

Mr. Holland.

RELIGIOUS INSTRUCTION IN PUBLIC SCHOOLS
ENABLING.

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A BILL INTITULED

AN ACT to enable Religious Instruction to be given in Title.
Public Schools in School Hours to the Children of
those Persons who so desire.

5 WHEREAS the present law is not in accordance with Preamble.
the conscientious convictions of those parents who affirm
that their children attending public schools are entitled
to receive religious instruction as an integral part of their
day school education, but is in accord with the convictions
10 of only those who desire that the education of their children
in school should be of a wholly secular character: And
whereas it is expedient and just that all parents of children
attending public schools should be placed on an equality
in regard to their conscientious convictions on this matter:

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

Short Title.

1. This Act may be cited as the Religious Instruction in Public Schools Enabling Act, 1934. 5

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Board Fund”, “General Fund”, “Special Fund”, and “School Fund” shall mean the funds so named in the Education Act, 1914:

“Minister” shall mean the Minister of Education: 10

“The New Zealand Educational Institute” shall mean the New Zealand Educational Institute referred to in section one hundred and forty-six of the Education Act, 1914:

“Public school” shall have the same meaning as is given to it by section two of the Education Act, 1914: 15

“School Committee” shall mean the School Committee elected under the Education Act, 1914, or where no Committee is elected, the Commissioner or the Commissioners appointed under the provisions of the Third Schedule to that Act: 20

“Senior Inspector” shall mean the Senior Inspector under whose control the particular school is carried on: 25

“Teacher” shall include all teachers employed under the Education Act, 1914, in teaching in public schools.

Religious observances and instruction in public schools.

3. On and after the *first* day of *June*, nineteen hundred and thirty-five, notwithstanding anything to the contrary in the Education Act, 1914, or in any other Act, in every public school in which, and to the extent to which, there are available teachers willing to participate in the system of religious observances and religious instruction referred to in this Act, or persons authorized under section *nine* of this Act, or both, each school day shall be opened with religious observances, and religious instruction shall be given in school hours at such times as may be agreed upon between the head or sole teacher on the one hand and the persons engaged or to be engaged in conducting such religious instruction on the other hand, and in the case of religious instruction conducted by the head or sole teacher personally, at such times as may be fixed by 30 35 40

such head or sole teacher, in the manner and subject to the conditions prescribed by this Act, and subject to the use of the approved syllabus or syllabuses and manual or manuals hereinafter referred to.

- 5 **4.** For the purpose of drawing up, adding to, altering, or amending a syllabus or syllabuses and manual or manuals of selected Biblical passages, prayers, and hymns for use in such religious observances and religious instruction, or in either, the Minister shall, subject to the conditions prescribed by section *thirteen* of this Act, and
10 within six months after the passing of this Act, convene a Committee comprising members appointed or elected under the provisions set forth in the Schedule of this Act, and carrying out its duties in the manner described in
15 the said Schedule.
- 5.** No syllabus or manual adopted by the said Committee for use in connection with the said religious observances and religious instruction, or with either, shall be so used until the same shall have been approved by
20 the Minister by writing under his hand.
- 6.** Notwithstanding anything contained in section *three* of this Act, no teacher who shall notify the Chairman of the School Committee in writing that he desires not to participate in the said opening religious observances shall
25 be required so to participate, and with respect to such religious instruction (as distinct from the said opening religious observances) no teacher shall be required to participate unless he shall notify the Chairman of the School Committee in writing that he desires so to
30 participate.
- 7.** Notwithstanding anything contained in section *three* of this Act, any child whose parent or guardian shall notify the head teacher of the school in writing of his desire that such child shall not participate in the
35 said religious observances and religious instruction, or in either, shall be engaged in other educational work, as provided in section *ten* of this Act.
- 8.** In addition to the rights conferred upon teachers, parents, and guardians by sections *six* and *seven* of this
40 Act, any Church viewed in its denominational totality in New Zealand, upon application in that behalf in writing to the Minister signed by the person within New Zealand in whom ecclesiastical authority in such Church shall for the time being be vested, shall have the right to obtain

Committee to draw up syllabus and manuals.

Approval of syllabus and manual.

Participation of individual teachers.

Participation of individual pupils.

General exemption of teachers and pupils.

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a general exemption for all teachers and children belonging to such Church from participation in such religious observances or religious instruction, or in either. The responsibility of arranging for the notification of such teachers, or the parents or guardians of such children, of the right so obtained to withdraw from such participation, shall rest upon such ecclesiastical authority. The Minister shall cause to be gazetted a notice of every general exemption obtained under this section. 5

Provision in event of insufficiency of teachers.

9. In the event of an insufficiency of teachers to conduct such religious observances or to give such religious instruction in any public school, the School Committee shall authorize, for the purpose of assisting in such religious observances, and in such religious instruction, or in either, one or more persons from outside the school staff, after consultation with the head teacher and with the approval of the Senior Inspector. 10 15

Non-participating teachers and pupils.

10. During the time given to such religious observances and religious instruction all non-participating teachers and pupils shall be engaged in other educational work. 20

Time for religious observances and instruction.

11. The total amount of time in school hours to be given to the said religious observances and religious instruction shall not exceed *two* hours in any *one* week.

Denominational teaching prohibited.

12. No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught, nor shall any attempt be made to attach children to any particular denomination, in the school in school hours. 25

Additional expenditure not to fall on public funds, &c.

13. (1) No additional expenditure occasioned by the said religious observances and the said religious instruction and the convening and proceedings of the said Committee, or by any of them, shall be paid out of the public funds, or out of the General Fund of the Board Fund, or out of any special fund of the Board Fund or out of the School Fund, or otherwise than out of moneys voluntarily contributed for the purpose. 30 35

(2) For the purposes of this section additional expenditure shall mean expenditure beyond that which could have been incurred or payable had this Act not been passed. 40

14. Nothing in this Act shall prevent the use in any public school, at the discretion of the School Committee, of any system of religious observances or religious instruction, or both, authorized under subsection seven of section forty-nine of the Education Act, 1914, in lieu of or in addition to the system authorized by this Act.

Existing practice need not be altered.

SCHEDULE.

Schedule.

Representatives of Churches.

1. Every Church having, at the time of the census last published by the Government Statistician under the Census and Statistics Act, 1926, before the convening of the Committee mentioned in section 4 of this Act, not less than five thousand adherents, shall be entitled to send to the said Committee a representative or representatives as follows :—

- (a) Where the number of adherents is not less than five thousand and not more than one hundred thousand, one representative.
- (b) Where the number of adherents exceeds one hundred thousand, one additional representative for each complete one hundred thousand of such excess, and one additional representative for any number of adherents (not less than fifty thousand) in excess of the last complete one hundred thousand.

Time for appointment or election of representatives.

2. The Minister shall fix a date (not being less than three nor more than four months after the passing of this Act) on or before which Churches qualified to appoint or elect a representative or representatives under clause 1 of this Schedule, and the New Zealand Educational Institute, may give to him in writing notice of the appointment or election of their representatives on the said Committee. Notice of such date shall be published by the Minister in the *New Zealand Gazette* not less than two months before such date.

Appointment or election of representatives to Committee.

3. Every Church qualified under clause 1 of this Schedule, and the New Zealand Educational Institute, may within the time prescribed by the Minister under clause 2 of this Schedule notify to him the number of representatives (not exceeding in the case of a Church the number to which it is entitled under clause 1 of this Schedule, and not exceeding two in the case of the New Zealand Educational Institute) appointed or elected by it to the said Committee, and the names and addresses of such representatives. Such notice in the case of a Church shall be given in writing under the hand of the person or persons within New Zealand in whom ecclesiastical authority in such Church shall for the time being be vested; and in the case of any Church in which ecclesiastical authority is vested in a body of persons, then under the hand of the President or Acting-President of that body. In default of any person or body having ecclesiastical authority as aforesaid, the notice of

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appointment or election of such representative or representatives may be under the hand of two duly recognized office bearers in the Church on behalf of which such notice is given. Such notice shall in the case of the New Zealand Educational Institute be given in writing under the hand of its President or Acting-President for the time being. In the event of any doubt as to the validity of any notice given under this section, the matter of such doubt shall be determined by the Minister, whose decision shall be final.

Personnel of Committee to be gazetted.

4. As soon as conveniently may be after the date fixed under clause 2 of this Schedule the Minister shall publish in the *New Zealand Gazette* a statement setting forth the names and addresses of two representatives appointed by him and of the representatives of whose appointment or election he has had due notice under clause 3 of this Schedule, and the names of the persons or bodies by which they were respectively appointed or elected; and the Committee mentioned in section 4 of this Act shall then consist of those representatives. The Minister may at any time revoke the appointment of any representative appointed by him, and in the event of such revocation or of the death or resignation of any such representative, may appoint another representative in his place. Any Church which has appointed or elected a representative or representatives, or the New Zealand Educational Institute, may, in the event of the death or resignation of any representative appointed or elected by it, appoint or elect a representative in the place of the one so dying or resigning. The appointment or election of any representative of any Church qualified under clause 1 of this Schedule, or of any representative of the New Zealand Educational Institute, may at any time be revoked by the appointment or election of a successor in his stead. If as the result of any census subsequent to the census mentioned in clause 1 of this Schedule it shall appear that any Church would be entitled according to the scale set out in that clause to a representative or representatives, or to an additional representative or representatives, such representative or representatives, or additional representative or representatives, may be appointed or elected by that Church, and if as the result of any such census it shall appear that any Church already represented on the said Committee would not be entitled to a representative or to its existing number of representatives, the representative, if only one, shall be deemed to have resigned from the Committee, or if there are more representatives than one, then the number in excess shall retire, and the retirement, if not effected by resignation or by the person or body entitled to appoint or elect representatives, shall be determined by the Minister by lot. Every vacation of the office of representative of any Church or of the New Zealand Educational Institute, and every appointment of a new representative of any Church, or of the New Zealand Educational Institute, shall be communicated to the Minister in the manner prescribed by clause 3 of this Schedule. Whenever any person shall resign his membership of the said Committee, or whenever the appointment or election of any person as a member of the said Committee shall be revoked, or whenever any person shall be appointed or elected a member of the said Committee, the Minister shall cause notice of the

fact to be published in the *New Zealand Gazette*, and such resignation, revocation, appointment, or election shall take effect upon such publication.

Meetings of Committees.

5. The first meeting of the said Committee shall be convened by the Minister as soon as conveniently may be after the date fixed under clause 2 of this Schedule. The proceedings of the said Committee may from time to time be adjourned, and meetings of the said Committee after the first may be convened at any time by notice in writing under the hand of the Chairman or Acting-Chairman, and shall be convened by the Minister by notice in writing under his hand on receipt by him of a written requisition signed by not less than one-third of its members. Not less than fourteen days' notice of the time and place of every meeting (other than an adjourned meeting) shall be given through the post to each representative, and notice of the first meeting shall also be published in the *New Zealand Gazette* not less than fourteen days before the date fixed for the same.

Proceedings of Committee.

6. The said Committee shall elect its own Chairman, and a quorum of the said Committee shall be one-third of the total number of members appointed or elected thereto. The Chairman shall have a casting as well as a deliberative vote.