

## **Private Schools and the Law: Media Release**

Private schools allow parents a choice as to how their children are educated.

“The private school sector in New Zealand is generally strong. Our best private schools are very good indeed” said Sir Geoffrey Palmer, President of the Law Commission which has just issued its report on Private Schools and the Law.

“But the sector is governed by legislation which is past its use by date”, he said. Some of the legislation has not been reviewed since 1921, and its language is outdated and vague.

Some provisions are hard to find and hard to understand it does not give much guidance, either to the schools themselves, or to the government agencies which have to make decisions.

There are also some serious gaps in it. For example there are currently no restrictions at all on who can set up a private school: even a person with a lengthy criminal record could do so. Moreover, while there is an obligation on private schools to “inculcate in the minds of students sentiments of patriotism and loyalty” there is no obligation to look after students’ welfare.

Further, while the legislation imposes a number of obligations on private schools, the only action which can be taken against a school which breaks them is total deregistration: there is nothing in between. And sometimes even deregistration is not

available, which means there is nothing that can be done. “This is obviously unsatisfactory in the 21<sup>st</sup> century” said Sir Geoffrey.

The Law Commission Report recommends a modernisation of the legislation, and a clarification of its vague language.

The Report also recommends that some of the serious gaps in the Act be filled by giving more flexible powers to deal with situations where schools are not meeting standards or complying with the Act. Often the emphasis would be on assisting the school rather than penalising it. But there also needs to be the power to take effective action where student welfare is compromised. “It may seldom, or even never, be necessary to use such powers” said Sir Geoffrey “but they need to be there in case”.

“The purpose of this report is certainly not to make fundamental changes to the private school sector. For the great majority of schools it will be business as usual” he concluded.