

[AS REPORTED FROM THE LABOUR AND EDUCATION COMMITTEE]

House of Representatives, 9 July 1985.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Russell Marshall

EDUCATION AMENDMENT

ANALYSIS

Title		<i>Health Education</i>
1. Short Title and commencement		105C. Parents to be consulted on treatment of health syllabus
2. New sections inserted relating to health education		105D. Parents and guardians may require students to be excluded from health education classes
	3. Transitional	

A BILL INTITULED

An Act to amend the Education Act 1964

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

- 1. Short Title and commencement**—(1) This Act may be cited as the Education Amendment Act 1985, and shall be read together with and deemed part of the Education Act 1964* (hereinafter referred to as the principal Act).
- 10 (2) This Act shall come into force on the 14th day after the date on which it receives the Governor-General's assent.

*Reprinted 1975, Vol. 3, p. 1699

Amendments: 1976, No. 42; 1976, No. 70; 1977, No. 91; 1978, No. 79; 1979, No. 148; 1981, No. 124; 1982, No. 19; 1982, No. 155; 1982, No. 170; 1983, No. 57

2. New sections inserted relating to health education—
The principal Act is hereby amended by inserting, after section 105B, the following heading and sections:

“Health Education

“105C. Parents to be consulted on treatment of health syllabus—(1) In this section, unless the context otherwise requires,—

“ ‘Health syllabus’, in relation to any school, means the health syllabus required to be taught at that school:

“ ‘Managing body’— 10

“(a) In respect of a State primary school that has a school committee, means that committee:

“(b) In respect of a State primary school that has no school committee, but has a commissioner appointed in place of a school committee, means that 15 commissioner:

“(c) In respect of a State primary school that has neither a school committee nor a commissioner appointed in place of a school committee, means the Education Board in whose district that school is 20 situated:

“(d) In respect of a secondary school that has a Committee elected or appointed under section 53 (1) of this Act, means that Committee:

“(e) In respect of a secondary school that has no 25 such committee, or a composite school to which the Education (Form I to VII Schools) Regulations 1976* apply, means the governing body of that school:

“(f) In respect of a composite school to which the said regulations do not apply, means the committee 30 of management established in respect of that school under Part V of the Composite Schools Regulations 1979†:

New

“(g) In respect of a correspondence school 35 established under this Act, means the Director-General:

“ ‘State school’ means a school that is a State primary school, a secondary school, or a correspondence school established under this Act: 40

“ ‘Treatment’, includes scope and emphasis.

*S.R. 1976/325

†S.R. 1979/185

“(2) Notwithstanding sections 75 (1A) and 84 of this Act, the principal of a State (*primary school or secondary*) school shall ensure that—

5 “(a) The treatment of the various elements of the health syllabus at that school is that most recently determined under this section; and

“(b) That treatment is not departed from in the course of the teaching of that syllabus; and

10 “(c) The health syllabus at that school in any year includes no element of sex education unless, not earlier than the day on which the treatment of the various elements of the health syllabus (other than sex education) at that school was last determined under **subsection (7)** of this section, the managing body of that school directed under **subsection (8) (c)** of this section that it should be included.

15 “(3) The principal of a State (*primary school or secondary*) school may at any time, and not later than 18 months after the day on which (*the treatment of the various elements of the health syllabus (other than sex education) at that school were*) a treatment was last determined under **subsection (7)** of this section he shall, by consultation with the managing body of that school, the proprietor of that school (if it is an integrated school), and parents and guardians of the students enrolled (or at any time
20 in the following 2 years likely to be enrolled) at that school, attempt to—

“(a) Identify broadly agreed health education needs of the students enrolled at that school; and

30 “(b) Establish broadly agreed goals towards which health education at that school should be directed; and

“(c) Reach broad agreement on the desirable treatment of the health syllabus at that school.

“(4) The consultation with parents and guardians under **subsection (3)** of this section shall be undertaken by—

35 “(a) One or more public meetings (*with*) of parents and guardians; or

“(b) A questionnaire sent to those parents and guardians for whom an address is known at their last known addresses; or

40 “(c) Any other means agreed by the principal concerned and the managing body concerned.

“(5) The principal of a State (*primary school or secondary*) school—

“(a) May, at any time—

“(i) Within 6 months of undertaking the consultation described in **subsection (3)** of this section; 5
and

“(ii) Before the (*day following the completion of that consultation on which the*) treatment of the various elements (*of the health syllabus (other than sex education) at that school*) is next determined under **subsection (7)** 10
of this section; and

“(b) Shall, not later than 2 years after the day on which the treatment of the various elements of the health syllabus (other than sex education) at that school was last determined under **subsection (7)** of this 15
section,—

give to the managing body of that school a written description of the proposed future treatment of the various elements of the health syllabus at that school and a written description of the nature and results of the consultations. 20

Struck Out

“(6) Every description given under **subsection (5)** of this section shall contain separate descriptions of—

New

“(6) Every description of a proposed future treatment under **subsection (5)** of this section shall be prepared in the light of the consultation under **subsection (3)** of this section last undertaken in respect of the school concerned, and shall contain descriptions of— 25

“(a) The elements of sex education included in the syllabus concerned; and 30

“(b) The proposed future treatment of each of those elements.

“(7) When under **subsection (5)** of this section the principal of a State (*primary school or secondary*) school gives the managing body of that school a written description of the proposed future 35
treatment of the various elements of the health syllabus at that school, so far as it relates to elements of that syllabus that are not sex education that treatment shall thereupon be deemed to be determined.

“(8) Where under **subsection (5)** of this section the principal of a State (*primary school or secondary*) school has given the managing body of that school a written description of the proposed future treatment of the various elements of the health syllabus at that school,—

5 “(a) Until that body directs that that syllabus should include any particular element of sex education described in that written description, that principal may from time to time amend that description so far as it describes the proposed future treatment of that element:

10 “(b) That body may direct, or refrain from directing, that that syllabus should include any particular element of sex education described in that written description; but if it so directs it shall not thereafter be capable of withdrawing or modifying its direction except by refraining from directing the inclusion of that element in respect of a further written description given to it under **subsection (5)** of this section:

20 “(c) When that body directs that that syllabus should include any particular element of sex education described in that written description, the proposed future treatment of that element then forming part of that written description shall thereupon be deemed to be determined in respect of that element.

25 “(9) The treatment determined under this section of any element of the health syllabus at a State (*primary school or secondary*) school shall, until any future relevant determination, be deemed to form—

30 “(a) Part of that school’s school scheme under the Organisation and Inspection of State Primary School Regulations 1963, if that school is a State primary school:

35 “(b) Part of that school’s total programme of studies and activities, if that school is a secondary school or a correspondence school established under this Act.

“105D. **Parents and guardians may require students to be excluded from health education classes**—(1) A parent or guardian of a student enrolled at a State primary school or secondary school may at any time, by notice in writing to the principal of that school, require that student to be excluded from every class in which any element of the health syllabus at that school that is sex education is being taught; and may 45 similarly withdraw any such notice.

“(2) For so long as a notice under **subsection (1)** of this section is in force, the principal of the school concerned shall ensure that the student concerned is excluded accordingly.

New

“(3) Nothing in this section shall require a student to be excluded from any class (not being a class in which any element of the health syllabus at the school concerned that is sex education is being taught as part of a planned class programme) while a teacher deals with any question that has been raised by any student during the teaching of that class.”

3. Transitional—(1) In this section,—

“Designated school” means a school specified in the Schedule to this Act or a school designated under subsection (3) of this section:

“The new provisions” means **section 105c** of the principal Act (as inserted by **section 2** of this Act):

“Transition date” means—

(a) A date specified for the purposes of this section by the Minister by notice in the *Education Gazette*; or

(b) If no date before the 1st day of January 1989 is specified, the 1st day of January 1989.

(2) In this section, terms defined in **section 105c (1)** of the principal Act (as inserted by **section 2** of this Act) shall have the meanings there assigned to them.

(3) The Minister may from time to time, by notice in the *Education Gazette*, designate any State (*primary school or secondary*) school a school in respect of which the new provisions are to apply before the transition date.

New

(3A) The Minister shall not designate a school under **subsection (3)** of this section unless satisfied that—

(a) The principal of that school has consulted its managing body as to the consequences of designation; and

(b) That managing body consents to the designation of that school.

(4) The Minister may from time to time, by notice in the *Education Gazette*, prescribe health syllabuses for (*secondary schools that are*) designated schools, or for any specified classes at such (*secondary*) schools, and may at any time amend or revoke any
5 such notice; and until the transition date the principal of every (*secondary school that is a*) designated school shall ensure that the syllabus prescribed is taught at that school.

(5) Notwithstanding the new provisions, but subject to **sub-section (6)** of this section, before the transition date, the treat-
10 ment of the various elements of the health syllabus at State (*primary schools, and secondary schools,*) schools that are not designated schools shall not be determined under the new provisions.

(6) Where the treatment of the various elements of the health
15 syllabus (other than sex education) at a State (*primary school or secondary*) school has never in fact been determined under the new provisions, the new provisions shall have effect in respect of that school,—

- (a) At any time before, on, or after the transition date,—
- 20 (i) If in 1984 no sex education was taught at that school as part of the health syllabus, as if the managing body of that school has never directed under the new provisions that that syllabus should include any element of sex education; and
- 25 (ii) If in 1984 any element of sex education was taught at that school as part of the health syllabus, as if the managing body of that school had, within 2 years of that time, directed under the new provisions that that syllabus should include that
30 element, and as if the treatment of that element in 1984 were described in the appropriate description given to that managing body; and
- (b) On or after the transition date, as if the treatment of the
35 health syllabus (other than sex education) at that school immediately before the transition date had been determined under the new provisions on a day 6 months before the transition date.

New

(7) Forthwith after the Director-General receives the report commissioned by him from the University of Otago and agreed to be made to him by the university under a contract embodied in—

(a) The letter of 23 May 1985 from him to the Vice-Chancellor of the university; and 5

(b) The letter of 13 June 1985 from the Registrar of the university to him,—

he shall give 2 copies to the Minister; and within 8 sitting days of being given those copies, the Minister shall lay a copy before Parliament for reference to a select committee. 10

Section 3 (1)

SCHEDULE

DESIGNATED SCHOOLS

Whangarei

Tikipunga High School
Kamo Intermediate
Raumanga Intermediate
Whangarei Intermediate
Glenbervie Primary
Kamo East Primary
Ngungaru Primary
Otangarei Primary
Tikipunga Primary

Porirua

Aotea College
Waitangirua Intermediate
Corinna Primary
Discovery Primary
Natone Park Primary
Papakowhai Primary
Paremata Primary
Pauatahanui Primary
Plimmerton Primary
Postgate Primary
Rangikura Primary
Russell Primary
Tairangi Primary

Te Awamutu

Te Awamutu College
Te Awamutu Intermediate
Kihikihi Primary
Paterangi Primary
Pekerau Primary
St Patrick's Primary
Te Awamutu Primary

Christchurch

Hillmorton High School
Christchurch South Intermediate
Manning Intermediate
Halswell Primary
Hoon Hay Primary
Lady of Assumption
Oaklands Primary
Rowley Avenue Primary
Spreydon Primary