**Sent:** Wednesday, 11 April 2012 11:29 a.m.  
**To:** Marla Hansen  
Cecelia O'Dell  
**Subject:** RE: Complaint on the grounds of religion

Hi Maria

Senior Solicitor | Legal Services  
People and Business Capability | Ministry of Education

Wellington 6011 | [www.mined.govt.nz](http://www.mined.govt.nz)



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**From:** Cecelia O'Dell  
**Sent:** Wednesday, 4 April 2012 6:37 p.m.  
**To:** Jan Breakwell;  
**Cc:** ..  
**Subject:** Complaint on the grounds of religion

Hi Jan,

I refer you to the attached letter notifying the school and BOT about this matter.

Please let Marla Hansen, .. whether you intend to respond or participate in mediation.

Nga mihi

Cecelia O'Dell  
Mediator

---

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Thank you.

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Thank you.

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25 June 2012

Maria Hansen  
Mediator  
Human Rights Commission  
PO Box 1578  
CHRISTCHURCH

Dear Maria

Thank you for your letter dated 18 June 2012.

Our school has recently had the Board of Trustees dissolved by the Ministry of Education and has had a commissioner appointed in its place.

The commissioner will be reviewing the material related to this matter and respond in due course.

Regards

Mike Agar  
Principal

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*Learning with Heart*

(48)

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**From:** Anna Gelling  
**Sent:** Monday, 26 November 2012 9:34 a.m.  
**To:**  
**Subject:** RE: Religious instruction -clause 78 needs to be repealed

Sounds pretty good to me

Thanks

A

---

**From:**  
**Sent:** Thursday, 22 November 2012 12:16 p.m.  
**To:** Anna Gelling  
**Subject:** FW: Religious Instruction -clause 78 needs to be repealed

Kia ora Anna

How does this sound?

Nā

---

**From:**  
**Sent:** Tuesday, 20 November 2012 11:29 a.m.  
**To:**  
**Subject:** RE: Religious Instruction -clause 78 needs to be repealed

Hi I've had a go at putting together a draft response for this email. There's no work underway to repeal this legislation and unlikely to be any appetite for change in this area, so unfortunately the response is a bit bland. You'll see I've referred to the Human Rights Commission guidance on religious instruction in schools. Do you think it would be useful to do some kind of reminder for schools about the requirements in this area?

Regards,

Thank you for your email of 1 November 2012 regarding religious instruction in state primary schools.

School Boards of Trustees (Boards) have the discretion to decide how they implement the requirements of the legislation, including matters relating to religious instruction and observance. As outlined in the Education Act 1964, religious teaching in state primary schools must be "entirely of a secular character" when the school is open. Religious instruction or religious observances, such as Bibles in Schools, can only occur in a primary school-level context when schools are closed.

When deciding about class or school closure, Boards need to take account of their responsibilities under the New Zealand Bill of Rights Act and the Human Rights Act and ensure that their actions do not result in discrimination -- whether direct or indirect. Schools need to ensure that appropriate supervision and instruction is provided for children when the school is closed for religious purposes.

Although there are currently no plans to repeal section 78 of the Education Act 1964, there are clear guidelines for schools to follow when offering religious instruction.

The Human Rights Commission, in consultation with the Ministry of Education, has developed a useful resource called *Religion in New Zealand Schools – Questions and Concerns*, which is available on the Commission's website: [http://www.hrc.co.nz/hrc\\_new/hrc/cms/files/documents/20-Jan-2010\\_09-32-15\\_WebUpdatedJan2010\\_HRC\\_Rel\\_in\\_NZ\\_Schls.pdf](http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/20-Jan-2010_09-32-15_WebUpdatedJan2010_HRC_Rel_in_NZ_Schls.pdf). The resource is designed to assist parents, whānau, teachers, trustees and students faced with issues regarding religious instruction in schools.

---

**From:**  
**Sent:** Thursday, 15 November 2012 12:14 p.m.  
**To:**  
**Cc:** Anna Gelling  
**Subject:** FW: Religious Instruction - clause 78 needs to be repealed

Tēnā koe

Having read the email the correspondent appears more concerned with changing the legislation, rather than the way in which Religious Instruction is being implemented in Harewood School.

Is this something you are able to advise and assist with responding to?

Nā

---

**From:** Anna Gelling  
**Sent:** Sunday, 11 November 2012 9:06 p.m.  
**To:**  
**Cc:** Sean Wheeler; Kathryn Palmer (Dunedin)  
**Subject:** FW: Religious Instruction - clause 78 needs to be repealed

Hi

I think this is your school.

Can you please follow up and draft a reply for me when you are in on Tuesday.

Thank you

A

---

**From:** Kathryn Palmer (Dunedin)  
**Sent:** Friday, 9 November 2012 11:41 a.m.  
**To:** Anna Geling; Sean Wheeler  
**Cc:** Enquiries Christchurch  
**Subject:** FW: Religious instruction -clause 78 needs to be repealed

For ECP action

Enquires- note has been assigned ECP Managers for reply

Kathryn

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**From:** Enquiries Christchurch  
**Sent:** Friday, 9 November 2012 11:34 a.m.  
**To:** Kathryn Palmer (Dunedin)  
**Subject:** FW: Religious Instruction -clause 78 needs to be repealed

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**From:** Enquiries National  
**Sent:** Friday, 9 November 2012 9:54 a.m.  
**To:** Enquiries Christchurch  
**Subject:** FW: Religious Instruction -clause 78 needs to be repealed

Can someone please help with this query?

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**From:**  
**Sent:** Thursday, 1 November 2012 8:08 p.m.  
**To:** Enquiries National  
**Subject:** Re: Religious Instruction - clause 78 needs to be repealed

Ministry of Education

PO Box 1666

Wellington 6140

1<sup>st</sup> November 2012



To whom it may concern,

I am writing to the Ministry in regard to clause 78 of the Education Act (1964) that allows religious instruction to take place in state primary schools. Religious instruction (RI), however well intended, creates a discriminatory environment in the classroom and the school as a whole. Our children have first-hand experience of how divisive and prejudicial an influence RI has in school and I ask that the clause be repealed.

Bible in Schools or any similar programme is incompatible with aims to provide a non-discriminatory classroom environment. Once a week an adult, who looks very much like a teacher and is given the authority of a teacher is allowed to stand in front of the class and promote their religious beliefs. There is no disclaimer beforehand to tell the kids that this person is not a teacher and that what they say may very well not be true. They are simply allowed to proceed to encourage children to accept their opinions as fact.

The most recent Census figures indicate that a little over half of New Zealanders consider themselves Christian. As far as the children are concerned a little over half of them have their family's beliefs endorsed and validated by the school, and the rest are discouraged from asserting themselves as different. Being told that you can opt out shines a light on differences in beliefs at an age where children are very black and white in their thinking, and feeling included is vitally important. Throw in lollies handed out to the children who attend RI and not infrequent "make-work" for those who do not attend and it quickly becomes clear to the children that some children are being preferentially treated because of their religious beliefs. Religious instruction seeps into other areas of school life, as children start bringing bibles to school and blogging on the school website about what they learned in RI that day. It is not benign, it is not simply cultural heritage and it is not just story telling.

Our children currently attend Harewood School in Christchurch, our oldest is in year 3. We were aware that the school had RI from the beginning and opted out. Though concerned that valuable curriculum time was being handed over for religious instruction we felt confident enough that opting out would not be problematic. However, since then there have been continual and increasing incidences of discrimination. In the early days there were times when our children were kept in the same classroom during RI, which we put a stop to. Then our son was put to washing dishes in the staffroom, which we also put a stop to. The last two years has seen more and more comments and bullying by other students for example asking my children why they don't believe in god and saying that they will go to hell. There is teasing and ostracism which may seem mild to adults but is very hurtful and confusing for young children.

My husband and I have recently approached the school as we noticed behavioural changes and anxiety in our son. We had previously not wanted to make a fuss as we felt it would emphasise a difference between the children and make things worse. The school has responded reasonably and I must emphasise that my letter is not about condemning the school's conduct. My intention is to illustrate the impact of allowing religious groups access to our state schools and argue for legislation change that protects a religiously neutral school environment.

Handing over responsibility to school boards for the decision whether or not to have RI leaves children vulnerable to religious groups insinuating themselves into schools via the school boards and perpetuates the problem of entrenched discrimination. The selection process for board members is based on whoever puts themselves forward for the vote. Those individuals are not obliged to reveal their religious affiliations and nor should they be. I would not be assessing someone's competency and enthusiasm for the role based on their personal beliefs. However, they are also extremely unlikely to be candid about any agenda to influence religious policy within the school. It is my understanding that the Christian Education Commission, for example, encourages church members to stand for their school boards.

Our state schooling must provide the best practicable ethical environment. The current curriculum already includes values that help guide the development of ethical decision making in children. If it is deemed by some people to be inadequate, then the likes of the Primary Ethics programme that operates in New South Wales could be considered. Clause 78 is no longer a satisfactory reflection of New Zealand values and needs to be repealed. I am aware that the Ministry attempted to repeal this legislation in 2006. Please do not give in to pressure from religious lobby groups.



This is a topic that parents are wary to discuss openly but support for keeping religion out of schools is becoming more organised and the discussion is becoming more visible thanks to the efforts of the Secular Education Network. Certainly families are free to pursue religious observance of their choosing in this country. Now we just need to ensure that our children can go to state schools without being discriminated against because of religion.

Thank you for your consideration of this issue.

Sincerely,

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Tanya Jacob.

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This e-mail (including attachments) may contain information which is confidential or legally privileged and may not reflect the Ministry of Education's view. The Ministry is not responsible for changes made to this email after we've sent it. If you have received this e-mail by mistake, please reply to the Ministry immediately and delete both messages.

Thank you.

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MINISTRY OF EDUCATION

Te Tihaka o te Mātauranga

11 December 2012

Southern Region

Canterbury  
39 Princess Street  
Riccarton  
PO Box 2522  
Christchurch  
New Zealand

Phone: 0-3-378 7300  
Fax: 0-3-378 7308  
www.minedu.govt.nz

Tēnā koe Tanya

Thank you for your email of 1 November 2012 regarding religious instruction in state primary schools.

School Boards of Trustees (Boards) have the discretion to decide how they implement the requirements of the legislation, including matters relating to religious instruction and observance. As outlined in the Education Act 1964, religious teaching in state primary schools must be "entirely of a secular character" when the school is open. Religious instruction or religious observances, such as Bibles in Schools, can only occur in a primary school-level context when schools are closed.

When deciding about class or school closure, Boards need to take account of their responsibilities under the New Zealand Bill of Rights Act and the Human Rights Act and ensure that their actions do not result in discrimination – whether direct or indirect. Schools need to ensure that appropriate supervision and instruction is provided for children when the school is closed for religious purposes.

Although there are currently no plans to repeal section 78 of the Education Act 1964, there are clear guidelines for schools to follow when offering religious instruction.

The Human Rights Commission, in consultation with the Ministry of Education, has developed a useful resource called *Religion in New Zealand Schools – Questions and Concerns*, which is available on the Commission's website:

[http://www.hrc.co.nz/file\\_new/hrc/cms/files/documents/20-Jan-2010\\_09-32-15-Web/UpdatedJan2010\\_HRC\\_Rel\\_in\\_NZ\\_Sch's.pdf](http://www.hrc.co.nz/file_new/hrc/cms/files/documents/20-Jan-2010_09-32-15-Web/UpdatedJan2010_HRC_Rel_in_NZ_Sch's.pdf)

The resource is designed to assist parents, whānau, teachers, trustees and students faced with issues regarding religious instruction in schools.

Nāhau koe,  
Nā

Anna Gelling  
Acting Manager  
Education, Curriculum and Performance

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FILE COPY

CEO Mail Register - Letter Details

Writer Tanya Jacob

Ref No 13/246

Title

Action Type Direct

Organisation N/A

Date Written 4/03/2013

Address PO Box 76238  
Christchurch

Date Rcvd 11/03/2013

Date Input 12/04/2013

Email

Date Replied

Phone

File Ref

Fax

Prev Ref No

Subject Religious instructions in schools

Addr'd To Hughes, Peter

Ref/Dir To Casey, Katrina

Reply Document w:\Mail Register\CEO\Direct\2001\

Reply By

To Unit

Notes

\*\*Duo 19 April 2013  
Sent to Katrina Casey for reply  
12 April 2013  
Reply due 24/4/2013  
resent via email 18/04/2013

Media Letter

CC

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26 April 2013

National Office

Regional Operations  
45-47 Pipitea Street  
Thorndon  
Wellington  
New Zealand

Phone: 04 463 8000  
04 463 8257  
04 463 8001  
[www.minedu.govt.nz](http://www.minedu.govt.nz)  
File CE13/246

Tanya Jacob  
P O Box 76 238  
CHRISTCHURCH 8548

Dear Ms Jacob

I refer to your letter dated 4 April 2013 about repealing Section 78 of the Education Act 1964 and enclosing earlier correspondence with the Minister of Education, the Ministry of Education and the Chief Review Officer of the Education Review Office (ERO) on the topic.

As you probably know, the public sector serves the government of the day. The Government sets the priorities for the policy and legislation programmes and a repeal of Section 78 has not been included in the 2013 legislation work programme. Others have also noted in their responses to you that improving student achievement is the first priority.

As you point out, New Zealand is becoming an increasingly diverse nation both in terms of religion and in terms of culture, and this is reflected in our schools. The Human Rights Commission has produced a booklet entitled *Religion in New Zealand Schools: Questions and Concerns* to assist parents, whānau, teachers, trustees and students faced with the issue of balancing different and competing rights. You can find the booklet at the following web address: [http://www.hrc.co.nz/hrc\\_new/hrc/cms/files/documents/26-Aug-2009\\_13-59-33\\_Religion\\_in\\_NZ\\_Schls\\_260809.pdf](http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/26-Aug-2009_13-59-33_Religion_in_NZ_Schls_260809.pdf)

New Zealand schools are self-managing and are governed by Boards of Trustees. The Board of each school is given the mandate, through the Education Act 1989 to decide, after consultation with the principal, whether to close the school to offer up to 20 hours per annum of religious instruction. It is not the role of the Ministry to instruct schools about what programmes they might or might not implement.

Thank you for your letter.

Yours sincerely

Leo Trompetter  
Acting Senior Manager  
Regional Operations

OPEN LETTER TO ACTING SECRETARY FOR EDUCATION: PETER HUGHES

Acting Secretary for Education & Chief Executive: Peter Hughes CNZM  
Ministry of Education  
PO Box: 1666  
Wellington 6140

4<sup>th</sup> April 2013

PO Box: 76238  
Christchurch 8548

13/246

Dear Mr Hughes,

I am writing to you to express my deep concern regarding religious instruction in our secular state primary schools. The 'Nelson Clause' (section 78 of the Education Act 1964) is creating a systemic and very worrying situation whereby children are segregated by faith, leading directly to discrimination and the routine disregard of human rights. This clause enables religious groups to erode the secular nature of our schools through fictitious "closure" whilst classes in religious instruction are held. In contrast, secularism, originally chosen for NZ schools because of religious tensions, helps foster tolerance and protects religious freedom by providing children with a religiously neutral place where they can learn side by side. Religious instruction (RI) presents a narrow Christian perspective and requires parents to declare their personal religious views in relation to it. Parents then have to make the unenviable choice between pulling their children apart from their peers or allowing volunteers to proselytise to their children. It is of growing concern that our ever more multicultural society is poorly served by this. I propose that the Nelson Clause be repealed to protect children from discrimination and proselytising, as well as preserve religious freedom.

My family's introduction to the issue of RI in state primary schools was atypical in that our children's school actually informed us there were bible classes each week. All children are automatically included in RI and schools are not required to inform parents or let them know that opting out is an option. We opted out from the beginning and were perhaps a little naive to accept the assurances of the principal that the school would respect this. It turned out the school was heavily religious, and like a lot of parents throughout the country, we found ourselves in a very difficult situation - trying to advocate for our children with a school that has close ties with the local church and a principal and Board that were unwilling to address the issues raised by concerned parents re Bible in Schools (BIS).

What I was to find was that it is typical for those children who are opted out to be repeatedly put back in these classes against the parent's wishes. Be it a "mistake" or "misunderstanding" this happens far too often to be credible as either. This happened to us several times, as our children were made to sort books and the like at the back of the room whilst the classes were held. Then the detention-like work started, as our son was put to washing dishes in the staffroom. We put a stop to this but found the



most troubling developments were still to come. The repeated badgering of our son for not believing what some of his classmates believed got worse and worse. He was told he would go to hell. He was subjected to bullying that would not have occurred if those children were not having their beliefs endorsed by the school, and by not participating in RI, our children were set up for discrimination. The anxiety that he was suffering and the prospect of ongoing discrimination from children and staff prompted to us change schools. Fortunately, our children are both settling in well now that RI is out of the picture; however, I dread that RI will follow us to our new school as the Churches Education Commission (CEC), who runs BIS, seeks to spread its influence to as many state schools as possible.

I have spoken with many other parents who have had a range of negative experiences around the same issue, and examination of the issue from an ethical standpoint compels me to seek the repeal of section 78 of the Education Act - which the CEC's own website refers to as a "loophole in the law" that grants them access to primary school children. It is often claimed that the volunteers for BIS are not trying to proselytise. This is blatantly untrue, as the CEC has celebrated the conversion of an entire family through the child, and refer to our state primary schools as "underexploited mission fields"; when interviewed by a reporter for Stuff.co.nz, however, they claimed that non-Christians "misunderstand" the word "mission" as it is used in this example. On their own website they prefer the language of "sowing seeds" of Christianity in these children. The sole purpose for the existence of the CEC is promoting Christian religious instruction in schools throughout New Zealand, and the wording of the Education Act does not allow for religious education, only instruction. The Human Rights Commission's report, Religion in Schools: Questions and Concerns (2009) defines religious instruction as carrying "an implicit or explicit endorsement of a particular faith and/or encourages students to engage with and make decisions about accepting it on a personal level". In contrast, "religious education does not require students to engage with the religions being studied at a personal level or make choices about accepting those beliefs. Said... can take place as part of the school curriculum". The CEC certainly does not present other world views, in a comparative way or otherwise. It is clearly the "unchurched" children that they are most interested in gaining access to. This is not teaching values or nurturing tolerance in our communities, it is evangelism.

Disingenuous claims that RI is open to every religion denies the fact that Christian groups are all but unrivalled in organisation and interest in evangelising children in state schools. This presents children with the impression that there is only one endorsed perspective and that it is fact.

For approximately the last year, the Keep Religion Out Of Schools (KROOS) facebook page has been a place where issues arising from RI have been debated. This is the public forum, whilst the Secular Education Network page is an open group providing support for those affected by RI. The first and most prevalent misconception that people have regarding the proposed removal of the Nelson Clause is that we are seeking to deny children information about religious viewpoints. This is demonstrably not the case, as secularism does more to protect religious freedom than endorsing one religion over all other religions and non-religious world views. When a school, as an extension of the state, uses its position of authority to endorse a religion, it is undermining the welfare of the students who are not having their beliefs validated. This can take the form of discrimination for those who do not conform, or the silence of children and their families hoping to not be singled out for discrimination. It divides the students unnecessarily and can lead to emotional anguish for children as they realise their beliefs are not welcomed by the school. Some children find RI classes deeply disturbing; I know of one child who suffered terrible nightmares caused by RI teachings and had to be moved to a different school. When the parents opt them out the child then becomes the object of discrimination. This should not



be happening. It is unacceptable that the only place we are required to publicly state our religious position is in our children's *secular* state schools.

There is much discussion by Secular Education Network (SEN) members on KROOS in favour of education about belief systems, religious and non-religious, in a social studies-type framework at an appropriate age. Primary school children do not possess the sophistication to critically assess religious material presented to them – after all, many still believe in Santa and the Tooth Fairy. This does not preclude telling children that there *are* different beliefs and encouraging them to respect others.

The second concern that some people have is that doing away with RI will leave a gap in the promotion of values. Proponents of RI say that we need to teach Christian values to all children to stave off moral and societal decay. This kind of scaremongering has precious little to do with factual reference to social indicators, as RI cannot be linked with statistically significant positive outcomes for society. Claiming that lawlessness and teen pregnancy rates require us to get back to basic Christian values is ridiculous. A brief perusal of statistics on teen pregnancy rates and crime do not support these assumptions. Teen pregnancy rates have been at roughly the same level since the 1980s and the NZ Police statistics for the 2010-2012 period, show no escalation of crime in almost all categories. (It is debatable that RI classes even focus on values. My examination of the material provided in my daughter's Year 1 and 2 class showed a particular emphasis on "God is really, really powerful" and topics such as rising from the dead). Being honest, kind, diligent etc hardly requires small children to make a personal decision about accepting Jesus as their "personal saviour".

Many do not realise that values are already part of the NZ Curriculum. Some RI providers, keen to avoid opposition, trade on the 'values' label for their bible-based classes to obscure their religious nature (eg. Values in Action run by the Life In Focus Trust). This tactic follows the American example, but as values are part of the curriculum here and the Nelson Clause only allows for RI, it is clear that these classes are not about values in a broad ethics sense.

It is often pointed out by those in favour of RI that New Zealand has a Christian heritage, and they argue that Christianity deserves a privileged position as a dominant religion in our state schools. New Zealand is a multicultural society, where we have no state religion and our state schools are nominally secular. All children are meant to have access to state funded education that does not discriminate on the basis of religion (or anything else).

All of the above reasons do not even begin to address the workload that teachers are trying to get through in teaching what's in the curriculum. RI takes up 4.5 days of school time per year in each school it's in. Better academic outcomes can reasonably be anticipated without the interruption. I refer you to the excerpt below from a maths teacher's blog (in which you are mentioned) where she laments for even 10 extra minutes in the day to lift student achievement and yet knows that that time would be covered for many other subjects as well.

So far each of my attempts to address this problem have been obstructed by either personal pro-evangelical politics or the jurisdictional problem of the schools being legally "closed" during RI. I have written to the Minister and the Ministry of Education. My complaint was handled by Pauline Barnes who, with her husband, set up the Open Doors Foundation in Romania – an evangelical christian organisation. Not surprisingly, she was unsympathetic. I wrote to Hekia Parata again to confirm that Pauline did in fact represent her position and I received a letter to the effect that there is no intention of repealing the relevant sections of the Act (see attached).

My next recourse was to contact Dr Graham Stoop at the Education Review Office. Dimension 5 of ERO's Evaluation Indicators for School Reviews attempts to ensure a "safe and inclusive school culture". However, as schools or individual classrooms are legally "closed" for the duration of RI and because RI is not part of the curriculum, it is not within ERO's purview to assess the impact of RI at any school. Since RI is not part of the NZ Curriculum, neither the Ministry nor ERO are willing or able to challenge it, let alone monitor its impact. It is worth noting that the Ministry does not keep any record of which schools run RI and neither do they check to see that it is conducted in accordance with the law. Getting accurate figures is difficult, since the CEC is not inclined to release that information. Around 750 state primary schools participate in RI, sometimes with the programme so entrenched that successive Boards don't even realize that it is not part of the curriculum and that the school is closed for the duration.

So what about the school Boards? This is the recommended avenue to take such grievances, but as discussed in my attached letter, the CEC member churches openly encourage their congregations to get onto their school Boards so that they are in a position to facilitate and support religious instruction at their school. Parents left with no formal recourse except the school boards are put in an impossible position. This is almost certainly what I encountered at my children's first school, where I tried to get the Board to either stop BiS or poll the parents to see whether there was a mandate for it to continue. Surveying the parents could have helped establish whether parents want RI to be during normal class hours, or treated like any other extra-curricular activity (ie outside of normal class time and opt in rather than opt out). The Board refused. What's more, a school board convinced that RI should be allowed would in many cases prefer dissenters to find another school rather than be challenged about it. It is exceedingly difficult to negotiate with a school when this is the case, for fear of how the attitudes of staff will impact your child. The Secular Education Network's facebook page has many examples of this sort of situation happening to families throughout the country.

Some parents have resorted to appealing to the Human Rights Commission and the Ombudsman; however, whilst indicative of the seriousness of this issue, it is primarily to address their individual situations rather than the issue as a whole. According to the 2006 Census approximately half of all New Zealanders have no religion and the current Census is expected to continue the trend where the non-religious will for the first time comprise more than half of the population. Non-Christian religions have seen large increases in number in the 2006 Census, particularly Sikh (up 83%), Islam (up 52.6%) and Hindu (up 61.3%). Unless the State is willing to disregard the beliefs of non-religious people, non-evangelical Christians and other religious groups, ending this unethical intrusion of religion into our secular state schools must be prioritised. A change in the Education Act is necessary to achieve this. It is not the 1960s anymore. Secularism is not the same as promoting atheism - it takes no position on the existence of deities - and only secularism can provide a religiously neutral environment in schools, allowing families to practice their chosen religion at home, in church, Sunday School, synagogue, temple etc.

When you critically evaluate all the arguments for RI, all that remains is a "just let them" attitude. That is not a valid basis to continue the status quo. The volunteers might be nice people, but that is not a reason to carry on when there are many examples of RI causing the kind of harm I've discussed



here. If the pro-RI are worried for *religious* reasons about children from unchurched families, that is something they have to bear. It is not up to religious groups to decide for other peoples' children that secular state schools are theirs to infiltrate and use for indoctrination. We should be outraged by this; many are.

The religious lobby has always been a powerful one but it is clear that attitudes in New Zealand are changing. The support for the Marriage Reform amendment shows that ordinary New Zealanders are no longer content to allow religious rhetoric to dominate when real human issues are at stake.

I realise it is the rare individual in public office that would take such a contentious issue on and lobby for change. I must point out that by virtue of the ease of social networking, concerned parents are finally in the position to be able to support each other as well as pool their knowledge and resources towards the lobbying of this cause. The Keep Religion Out Of Schools page currently has around 6,000 followers. The Secular Education Network has around 500. The numbers keep going up as exposure of this issue grows. My hope is that you will be able to assist us and the many other parents concerned with repealing the relevant sections of the Education Act so that our schools may be truly secular.

Thank you for taking the time to read this. What follows are quotes from other members of SEN and a selection of articles that I feel articulate the issue particularly well. Also attached are the letters I mentioned above. I look forward to hearing from you about what you can do to address this problem.

Yours sincerely,



Tanya Jacob.

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### **Jo Doe; SEN, re the Human Rights Commission:**

"The Human Rights Commission says: "Religious instruction means teaching aspects of a faith in its own right. Religious instruction carries an implicit or explicit endorsement of a particular faith and/or encourages students to engage with and make decisions about accepting it on a personal level"....

If they're not 'endorsing a particular faith and encouraging students to engage with and make decisions about accepting it on a personal level', then perhaps what they are doing is not 'religious instruction'. In which case they I would think they should have no issue with the repeal of the relevant section of the education act."

### **From article michaelnugent.com; The case for a secular education system:**

"There are two reasons why State schools should be run on a secular basis. But first, it is important to explain that a secular school is not the same thing as an atheist school.

A religious school teaches that a god exists, an atheist school would teach that no gods exist, and a secular school is neutral on the question of religion: it does not teach that gods either do or do not exist.

Instead, a secular school teaches children in a neutral, objective way about the different beliefs that different people have about gods, and leaves it up to parents and churches to teach specific religious beliefs outside of school hours.

Firstly, it is good for society for children to be educated together. We in Ireland can see from the recent history of Northern Ireland how separate schooling contributed to the problems of children understanding and respecting each other across religious divides.

Secular schools bring children together. They teach them the normal subjects that have a basis in scientific fact, like mathematics and languages and history and critical thinking. They teach them about different religious beliefs and help them to understand other beliefs and respect other people.

And, outside of school hours, the children's parents and churches can teach them more about their own specific beliefs about the nature of reality and personal morality.

#### **Secular schools respect human rights**

Secondly, in practical terms, secular schools are the only way to ensure that everybody has their human rights respected with regard to education.

*Under international human rights law, parents have a right to have their children educated in a way that is consistent with their religious or philosophical beliefs [italics mine]. I will outline in a later article the reasons why this is so.*

*At a minimum, this means that schools should not indoctrinate children with religious beliefs that conflict with those of their parents [italics mine].*



Combine both reasons, and the argument is clear. Secular schools are good for society, because they help children to understand differences and respect other people; and secular schools are the only way in practice to respect the human rights of all of our parents and children."

### Excerpt from The Daily Blog, by Burnt Out Teacher, March 12, 2013:

"...But, according to the Herald, God help us. Education is in so much trouble, and our kids are failing at maths. This week, there have been press-releases all over the place about kids and their crappy maths skills. (*Kids, you losers.*)

One thing needs to be acknowledged here immediately:

1. They're talking about instant recall of multiplication and addition facts, not maths in general.

Maths is about problem-solving, not memorisation. This can't be over-emphasised. As Albert Einstein said, education is the training of the mind to think. Not the training of the mind to repeat what the teacher told you.

Maths teaching legend and Acting Secretary of Education Peter Hughes agrees. He advises that the old style simply didn't work: in fact most Aotearoa adults are not numerate...

....Both methods are important. But one is more important: understanding what maths truly means will trump memorised phrases every time.

However, the kids do need more opportunities for rote learning. They do. I will say it. You can say it too. It can be an exceptionally useful tool.

Unfortunately, the 10 extra minutes a day to do this doesn't really exist at the moment. Most teachers would like to do it, but there isn't time. It's not our decision...There is barely a spare moment for a bit of debate or science or digital art or or or...

...What are we going to do? Maths is so important. It's easy to criticise and make arrogant, simple statements like the old way is best. Far better to offer examples of how students' time could be used more constructively.

God help us.

Seriously. I mean, we might have a bit of extra time for maths. But God is using it right now.

For half an hour each week, 50% of schools still close to teach about forgiveness (and other blah-blah in the Bible.

(Like)

"Whosoever shall blaspheme against the Holy Ghost hath never forgiveness." Mark 3:29.

(Oops! Not that one, ugh, sorry, they must use a different bit to illustrate forgiveness.)

There are six hours in a school day, four to five of which are spent in class, yet once a week, in heeeeeeaps of schools, half an hour each week is used up on religious preaching by the untrained, teaching the Christian creation myth as fact.

God, grant us the time to add more rote-learning of basic facts in Aotearoa New Zealand primary schools by removing Your Bible Classes because They are a waste of extremely valuable learning time and You could raise achievement by doing so."

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**María Edwards; SEN, February 10, 2013:**

"Volunteers all have their own reasons for volunteering and I don't think CEC questions what motivates people to volunteer. The two bible teachers I know (only one of them was police checked, had done her training and was accredited, the other answered a call from her church as there was a shortage of volunteers at one school so the person coordinating there accepted anyone) both told me their motivation for volunteering was to introduce children to Jesus in the hope they would follow him. They told me they would pray together before each lesson for the Holy Spirit to go before them and soften the children's hearts to make them open and receptive to their teachings. They saw themselves as evangelists and it was their duty to serve God in this way by bringing children to him. They were particularly interested in the children that didn't do to church and told me they would pay more attention to them in the hope of them becoming Christian. They both told me that their churches encourages volunteers and sees them as a very important link to children from non Christian families telling them they are doing a very important part of Gods work in bringing these children to him and spreading the faith amongst non believers. They said this is the main motivation for them."

**Jo Doe; SEN, re opt-in:**

"... I would prefer an opt-in system ... that it would allow me to join the apathetic parents who don't concern themselves with religious instruction in schools. I could do nothing and my children would not be included. Opt-out requires me to take a position in the school community with regard to the religion being instructed in or do nothing and let my children be instructed regardless.

I don't want to have to take such a position for the same reasons I don't discuss in the school community which political party I vote for.

- 1) It's not their business.
- 2) (more importantly) I don't want my children to be judged or treated differently in their school."

**Article from werewolf.co.nz: When teaching becomes preaching; by Alison McCulloch;**

"Just over a century ago, a remarkable debate broke out in the pages of the nation's newspapers over the question of whether or not students from secular schools were more or less likely to grow up to be criminals than those from church-run institutions..... That discussion followed scores of others over religion in schools dating back at least to the late 1830s – which is as far as the National Library's PapersPast records go – and it preceded scores more. It is, as the *Press* of 1883 suggested, a subject on which "very strong feelings prevail".

Wilson's letter addressed another issue, too, but one that's absent in today's incarnation of the debate: interdenominational sniping – in particular, between Catholics and Protestants. It's that sniping that lies at the heart of how New Zealand ended up with a state-mandated secular education system in the first place. With Catholics and Protestants each concerned that the other might gain some advantage in any state-supported religious education, secularism managed to sneak through the middle, resulting in the passage of the much-maligned (as "Godless") 1877 Education Act mandating that the teaching in primary schools "shall be entirely of a secular nature".

A victory for secularism, yes. But by no means the end of the matter. Before the ink on the new act was dry, religious instruction was sneaking into the school day through what came to be called the "Nelson System", after the town in which it was first successfully adopted. Under that system, which was eventually legislated for in the early 1960s, the school – or parts of it – must officially close while religious instruction is taking place leaving, in theory at least, the secular nature of primary school education intact.

Census figures show that fewer and fewer New Zealanders identify as Christian (57% in 2006, down from 63% in 2001) at the same time as those opting for "no religion" are on the rise, jumping nearly 5% between the 2001 and 2006 censuses to 38 percent. And within those who continue to class themselves as believers, there's also change, at least in Auckland. According to a report this month in the *New Zealand Herald*, mainstream Christian religions are losing ground to Hinduism, Buddhism and Islam, with Roman Catholicism the only traditional Christian denomination still growing, in part because of immigrant communities.

Yet for all that, Christianity is really the only religion in town when it comes to school programmes. In Auckland, Paul Bennett, a member of the Secular Education Network, surveyed 235 primary schools, of which 93 said they were offering a religious instruction programme of some kind. "Of those, only two indicated they offered both a Christian-based class alongside another faith," Bennett said. One offered Bible in Schools plus Muslim Studies, the other Christian-based Life Skills and Baha'i. Among the schools not running any programmes, the most common reasons given included difficulty fitting them into a busy schedule and concerns about multi-cultural issues.

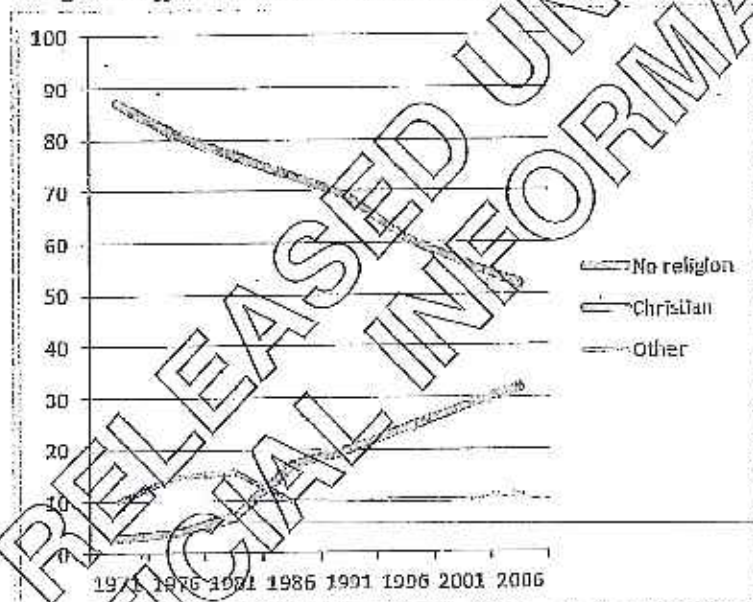
The Human Rights Commission makes clear in its 2009 publication on "Religion in New Zealand Schools" that religious instruction must not discriminate against those who don't share that belief. But it's an open question as to whether support for faith-based education under the Nelson System would remain as strong if followers of religions other than Christianity began to press their case. Des

Vize and Paul McIlwain certainly don't think so. If another faith began making inroads into schools, Vize says, "it wouldn't be too long before the people opposing us would be standing beside us. They'd want secularism in schools because a religion other than theirs was suddenly gaining ground."

Vize makes a good point. Secularism isn't actually about atheism or agnosticism, but, as he puts it, is "sitting in the middle". It's intended not just to protect citizens from religion, but to protect the religious from one another. In Auckland, an active member of the Secular Education Network is David Hines, a Methodist lay preacher who spoke against Bible in Schools at a church service in Auckland in late September. Hines sees school religious programmes as a kind of "spiritual apartheid", arguing that while they may not consciously promote Christian supremacy, "that is the effect of what they are doing".

In Tauranga, Des Vize says the goal is to get rid of the Nelson System. "The Nelson System is the intruder – it's not the traditional way, the traditional way is to have secular state schools," he says. "For a group that is teaching values, they're taking advantage of a system that lacks values. Because the act itself says schools have to be free, secular and compulsory and then hidden away in the small print is this sneaky little fishhook in it that says, 'Ah, but you can teach religion in schools if you close the school,'" Vize says. "That's dishonest."

*Religious affiliations in New Zealand:*





(509)

**From:**  
**Sent:** Monday, 5 August 2013 4:19 p.m.  
**To:**  
**Subject:** FW: Religious study at St Heliers School

Good Morning ...

Could you please ring Craig at St Heliers School and have a discussion with him RE the Religious Instruction at the School.

He is closing the school for the junior classes who are the only ones who have this programme.

The Board responded to, after discussing his email to the Board. They had made a decision in April of this year to continue with the programme and review it again in November as part of a consultation process.

He believes the timeframe decided by the Board is reasonable and timely and is prepared to respond in this fashion to the Human Rights Commission if required.

Craig would appreciate advice from you as to their responsibilities revolving around this matter.

Regards

Senior Adviser  
Education Curriculum and Performance Team  
Maungawhau Northern Regional Operations  
Ministry of Education

Level 4 Eden 5 Building  
Cnr Edwin Street and Normandy Road  
Mt Eden  
Private Bag 92644  
Symonds Street  
AUCKLAND 1150: DDI:

@minedu.govt.nz

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**From:**  
**Sent:** Monday, 5 August 2013 3:53 p.m.  
**To:** 'craig@stheliers.school.nz'; 'garry@metrix.co.nz'  
**Cc:**  
**Subject:** FW: Religious study at St Heliers School

God Afternoon Craig and Garry

As you can see I have picked up a complaint that went through to Ken White and has ended up on my desktop.

You will be aware that your Board will need to address this in a timely fashion. I understand from Ken that the school has elected not to close the school for the statutory 30 minutes allowed under the act. If this is the case this should be addressed a.s.a.p.



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**From:**  
**Sent:** Monday, 5 August 2013 3:53 p.m.  
**To:** 'craig@stheliers.school.nz'; 'garry@metrix.co.nz'  
**Cc:**  
**Subject:** FW: Religious study at St Heliers School

God Afternoon Craig and Garry

As you can see I have picked up a complaint that went through to [redacted] and has ended up on my desktop.

You will be aware that your Board will need to address this in a timely fashion. I understand from [redacted] that the school has elected not to close the school for the statutory 30 minutes allowed under the act. If this is the case this should be addressed a.s.a.p.

Give me a call so we can get some clarity and balance as I believe [redacted] may be asking for more than closing the school for this class.

Look forward to hearing from you.

Kind regards

Senior Adviser  
Education Curriculum and Performance Team  
Maungawhau Northern Regional Operations  
Ministry of Education

Level 4 Eden 5 Building  
Cnr Edwin Street and Normandy Road  
Mt Eden  
Private Bag 92644  
Symonds Street  
AUCKLAND 1150: DDH

---

**From:**  
**Sent:** Monday, 5 August 2013 11:33 a.m.  
**To:**  
**Subject:** FW: Religious study at St Heliers School

Hi

How do you want to deal with this or rather do you want me to pick it up or you?

The school is not closing its classes for religious instruction.

Advisor

Education Curriculum and Performance  
Northern Region  
DDI: 01  
email:

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**From:**  
**Sent:** Monday, 5 August 2013 11:22 a.m.  
**To:**  
**Subject:** FW: Religious study at St Heliers School

Hi I

Please see my email below that was sent to the St Heliers School principal and the chairman of the Board of Trustees relating to religious instruction in school.

As discussed, after conversations with the deputy principal and Garry Ivill (BoT chairman) I have now discovered that the school is not closing the class during religious instruction which is in breach of the Education Act.

Could you please address this issue with the school and arrange for the religious instruction class to cease until proper procedures are followed to ensure the class is closed during those times (should they wish to continue with the program).

Thank you for your assistance.

Regards,

---

**From:**  
**Sent:** Thursday, 1 August 2013 1:58 p.m.  
**To:** 'garry@metrix.co.nz'; 'cralgm@stheliers.school.nz'  
**Subject:** Religious study at St Heliers School

Dear Garry and Craig,

I had intended to write this email some time ago but have been extremely busy. However yesterday's article on the front page of the NZ Herald regarding religion/bible study in state schools has prompted me.

I spoke with [redacted] about this when my [redacted] began school at St Heliers 3 years ago and expressed my displeasure at the religious studies program. [redacted] unfortunately to find that the religious (I should be more specific and say Christian) studies program is still running. [redacted] asked [redacted] whether we would like [redacted] to be included or for him to 'opt out'. Our response was the same as for [redacted] that we did not wish to remove him from his classroom and his friends so that he would feel like he is missing out on something or for him to feel like he had done something wrong or just be different from everyone else, effectively alienating him. It is not as simple as just 'opting in' or 'opting out'. We are talking about my son who has feelings and a personality not an object which can be pulled and placed where ever and whenever to suit and for no good reason. How would you explain to a five year old boy that he hasn't been naughty it's just that we as parents think the content of that lesson is nonsense and for him to rationalise with that concept. In this regard my son and us as parents are being discriminated against. It is his classroom and he shouldn't have to leave to avoid the teaching of this fringe following. St Heliers is a main stream school which should be teaching main stream subjects, not fringe element subjects.

Instead we have decided to leave him in his classroom. When he returns from school on Christian studies days we reiterate with him that everything I [redacted] has told him is just made up lies and nonsense. I told him how bad it is

and that \_\_\_\_\_ doesn't understand about reality, I encourage him to tell her that too. We tell real stories about the world and how religion has affected it so badly. So now the problem is that he has to understand that he should listen and respect his actual teacher, \_\_\_\_\_ but not \_\_\_\_\_. Unfortunately that is the way it will be until you eliminate this program from the school. I teach my kids to be strong, Independent thinking, hard working individuals who believe in themselves, not some airy fairy nonsense which is shoved down his innocent five year old throat from a bible bashing church missionary. On one hand you have school teachers teaching them to be smart and then you have someone else teaching them to be stupid. How can you teach science and then religion. The two are opposites. I still remember a day when \_\_\_\_\_ came home from school after her first Christian studies experience and tell me that god built our house. There I am with blood coming out of my hand holding a hammer and a sore back while working on our house and she comes out with something as stupid as that. \_\_\_\_\_ is an extremely intelligent girl, but she believed what she was told because it was taught to her at school.

Study of any religion has no place in a state school. There are non state schools to choose from for parents who wish to pursue it. If you wish to include religion as an extra-curricular activity outside of class time (being prior to the first morning bell at around 9am and the last bell at 3pm) which requires parents to 'opt in' then I would be okay with that.

As it is, my sons' and many other kids time would be far better spent learning to read or playing on the new 'field' which they barely get to use.

I see many different nationalities mixed up among the kids at school which is great. Has any thought been given to the fact that many of these kids are brought up with Islam, Hinduism or Buddhism? It is extremely arrogant to decide that Christianity will be the chosen religion of choice or the religion that the volunteering teacher should come from. When this program was introduced why was it not structured so that a teacher of Islam, Hindi and Buddhism be included? It would leave me to believe that the major proponent(s) of this program is a practising Christian. This would raise serious questions if it were the case.

I know people who will say that 'Christian values' are good to teach. Those values they claim as theirs aren't just Christian values – they are normal decent human values. The Christians have claimed them as their own and appear to think they have a mortgage over them. These values should be (and I am assuming are) being encouraged through the school as a part of everyday life, in class and out, in a real world environment where kids will learn the results very quickly of using them or not. Having someone come into a classroom and tell the kids that a man that you can never see tells us we should live a certain way is not good teaching.

You will note from the information gathered in the NZ Herald article that only 31% of state schools now support a program like the one in St Heliers. This leaves St Heliers as a minority. Many schools have removed it as is the general trend with a decreasing Christian following.

Could you please raise this issue with the board, with the aim of removing the program as soon as possible.

In the mean time I have lodged a complaint with the Human Rights Commission who will assist me further on the basis of discrimination should the situation continue.

I look forward to hearing from you soon.

Regards,



**From:**  
**Sent:** Friday, 9 August 2013 1:49 p.m.  
**To:**  
**Subject:** FW: Religious study at St Hellers School

Hi

I have discussed this matter with the Principal and suggested he seek legal advice from the New Zealand School Trustees Association (NZSTA), which is an agency that provides legal advice to schools. NZSTA advised there is no legal requirement under the Act for schools to notify parents in writing that the school or class is closed. The Principal confirmed that the information about religious instruction is conveyed to parents and guardians as part of the enrolment process. I therefore do not believe the school has acted inappropriately in this case.

Regards

Advisor  
 Education Curriculum and Performance  
 Northern Region  
 DDI:  
 email: @minedu.govt.nz

**From:**  
**Sent:** Wednesday, 7 August 2013 11:46 a.m.  
**To:**  
**Subject:** RE: Religious study at St Hellers School

Hi

Thanks for that. The principals story is clearly different to the deputy principals where she had told me that when they closed the classes for bible studies that parents had complained that it should be open. She said in her own words that "they were in a catch 22 situation".

You mentioned that a letter should be sent to parents advising them that the class would be closed. I wasn't aware of any correspondence that had been sent to us advising that the classes would be closed for that period.

Could you please check that this has been done, ensuring that proper process has been followed to close the classes. If the process has not been followed then it needs to be undertaken.

Thank you.

**From:** @minedu.govt.nz  
**Sent:** Wednesday, 7 August 2013 11:09 a.m.  
**To:**  
**Subject:** RE: Religious study at St Hellers School

Hello

Thank you for your email concerning religious study at St Hellers School.

Yesterday I spoke to the Principal, Craig McCarthy, concerning this matter. The Principal advised me that the year 1 and 2 classes are closed for religious instruction on Thursdays between 9.00 am and 9.30am. Parents have been advised that if they do not want their child/children to attend this class they can either drop their children at school at 9.30am or alternatively they can go to a classroom for the 30 minutes where they will be supervised. He also advised that the Board will be reviewing its decision to provide religious classes in November.

Given this information I do not believe the school is in breach of section 78 of the Education Act 1964, which allows Boards to provide religious instruction and approve religious observances by closing any class or classes within the school, or the school as a whole for this purpose.

Regards

Advisor  
Education Curriculum and Performance  
Northern Region  
DDI:  
email [@minedu.govt.nz](mailto: @minedu.govt.nz)

**From:**  
**Sent:** Monday, 5 August 2013 11:22 a.m.  
**To:**  
**Subject:** FW: Religious study at St Hellers School

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Could you please address this issue with the school and arrange for the religious instruction class to cease until proper procedures are followed to ensure the class is closed during those times (should they wish to continue with the program).

Thank you for your assistance.

Regards,

**From:**  
**Sent:** Thursday, 1 August 2013 1:58 p.m.  
**To:** 'garry@retfix.co.nz'; 'craigm@sthellers.school.nz'  
**Subject:** Religious study at St Hellers School

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I spoke with [redacted] about this when my [redacted] began school at St Heliers 3 years ago and expressed my displeasure at the religious studies program.

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I look forward to hearing from you soon.

Regards,

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