

PRIVATE SCHOOLS CONDITIONAL INTEGRATION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Private Schools Conditional Integration Act 1975.

Clause 1 relates to the Short Title and commencement. *Clause 2* of the Bill comes into force 14 days after the Bill is passed. For reasons explained in the explanatory note for *clause 3*, *clauses 3 and 4* come into force on a date to be fixed by Order in Council.

Clause 2 amends section 7 (1) of the principal Act, which gives the Minister of Education the power to enter into agreements integrating private schools into the State system, but requires that power to be exercised so that schools are integrated "within a phased programme" approved by the Governor-General in Council. So long as numbers of schools wished to integrate, a phased programme could without great difficulty be devised, and served the purpose of ensuring that the Minister's powers were so exercised that schools were integrated over a period. But now that (with only 1 or 2 exceptions) all those schools that have at any stage indicated a desire to integrate have integrated, it is more or less impossible to devise a phased programme applying to (say) 2 schools only.

The amendment omits from section 7 (1) the requirement for a phased programme.

Clause 3 amends section 65 of the principal Act, which applies to positions that have come to be referred to as "tagged" positions—that is to say positions at integrated schools that may be held only by persons who have a willingness and ability to take part in religious instruction appropriate to those schools.

The amendment arises from the fact that it is proposed to have in State primary schools a position of Assistant Principal, and as a consequence to do away with the position of Senior Teacher Junior Classes.

The amendment provides that the position of Deputy Principal or Assistant Principal of such a school (depending on which of them has responsibility for supervising junior classes at that school) may become a tagged position, and the position of Senior Teacher Junior Classes cannot be a tagged position.

To avoid the possibility that the amendment could increase the number of tagged positions at an integrated school, *clause 1 (3)* provides that *clause 3* is to come into force on a day fixed by the Governor-General by Order in Council on the recommendation of the Minister. *Clause 1 (4)* provides that the Minister is not to recommend the making of an Order in Council until satisfied that the position of Senior Teacher Junior Classes no longer exists.

Clause 4 repeals and replaces section 66 of the principal Act, which provides that where an integration agreement requires the holder of a particular position to have particular capabilities, it may be a condition of appointment to that position that the appointee should have the capabilities concerned. The new section is extended, to provide also that where any person holding the position of Assistant Principal of an integrated primary school has responsibility for supervising senior classes at that school, it may be a condition of appointment to that position that the appointee should “maintain programmes and activities that reflect the special character of that school”.

The clause is to come into force at the same time as *clause 3*.

Hon. Russell Marshall

**PRIVATE SCHOOLS CONDITIONAL INTEGRATION
AMENDMENT**

ANALYSIS

Title	2. Integration agreement
1. Short Title and commencement	3. Religious instruction
	4. Other special positions

**An Act to amend the Private Schools Conditional
Integration Act 1975**

BE IT ENACTED by the General Assembly of New Zealand
in Parliament assembled, and by the authority of the same, as
5 follows:

1. Short Title and commencement—(1) This Act may be
cited as the Private Schools Conditional Integration
Amendment Act 1985, and shall be read together with and
deemed part of the Private Schools Conditional Integration Act
10 1975* (hereinafter referred to as the principal Act).

(2) **Section 2** of this Act shall come into force on the 14th day
after the date on which this Act receives the Governor-General's
assent.

(3) Subject to **subsection (4)** of this section, **sections 3 and 4** of
15 this Act shall come into force on a day fixed by the Governor-
General, on the recommendation of the Minister, by Order in
Council.

*1975, No. 129

Amendment: 1977, No. 10

(4) The Minister shall not recommend to the Governor-General the making of an Order in Council under subsection (3) of this section unless satisfied that on the day fixed by that Order in Council it will no longer be possible for the controlling authority of an integrated school to designate a teaching position at that school as a Senior Teacher Junior Classes. 5

2. Integration agreement—(1) Section 7 (1) of the principal Act (as amended by section 4 (1) of the Private Schools Conditional Integration Amendment Act 1977) is hereby amended by omitting the words “within a phased programme approved by the Governor-General in Council which programme may from time to time be varied or amended by the Governor-General in Council”. 10

(2) Section 4 (1) of the Private Schools Conditional Integration Amendment Act 1977 is hereby consequentially repealed. 15

(3) The following Orders in Council are hereby consequentially revoked:

- (a) The Private Schools Integration Programme Order 1976*:
- (b) The Private Schools Integration Programme Order 1976, Amendment No. 1†: 20
- (c) The Private Schools Integration Programme Order 1976, Amendment No. 2‡:
- (d) The Private Schools Integration Programme Order 1976, Amendment No. 3§:
- (e) The Private Schools Integration Programme Order 1976, Amendment No. 4||. 25

3. Religious instruction—Section 65 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

- “(d) If— 30
- “(i) That school is a primary school; and
 - “(ii) The person holding the position of deputy principal of that school or a position of assistant principal at that school has responsibility for supervising the junior classes at that school; and 35
 - “(iii) It is so provided by the terms of the integration agreement of that school,—
- an advertisement for that position shall state that a willingness and ability to take part in religious instruction appropriate to that school shall be a condition of appointment.”. 40

*S.R. 1976/277
 †S.R. 1980/269
 ‡S.R. 1981/375
 §S.R. 1982/138
 ||S.R. 1983/214

4. Other special positions—The principal Act is hereby amended by repealing section 66, and substituting the following section:

5 “66. (1) Where an integration agreement records that any teaching position in the school concerned is a special position that requires particular capabilities on the part of the teacher holding it, an advertisement for that position shall require an appointee to possess those capabilities as a condition of appointment to that position.

10 “(2) Without limiting the generality of **subsection (1)** of this section, where the person holding a position as assistant principal at an integrated primary school has responsibility for supervising the senior classes at that school, an advertisement for that position shall require an appointee to maintain
15 programmes and activities that reflect the special character of that school as a condition of appointment to that position.

20 “(3) Where, in accordance with **subsection (1) or subsection (2)** of this section, an advertisement for a position makes any requirement a condition of appointment to that position, any person appointed to that position shall accept that requirement as a condition of his appointment to it.”