

# ST PETER'S SCHOOL TRUST BOARD AMENDMENT BILL

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AS REPORTED FROM THE EDUCATION AND SCIENCE  
COMMITTEE

## COMMENTARY

### **Recommendation**

The Education and Science Committee has carefully considered the St Peter's School Trust Board Amendment Bill and—

- (a) Finds that the allegations in the Preamble have been proved to its satisfaction; and
- (b) Recommends that the bill be allowed to proceed with the amendments shown in the bill.

### **Conduct of the examination**

The St Peter's School Trust Board Amendment Bill was introduced to the House on 20 August 1996 and referred to the Education and Science Committee on 27 August 1996. It was held over to this Parliament and by leave the House extended the deadline for reporting back to 30 June 1997.

The committee advertised for submissions in the *Waikato Times*, the *Cambridge Edition*, the *Te Awamutu Courier*, the *Auckland Herald* and the *Dominion*. Individual submissions were sought from the St Peter's School Trust Board, the Anglican Church of New Zealand and one individual who expressed an interest in making a submission. The closing date for submissions was 14 April 1997.

Three oral and three written submissions were received. Two were heard orally. The hearing of oral evidence was commenced and completed on 24 April 1997. The hearing was held in Wellington. Forty-two minutes were spent on the hearing of evidence and consideration took 28 minutes.

Advice was sought and received from the Chief Parliamentary Counsel and the Ministry of Education.

This commentary sets out the details of the committee's consideration of the bill and the major issues addressed by the committee.

## **Purpose of the bill**

This bill seeks to enable the St Peter's School Trust Board to appoint principals who are female and not members of the Anglican Church or of a Protestant denomination.

## **Background**

The St Peter's School Trust Board Act 1985 defines the objects and powers of the Board and provides that the constitution of the Board shall be that set out in the Schedule to that Act. Clause 10 of the constitution empowers the Board to appoint a Headmaster. However, the constitution stipulates that the Headmaster must be a member of the Anglican Church or of a Protestant denomination.

The Board considers it desirable that it should be able to appoint either a man or a woman as the Principal of the School and appoint persons who are not members of the Anglican Church or of a Protestant denomination.

## **Committee consideration**

### **The gender issue**

We heard evidence from witnesses arguing that the constitution is gender neutral in that it refers to "any person" to be appointed as headmaster and not males only. Further, the Acts Interpretation Act 1924 provides that words referring to the masculine gender include females. Therefore, they argue that the existing Act allows the appointment of a female "headmaster".

### **The issue of religion**

Evidence was given to us arguing that the proposed amendment allowing the appointment of "the most suitable person" is too liberal. It could result in the appointment of any person regardless of religious affiliation or belief, such as an atheist. An amendment was recommended by the witness to enable the appointment of a member of the Anglican Church, a Catholic or a member of a Protestant denomination.

The St Peter's School Trust Board has informed us that it does not intend this amendment bill to override the fundamental Anglican philosophy of St Peter's School. St Peter's Anglican Chapel and its Anglican chaplain are of critical importance and the Chapel is one of the school's focal points. The appointment of a non-Anglican principal will not prejudice that focus as she or he will be accountable to the Board.

The Board also contends that the appointment of the Principal is qualified by the proviso that the Board must be of the opinion that the prospective principal is the most suitable person for appointment and it is satisfied that the Anglican character of the school will be maintained.

### **The committee's position**

We note the appointment of the current headmaster was made outside the terms of the St Peter's School Trust Board Act 1985. For this reason we have recommended an amendment to validate this appointment. We considered carefully the suggested amendment to restrict the appointment of the headmaster to a member of the Anglican Church, a Catholic or a member of a Protestant denomination and the arguments for it. On balance we accept the arguments advanced by the St Peter's School Trust Board that the Anglican philosophy of the school will be maintained. For this reason we recommend that the bill proceed as amended.

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KEY TO SYMBOLS USED IN REPRINTED BILL  
AS REPORTED FROM A SELECT COMMITTEE

*Struck Out (Unanimous)*

Subject to this Act,

Text struck out unanimously

*New (Unanimous)*

Subject to this Act,

Text inserted unanimously

*Hon. Simon Upton*

**ST PETER'S SCHOOL TRUST BOARD AMENDMENT**

[PRIVATE]

ANALYSIS

Title	3. Principal
Preamble	4. Appointment of Principal
1. Short Title	5. Private Act
2. Objects of trust	

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A BILL INTITULED

**An Act to amend the St Peter's School Trust Board Act 1985**

WHEREAS—

- 5 A. The St Peter's School Trust Board is a Board incorporated under the Charitable Trusts Act 1957 and administers St Peter's School at Cambridge:
- 10 B. The St Peter's School Trust Board Act 1985 defines the objects and powers of the Board and provides that the constitution of the Board is that set out in the Schedule to that Act subject to any alterations or additions lawfully made by the Board pursuant to and in accordance with clause 18 of that constitution:
- 15 C. Clause 10 of the constitution provides that the Board must from time to time appoint a Headmaster of the School on such terms and conditions as determined by the Board and also provides that no person is eligible for appointment as Headmaster of the School unless that person is a member of the Anglican Church or of a Protestant denomination:
- 20 D. The Board considers it desirable that it should be able to appoint either a man or a woman to the position of Principal of the School and that it should also have the power, in appropriate cases, to appoint to that

position a person who is not a member of the Anglican Church or of a Protestant denomination:

E. Clause 18 of the constitution prohibits any alteration by the Board to clause 10:

F. The objects of this Act cannot be attained otherwise than by legislation: 5

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the St Peter's School Trust Board Amendment Act 1996, and is part of the St Peter's School Trust Board Act 1985 ("the principal Act"). 10

*Struck Out (Unanimous)*

**2. Objects of trust**—Section 3 (c) of the principal Act is hereby amended by omitting the word "Headmaster" in both places where it appears, and substituting in each case the word "Principal". 15

*New (Unanimous)*

**2. Objects of trust**—Section 3 of the principal Act is amended by omitting from paragraphs (a) (iii) and (c) the word "Headmaster" in each place where it appears, and substituting in each case the word "Principal". 20

**3. Principal**—(1) The Schedule of the principal Act is amended by repealing the definition of the term "Headmaster" in clause 2 of the constitution, and substituting the following definition: 25

" 'Principal' means the Principal of the School from time to time appointed pursuant to **clause 10** of this constitution:".

(2) The Schedule of the principal Act is amended by omitting from clause 6(4)(a) of the constitution the word "Headmaster", and substituting the word "Principal". 30

**4. Appointment of Principal**—(1) The Schedule of the principal Act is amended by repealing clause 10 of the constitution, and substituting the following clause:

“10. (1) The Board must from time to time appoint a Principal of the School on such terms and conditions as the Board determines.

5 “(2) The person appointed as Principal of the School must be a member of the Anglican Church or of a Protestant denomination.

10 “(3) The Board may however appoint as Principal of the School a person who is not a member of the Anglican Church or of a Protestant denomination if, in the opinion of the Board, that person is the most suitable person for appointment and the Board is satisfied that the Anglican character of the School will be maintained.”

*New (Unanimous)*

15 (2) Stephen Frederick Patrick Robb is to be treated as having been validly appointed by the Trust Board as Principal of the School with effect on and from 24 January 1996 and as if this Act had been in force at the time the appointment was made.

**5. Private Act**—This Act is a private Act.