

VIII. ARTICLE 13: RIGHT TO EDUCATION

A. Principal laws

578. The principal laws concerned with the right to education are:

- (a) The Education Act 1964;
- (b) The Education Act 1989;
- (c) The Adult Education Act 1963;
- (d) The School Trustees Act 1989;
- (e) The Maori Education Foundation Act 1961;
- (f) The New Zealand Council for Educational Research Act 1961;
- (g) The Pacific Islands Polynesian Education Foundation Act 1972.

B. Measures taken to promote the full realization of the rights of everyone to education

579. The New Zealand education system aims to achieve these goals through a variety of measures. Of fundamental importance is the recognition that education holds the key to personal and social development and should therefore be placed at the centre of all activities for national development. One aspect of this is that the principle of universal access to educational opportunities is entrenched in New Zealand's education laws, which have provided for compulsory free education since the last century.

580. An illustration of the central place given to education in New Zealand society is the fact that, while curbs on Government expenditure have been applied in almost all sectors in recent years, spending on education has been maintained and even increased in some areas.

581. Although legislation to guarantee equal access to education has been in place in New Zealand for many years, statistics have continued to indicate that some groups are benefiting less than others from the opportunities available, and are consequently at a disadvantage in developing their full potential within the society. Maori and Pacific Island people, and people from low income families, have generally speaking been less likely to succeed at school than others. Recent reforms at all levels of the education system (Before Five, Tomorrow's Schools and Learning for Life) specifically focus on equity issues.

582. Legislation to give effect to the primary and secondary education reforms was enacted in the Education Act 1989. Under section 61 of the Act, all schools must incorporate the national education guidelines into the charters which form the basis for all their activities. These guidelines are thus the core element of each charter. They reflect the Government's goals for education and are an expression of the national interest. Several aspects of the national education guidelines are directly relevant to the objectives of this part of the Covenant.

83. The first principle stated under the guidelines is that school Boards of trustees accept that all students in any school under their control are to be given an education which enhances their learning, builds on their needs and respects their dignity. This education shall challenge them to achieve their personal standards of excellence and to reach their full potential.

84. The guidelines set down specific goals and objectives in relation to four areas: curriculum; community partnership; equity; Treaty of Waitangi. As a general principle, Boards of Trustees must endeavour to ensure that every child in the school has the best possible learning opportunity. Boards undertake to ensure that the school curriculum promotes every child's awareness of the dual cultural heritage of New Zealand and the multicultural nature of its society. As a specific objective, Boards accept the obligation to prepare every learner to make the transition to full membership of New Zealand society.

585. The guidelines list four specific goals to achieve equity in education. These are:

(a) That the school curriculum should be non-sexist and non-racist and that any disadvantage experienced at the school by students, parents, or staff members because of gender or religious, ethnic, cultural, social or family background is acknowledged and addressed;

(b) That each school should seek to achieve equitable objectives for students of both sexes; for rural and urban students; for all students irrespective of their religious, ethnic, cultural, social, family and class backgrounds; and irrespective of their ability or disability;

(c) That schools should provide role models, such as girls, women and people from different ethnic groups in positions of leadership and authority, and boys and men as caregivers, so that children can understand the meaning of equity in behaviour they observe from day to day;

(d) That schools should develop policies and procedures which aim to eliminate any sexual harassment of students, parents, or staff members, and should provide procedures to handle complaints in this area.

586. With regard to the Treaty of Waitangi, the national education guidelines have the goal of fulfilling the intent of the Treaty by valuing and reflecting New Zealand's dual cultural heritage. Specific objectives to achieve this include ensuring that the curriculum reflects Maori perspectives, and providing opportunities for students who wish to learn the Maori language and culture. Boards of Trustees also undertake to provide for students whose parents wish them to be educated through the Maori language, and to recognize Maori values in the provision of resources and facilities within the school.

587. Growing awareness throughout New Zealand society of the significance of the Treaty of Waitangi has provided a new focus for efforts to promote tolerance, understanding and friendship, and full participation of everyone in the society. These themes have come strongly to the fore in 1990, the year of New Zealand's sesquicentennial anniversary commemorating the signing of the Treaty. Most schools have organized special activities to mark the year.

588. The Women's Advisory Committee on Education (established in 1985 as the successor to the National Advisory Committee on Women and Education) comprises representatives of relevant interest groups and government departments. The Committee has a consultative role in the education reform process and provides policy advice to the Minister of Education. In 1988 it prepared a national policy for the education of Women and Girls in New Zealand, recommending ways of removing inequities in the education system affecting women and girls. The Committee has paid special attention to the education of Maori women and girls.

Curriculum

589. Within the school curriculum, educational needs in the area of personal development and social skills are met by teaching in all subjects, with special emphasis in core subjects such as social studies and health education. These are taught at all primary and intermediate schools, and at 3rd and 4th Form levels in secondary schools.

590. The general objectives of both social studies and health syllabuses include the aim of helping students:

- (a) To develop those ideas and skills that will contribute to their understanding of themselves and their society;
- (b) To think clearly and critically about human behaviour and values so that they make reasoned choices;
- (c) To apply their knowledge and abilities to the welfare of mankind.

591. The Forms 1-4 social studies syllabus guidelines state: "Social studies is about people: how they think, feel and act, how they interact with others, and how they meet their needs and organize their way of life." The aim of social studies teaching is to commit students and teachers to respect human dignity, to show concern for others, to respect and accept the idea of difference and to uphold social justice. The guidelines include developing a student's "sense of personal identity" and fostering "participation in the affairs of the community". Each Form level is organized around a particular social theme, namely: cultural difference, social interaction, social control, and social change. Teachers are encouraged to adopt a comparative and inquiring approach, using studies from New Zealand settings and some from other societies.

592. The health syllabus covers both primary and secondary schools. It aims to develop self esteem in children and young people as well as to provide them with skills and experiences that engender respect for others, and the ability to interact with family, peers and the wider community in a way that is healthy and satisfying.

593. Both the Human Rights Commission and the Office of the Race Relations Conciliator have important educational responsibilities under their enabling Acts. They have developed programmes within schools and other teaching institutions, as well as in the wider community. The Ministry (and before that the Department) of Education has worked with both Offices to develop a range of teaching modules. For example, in 1989 the Human Rights Commission released a publication "Equal and Different" as a resource material for

teachers. The booklets were written by teachers in association with the Department of Education. The publication discusses human rights and responsibilities and is designed to support non-sexist and non-racist curriculum requirements. The material is presented in three booklets, for primary, intermediate and secondary schools, designed to fit into current social studies and English syllabuses. The publication deals with issues of the day and has been received as a valuable addition to the work already being undertaken in many New Zealand schools in these areas.

594. Officers from both the Human Rights Commission and the Race Relations Office undertake visits to schools (as well as polytechnics and universities) throughout the year. They address students on the work of their Offices and also regularly meet teachers and teacher organizations to discuss teaching in the human rights and race relations fields.

595. One of the special programmes of the Race Relations Office is the Secondary School Students Exchange Programme. For periods of a school term, students move to schools and communities which are ethnically and culturally different from their own, and live with families of different ethnic character from their own.

596. Collaboration between teachers and the Race Relations Office has been further strengthened in recent years by the secondment of a teacher to the Auckland Office of the Conciliator.

597. Education officials also work with other government departments and voluntary agencies such as the United Nations Association of New Zealand to develop programmes in schools for the promotion of awareness of United Nations activities in the field of human rights, conflict resolution, and peace. Examples are a poster competition organized for school pupils during International Year of Peace; and other similar projects to mark International Year of the Child and International Youth Year.

598. The Public Advisory Committee on Disarmament and Arms Control (PACDAC), established under the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, has given new emphasis to the importance of peace education. Along with other functions set down in the Act, the Committee makes recommendations about the allocation of funds from the Peace and Disarmament Education Trust Fund, to the Fund's trustee, the Secretary Of Internal Affairs. (This trust was set up specifically to advance the cause of peace and disarmament education in New Zealand). The Committee has worked with education officials and various non-governmental agencies to further public awareness of initiatives for the promotion of peace, both domestically and at the international level. In related activities, the Committee has supported visits by overseas peace activists, exchange programmes, satellite linkups, and participation at United Nations gatherings. In 1989 PACDAC undertook an investigation into the state of peace education in primary, secondary, and tertiary institutions for presentation to the Government through the Minister for Disarmament and Arms Control.

C. Primary education

Rights of everyone to compulsory and free primary education

599. Under the Education Act 1964, primary education is compulsory for all children at six years of age. Under the Education Act 1989, primary and secondary education is free for all children from age five, except those defined as foreign students, so in practice almost all children are enrolled at primary schools from that age. (Although education has in practice been free from age five for many years, this is set out in clear terms in the 1989 Act.) A foreign student is defined in the Act as a person who is not a New Zealand citizen and is either (a) a person to whom section 7 of the Immigration Act 1987 applies; (b) a person obliged by that or another Act to leave New Zealand immediately or within a specified time; or (c) a person deemed for the purposes of the Immigration Act to be in New Zealand illegally. Under section 4 of the Act, foreign students may under certain circumstances be entitled to enrol at State schools and, once enrolled, they have the same rights to remain enrolled as any other person.

600. The final two years of the primary course, Forms 1 and 2, may be taken at a full primary school, an intermediate school, an area school, or a Form 1-7 school depending on where the child lives.

601. Children living in very remote areas or unable for other reasons to attend an ordinary school may be enrolled in the New Zealand Correspondence School, which is a national school administered by a Board of Trustees composed of parents, community representatives, school representatives and a student. The School had 900 primary pupils on a total roll of 21,213 as at 1 July 1989. Of its total staff of 560, 96 are primary teachers. Lessons are provided in print, tape, and video modes. Regular radio broadcasts, club activities, a school magazine and parent and ex-pupil associations extend the school's work.

602. Whenever possible, children with physical or other disabilities are enrolled with other children in ordinary classes in their local primary school. In fact, under new provisions of the Education Amendment Act 1989, children with disabilities now have the explicit right to be enrolled at ordinary schools. It is expected that ultimately all school age children will be located in regular education settings and working on appropriate programmes. When necessary, buildings are modified, special equipment is provided, and ancillary staff are appointed to assist teachers. This legislation came into effect in January 1990. In June 1990 the Government announced the allocation of \$5.1 million in additional funding to assist the "mainstreaming" process.

603. Reference should also be made to the report under article 10 (paras. 331-334 relating to special measures for the education of children in special situations), for information about the recently established Special Education Service (SES). A small number of children attend residential schools for periods of time ranging from one term to several years. Such schools are either funded directly by the Ministry of Education or by voluntary organizations such as the Society for the Intellectually Handicapped, with Government subsidies.

604. SES teachers are working towards providing a service to all children in their area with special learning needs rather than specializing in one type of difficulty such as children with a slower than average rate of academic learning. They are increasingly taking the service to the children in ordinary classes and programmes rather than withdrawing them to separate settings. Cooperatively written individual programme plans for each child on a special education roll are helping to coordinate the services, and inform and involve parents and caregivers.

605. The trend towards more widespread teaching of the Maori language in primary and secondary schools is continuing. At least 75 primary schools have official bilingual units, and there are 15 official bilingual State primary schools. Classes are open to all children and not simply those with a Maori background. Another important development, which will provide continuity in Maori language learning for the thousands of children who have attended kohanga reo (see earlier sections of the report, relating to art. 10) is the provision of "total immersion" classes. For that purpose, six kura kaupapa Maori (Maori language school) primary schools have been established, and indications are that more will follow.

606. A syllabus for Maori language in primary schools is being developed, and a range of reading materials at different levels is available. For example, eight picture books for early childhood have been produced in bilingual editions of Maori and English. Demand for Maori teaching resources has currently outstripped supply. However, handbooks to assist teachers in planning class programmes in Maori and a variety of supporting resources are in production, and measures to encourage more Maori speakers into teaching are also in place. (Reference may also be made to section I on this aspect.) The Minister of Education has convened the Runanga Matua (a ministerial Maori Advisory Committee), which is serviced by the Wahanga Maori (the Maori Education Unit) within the Head Office of the Ministry of Education. The allocation of education resources is closely scrutinized by both these groups to ensure equitable distribution for the achievement of Maori educational aims.

607. Pacific Island language materials are also produced. Some have been based on cooperative projects involving individuals and groups in the islands. A notable achievement in 1989 was the publication of 11 Tokelauan language books illustrated by Tokelauan artists, which are being used in schools in both New Zealand and Tokelau.

608. In 1979, the Government introduced a plan to ensure a ratio of one teacher to 25 pupils in primary schools with rolls of below 151 pupils. This policy was implemented over the three years to 1981, resulting in improvements both in the size of classes and in the staffing of small rural schools.

609. Since 1984, the Government has employed an additional 1,010 teachers to improve the educational opportunities of children in their early years at school. In allocating these teachers to schools, priority was given to the number required to attain a 1:20 staffing ratio in the junior classes of particular schools, to provide for the extension of reading recovery programmes, as well as to cater more effectively for junior class pupils with learning difficulties. By 1989, 579 schools had received additional staff under the policy and over 90 were fully staffed at the 1:20 ratio.

610. Most aspects of primary and secondary education are free, funded by the State from general taxation. Parents must meet some costs for items such as exercise books and other materials. Further details of funding arrangements are provided under section G.

D. Right to secondary education

1. Measures to make secondary education available to all

611. This right has also been established for many years. On completing Form 2 of the primary stage of schooling, usually after eight years' attendance, a child normally enters Form 3 of a secondary school (or Form 3 in a composite school in thinly populated areas, as described below). Education at school is compulsory up to the age of 15 years under the Education Act 1989 (and before that, under the Education Act 1964), except in terms of sections 3 and 4 of the Act with regard to foreign students as described in the preceding section. It is substantially free for pupils up to the age of 19.

612. Funding arrangements are the same for secondary as for primary schools, described in section G. Annual expenditure on secondary education has increased consistently over recent years, for example from approximately \$640 million in 1985 to \$791 million in 1989 (from 1.09 per cent of GDP to an estimated 1.24 per cent).

613. The secondary curriculum is based for the first two years (Forms 3-4) on a common core consisting of English, social studies, general science, mathematics, music, arts and crafts, and physical education. Secondary schools are required to give all pupils a minimum number of units of instruction in the common core subjects. At Forms 5-7, pupils may choose from a wide range of subjects.

614. By 1989, 30 secondary schools had bilingual Maori/English programmes. A review of secondary schools indicated that schools are revising structures to cater for the different types of teaching and learning patterns involved in bilingual teaching.

615. In order to give children in rural districts the advantage of the special equipment and more specialized teaching available in larger schools, the consolidation of the smaller rural schools has been a feature of the last 30 years. Composite schools have been developed in recent years to bring together larger concentrations of children. They provide education at primary and secondary levels, either in the form of area schools, or Form 1-7 schools.

616. By 1988 there were 59 of the Form 1-7 schools, including six private schools. (Information on private schools is provided in section G below.) They comprise the secondary departments of district high schools, with the addition of Form 1 and 2 pupils from neighbouring primary schools. They receive improved staffing, accommodation, and equipment in order to promote equality of education opportunity for rural children.

617. In districts too thinly populated to support a Form 1-7 school, area schools have been established, which provide education from primary through Form 7 for all children in the immediate vicinity, and from Form 1 upwards for children from primary schools over a wider area. There were 35 of these schools as at mid-1988.

3. In 1988 there were 88 hostels for secondary schools (predominantly State schools, and a smaller number in private schools).

9. The Correspondence School also provides full secondary school education. In mid-1989, 1,203 full-time secondary students were enrolled. Students were taking correspondence courses for a variety of reasons apart from isolation (the largest group) - some for medical reasons, some were living overseas, others were pregnant, suspended from school, living in institutions, or had school phobia or other psychological problems. There were also a number of adult students. Three hundred and forty five of the Correspondence School's staff are secondary teachers.

20. Recent statistics indicate a drop in secondary school student numbers from 243,000 in 1989 to 238,000 in 1990. This appears however to reflect demographic changes rather than a tendency for pupils to leave school earlier, as the reductions are mainly in the numbers of 3rd and 4th Form pupils, and between 1986 and 1990 the proportion of pupils staying on at school after the compulsory level of 15 years of age has increased from 29 per cent to 47 per cent (or 10,000 more than in 1986). Secondary school rolls are predicted to drop by a further 21,000 by 1995, based on demographic changes.

2. Technical and vocational secondary education

621. A major aspect of government policy to reduce unemployment in the wake of economic restructuring is to ensure that the education system delivers appropriate training and preparation for participation in the work force in a more efficient and competitive economy. Policies and programmes to that end thus include measures to encourage young people to stay at school beyond the minimum age in order to increase their learning ability and level of skills.

622. Secondary schools have extensive facilities for technical and vocational education. Substantial numbers of pupils choose courses in technical, commercial and home craft subjects. Since, the early 1980s, however, vocational education and training as such has largely moved away from the secondary to the continuing education sector, with training formerly provided by technical high schools now provided by polytechnics. Further information on this sector is provided under Section E. Reference should also be made to the report under article 6 (section B), for information about technical and vocational guidance and training programmes in relation to the right to work.

623. Measures described in the following paragraphs are primarily aimed at easing the transition for young people from secondary school to further forms of training and into the post-compulsory stages of education.

624. In June 1988, the Government announced the Youth and Student Allowances Scheme to replace the Tertiary Assistance Grants Scheme. A major innovation here was that secondary students became eligible for the allowances previously available to students at universities, polytechnics, and teachers' training colleges. Secondary students who have turned 18 at the start of the school year now qualify for assistance, and once the scheme is fully implemented, secondary students aged 16 and 17 will be eligible for allowances on the same basis as other young people.

625. One of the main aims of the scheme is to encourage young people from low income families to stay involved in education and training beyond the compulsory stages. It will remove the financial disincentives to further education and training by providing consistent support to teenagers over 15 whether they are in education, training or are unemployed.

School transition programmes

626. In 1988 the annual allocation for school transition programmes was doubled to \$7 million. The resources are allocated to schools which have specific transition course proposals. Transition programmes vary but tend to be integrated into the school curriculum or organized as alternative courses for those students with specific needs. Of the pupils involved in such courses in 1988, 83 per cent stayed at school, 5 per cent went into further education, 3 per cent went into training courses, 7 per cent went into employment, and 2 per cent went elsewhere.

Link programmes

627. Schools and polytechnics have developed courses in partnership to meet the vocational education and training needs of their regions. In 1988 polytechnics offered 18,500 student places in a wide range of Link courses. Most courses run for the equivalent of two weeks, and many have moved from vocational introduction to skill development courses. A high proportion of 1988 Link students, who would otherwise have been at risk of dropping out of the education system, either returned to school or took up continuing education and training in 1989.

628. An additional 18,000 places are to be made available at polytechnics from 1991 for students attending Link courses.

E. Right to higher education

629. Information included in this section relates to the broad area of education in the post-school (or post-compulsory) stages. Like the pre-school and school sectors of the New Zealand education system, this area has been extensively reviewed in recent years, and the resulting reforms are still in the early stages of implementation.

630. The need for reform in the area of higher education in New Zealand was identified in a number of reviews and reports in the 1970s and 1980s. One of the underlying concerns leading to these reports was the realization that New Zealand did not have the level of participation in post-school education and training needed to enable it to develop and expand in the 1990s. Furthermore, the range of skills taught at the post-school level appeared to be limited. In order to draw together the various threads of the discussion covered by several reports on such problems, the Government in 1988 contracted a New Zealand university professor to convene an interdepartmental working group to draw up a comprehensive framework for a new and simplified system. The suggestions put forward in the resultant Hawke Report were in their turn extensively discussed in public fora and within government. The Government's response to the Hawke Report is entitled "Learning for Life: Education and Training Beyond the Age of Fifteen", released in 1989, which was further elaborated in "Part Two: Policy Decisions", later in the same year. (A copy of these documents is included among supplementary papers.)

631. Legislation to establish the legal framework for the "Learning for Life" reforms in tertiary education has now been passed by Parliament (in the 1990 Education Amendment Act).

1. Access to higher education

632. A wide variety of technological courses and trades is offered at the 24 polytechnics and community colleges throughout New Zealand. Entry to those institutions is open to all.

633. Entry to New Zealand's seven universities is open to all in the following categories:

(a) Those who were awarded the University Entrance qualification (prior to 1986);

(b) Those who have completed a satisfactory course of study in Form 7 (year 13) at school;

(c) Adult students over the age of 21.

634. Provisional entry may also be granted to those who have completed a course of study in Form 6 (year 12).

635. Entry to New Zealand's six teachers' colleges (colleges of education) is by selection, based on academic qualifications and personal qualities. Where circumstances (e.g. geographical location) would make it difficult for an otherwise suitable applicant to attend a teacher's college, correspondence courses are offered for the academic aspects of training. Overall entry figures are controlled by a quota system based on the demand and supply statistics for the staff of schools.

636. Improving access to higher education is an important objective of the Government's education policy overall. As one of the principles upon which the "Learning for Life" reforms are based, the document states the following:

"The Government believes that the post-school education system needs to be accessible to as wide a range of students as possible. It therefore intends to encourage greater participation in post-school education and training, with particular emphasis on removing barriers to access for those groups who have so far been under-represented. It will do this through the institutions' charters (which will define each institution's equity targets) and their corporate plans (which will provide details of the programmes each institution will use to achieve the targets in its charter). It will also provide funding for specific courses designed to attract those who have not traditionally participated in the post-school sector".

637. Despite a difficult economic climate, it has been possible to raise spending over the past five years by \$33 million on teacher education, \$233 million on polytechnic education and \$160 million on university education.

638. This is reflected in a significant expansion in the number of student places available for higher education. Between 1984 and 1989, the number of student places in higher education institutions has increased by approximately

43 per cent i.e. from 69,092 in 1984 to 98,465 in 1989. An increase in tertiary fees (on which more information is provided below) was introduced in 1990 as an appropriate means of funding further extension of the accessibility of higher education.

639. Tables showing participation rates in polytechnic courses between 1976 and 1987, and university enrolments between 1966 and 1987, are included as tables 18 and 19.

2. Financial and other assistance

640. Traditionally the Government has provided assistance for tertiary study on a "grant in aid" basis to supplement students' own resources and savings.

Table 18

Participation rates in full-year polytechnic courses
by age and sex 1976 and 1987

Rates per 100						
Age Group	1976			1987		
	Male	Female	TOTAL	Male	Female	TOTAL
15-19	9.7	3.3	7.0	9.7	5.8	8.0
20	12.3	3.0	8.0	14.7	9.1	12.0
over 20	1.7	0.5	1.0	2.7	1.5	2.1
TOTAL	4.3	1.3	2.8	3.9	2.3	3.0

Source: Education Statistics of New Zealand 1977, 1988, Department of Education. New Zealand Census of Population and Dwellings 1976, Ages and Marital Status, Department of Statistics 1979. Population Estimates 1987, Department of Statistics, (unpublished).

Table 19

University Enrolments 1966-1987

Year	Internal students		External students		
	Males	Females	Males	Females	Total
1966	16,300	6,077	1,273	652	24,302
1976	24,437	15,459	2,883	3,428	46,207
1987	27,048	24,991	5,634	8,762	66,435

641. Assistance to students has increased significantly in the past five years, both in terms of numbers assisted and in the value of their allowances. The number of tertiary students receiving an allowance grew from 39,131 in 1983, to 65,000 by mid-1989. The average student allowance increased in real terms by nearly 44 per cent over that period.

642. From 1980 to the end of 1988, the Tertiary Assistance Grants Scheme was in place to provide a basic study grant, a fees grant, a special hardship grant for students with dependent children, and an accommodation grant available to all students over 20 years of age who qualified for the basic study grant but were not living with their parents. Students under 20 who were eligible for the basic grant also qualified for the accommodation grant if they could not live with their parents for reasons of distance from the relevant institution. A further hardship grant was also available for students with abnormally high costs in certain specific areas, for example hostel accommodation, long distance travel, field trips, parents' circumstances or severe physical disability. Grants were awarded under this scheme for a maximum of five years or the duration of two courses, whichever was the lesser period.

643. In 1988, the final year of operation of the scheme, 31,811 university students, 15,092 polytechnic students, and 4,072 teachers' college students received assistance through it.

644. The Youth and Student Allowances Scheme was introduced from the start of 1989 to replace the Tertiary Assistance Grants Scheme. Income support grants to students in the 1989 financial year increased by over \$100 million net.

645. The new system provides a range of allowances for tertiary students 16 years old and over, and (as noted in section D above) for secondary students aged over 18 years old at the start of the school year. For single students the rate of allowance depends on the student's age, parental income (if the student is under 20 years old), and whether the student lives at home or away from home. There are also separate rates for married students and students with dependent children.

646. Students aged under 20 may be considered independent of their parents where extraordinary circumstances prevent them from living with their parents or relying on them for financial support. Such students may receive an Independent Circumstances Allowance at the rate available to those aged 20 years and over (currently \$144.86 per week). Students may also qualify for accommodation or transportation assistance (of maximum value \$40 and \$20 per week respectively) in addition to these allowances.

647. The net rate of weekly payment may range from an \$11 transport supplement for a 16 to 17 year-old tertiary student with a parental income of over \$37,284, up to \$255 for a student with a dependent spouse and children.

648. A range of students also receive assistance in the form of reduced tertiary fee rates. Although, as explained in paragraph 656 below, fees for most full-time, full-year tertiary courses were increased in 1990, students in the following categories pay only 10 per cent of the full fees:

(a) All 16 and 17 year-old students of tertiary institutions. This is to ensure that students can choose the course that is most suited to them, whether at school or at a tertiary institution, without facing significantly different costs;

(b) All students in basic vocational courses at tertiary institutions. Almost half of polytechnic students are in this category;

(c) All students who have been social welfare beneficiaries for the whole of the previous year, and who are not receiving any other special training allowance under the social welfare system;

(d) All students who have dependants and are eligible to receive an unemployment benefit equivalent;

(e) All 18 and 19 year-old students whose parents' combined annual income is less than \$26,832.

649. Students whose parents' combined annual income is between \$26,832 and \$31,199, and postgraduate students who are predominantly engaged in research, pay 40 per cent of the full fees.

650. Students who have gained a bursary through the examination system while at secondary school receive an additional \$100 or \$200 per year (i.e. for a "B" or "A" bursary).

651. Student Allowance Officers at each tertiary institution are employed to assist students and potential students with inquiries relating to allowances. Each tertiary institution administers a fund to provide assistance to students for whom payment of tuition fees would cause serious hardship. Allocations are made on a case by case basis.

3. Factors and difficulties related to making higher education equally accessible to all, including in particular problems of discrimination

652. The "Learning for Life" statement addressed a concern that the structures governing post-school education in New Zealand were no longer appropriate for New Zealand's circumstances. Notable areas of difficulty were the lack of equity amongst institutions, uncoordinated policy advice, and failure to attract a wide range of students. A more detailed breakdown of areas where the system was in need of reform revealed, inter alia, a substantial under-representation of students from lower socio-economic groups. Other important shortcomings of the system included excessive fragmentation, the duplication of courses, insufficient accountability, and the complexity of rules and regulations.

653. The purpose of the legislative reforms enacted by Parliament in the Education Amendment Act 1990 is thus to enable post-school education in New Zealand to become more equitable, more responsive to industry and the wider community, and a greater source of excellence in the society. As explained above, improving accessibility of higher education to the widest possible range of people, especially those who have hitherto been under-represented, is central to the reforms.

654. In particular, the Government acknowledged in "Learning for Life" the importance of post-compulsory education and training as a pathway for Maori achieve their social and economic potential. Full participation by Maori, in the spirit of the Treaty of Waitangi, is stated as an important goal of the higher education system.

655. The thoroughgoing review of tertiary education in New Zealand has not brought about any change in the Government's recognition of its role as principal funder. In order to achieve the broader base for higher education and to maximize access for all in the society, however, additional sources of funding must also be sought. Particularly in the present difficult economic circumstances, financial constraints place an unavoidable limit on the level of government spending. In order to assist the continuing expansion of the post-school system, therefore, a number of additional funding sources are being promoted. These are: income generation by the institutions themselves through the sale of services; encouraging employers to make a greater contribution to the education and training from which they derive benefit; and asking students to make a greater contribution towards the costs of their courses.

656. From the start of the 1990 academic year, therefore, students' fees for most full-time, full-year courses were increased to an annual level of \$1,250. Although it is difficult to be specific about the levels of earlier fees, as these varied from course to course, for most students this represented a significant increase. Offsetting these increases however were (as described in section 2 above) the higher levels of allowances introduced the previous year (including provisions for the financially disadvantaged), and exemptions from full fees for certain categories of students. Although the increase in fees has not been a popular step (nor indeed an easy one for the Government to take), the main purpose for it was to support a further increase in the number of places available in post-school education and training (which, as illustrated in preceding sections, has already expanded considerably in recent years). In this, the benefits for society as a whole are considered to outweigh the drawbacks.

F. Right to fundamental education

657. Universal access to fundamental education is well established in New Zealand. Nevertheless, it is recognized that this in itself is not a guarantee of attainment. Adults who have left school without achieving literacy or who wish to extend their education, immigrants whose mother tongue is not English, and children with learning difficulties are among those for whom additional programmes are designed.

658. The Adult Education Act 1963 sets out the functions and powers of the National Council of Adult Education. Its main function was to provide the Minister of Education with advice on the development of adult education in New Zealand. Since 1987, this Council has been in recess as part of the process of review and reform of non-formal education (i.e. education for adults and others whose requirements for various reasons are best met outside the ordinary school system described in section G below). An interim advisory group was established in 1986 to consider the needs and funding of non-formal education groups, and to decide on the type of organizations that would best serve the needs of non-formal education. The National Resource Centre for Adult Education and Community Learning has been established as a Trust to develop and manage resources for non-formal learning. The Adult Education Act will be repealed and the assets of the National Council of Adult Education will be vested in the National Resource Centre.

659. Community Learning Aotearoa New Zealand (CLANZ) is the advisory committee set up to provide advice on policy and to recommend to the Minister of Education the distribution of grants from a fund for non-formal community learning. The Fund has resources of \$373,000 per annum, to be disbursed for parent support and education, for community groups working in prisons, for community education projects working outside of educational institutions, etc.

660. The Education Act 1964 provides for free education for people over the age of 19 years, with the approval of the principal, and enables adults to return to daytime programmes in secondary schools to complete or extend their education qualifications.

661. The Correspondence School has over 10,000 adult students on its roll and while most are pursuing study courses above primary level, many are completing basic education, including courses to improve reading skills.

662. One of the goals of the ACCESS Scheme in its programmes for training unemployed people is to enhance individuals' ability to enter or re-enter the work force by improving their basic work skills. Organizers of ACCESS courses are encouraged to build in literacy training as part of a course's objectives. In some situations specific courses for functional literacy and numeracy are required in addition to the main training course.

663. With a Government resource package of \$10 million approved in 1988, polytechnics were able, inter alia, to initiate bridging courses for students who have left school but who have not attained adequate standards to pursue further training. Bridging courses are designed to remedy educational deficiencies by providing specialized study, usually in English, mathematics and science with the aim of helping students reach the levels necessary for tertiary education and training in a specific field.

664. More than 1,100 primary schools are now providing reading recovery intervention programmes which assist six-year-olds who are having difficulty reading. A very high proportion of children who receive this assistance in their second year at school maintain their progress in later classes.

665. Between 1979 and 1982, 13 Rural Education Activities Programmes (REAPs) were set up. The aim of REAP policy is to reduce educational disadvantage resulting from isolation, and, through liaison and coordination, to improve the effective use of resources. The REAP programme is able to offer staffing resources for pre-school, visiting teachers, liaison days and other support for teachers, and employs a community education organizer who works to assist adults to meet their learning needs. Each REAP has a management committee which identifies the community's education needs and allocates resources as required. As each REAP district makes use of its resources to meet local needs, programmes may vary considerably from district to district.

Voluntary organizations

666. Many voluntary organizations make provision for community education. For some this is their main purpose (e.g. Workers' Education Association), while others are involved in a range of activities (e.g. Playcentre Federation).

667. The Workers' Education Association (WEA) is an independent voluntary organization which provides further educational opportunities for adults. Nine WEA District Councils and four other branches are based around the country. They offer varied programmes including seminars, courses, summer schools, public forums and literacy programmes. Special courses are run for the elderly, unemployed, and trade unions. Government funding for the national office and each of the WEA districts was \$365,000 in 1989/90.

668. Reference has already been made under article 8 to the Trade Union Education Authority (TUEA), which conducts courses, produces resource materials, and advises and assists unions in districts around New Zealand to set up their own educational programmes. The Union Representatives Education Leave Act 1987 provides for authorized representatives to be granted leave on pay by their employers to attend approved union education courses. A statutory organization, TUEA is funded from the financial vote of the Department of Labour and also receives funding from the Education Ministry for its distance education unit.

Teaching of English as a second language

669. The Ministry of Education administers programmes for the teaching of English as a second language, to assist students to develop the necessary language skills to enable them to make the best use of education opportunities available to them.

670. Resourcing for school students requiring this assistance is provided through the programmes developed in the early 1980s to assist South East Asian refugees on arrival in New Zealand. Institutions may also allocate ancillary staff to support such language classes.

671. Resources include special needs funding (around \$2 million a year) to provide extra teacher and ancillary assistance, advice and support from the six "New Settlers Coordinators" now based at Colleges of Education, and reception classes.

672. A number of polytechnics also make provision for teaching English as a second language. In addition, there are around eight full time equivalent positions for home tutor coordinators provided through polytechnics.

673. Other programmes are provided through some schools' community education programmes, non-formal education providers and resource centres.

674. Private colleges generally offer courses in English as a second language for people over 17 years of age. They are orientated towards foreign adult students in New Zealand for short periods of study.

G. Development of a system of schools

675. Schools have received State financial assistance since the early days of New Zealand's national development, in the last century. As noted above, education is compulsory from the ages of 6 to 15. The Education Acts of 1964 and 1989 provide for free and secular education in State primary and secondary schools. In this section, attention is focused chiefly on primary and secondary schools. Further detail on other types of educational institutions,

e.g. community colleges, tertiary level establishments, composite schools etc., is provided in other sections. Additional information on pre-school education and care is contained in the section of the report covering article 10.

676. The vast majority of New Zealand children are educated in State schools. Standards for the control of all schools, whether State or private, are set up by the Education Act 1964. The school system in New Zealand has continued to evolve in response to social and demographic changes. Recent years have seen radical changes to the administration of State schools.

Reform of education administration

677. In July 1987, the Government appointed a taskforce to review education administration in New Zealand. It presented its report (the Picot Report) one year later after considering more than 700 submissions. The taskforce found the existing structure for education administration over-centralized and too complex. It proposed that any new education administration should be as simple as possible and decisions should be made as close as possible to where they are carried out. The structure proposed was based on the principles of choice, cultural sensitivity, equity and good management.

678. The taskforce report was distributed for general discussion and following 20,000 public responses, the Government's new policy was released in the report "Tomorrow's Schools: the Reform of Education Administration in New Zealand". This report focuses on changes to the primary and secondary education sectors, though it also lays down guiding principles for State-funded education administration generally, based on the recommendations of the Picot Report. Greater access and greater equity in all education matters are key objectives in the development of the reforms. Most of the changes were implemented by the target date of October 1989.

679. The "Tomorrow's Schools" policy starts from the premise that institutions (i.e. schools or early childhood centres) are the basic unit of education administration. Under the new system these institutions have control over their education resources, to use as they determine, with overall education guidelines set by the State. Working under the broad policy control of the Board of Trustees, the principal has responsibility for day-to-day running of the school.

680. The most significant change in the delivery and administration of primary and secondary education is that parents and the community, in partnership with the teachers, now run the schools. Responsibility for school administration previously controlled by education boards and the regional offices of the Department of Education has been decentralized, having been passed over to the Boards of Trustees of individual schools.

681. Boards of Trustees are a new structure governed by the terms of the School Trustees Act 1989. Each Board of Trustees is the employing and administering authority for its school. Boards are elected by the parents of children attending the school, for a term of two years. Membership is composed of parents, staff (including the principal) and students, to reflect a balance of gender, and of the ethnic and socio-economic character of the community.

682. Boards operate under a charter developed in consultation between the principal, the staff and the community and approved by the Minister of Education. The charter, which is a contract between the community, the school and the State, defines the purposes of the school and its intended outcomes. In this, the particular interests of the pupils, the special skills and qualifications of the staff, the resources of the community, and the community's wishes are taken into account. Charters include certain compulsory elements set down in National Educational Guidelines issued by the Minister of Education. These include core curriculum objectives and codes of conduct. A copy of the National Educational Guidelines is included among supplementary papers.

Funding

683. Funding under the new system is calculated for each school on the basis of nationally determined formulae. Schools are advised in advance of the funding level allocated to them for the school year, and develop their own budgets accordingly. Schools receive all State funding as a bulk grant. The grant comprises two distinct components: operational activities and teaching salaries, each based on its own formula. Each Board of Trustees makes its own decisions on the specific breakdown of expenditure from the operational activities grant, depending on its objectives and the teaching programme in its charter. Boards also have some discretion in the use of funds between the two headings, for example, they may decide to fund an extra teaching position from the operational budget, depending on priorities.

684. A new independent body - the Education Review Office - has been established to ensure that schools are accountable for the Government funds they spend, and for meeting the objectives set out in their charter. This Agency is itself accountable to the Minister of Education.

685. The operational activities grant covers administration, ancillary support, maintenance, and the non-salary aspects of teaching. Boards are expected to budget for maintenance over a ten-year period. Maintenance includes the painting of school buildings; cleaning and caretaking; plumbing, carpentry and electrical repairs; and the supply, maintenance and replacement of equipment, furniture and stores. The Ministry of Education pays for the repair of damage caused by fire, flood, earthquake or any major vandalism.

686. The working group which determined the formula for operating costs in the scheme's first year (1990) concluded that small schools and schools catering for low income communities had been relatively disadvantaged under the old centralized system. This has been redressed in the new formula, by means of redistribution from larger schools, and by an overall increase in funds allocated (from \$352 million for 1989 to \$440 million for 1990). Provision has also been made for further adjustment to the allocations, however, if schools can justify to the Minister an increase in their bulk grant.

687. The teaching salaries grant is calculated by the Ministry of Education on the basis of a nationally determined notional staff roll, adjusted to reflect the school's individual needs and combined with nationally negotiated pay scales. The Board can then decide the numbers of teachers required (within given maximum and minimum staffing ratios) at its school and at what step in the national salary scale they are to be appointed.

688. Payments for relieving teachers are in most circumstances made through the Ministry of Education. The Ministry also continues to fund special programmes and facilities for handicapped students.

689. A scheme to supply free textbooks to all primary and secondary pupils in State and private schools has been in operation since 1959, and this has been retained under the administrative reforms described above.

Building of schools

690. All Government funded school buildings must meet minimum standards for the amount of floor space and the range of facilities provided. Capital works in State-owned education properties, including the building of new schools, are the responsibility of the Ministry of Education. Boards of Trustees have the right to approve final plans for renovations or extensions to existing schools. The budget for education in 1990 includes an additional \$31 million for school buildings, to enable work to begin on reducing a backlog of deferred capital works programmes.

691. During periods of rapid expansion of school roll numbers, various basic plans have been developed for school buildings in order to reduce redrawing of plans for each new building. For example, in 1952 the Dominion Basic Plan was developed, and used mainly for primary schools. Another "block" plan for secondary schools used in the 1950s was based on an English model. The period under review has seen a stabilization and decline in school rolls, and a reduced demand for buildings. For secondary schools, this trend is expected to continue and accelerate over the coming decade (although numbers are projected to increase again at pre-school and primary levels). Some of the accommodation built for higher rolls is already becoming surplus to requirements, and alternative uses are being explored.

692. Other factors are also necessitating a more flexible approach in the design and equipment of schools, e.g. the requirements of handicapped pupils, or the increasing use of computers in teaching. In 1977 a prototype of a new secondary school design - the whanau design - was built for evaluation, and many more have since been built on the same principle. The features of the whanau design are that a range of students from Forms 3 to 7 are grouped together in a large common space, in which the teaching area offers greater flexibility than traditional layouts.

693. At tertiary level, the Government meets the full cost of providing buildings for technical institutes, teachers colleges, community colleges and universities.

Private schools

694. In addition to State schools, there are a number of private primary and secondary schools owned and operated independently by religious bodies or private individuals. All schools whether State or private must under the Education Act 1964 comply with defined standards of accommodation and teaching as a prerequisite for compulsory registration. Private schools can receive 25 per cent of the salary costs of an equivalent-sized State school, as a subsidy towards their staffing costs, but they are not required to give up any element of their administrative independence.

695. A major development in the debate over whether, and to what extent, private schools should receive financial assistance from the State was the enactment in 1975 of the Private Schools Conditional Integration Act. This gave private schools the opportunity to integrate with the State system while still retaining their special religious or philosophical character. Provided they can meet certain preconditions for integration, these schools can have all recurrent expenditure paid by the State, while retaining ownership of their assets and responsibility for capital works. One of the conditions for integration is that private schools bring their buildings up to the same standards as State schools. In 1975, 90 per cent of registered private schools were controlled by Roman Catholic education authorities. All have now integrated into the State system.

696. The remaining number of private (non-integrated) schools have been essentially unaffected by recent administrative reforms in the State sector.

Statistical data

697. Between 1980 and 1988, the number of pre-school centres (kindergartens, play centres, and non-profit-making groups) increased from 1,208 to 1,386.

698. The total number of primary schools (including intermediate schools, integrated schools and private schools) moved from 2,434 in 1980 to 2,348 in 1988. Within those figures, the number of State primary schools grew from 1,031 to 1,111, while private (non-integrated) primary schools decreased from 292 to 78.

699. Between 1980 and 1988, State secondary schools (Forms 3-7) including integrated schools grew in number from 218 to 262 (of which 18 also had attached intermediate schools). Over the same period secondary schools for Forms 1-7 increased in number from 44 to 53.

700. Largely as a reflection of the 1975 Act, the number of strictly private (i.e. non-integrated) secondary schools fell from 74 to 18 over this period.

701. At the tertiary level, there were 21 polytechnics (including the Technical Correspondence Unit) in 1980, and 24 by 1988. Teachers colleges were reduced from eight to six over that period. The number of universities has remained constant at seven.

Factors involved in the development of the school system, and difficulties encountered

702. The fundamental difficulties of developing a school system in New Zealand were essentially overcome several decades ago. Nevertheless, the process is an evolutionary one and, as illustrated in preceding sections, problems arise in various aspects. The far-reaching reforms in education over recent years represent a concerted effort by the New Zealand Government to make the school system more relevant to present-day society, and to maximize the potential of all students.

703. Implementation of the changes to the educational system represented by the "Tomorrow's Schools" programme has required adjustment by all concerned. The transition - which is not yet complete - has been more challenging because

of the relative speed with which the changes have been introduced (albeit on the basis of wide consultation). A detailed assessment of the extent to which the goals of the programme have been achieved is not yet practicable.

H. Establishment of an adequate fellowship system

704. School boarding bursaries are awarded to pupils who are obliged to live away from home. For instance, some Form 6 and Form 7 pupils are required to board in order to attend a school offering an appropriate study course for University entrance qualifications; others may wish to follow a technical course not offered locally. The rate of these bursaries is set at a level designed to bridge the gap between the cost of the child living at home and the cost of boarding.

705. Two Government foundations, the Maori Education Foundation and the Pacific Island Education Foundation, offer boarding scholarships to selected Maori and Pacific Island students attending courses at the secondary and tertiary level. In addition, the Ministry of Education provides scholarships for Maori and Pacific Island students to attend secondary schools and to study for tertiary qualifications. A limited number of scholarships are awarded each year on the basis of academic merit. Boarding bursaries are also provided to assist Maori and Pacific Island students to attend a selected secondary school. In 1990, 60 such bursaries were awarded, with a value of \$1,740 per annum.

706. Other forms of financial assistance for students at tertiary level are described under section E.

I. Improvement of the material conditions of teaching staff

707. The principal laws governing the conditions of teaching staff in New Zealand are the Labour Relations Act 1987, the State Sector Act 1988, and the Education Act 1989 (and amendments).

Recent reforms affecting teachers' conditions

708. A key feature of the recent reform of education administration (as in other parts of the State sector) in New Zealand is the decentralization of responsibility for making management decisions. Information has been provided under article 7 on the process whereby, in terms of the State Sector Act 1988, departmental Chief Executives have been given responsibility for the administrative and personnel functions of their departments. This entailed a number of changes in respect of the Education Service.

709. Part VII of the State Sector Act gives the State Services Commission the responsibility to negotiate with unions the pay and conditions of all education service employees, in consultation with the representatives of school Boards of Trustees. The results are set out in awards negotiated under the system established by the Labour Relations Act 1987, and registered (like other awards) by the Arbitration Commission. "Service organizations" (e.g. the Post Primary Teachers Association and the New Zealand Education Institute) became unions, governed by the provisions of the Labour Relations Act 1987. As a result of these industrial reforms, it was necessary to "codify" previously existing conditions of employment into comprehensive single documents which could then be registered as awards.

710. Section 79 of the State Sector Act sets out the general principles for a good employer which must govern the personnel policies of employers of educational staff. These are the same as for other State Sector workers (set out in section 52 of the Act) and include the provision of good and safe working conditions; implementation of an equal employment opportunities programme; impartial selection of suitably qualified people for appointment; recognition of the aims, aspirations, and employment requirements of the Maori people; and opportunities for the enhancement of the abilities of individual employees. Replacing earlier procedures for dealing with appeals relating to appointments and promotions, disciplinary and other personnel matters, legislation now provides for all such matters to be negotiated through awards. The grievance and disputes procedures of the Labour Relations Act 1987 also apply.

711. In terms of the "Tomorrow's Schools" reforms implemented in 1989, the Board of Trustees for each school is the legal employer of teaching and support staff, and is thus responsible and accountable for the standard terms and conditions set out in the award. Boards must comply with the terms and conditions of all teaching and non-teaching awards and salary scales, as well as observing the principles of the State Sector Act. The Education Review Office, one of the new agencies established under the reforms, has the function of regularly monitoring Boards' performance in these areas.

712. The principal and a staff representative are full members of each schools's Board of Trustees, to ensure both a professional and worker input into all decisions. A further protection for the rights of teachers and other education workers is the scope for unions to take compliance orders against Boards who fail to meet the "good employer" and equal employment opportunities provisions of the State Sector Act. Like workers in other areas, teachers also have the alternative option of pursuing a personal grievance under the Human Rights Commission Act 1977 or the Race Relations Act 1971, where the circumstances make this appropriate.

713. Boards appoint the principal of their school, and approve the appointment of basic scale teaching staff and non-academic support staff on the recommendation of the principal. For appointments of teaching staff above basic scale, the Board approves recommendations made by a staffing committee comprising the principal, Board chairperson, and a teacher from another school. Boards must advertise all teaching positions nationally.

714. Each Board is also responsible for approving a staff development programme on the advice of the principal. Funding for this is included in the school's bulk grant (see above).

715. In order to provide teachers with an incentive to remain as classroom teachers, rather than seek senior positions involving less classroom time, "Tomorrow's Schools" makes provision for bonus payments to teachers of outstanding merit. Such teachers usually need to have completed at least 10 years' service.

716. From 1979, a scheme has been introduced to assist classroom teachers by employing teacher assistants to carry out clerical and administrative tasks not normally performed by other ancillary staff. In order to assist the

process of "mainstreaming" children with disabilities into ordinary schools, the Government in June 1990 announced extra funding of \$5.1 million to provide an additional 400,000 hours of teacher-aide employment, assisting the classroom teachers of these children.

Contracts

717. The issue of contracts for the employment of certain teaching staff has been an important matter in the development of policies to implement the "Tomorrow's Schools" reforms. As a means of assisting them to meet the requirement for accountability in the overall running of schools, and in their achievement of educational goals, Boards of Trustees of secondary schools are now able to appoint the principal of their school on a contract basis, within a salary range established nationally. The term of the contract is negotiated between the Board and the principal.

718. This policy was effected by the State Sector Amendment Act 1989. Secondary school principals are now excluded from award coverage and are to be employed on contracts approved by the State Services Commission. Up to four other senior staff positions are also placed on contract, while remaining covered by the Award except in relation to remuneration, discipline and performance matters. Similar arrangements to these have been negotiated for primary school principals.

719. By clearly defining the duties and obligations of the parties, clarifying the accountability of senior staff, reducing the possibility of conflicts of interest, and increasing the flexibility to come to agreed employment terms that best suit the unique circumstances of each school, individual contracts serve as a necessary mechanism to give effect to the devolved management responsibility under "Tomorrow's Schools".

Funding

720. In the reformed structures, schools are to receive all funding in the form of a bulk grant, in two distinct components, namely teaching salaries and operational activities (section G above refers). Each component is based on its own separate funding formula developed by the Ministry of Education, taking account of the varying needs of different schools in different areas, weighted for equity considerations and the particular costs of running rural schools.

The Teacher Registration Board

721. The Teacher Registration Board is a new statutory organization established to act as an education quality assurance agent. The five-member Board, appointed by the Minister, will be responsible for determining the conditions and requirements under which persons will be able to be registered as teachers, and will be responsible for approving and maintaining a register of teachers, as well as for decisions on the removal of a teacher's name from the register.

Other measures for the improvement of conditions

722. Reference has been made in section C to measures to improve teacher/pupil ratios in primary schools. Between 1982 and 1988, teacher/pupil ratios in primary schools improved overall from 1:21.91 to 1:20.42. In secondary schools, the ratio improved over the same period from 1:17.63 to 1:16.35.

723. The Maori attestation scheme, "He Tohu Matauranga", has been operating in the secondary teacher service since 1986 and was extended to the primary service in 1988. The attestation process is administered by the trustees of a marae. It confirms the candidate's fluency in the Maori language and understanding of Maori culture. Applicants for teacher training may use attestation as an additional criterion for entry to a three-year training course. Teachers already in the service who are attested will be considered to have the equivalent of a tertiary qualification for salary purposes.

Continuing education

724. Full-time training for teachers is provided in six institutions for kindergarten, primary, secondary, and special education teacher trainees. In addition to their major responsibility - pre-service training - these six colleges of education conduct a range of continuing education courses for teachers. In most cases, teachers attend these courses in their own time outside classroom hours, though relieving teachers may be funded through the Ministry of Education to facilitate attendance in some cases. The Advanced Studies for Teachers Union (ASTU) provides correspondence programmes for the same purpose.

725. Each paper is based on 50 hours of course time. Two higher teaching qualifications are available to teachers based on these courses:

(a) the Higher Diploma of Teaching (on completion of seven papers of a continuing education course); and

(b) the Advanced Diploma of Teaching (on completion of a further seven papers).

726. The standard course fee for each paper is \$198. In some cases, Boards of Trustees may agree to fund teachers' attendance, otherwise teachers pay their own costs. In 1988, 2,551 teachers were enrolled in advanced study courses at colleges of education, and 2,932 were enrolled in correspondence courses with ASTU.

727. Because of the wider market for its correspondence courses compared with the face to face courses at colleges, ASTU is able to offer a wider range of courses (around 80 different courses per year, compared with around 30 offered by colleges). Courses are available to assist teachers stay abreast of developments in teaching in various subjects, and also cover areas such as drama teaching, working with parents, computer teaching etc.

728. A variety of other options for continuing education are available to teachers, for example through seminars, short courses and conferences organized either in-house by schools themselves, by professional organizations, or by other agencies.

729. In a research study among teachers in 1987, teachers identified the need for regular communications which not only described new resources, but gave items of news about related matters such as film appreciation, people, events, and the use of material in the classroom. As a response to this, a monthly supplement to the Education Gazette called "Resource Link" is being published. A catalogue of all school publication materials, catalogues of sound recordings for loan and an updated audio visual catalogue were also produced as a result of the research study findings.

730. A national teacher development programme was set up in 1986, under which more than 600 teachers have received in-service training in the curriculum uses of computers. A series of resource booklets has also been prepared to support primary and secondary teachers working with computers.

Teachers' participation in the formulation of plans

731. One of the principles of "Tomorrow's Schools" is that the running of schools is to be a partnership between the professionals and the particular community in which the school is located, through the mechanism of the Board of Trustees. As noted above, the membership of each Board includes the principal of the school, and one member elected by the staff from among their number.

732. In drawing up the charter of the school, the Board also consults the staff as a whole. Programmes under the charter take account of the special skills and qualifications of the staff. Once the school's charter has been developed and approved by the Minister of Education, the principal and staff determine how the curriculum objectives in it are to be achieved, within the framework of the curriculum objectives laid down in the National Education Guidelines.

733. The revision of the national syllabus in respect of any subject involves the formation of an advisory committee with active teacher representation. Draft syllabuses are circulated to teachers for comment, and sections of the syllabus are often put to trial in selected schools.

Factors and difficulties

734. The administrative and personnel structures of the new education system have placed upon Boards of Trustees and principals, in particular, a variety of responsibilities which may be unfamiliar to them. Information and backup services are likely to be needed for some time yet until the new systems are running smoothly. An Implementation Unit set up in the Ministry of Education oversees the work of several working groups, each responsible for reporting on matters that need to be considered as the new system takes shape.

735. For teachers, the changes of recent years have also demanded significant adaptations on their part. The full impact of personnel reforms, especially in areas like pay flexibility and flexible staffing levels will not be felt until the system of bulk funding of salaries to Boards of Trustees is introduced in 1991.

J. Right to choice of school

736. Under section 156 of the Education Act 1989, parents who do not wish their children to attend State schools may at their own expense set up schools which follow their own religious or moral convictions, or send their children to existing schools of that type. As noted in section G above, a large proportion of formerly private schools have since 1975 chosen to integrate with the State system, thus gaining substantial Government funding while still retaining their special religious or philosophical character. The combined number of private and integrated schools in New Zealand, run by religious organizations or private individuals, is still quite substantial.

737. In addition, the "Tomorrow's Schools" programme includes a commitment to extend the definition of "special character" schools to include kaupapa Maori schools, bilingual schools and others which the Minister of Education considers to be of a special character, (such as those set up outside the system by parents). Several bilingual schools are already in operation, at both primary and secondary level. With the extension of the kohanga reo preschool system (and wider recognition of the value of its achievements), increasing provision for primary teaching in the Maori language is being made in order to maintain fluency levels attained there.

738. In State primary schools a distinction is made between teaching of religion and teaching about religion. Section 77 of the Education Act (applicable to State primary schools) states that "the teaching shall be of an entirely secular nature". However, provision is also made for religious instruction to take place, subject to certain conditions. Boards of Trustees may decide to close their school for a limited period each week to enable the time to be used for religious instruction and observance. Parents are free to have their children excluded from such classes.

739. Secondary schools are not restricted by the requirement in section 77 of the Education Act. However, in practice State secondary schools do not usually give religious instruction. Exceptions to this are the inclusion of a religious element (e.g. a reading from the Bible) at some schools gatherings; and some offer a 6th Form course in religious studies. Because schools are likely to have pupils from a wide variety of religious and ethical backgrounds, principals are asked to take care to understand and respect differences in their approach to teaching about religion, or in any religious observances. Again, students may be excused participation in these activities.

740. In 1989, 24,699 pupils, or 3.8 per cent of the school population, attended private primary and secondary schools. A table comparing the numbers of pupils enrolled at State, integrated and private primary schools is included as table 20.

Table 20

Comparison of number of pupils enrolled at State, integrated,
and private primary schools 1977-1987

Type of schools	Percentage distribution of primary school rolls			Percentage change in rolls
	1977	1982	1987	1977-1987
State	90.32	89.86	88.89	-18.28
Integrated	7.65	7.72	8.04	-12.69
Private	1.80	2.12	2.68	23.81
Correspondence	0.23	0.30	0.39	40.28
Total	100.0	100.0	100.0	-16.96

Source: Education Statistics of New Zealand 1988, Department of Education.

K. Liberty to establish and direct educational institutions

741. The observance of this right is shown by the fact that a number of independent (private or integrated) schools have been set up during the period under review. Moreover, recent reforms make it easier than before for those wishing to establish educational institutions which they feel will better meet their children's needs than do existing arrangements.

742. The Education Act 1964 maintained the right of individuals or private organizations to set up private schools, subject to certain restrictions. The main condition set out in the 1964 Act was that such institutions should be "as efficient" as the State equivalent. In order to obtain the compulsory registration required of all schools, a private school must comply with various local authority and health ordinances. These provisions are maintained under the Education Amendment Act 1989.

743. A recent development is that the "Tomorrow's Schools" programme makes express provision for groups of parents representing at least 21 children to withdraw from existing arrangements and set up their own institutions, provided that they meet the National Education Guidelines. Section 156 of the Education Amendment Act 1989 gives legislative effect to this provision by providing for a "designated character school". It is noteworthy that the absolute right to establish this type of school rests with the Minister of Education. This is mainly because a designated character school is a State school. Its aims, purposes and objectives constitute its designated character and the school's charter reflects these features. Such a school would be, for example, one where the style of teaching or the structure and organization is markedly different from that at an ordinary school; a school which provides a special secular curriculum or cultural emphasis; or a school which provides for special needs.

744. Nevertheless, a designated character school must abide by the State school requirements for staffing, staffing qualifications, building codes, funding, and national educational guidelines including the national curriculum objectives.

745. As the 1989 Act came into force only in January 1990, no designated character schools have yet been set up, though a number of applications to the Minister are under consideration.

746. In practice, the laws regulating the right to establish a school are designed to ensure that children receive a minimum satisfactory standard of education in safe and healthy surroundings. As such, they are not unduly restrictive, and assistance and advice is available to the managers of proposed private schools.

747. The Parent Advocacy Council is a new statutory organization responsible for promoting the interests of parents at all levels of education. It is an independent investigation agency for parents who feel their children's needs are not being met within the education system. The Council assists parents who wish to educate their children at home or set up a separate school. It also provides information about the education system and the rights and obligations of individuals and groups within it.

IX. ARTICLE 14: THE PRINCIPLE OF COMPULSORY EDUCATION,
FREE OF CHARGE FOR ALL

748. As explained in relation to article 13 (right to education), this principle is well established in New Zealand. The Education Act 1989 (and before that, the Education Act 1964) provides for free education in primary and secondary schools. Education is compulsory between the ages of 6 and 15 years. Some exceptions are made in the case of foreign students, or for example where a child under seven years of age would have to walk more than three kilometres to school.

X. ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE
AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS
AND THE PROTECTION OF THE INTERESTS OF AUTHORS

A. Right to take part in cultural life

1. Principal laws and regulations

749. The principal laws concerned with the right to take part in cultural life are:

- (a) The Queen Elizabeth II Arts Council of New Zealand Act 1974;
- (b) The New Zealand Film Commission Act 1978;
- (c) The National Library Act 1965;
- (d) The National Art Gallery, Museum and War Memorial Act 1972;
- (e) The Historic Places Act 1980;
- (f) The Broadcasting Act 1989;
- (g) The Antiquities Act 1975;
- (h) The Recreation and Sport Act 1987;
- (i) The Gaming and Lotteries Act 1987;
- (j) The New Zealand Symphony Orchestra Act 1988;
- (k) The Archives Act 1957.

750. A majority of the above Acts are administered by the Department of Internal Affairs, through statutory bodies in some cases. Responsibility for their administration will probably be transferred to the Ministry of Cultural Affairs when that is established (see below). The Historic Places Act is administered by the Department of Conservation, the National Library Act by the National Library of New Zealand, and relevant sections of the Broadcasting Act by the Ministry of Commerce.

751. The Cultural Conservation Advisory Council, the New Zealand Authors' Fund, and the Government's indemnification of touring exhibitions scheme were established by Cabinet Minute.

2. Practical measures for the realization of this right

(a) Availability of funds

752. In New Zealand, funding for the arts is primarily the responsibility of central government, through independent statutory bodies, principally the Queen Elizabeth II Arts Council and the New Zealand Film Commission, whose functions are summarized later in this section of the report, under

paragraphs (b) and (f). This funding is currently administered by the Department of Internal Affairs, but responsibility for it will shortly be taken over by the new Ministry of Cultural Affairs.

753. Designated local authorities have a statutory responsibility to service Community Arts Councils and, in some cases, have developed their own cultural policies. The level of support they provide to regional and metropolitan arts organizations is highly variable. The Queen Elizabeth II Arts Council and the three Regional Arts Councils are concerned to encourage structured local government support for the arts.

754. By contrast, New Zealand's regional and local museums receive their operational funding almost entirely from local government and private donation. Only the National Museum of New Zealand and the National Art Gallery of New Zealand receive substantial central government funding for their operational budgets. The larger, regionally-based museums are funded in part by a statutory annual levy imposed on local "contributing authorities" within their region. Despite receiving local government support, local heritage institutions depend upon a variety of central sources for projects which fall outside the scope of basic operational budgets, such as capital works, conservation and training. These sources include the New Zealand Lottery Grants Board, and the Cultural Conservation Advisory Council, which provides direct subsidies to local institutions for the conservation of moveable cultural property.

755. Local and community libraries receive operational funding wholly from local sources. The centrally-funded National Library makes its services available to schools and smaller local libraries through regional branches.

756. The Broadcasting Commission has a statutory responsibility to use funds it gathers from the public broadcasting fee to fund and promote programming with a distinct New Zealand identity, and Maori and minority programming. Further detail on this aspect is contained under sub-heading (e) later in this section.

757. At a national level, public funding is in general allocated annually and comes from two sources: taxation and lottery profits. The Government's policy, over the last five years, of restraining its own spending, combined with the great success of Lotto, a national televised lottery, has led to a decline in the share of arts funding provided by the Government in proportion to that allocated by the New Zealand Lottery Grants Board, which has the responsibility of apportioning profits of lotteries to various distributing authorities which consider applications and make grants.

758. Table 21 shows the allocations made to major cultural agencies in 1989/90 by the Government and the New Zealand Lottery Grants Board.

759. Several awards in the arts contribute to cultural development in partnership with central government. Public companies can make grants or donations for charitable purposes, including the arts, up to 5 per cent of their taxable income in one year, but only up to \$4,000 to any one recipient. Prominent examples of private assistance include the Turnovsky Endowment Trust and the Stout Trust.

Table 21

Expenditure on Arts and Cultural Heritage

Agency or Programme	Vote 1989/90	Lottery Grants Board 1989/90	Total 1989/90
	(Financial year 1 July 1989 to 30 June 1990) (incl. of GST)	(Financial year 1 April 1989 to 31 March 1990) (incl. of GST)	
	\$	\$	\$
1. Queen Elizabeth II Arts Council	7 250 000	10 918 750	18 168 750
2. New Zealand Film Commission	4 000 000	6 159 375	10 159 375
3. National Art Gallery and Museum	7 292 920	1 118 750	8 411 670
4. Museum of New Zealand	3 732 190	8 437 500	12 169 690
5. New Zealand Symphony Orchestra	2 765 813 (+ Broadcasting Comm Input)	-	8 381 250
6. New Zealand Literary Fund	282 000	550 000	832 000
7. New Zealand Film Archive	100 000	447 500	547 500
8. Miscellaneous	28 000	-	28 000
9. Minister's Fund	-	895 000	895 000
10. Oral History Archive	52 000	-	52 000
11. National Archives	28 854 000	-	28 854 000
12. Cultural Conservation	160 000	503 438	663 438
13. Antiquities Act costs	21 000	-	21 000
14. Lottery Community Facilities Fund	-	1 186 065 (+ \$165 000 Cultural Equipment Grant)	1 186 065 165 000
15. New Zealand Authors' Fund	724 000	-	724 000
16. Historical Publications	673 060	275 000	948 060
17. Dictionary of New Zealand Biography	403 000	447 500	850 500
18. New Zealand Historic Places Trust	423 000 (+ \$1 123 000 Vote Doc for HPT SEG 2)	1 681 250	3 227 250
TOTAL:			96 284 548

Indemnification of touring exhibitions

760. Since 1976, the Department of Internal Affairs has administered a scheme, established by Cabinet Minute, for the indemnification of significant touring exhibitions. The scheme relieves galleries and museums of the often prohibitive costs of insurance by underwriting their liability to the lenders of exhibits, and thereby helps to promote public access to major exhibitions. The maximum value of indemnified exhibitions at any one time is currently \$200 million.

(b) Institutional infrastructure

761. The major agencies in New Zealand established to implement policies for the promotion of cultural life follows below.

Minister of Arts and Culture

762. Since 1975 there has been a separate ministerial portfolio for arts and culture matters, although to date the Minister of Arts and Culture has also been the Minister of Internal Affairs. With the establishment of the Ministry of Cultural Affairs (see below) this position will be known as the Minister of Cultural Affairs.

Department of Internal Affairs

763. The Department of Internal Affairs is responsible for funding and administering many of the statutory bodies and other related agencies listed below. Its responsibilities for arts and culture will shortly be taken over by the Ministry of Cultural Affairs.

Ministry of Cultural Affairs

764. In 1989, public submissions were received by the Government on a proposal to establish a Ministry of Cultural Affairs. The Government is now in the final stages of establishing such a ministry, which will allow the Government to take a more coordinated approach to funding and policy for cultural affairs.

New Zealand Lottery Grants Board

765. The New Zealand Lottery Grants Board distributes the profits of State-run lotteries under the Gaming and Lotteries Act 1977. Funds for cultural purposes are allocated to Distribution Committees and Distribution Agencies. The Distribution Agencies are the Queen Elizabeth II Arts Council, the New Zealand Film Commission, the Hillary Commission for Recreation and Sport and the Minister of Internal Affairs. The Minister of Internal Affairs receives an allocation for Special Projects in the Arts under the terms of which individuals and groups can request assistance for projects that generally do not come within the criteria for funding from any of the Lottery Distribution Committees.

766. Two of the Lottery Distribution Committees provide funds for cultural purposes. The Lottery Community Facilities Committee offers subsidies (usually \$1 for every \$2 of eligible community funds) or low-interest loans to non-profit making community organizations for capital costs of community

buildings such as art galleries, museums, theatres, concert halls, craft centres, community libraries and Maori and Pacific Island community facilities. The Lottery General Committee gives grants to organizations whose activities fall outside the areas of the other committees, but also funds community facilities, such as museums, arts and cultural centres with high capital costs. Lottery General also administers the Heritage Fund which funds projects involving the cultural, environmental and historical heritage of New Zealand.

767. Several cultural agencies are regular recipients of Lottery General funding, including the New Zealand Film Archive, the National Museum and Art Gallery, Dictionary of New Zealand Biography, and the Historic Places Trust.

768. The Lottery Community Facilities Committee distributed \$8,000,000 in the 1989/90 financial year and Lottery General \$22,814,000. Approximately \$16 million of Lottery General's allocation was for cultural purposes, including a \$10 million grant to the new Museum of New Zealand project.

Queen Elizabeth II Arts Council

769. The Council was established in 1964. Its functions and powers are defined in the Queen Elizabeth the Second Arts Council of New Zealand Act 1974, and subsequent amendments. It incorporates three Regional Arts Councils and Te Waka Toi - the Council for Maori and South Pacific Arts. There are also some 100 Community Arts Councils, which assist local arts organizations and projects from funds made available by the Regional Arts Councils and other sources.

770. The Arts Council's statutory obligations include the support of professional standards in the arts, promoting the practice and appreciation of Maori and Pacific Island arts, and making the arts "accessible to every person in New Zealand". With the exception of the New Zealand Symphony Orchestra, New Zealand's leading professional arts organizations receive annual grants and other assistance from the Arts Council. These include the country's regional orchestras, its professional theatres, its national schools of drama and dance, the Royal New Zealand Ballet, the Crafts Council of New Zealand (which supports craftspeople in a variety of ways) and the Music Federation of New Zealand (which runs an annual programme of chamber music concerts throughout the country). The Council also supports the work of many individuals and groups in the visual arts, dance, music, craft, theatre, experimental film and video, and literature. (The New Zealand Literary Fund was transferred from the Department of Internal Affairs to the Arts Council in 1988, to become the Council's literature programme. This programme provides grants and other assistance to individual writers and publishers, principally of works of fiction, poetry, and drama - although some assistance is made available for non-fiction works - and to literary magazines.)

771. The Arts Council also runs a national resource centre, helps to secure business sponsorship for the arts, runs an Arts Access programme that has developed arts projects in hospitals and prisons and, as noted above, administers a programme of performances and workshops in schools in collaboration with the Ministry of Education.

772. During 1989/90 the Council received funds totalling \$18,168,750, of which \$10,918,750 was provided from lottery profits.

773. The New Zealand Symphony Orchestra is the one major performing arts company that does not receive its funding through the Arts Council. It is currently funded through the Department of Internal Affairs and the Broadcasting Commission. From the 1991/92 financial year the orchestra will be funded entirely through the Department of Internal Affairs (or the Ministry of Cultural Affairs). Historically the orchestra was linked to successive State broadcasting corporations.

Te Waka Toi - Council for Maori and South Pacific Arts

774. The Council for Maori and South Pacific Arts, now known principally by the Maori name of Te Waka Toi, was set up in 1978 as part of the Queen Elizabeth II Arts Council.

775. The Council's statutory function is to encourage, promote and develop the appreciation of the arts and crafts of the Maori and South Pacific people in New Zealand. Towards this end it supports traditional Maori and South Pacific arts, as well as contemporary trends in the visual arts, music and theatre, by administering funding schemes under which grants are made to groups and individuals. It is developing a growing number of bicultural projects with the Queen Elizabeth II Arts Council.

National Art Gallery and National Museum

776. The National Art Gallery and Museum are both situated in the capital, Wellington. They are controlled by a Board of Trustees, under the National Art Gallery, Museum and War Memorial Act 1972. The Board in turn delegates many of its functions to separate councils established for each of the Art Gallery, the Museum and the War Memorial.

777. The National Art Gallery was established to acquire, preserve and display collections of works representing the whole range of the visual arts, and to provide an appropriate educational and research service in connection with those collections. Its Mission Statement details the following programmes:

(a) Collections Programmes: The purpose of the Collections Programmes is to acquire, organize and research and make available the art and visual culture of this country in line with the anticipated policies of the Museum of New Zealand;

(b) Public Programmes: The purpose of the Public Programmes sub-programme of the National Art Gallery is to provide the public with opportunities to explore and interpret the art and visual culture of Aotearoa/New Zealand.

778. The National Museum has the responsibility for the acquisition, preservation and display of material principally concerning New Zealand and the Pacific. The National Museum also provides an educational and research service. The Mission Statements of the three divisions of the Museum are:

(a) Public Services Division: Enhancing public awareness, enjoyment and use of the National Museum of New Zealand/Te Whare Taonga o Aotearoa through exhibitions, programmes and promotions is the motivating function of the Public Service Division;

(b) Cultural Heritage Division: To collect, preserve and interpret the material cultural heritage of Aotearoa/New Zealand and of relevant items from the Pacific region and the wider world;

(c) Natural History Division: To acquire and maintain collections of New Zealand plants and animals, to increase knowledge about the systematics and ecology of the New Zealand biota, and to provide the public with opportunities to better understand the natural heritage of Aotearoa/New Zealand and its relationship to the wider world.

779. In 1989/90 the total funding for the National Museum and Art Gallery is approximately \$12 million.

Museum of New Zealand/Te Papa Tongarewa

780. Planning is underway for a new Museum of New Zealand/Te Papa Tongarewa to be located in Wellington. It is hoped it will be completed by 1997. The Museum will assist other museums through a National Services Department in areas including training, conservation, exhibition and advisory services, collection inventories and sharing of capabilities and materials by loans, travelling exhibitions and activity programmes.

781. In terms of its Concept Statement the Museum will "express the bicultural nature of this country, recognizing the mana and significance of each of the two mainstreams of tradition and cultural heritage".

(c) Overall policy for the promotion of cultural identity and promotion of awareness and enjoyment of the cultural heritage of national ethnic groups and minorities

782. As explained in the introduction to this report, there are two major cultural sources in New Zealand: the Maori culture of the indigenous people, and the European-based culture of the predominantly English migrants who arrived in New Zealand in the last century. Information on policies and measures to promote awareness and enjoyment of the cultural heritage of the Maori people, in particular, is also provided in New Zealand's periodic reports on implementation of the International Covenant on Civil and Political Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination.

783. To date, New Zealand governments have not developed detailed, coordinated cultural policies. The greater part of government funding for arts and culture is instead channelled through independent statutory bodies that, within the terms of their prescribed functions, develop their own policies and are responsible for the direct assistance of individuals and organizations, and for ensuring public participation in the country's cultural life. For example, the Queen Elizabeth the Second Arts Council of New Zealand Act 1974 states that the Council shall "make accessible to every person in New Zealand, as far as may be practicable, all forms of artistic activity".

784. The establishment of the Ministry for Cultural Affairs will be an opportunity to place the principle of biculturalism at the heart of cultural policy, thereby supporting the commitment to biculturalism and Pacific Island cultures represented in the arts by the relationship of the Queen Elizabeth II Arts Council to Te Waka Toi, and, at a broader social level, by the work of other government departments.

785. During the past decade all the arts have come closer than before to expressing in various ways a distinct New Zealand identity. During this period the Te Maori exhibition, an exhibition of classical Maori art which toured the United States and New Zealand in the mid-1980s, was but the most prominent manifestation of a great resurgence in the practice and appreciation of the Maori arts in both traditional and contemporary forms. Information contained in other parts of this section of the report, for example concerning plans for the Museum of New Zealand/Te Papa Tongarewa, is also relevant here.

(d) Role of mass media and communications media in promoting participation in cultural life

786. New Zealand has an active mass media sector which plays an important part in promoting New Zealanders' participation in cultural life.

Newspapers and journals

787. For the size of its population, a large number of newspapers and magazines are published in New Zealand. The press includes seven metropolitan and 25 provincial daily newspapers, and several hundred magazines, journals and newsletters are published on a wide range of topics. Newspapers regularly report on issues and events of interest in the cultural and scientific fields.

788. These publications are privately owned and operate freely, subject to the limitations and restrictions imposed by common law and statute, such as the law relating to defamation, blasphemy or obscenity, and human rights legislation.

Broadcasting

789. The development of public broadcasting was, until late 1988, the responsibility of the Broadcasting Corporation of New Zealand. Among other specific functions, the Corporation was charged with maintaining a New Zealand identity in its programmes. The Directors General of Radio New Zealand and Television New Zealand were members of the Corporation.

790. Changes to the administration of broadcasting led to the restructuring of the Broadcasting Corporation in November 1988 and the establishment of three State-owned enterprises: Radio New Zealand Ltd., Television New Zealand Ltd., and the New Zealand Symphony Orchestra Ltd., operating as independent commercial undertakings. Further reforms followed the passage of the Broadcasting Act 1989, which established the Broadcasting Commission to administer the public broadcasting fee, and the Broadcasting Standards Authority to govern broadcasting standards.

791. The functions of the Broadcasting Commission (renamed "New Zealand on Air" in mid-1990) are set down in Part IV (sections 36ff) of the Broadcasting Act as follows:

- (a) To reflect and develop New Zealand culture by promoting programmes about New Zealand and New Zealand interests, and by promoting Maori language and Maori culture;

(b) To maintain and, where the Commission considers it appropriate, extend the coverage of television and sound radio broadcasting to New Zealand communities that would otherwise not receive a commercially viable signal;

(c) To ensure that a range of broadcasts is available to provide for the interests of women, children, persons with disabilities, and minorities in the community including ethnic minorities;

(d) To encourage the establishment and operation of archives of programmes that are likely to be of historical interest in New Zealand by making funds available, on such terms as the Commission thinks fit, for:

- (i) Broadcasting;
- (ii) The production of programmes to be broadcast; and
- (iii) The archiving of programmes.

792. Section 37, on the promotion of New Zealand content in programming, elaborates further the scope of section 36(a), directing the Commission, inter alia, to consult with various interest groups in the development of programmes, to ensure that provision is made for the production of drama and documentary programmes, and for the broadcasting of New Zealand music.

793. In order to improve the representation of Maori and ethnic content in broadcasting and in general to broaden the view of New Zealand society portrayed in broadcasting, the Government has directed the Broadcasting Commission to allocate a minimum of 6 per cent of its broadcasting fee income to Maori broadcasting.

794. One of the functions of the Broadcasting Authority is to encourage the development and observance of "safeguards against the portrayal of persons in a manner which encourages denigration of or discrimination against sections of the community on account of sex, race, age, occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs".

Radio

795. Radio New Zealand, originally established as the New Zealand Broadcasting Service in 1936, offers a range of commercial and publicly-funded programmes. An extensive network of community and mini-stations has been established throughout the country over the years. In addition, the National Programme and the Concert Programme are broadcast nationwide. Radio holds a place of unique importance in the society, both because of New Zealand's geographic isolation from the rest of the world and because of the scattered and isolated nature of many communities. In 1989, New Zealand had 4.3 million household radios and over a million motor vehicle radios. Independent audience research indicates that radio is regarded by New Zealanders as the most important medium, compared with television, newspapers and magazines.

796. Radio New Zealand seeks to fulfil its statutory responsibilities to reflect and develop New Zealand culture in a variety of ways. Resources are allocated to market research and seeking audience feedback in order to stay in touch with listeners' expectations and preferences. Special attention has been focused on national identity and culture in 1990, for example through the provision of free air time to build up public awareness and support for the

Sesquicentennial Year. Radio New Zealand was the "official Radio Broadcaster" for the 1990 Commonwealth Games in Auckland, again making available extensive free air time to develop public support through commercial community stations. These stations are regularly involved in fund raising and promotional support for community development, charitable and compassionate projects.

797. Radio New Zealand has a policy that stations in areas with 10 per cent or more Maori population should work towards a weekly Maori news bulletin in English. Community stations are encouraged to broadcast news of events and information of interest to the Maori community. Te Reo o Aotearoa broadcasts a wide range of Maori and Pacific Island programmes through National Radio, in Maori, Pacific Island languages and English.

798. The Concert Programme has a special role in supporting the development of New Zealand composers, musicians, poets and writers through a large number of programmes and projects on air. During 1989, 210 solo artists and ensembles contributed to its programmes. More than 270 New Zealand compositions were broadcast.

799. ACCESS Community Radio is presented by volunteers, representing more than 100 minority interest groups. Access Radio broadcasts each evening and all day Sunday in Auckland, and through weekends in Wellington and Christchurch. A wide range of information, alternative music and ethnic language content is covered in its programmes.

800. Radio New Zealand Sound Archive holds a resource of 31,000 historical tapes and discs, and 100,000 gramophone records. The Archive services the entire radio industry, other media and the entertainment business as well as assisting in research applications.

Television

801. Television has also undergone a process of deregulation since 1988. Television NZ Ltd., a State-owned enterprise, operates two channels, broadcasting to almost the whole country. TV3, a privately-owned company, began broadcasting in 1989 and reaches much of the North Island with a programming mix similar to that of the State channels. In the deregulated environment, more licences have been offered for sale and further (smaller) companies are in the process of being established.

802. The total television audience of TVNZ has continued to grow, as has its local production content. In 1989, 2,504 hours of New Zealand production were broadcast. These included local drama, documentary and feature programmes including those concentrating on the arts in New Zealand.

803. In 1986, TVNZ established a Maori production unit which aims to produce programmes for fluent and non-fluent Maori speakers, and for Maori and other New Zealanders interested in Maoritanga. Maori subjects and perspectives are reflected in regular programming, being incorporated into drama, documentaries, entertainment, news, current affairs, sport and children's programmes. Daily news programmes are broadcast in the Maori language. There is also a weekly programme for Pacific Island people, formerly in the languages of the Pacific Island communities in rotation but now in English.

804. Television New Zealand has over the years been a sponsor and supporter of many charities, arts organizations and environmental groups. An important example of its activities in this regard is the "Telethon", a weekend long fund raising programme based on televising of special activities around the country. Since the first Telethon in 1975, TVNZ has helped raise over \$30 million for nominated charities in the fields of health and community care. The tenth Telethon is scheduled for September 1990 and will raise funds for the aged in New Zealand.

805. Television New Zealand has maintained its community role since the shift to State-owned enterprise status. In 1989 the equivalent of \$6 million was donated to community activities, through direct sponsorship, fund raising appeals, or the broadcasting of free community service advertisements. Other organizations sponsored by the company include the New Zealand Symphony Orchestra, Young Musicians Award, Mercury Theatre, Parents' Centre and the Cot Death Society.

(e) Preservation and presentation of cultural heritage

National Archives

806. National Archives selects, preserves and makes available records of State which are of permanent value to the people of New Zealand. These records are drawn from various areas of government - Parliament, Ministers of the Crown, departments of State, the armed services, the courts, commissions of inquiry, and other agencies.

807. The prime purpose of keeping archives is set out in the Archives Act 1957. Archives preserve evidence of the functions, policies, transactions and decisions of government which have affected New Zealanders' lives, liberties, property, rights and status as citizens. These documents provide information on events which have influenced the course of New Zealand's development. To ensure their preservation, National Archives has statutory control over the disposal and destruction of public records. The National Archives headquarters is situated in Wellington, with branches in Auckland and Christchurch. In other centres, records are cared for by non-governmental libraries or museums which are designated as "approved repositories". An amendment to the Archives Act in 1988 has enabled National Archives to provide records management advisory, training and storage services on a cost recovery basis.

808. In addition, the Local Government Act 1974 enables National Archives to advise and assist local authorities in preserving their archives.

809. The National Archives holds an estimated 30,000 linear metres of written and typed documents, and in addition some 500,000 maps and plans as well as a large number of photographs and pictures. The holdings constitute the largest source of unpublished information on a wide range of public and private activity in New Zealand - political, social, economic, scientific, military, technological and administrative.

810. Important and interesting records from the 19th century include those of the New Zealand Company, the provincial governments, the Colonial Secretaries and the Governor. Records from this century include material from the

numerous war-time agencies. Research for claims to the Waitangi Tribunal has meant much greater use of official archives from last century documenting land purchase and other subjects brought to the Tribunal.

811. In addition to records documenting the multifarious activities of modern government, papers of famous politicians such as Richard John Seddon, Sir Walter Nash and Norman Kirk are held as well as those from a number of former cabinet ministers.

812. In carrying out its function of making archives available, National Archives arranges and describes the archives and provides reading and reference services.

813. \$28,854,000 was provided for the 1989/90 financial year, and included purchase of the Government Print Building in Wellington as the new headquarters for National Archives, and construction of a purpose-built archives repository in Christchurch.

New Zealand Film Commission

814. The Commission was established in 1978, its functions and powers being defined in the New Zealand Film Commission Act 1978. It assists and participates in the making, distribution, exhibition and promotion of films with a "significant New Zealand content", as prescribed in the Act. Its marketing and distribution have served to establish the international reputation of New Zealand cinema, while its Short Film Fund offers assistance to new film makers.

815. The New Zealand National Film Unit, which made short, mainly documentary films, was sold in March 1990 to a subsidiary of Television New Zealand. Funding is to be provided to the new owner through the Film Commission for the next two years - 1989/90 funding: \$1,012,500 - for the production of films consistent with the terms of the Film Commission Act.

816. Because it has only limited funds to invest directly in film production the Film Commission is concerned to stimulate private investment, which declined in the second half of the 1980s.

817. Total funding for the New Zealand Film Commission in 1989/90, excluding the sum, just noted, arising from the sale of the National Film Unit, was \$10,159,375, of which \$6,159,375 was provided by the New Zealand Lottery Grants Board.

New Zealand Film Archive

818. The New Zealand Film Archive was established as a Charitable Trust in 1981. The Archive aims to preserve and make accessible moving image materials. The Archive trustees represent film, archive, educational and Maori interests. Its main sources of funding are the New Zealand Lottery Grants Board, the New Zealand Film Commission, Department of Internal Affairs and Television New Zealand. Total funding for the 1989/90 financial year totalled \$815,718.

819. The Archive operates a preservation programme, including transferring nitrate film to safe material, acquisition, documentation, access and public relations and liaison programmes. The Archive is a member of FIAF, the international film archive association.

820. The Film Archive has expanded its operations greatly since it began in 1981. This is reflected in its budget, which has doubled since 1986.

New Zealand Historic Places Trust

821. The New Zealand Historic Places Trust is empowered under the Historic Places Act 1980 to foster public interest in historic places, and to assist and undertake their protection and preservation. It has restored a number of properties and has also assisted in preserving many others by financial grants and technical advice. The Board of Trustees represents various areas of interest related to the Trust's functions. Regional committees operate locally and the associate members, (some 23,000), provide both financial and practical support.

822. The Trust's main concern is to preserve sites and buildings. Twenty-four such properties are currently open to the public. The Trust owns additional properties and is also involved in the administration of some which are owned by other organizations, as well as in the management of a number of historic reserves.

823. The 1980 Act introduced provisions regarding historic areas and traditional sites. These are classified and recorded by the Trust, which can also recommend protective measures to the appropriate authorities.

824. The Act gives the Trust power to protect buildings of national historical or architectural importance, through the issuing of protection notices and repair notices. The Act also provides an important incentive to owners in the form of heritage covenants which can be negotiated with the Trust to protect properties of historical interest, and to enable the Trust to assist owners with their preservation and maintenance. The Act also recognizes the concepts of Maori traditional sites and historical areas, and provides legislative machinery for their protection through planning procedures at the initiative of the Trust.

825. These provisions place much wider responsibilities on the Trust than did the 1954 Act. However, the Government has acknowledged that the legislation needs updating, and new historic places legislation - designed to dovetail with new resource management laws - was pending in mid-1990.

826. Since 1971 the Trust has been engaged in the inspection and classification of historic buildings throughout New Zealand. By mid-1990 it had classified 4,643 buildings. The Trust has also marked many historic places with plaques and noticeboards, and historic sites are sometimes protected by some form of reservation.

Protection of antiquities and archaeological sites

827. The Antiquities Act 1975, which came into force in April 1976, includes provisions controlling the sale of Maori artefacts within New Zealand and all artefacts found after 1 April 1976 are deemed to be prima facie the property

of the Crown. The Act provides export control on a wide range of items of historical significance: Maori artefacts; chattels relating to the European discovery, settlement or development of New Zealand; certain written and printed matter; certain works of art, reproductions, prints, films and sound recordings; type specimens of animals, plants and minerals; remains of extinct fauna; and certain items of shipwreck. Objects must be more than 60 years old before they can be protected under the Antiquities Act.

828. The first court case considered under the Antiquities Act 1975 concerned the illegal export of the "Cook Instruction", a letter written by Captain James Cook to his second-in-command in 1776. The Department of Internal Affairs took the Poverty Bay Club of Gisborne to court and in 1989 the club was convicted of removing the document from New Zealand without reasonable excuse and without the necessary Certificate of Permission of the Secretary of Internal Affairs.

829. Since July 1986 a major review of the Antiquities Act has been undertaken. The proposed Protection of Moveable Cultural Property Bill will likely provide for greater recognition of the Treaty of Waitangi by vesting ownership of newly found Maori objects with Maori. The Secretary for Internal Affairs will be required to consult with Maori authorities in matters involving the export of Maori objects. The Bill will also provide objective criteria for defining protected categories of all cultural property for export monitoring purposes. It is intended that the Bill, when enacted, will enable New Zealand to accede to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. It is hoped the Bill will be introduced into Parliament in 1990.

830. Whereas the Antiquities Act is essentially concerned with "portable" objects, a companion measure, the Historic Places Act 1980, deals more specifically with the protection of archaeological sites. It is necessary to obtain the consent of the New Zealand Historic Places Trust before damaging, destroying or modifying any archaeological site or undertaking a scientific archaeological investigation of any site.

831. In addition, the Department of Internal Affairs is responsible for the maintenance of some 60 historic graves, monuments and cemeteries of national significance throughout New Zealand. The annual amount expended is approximately \$22,000.

Cultural Conservation Advisory Council

832. In 1979 an Interim Committee for the Conservation of Cultural Property was established to advise the Minister of Internal Affairs on the development of conservation facilities and services. In 1987 this was replaced by the Cultural Conservation Advisory Council. The Council's terms of reference require it to advise the Minister of Internal Affairs on future developments of cultural conservation requirements; to identify, promote and set national priorities for the conservation of New Zealand's cultural property; and to identify and arrange employment and training opportunities for people to carry out conservation work. The Council has developed a number of funding projects

to implement these terms of reference, including a conservation projects programme; education and training programme; employment programme and travel and publicity programmes, as well as funding research on conservation projects.

833. The conservation projects programme emphasizes the funding of preventive rather than remedial conservation. Funding through this programme is available to all public cultural heritage institutions and includes subsidies against the cost of conservation consultation, surveys of institutional collections, treatments for objects, equipment and material purchases and research.

834. The education and training programme covers the recruiting and training of conservators to work within New Zealand collecting institutions, and continuing education and training for non-conservation staff of collecting institutions. This programme includes funding for conservation seminars, conferences and workshops.

835. The Council emphasizes the training of Maori conservators to ensure the Maori collections receive conservation treatment which is both scientifically and culturally appropriate. (Further information is contained under sub-heading (g) of this section, on training of professionals in culture and art.)

836. The employment programme is focused upon establishing a national network of conservation services based in the regions. A Northern Regional Conservation Service and a Wet Wood Conservation Service have been established in Auckland, and it is hoped to establish a Southern Regional Conservation Service in 1990.

837. The Council receives its funds through both the Department of Internal Affairs and the New Zealand Lottery Grants Board sources. This totalled \$663,000 for 1989/90.

Historical Branch

838. The Historical Branch of the Department of Internal Affairs produces books in areas of history of direct importance to New Zealand; promotes research into, and publication of, New Zealand history and provides assistance to government departments in the publishing of their histories. The Branch administers a History Research Trust which has about \$80,000 annually to make grants for the research, writing and publication of New Zealand history.

839. The Division's 1989/90 budget allocation from Vote: Internal Affairs and from the Lottery Grants Board was \$948,060.

Dictionary of New Zealand Biography

840. A unit was established in the Department of Internal Affairs in 1983 to produce the Dictionary of New Zealand Biography. Volume 1 covering 1769-1869 has been published in 1990 containing some 600 essays averaging about 1,000 words. A Maori language edition of the 160 essays in Volume 1 about Maori people will be published later in 1990. A second pair of volumes covering 1870 to 1900 should be published in 1992.

841. The unit's combined budget for 1989/90 from finances allocated to the Department of Internal Affairs and from the Lottery Grants Board was \$850,500.

(f) Freedom of artistic creation

Censorship legislation

842. Films, sound recordings, publications and other articles may not be imported into, exhibited or distributed in New Zealand if they are judged to be indecent, obscene or injurious to the public good.

843. Under the Films Act 1983 every film and video intended for public exhibition in New Zealand must be submitted to the Chief Censor for exemption or examination, unless he otherwise agrees. The Chief Censor is required to determine whether any film is or is not likely to be injurious to the public good. His decision may be reconsidered by the Films Censorship Board of Review.

844. The Customs Act 1966 prohibits the importation of all films, books, etc. that are indecent within the meaning of the Indecent Publications Act 1963, and of all other articles determined to be indecent or obscene.

845. Videos intended for private use are controlled by the Video Recordings Act 1987, which is administered by a separate statutory authority, the Video Recordings Authority. The criteria in the Video Recordings Act are a combination of those applied in the Films Act and Censorship and the Customs Act.

(g) Professional education in the field of culture and art

846. Massey University has offered a post-graduate Diploma in Museum Studies since 1989 and an undergraduate paper on "Introduction to Museum Studies". The University assumed responsibility for the administration of the Diploma from the Art Galleries and Museums Association of New Zealand (AGMANZ). The Diploma has been established on a three-year pilot basis, funded by the New Zealand Lottery Grants Board with the assurance that Massey University will fully fund the programme after 1991.

847. The Museum of New Zealand Project Board anticipates the new Museum of New Zealand will require an additional 160 museum workers by 1996 and has embarked on a training programme to meet this need. So far funds have been allocated to support 4 people on 2-year training contracts and 11 trainees on 1 year or 10-month programmes.

848. Of these, 12 are based at the National Museum and National Art Gallery and 3 are undertaking supervised training at the Te Awamutu Museum, the Waitomo Museum of Caves and the Waikato Museum of Art and History. Part of the intention of this programme is to provide a pool of trained museum workers, particularly Maori, for the museum, without diminishing the existing pool of personnel from other museums.

849. New Zealanders are regularly sent to undertake conservation training at the National Centre for Cultural Heritage Science Studies at the Canberra University, Australia, with the financial assistance of the Cultural Conservation Advisory Council. Currently New Zealand

has 10 students in various stages of conservation training and in total the Council and its predecessor have funded 27 students in full-time training programmes since 1979.

850. Courses are available for teachers through the Advanced Studies for Teachers Unit and the Colleges of Education in the areas of Art Education, Language and Literature Studies, Music Education, etc. These courses are professionally oriented and are available to teachers at all levels of teaching.

851. As well as providing training in the visual arts and music, the Ministry of Education administers a Performers in Schools scheme in collaboration with the Queen Elizabeth II Arts Council.

B. Right to enjoy the benefits of scientific progress and its applications

1. Principal laws, administrative arrangements, collective agreements and other types of arrangements

852. The principal laws and other arrangements concerned with the right to enjoy the benefits of scientific progress are:

(a) The Scientific and Industrial Research Act 1974;

(b) The Foundation for Research, Science and Technology Act 1990;

(c) The Ministry of Agriculture and Fisheries Act 1953;

(d) The Royal Society of New Zealand Act 1965.

2. Application of scientific progress for the benefit of everyone, including measures to promote a pure environment

853. A number of institutions are involved in programmes for the application of scientific progress in New Zealand. Scientific research is carried out by the research divisions of government departments, universities, joint government/industry-funded research associations, and private organizations, some of which receive government assistance.

854. As part of the process to reform science administration in New Zealand, the Ministry of Research, Science and Technology was established in 1989 to advise the Government on national science and technology policy.

855. The Department of Scientific and Industrial Research (DSIR) was formed in 1926 and is New Zealand's largest scientific research organization, with 1,050 scientists and 830 science technicians.

856. The title of the Scientific and Industrial Research Act 1974 (under which the DSIR operates) makes clear its purpose to make the benefits of scientific progress as widely accessible as possible. The Act is "... to make provision for the promotion and organization of scientific research, development and services associated with the economic development, social welfare, and other national interests, of New Zealand".

857. Section 5 of the Act sets out the functions of the DSIR, starting with the responsibility to initiate, plan and implement research "calculated to promote the national interest of New Zealand". Another function is to undertake research and provide advisory services for government departments, authorities, institutions, associations, companies and other persons.

858. The Department has since its inception given a strong emphasis in its work to the application of science and research to the development of New Zealand. The development of New Zealand's land-based economy owes a great deal to scientific and technological innovations, such as freezer technology and advances in plant breeding to suit the local climate.

859. One of the scientific goals of the DSIR relates to the health environment and social sciences. In cooperation with the Department of Health, the Department has long maintained chemical analytical surveillance of foods, waters and pharmaceutical preparations in order to protect human health and assess environmental impacts from agricultural and industrial developments. The Department's social science unit studies the processes and implications for society, of technological change. (Reference should also be made to the report under article 12 for information on environmental and industrial hygiene.)

860. The Ministry of Agriculture and Fisheries also has important research functions. Further information on this aspect is contained in the report under article 11 (section B.3).

861. The New Zealand Forest Research Institute is the national organization for undertaking research into forestry and wood processing and use. The Institute supplies around 80 per cent of research and development information to the New Zealand forestry sector and also markets its research overseas. The Institute's work focuses on four main areas, namely forest management and resources; forest health and improvement; wood technology; and protection and restoring the water, soil and other values of forests.

Recent reforms

862. The last five years have seen major changes to the structures and funding of government-sponsored scientific activities in New Zealand. By the mid-1980s the Government had become concerned that State-funded research and development had become isolated both from the wider community and from the needs of the industrial community, and that duplication of effort was occurring between the various institutions. To address these concerns and review its appropriate role in this field, the Government appointed a Ministerial Working Party on Science and Technology, which presented its report "The Key to Prosperity: Science and Technology" in December 1986. Implementation of the report was considered by the interim Science and Technology Advisory Committee (STAC), which reported in November 1988.

863. The main objectives identified in these reports, which formed the basis for the ensuing reforms, were:

(a) Involving the broad community in science and technology, to reverse a tendency for science to become isolated from those it should be serving;

(b) Making science a more profitable investment by ensuring that New Zealand undertook the science most relevant to its needs;

(c) Fostering greater cooperation and communication between industry, government science departments, universities and others involved in research.

864. The STAC recommended that government science policy advice and funding allocation be separated from its operational research and development. It suggested that government science investment be made available to all research organizations on the basis of contestability; and that research workers and the community should become much more involved in the whole process of science and technology.

865. On the basis of these reports, major changes to government science structures were implemented in 1989. A new Cabinet portfolio of Research, Science and Technology was established, linked to an ad hoc Cabinet Committee. The new Ministry of Research, Science and Technology was set up to provide the Government with advice on national science and technology policy, national science outputs and priorities and funding levels.

866. A Foundation for Research, Science and Technology was also formed to operate a contestable funding system for an increasing proportion of government-funded research. Enabling legislation was passed in 1990 in the Foundation for Research, Science and Technology Act. Further information on the Foundation is contained under section E below.

3. Diffusion of information on scientific progress

867. The DSIR has an active programme for the diffusion of information on scientific progress. Under section 5 (d) of the Act, the Department is charged with the collection and dissemination of scientific and technological information, including the publication of scientific reports and journals. All DSIR Divisions are responsible for disseminating the results of their research, in the most appropriate form, to industry, the wider scientific community, and interested members of the public.

868. The DSIR has close contact with the media. Over 2,000 articles a year appear in New Zealand's media informing the public of its activities. The Department also regularly holds open days for specialist groups and the general public.

869. SIRIS, the Scientific and Industrial Research Information System, is a bibliographic data base covering science published in New Zealand, about or relevant to New Zealand or published by New Zealand authors overseas. The data base was established in 1980 and by 1990 had 37,000 entries.

870. In addition, the Department has three specialized information units:

(a) DSIR Library Centre has the largest collection of scientific books and periodicals in New Zealand. It has on-line access to the DSIR library holdings data base and to SIRIS, as well as to cover 500 overseas data bases;

(b) DSIR Publishing undertakes scientific and copy editing, design, market research and distribution of publications;

(c) DSIR Science Mapping Unit provides cartographic services, scientific graphics, plan printing, etc.

871. The Department also undertakes a range of educational activities, recent examples being the production of educational videos and of teaching packages useful for school curricula, assistance for a "Women in Science" teacher resource, and support for science fairs. The DSIR continues to provide free general science information to schoolchildren and other members of the general public.

872. Government scientists are encouraged to publish scientific research in scientific journals, reports and books both in New Zealand and overseas. Publication is an integral part of the scientific process. It helps advance the careers of individual scientists by providing a rational description of their work, and authenticates research since each paper is scrutinized and approved by an independent scientific editor before being published.

873. The Royal Society of New Zealand, about which further information is provided in later sections, has an important statutory role in the dissemination of scientific knowledge, which it performs through a range of activities.

874. For over 120 years, the Society has published a Journal of research papers. This not only gives New Zealand scientists an opportunity for publishing their results but forms the basis for an exchange of publications with all the other national learned societies throughout the world. Topics covered in the Journal in 1988 for instance ranged from the geochemistry of petroleum basins, the chemistry of natural products in New Zealand, to the occupation of New Zealand by Polynesians.

875. The Society also publishes the proceedings of international conferences held in New Zealand, especially if the topic is of major national importance. (Recent examples cover dietary fibre, biology of deer production and volcanism in New Zealand.)

876. Another aspect of the Society's programme in this field is the publication of scientific information relating to topical issues. Examples are a 1988 report on climate change, and in 1989 a review of drugs and sport.

877. The Society organizes the Rutherford, Cockayne and Fleming lecture tours annually through its eight regional branches.

878. All the major research associations described below under section D, publish annual reports and/or regularly publish the results of their work, as well as other research papers and contributions to conferences, etc.

4. Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of all human rights, including the rights to life, health, personal freedom, privacy, etc.

879. Although there are no special laws to prevent the use of science for purposes threatening life, health or personal freedom, such activities would be covered by the provisions of the Crimes Act.

880. One of the purposes of the Wanganui Computer Centre Act 1976 is to ensure that the computer system set up under the Act makes no unwarranted intrusions upon the privacy of individuals. The Act also set up the post of the Wanganui Computer Centre Privacy Commissioner, to investigate any complaints about such matters.

C. Protection of moral and material interests of authors

New Zealand Authors' Fund

881. The New Zealand Authors' Fund was established in 1973 to assist authors normally resident in New Zealand by compensating them for loss of royalties through the use of their books in New Zealand libraries. It is administered by the Department of Internal Affairs.

882. Payments are made annually on the basis of a departmental survey of library holdings of each title. The survey is carried out in a selection of tertiary educational institutions and public libraries throughout New Zealand. Once eligibility requirements are met, payments are automatic, provided the author re-registers with the Fund each year.

883. The Authors' Fund is funded solely through finances allocated to the Department of Internal Affairs. It received \$724,000 in 1989/90.

Copyright

884. The Copyright Act 1962 grants copyright protection to authors of original literary, dramatic, musical and artistic works, to producers of sound recordings and cinematographic films, to broadcasters and to publishers of editions of works. New Zealand adheres to both the Bern and Universal Copyright Conventions. Protection under the Copyright Act conforms with the requirements of those conventions and extends in favour of nationals of other countries which adhere to those conventions.

885. Copyright protection encompasses the usual economic rights (exclusive rights to reproduce, publish, perform, etc.) and also the moral right to prevent the false attribution of authorship. Remedies are basically civil (damages, injunctions, etc.) supported by criminal sanctions on piracy and other infringements for personal gain.

886. The Act protects a wide range of industrial and utilitarian objects by recognizing drawings (including technical drawings) as "artistic works". An amendment to the Act in 1985 reduced copyright protection for "industrially applied" articles to 16 years, to bring it into line with the period of protection for patents and registered designs. Even with that amendment, New Zealand law is somewhat exceptional (possibly unique) in the extent of its copyright protection of industrially applied articles.

887. Although New Zealand authors have enjoyed copyright protection under the Copyright Act 1962 and its predecessors, increasing concern has arisen in recent years over the impact of new technology on this important right. Problems have arisen, for example, in the area of educational copying.

888. Recognizing the need to revise present copyright laws in the light of recent technological developments (and law changes overseas), the Government is in the process of comprehensively reviewing the Copyright Act. In 1985 a discussion paper was issued and submissions were invited from the public. These provided the basis for the Government's paper entitled "The Copyright Act - Options for Reform", published in 1989. This aims to air the issues to be considered in copyright reform, not only with those most directly concerned, but in the wider community, where it is felt they are not well known at present. New legislation will be put in place when other legislative priorities permit.

889. New Zealand is a party to the International Convention for the Protection of Industrial Property (the Paris Convention). The New Zealand Patent Office (a division of the Department of Justice) administers the Patents Act 1953, the Trade Marks Act 1953 and the Designs Act 1953. Patents are granted for a maximum of 16 years. Trade marks may be kept on the register indefinitely, subject to the payment of fees. Registration of designs is for an initial period of 5 years, up to a maximum of 15 years.

890. Under section 12 of the Scientific and Industrial Research Act 1974 (inventions by employees), any intellectual property developed by a DSIR employee belongs to the Crown if it was developed in the course of the employee's duties, or principally with Crown resources but any other intellectual property developed by the employee "shall, as between him and the Department, belong to the ... employee". Officers or employees of the Department may receive payment in respect of such inventions or discoveries.

891. Issues relating to ownership of intellectual property rights are however currently being addressed further by the Government as the new Ministry of Research, Science and Technology completes the transition to the new funding arrangements described elsewhere in this article.

D. Steps taken for the conservation, the development and the diffusion of science and culture

1. Principal laws

892. Laws already mentioned in preceding sections, and the Education Acts 1964 and 1989 are the main items relevant here.

2. Other practical steps

893. Reference may be made to other parts of the report for information relevant to this section. For example, section A under this article provides details of measures for the conservation and development of the arts and culture, and the role of the communications media in diffusing information about them. The promotion, development and diffusion of science and scientific research is discussed under sections B and E.

894. As explained in the report under article 13 (section B), general science, mathematics, social studies, arts and crafts, and music are part of the core curriculum in New Zealand schools, until the end of the fourth form year at secondary schools.

895. The Ministry of Women's Affairs has recently investigated factors affecting the performance and enrolment of girls in the study of mathematics. It appears that young women are more likely than young men to drop out of rigorous mathematics programmes at secondary school. These programmes are essential for entry to upper-level mathematics and science courses which, in turn, lead to the maths-intensive university programmes necessary for students wanting to take up careers in the physical sciences, engineering, technology, etc. The findings of the project will be included in a report the Ministry is preparing on the reasons why girls succeed - and why they may fail - to enjoy and benefit from their school education.

896. Science fairs for secondary science students supported by the DSIR and the Royal Society are now established as an annual event. To enhance science teaching, a working party has been established to prepare guidelines for teachers and Boards of Trustees on equipment, safety standards and technical personnel.

897. One of the functions of the new Ministry of Research, Science and Technology will be to facilitate and promote public awareness of science and science education.

898. The Ministry administers three other Acts of Parliament relating to the promotion of research activity in New Zealand. These are the Thomas Cawthron Trust Act 1924, the Carter Observatory Act 1938, and the Royal Society of New Zealand Act 1965. The Acts cover important scientific institutions, which also receive support from the Government, namely: the Cawthron Institute (undertaking research in marine biotechnology, microbial enzymes, and estuarine and coastal ecology); the Carter Observatory (the national astronomical observatory); and the Royal Society of New Zealand.

899. The Royal Society of New Zealand is charged with the statutory responsibility to promote scientific endeavour and achievement. In addition to its role as a scientific academy, the Society acts as a coordinator between national scientific societies and as a channel for communication between science and government, and in the international science field. Further information on its work is set out in section D below.

Research associations

900. There are 11 research associations in New Zealand whose work relates to broad industry sectors such as textiles (Wool Research Organization of New Zealand), food products (New Zealand Dairy Research Institute), energy resources (Coal Research Association of New Zealand), and construction (Building Research Association of New Zealand). Each association has membership of firms in a particular industry. The primary aim of the Research Associations is to benefit New Zealand's manufacturing and processing industries. Each association is financed by member firms and through government funding made available for contract research through the Foundation for Research, Science and Technology. Associations provide equipment and facilities which member firms individually may be unable to afford or utilize. The Associations play a significant part in the transfer

of technology. Research interests can be divided into broad categories: investigations related to the improvement of the manufacturing processes and investigations aimed at improving the use of a final product.

3. Freedom of exchange of scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative individuals and their respective institutions; and measures to support learned societies, academies of science, professional organizations, unions of workers

901. Information has been provided in section A under this article with regard to the Queen Elizabeth II Arts Council and other bodies engaged in the promotion of artistic and cultural activities. Various mechanisms for the diffusion of information described in section B are also relevant here.

902. The Royal Society of New Zealand provides a neutral ground in which scientists and others with a wide variety of institutional and organizational allegiances can meet and review matters of interest and concern. The Society organizes its statutory operations on the basis of three programmes, namely: the Dissemination of Scientific Knowledge; the Advancement of Science and Technology; and International Science. Within these programmes, activities for the exchange of information, views and experience, for example through publication in the Society's "Journal", or through participation in international conferences, are of particular importance.

903. The Government pays the annual subscription of the Royal Society for its membership as New Zealand's national representative in the International Council of Scientific Unions. The Council is concerned with policy related to the freedom of pursuit of science, freedom of departure to attend a conference in another country, and freedom of access to a conference.

904. Through its bilateral training programme as part of Overseas Development Assistance, offering students and technicians opportunities for study in New Zealand and in third countries, New Zealand provides financial support, equipment and staff for regional and national research institutions in other countries.

E. Right to freedom of scientific research and creative activity

1. Principal laws

905. Reference should be made to other sections under this article, especially sections A, B and F.

906. Several of the functions of the DSIR as set out in section 5 of the Scientific and Industrial Research Act 1974 are aimed at promoting research, viz. section 5 (a) ("initiating, planning and implementing research"); 5 (f) ("encouraging and assisting the formation and operation of research associations"); 5 (g) ("making grants ... to organizations or persons for the purposes of research"); and 5 (j) ("maintaining liaison with other research organizations in New Zealand or overseas").

2. Measures designed to promote enjoyment of this right, including the creation of conditions and facilities

907. The establishment of the Foundation for Research, Science and Technology in 1989 was an important development in this area. Section 5 of the Act establishing the Foundation sets out its functions, which include the allocation of funds for the production of "public good" science outputs.

908. The Foundation is the main mechanism for achieving the Government's aim, in recent science sector reforms, to increase access to research funding and to encourage innovation. Instead of funding only institutions (science departments and research associations), the Government will in future purchase science outputs from whichever institution is best able to provide each output. The funds for this purchase will be contained in the contestable pool of research funds. Eventually, all funds previously allocated by the Government to institutions will be used by the Foundation to purchase "public good" science outputs. The contestable pool of funds available in 1989-1990 was approximately \$260 million. In the first year of operation of the new process, the Foundation will allocate 20 per cent of this pool with the percentage, in principle, increasing annually until it is allocating all funds for Crown-funded "public good" research. In order to provide a transitional period, the remaining 80 per cent of the contestable pool for 1990-1991 is available only to government departments.

909. Contestability is achieved through a process of science providers preparing bids for funding. Bids are put forward from both the public and private sectors within a broad framework set down by the Government.

910. To ensure greater community input into the development of science and research policy, the Board of the Foundation comprises representatives of the business and wider scientific community to assess research proposals for funding. Private investment in research funding is expected to increase as a result of greater community involvement in identifying science priorities and helping invest public research funds.

911. In some industries, a levy is applied under Statute to help finance research. Examples are the Building Research Levy Act 1969 and the Heavy Engineering Research Levy Act 1978. These Acts and associated regulations are administered by the DSIR. Draft legislation before Parliament in the Commodities Levies Bill is designed to facilitate the funding of research by particular industry groups (especially primary industries). The legislation, if adopted, will enable industries to institute a compulsory levy for the funding of research and development, possibly in conjunction with government funding through the Foundation for Research, Science and Technology.

F. Encouragement and development of international contacts and cooperation in the scientific and cultural fields

Principal laws

912. The principal laws concerned with the development of international contacts in the scientific and cultural fields are:

- (a) The Scientific and Industrial Research Act 1974;
- (b) The External Relations Act 1988.

913. New Zealand is geographically isolated from the major world centres of scientific and technological development. It is recognized that international contacts are necessary for the continued technological development of New Zealand. International contacts vary from formal agreements to informal contacts between individuals.

914. New Zealand has entered bilateral science and technology cooperation agreements with China, the Federal Republic of Germany, Mexico, Romania, Singapore, the United Kingdom and the United States of America. A number of bilateral agreements for trade and economic cooperation also include a component for technology cooperation (for example, those with Brazil, Canada, Colombia, Ecuador, Egypt, the German Democratic Republic, Iran, Iraq and Yugoslavia). These are administered by the Ministry for Science, Research and Technology in conjunction with the Ministry of External Relations and Trade. The DSIR is also engaged in scientist exchange systems with its official counterparts in Australia, India and China.

915. Several provisions of the Scientific and Industrial Research Act (section 5) involve the Department of Scientific and Industrial Research in international contacts and cooperation. In particular, section 5 (j) directs the Department to maintain liaison with other research organizations in New Zealand or overseas.

916. New Zealand is a member of research and development implementation agreements within the International Energy Agency and the OECD Co-operative Agricultural Research programmes, and works closely with the United Nations family of organizations. New Zealand is also a member of international and regional groups such as the Commonwealth Science Council, the Association of Science Co-operation in Asia (ASCA), the Consultative Committee for Offshore Prospecting in the South Pacific (CCOP/SOPAC), the South Pacific Commission, the Pacific Economic Co-operation Committee (PECC), and COMANSAT (the new Commonwealth science body for Strategic Management and Planning of Science and Technology agreed to by Commonwealth leaders at their 1989 meeting in Kuala Lumpur).

917. Informal personal contacts form a major source of international contact for New Zealand scientists in all the major institutions. Contacts are effected through attendance at international conferences, and exchanges of visiting scientists. Financial provision is made for scientific staff in New Zealand to attend overseas conferences. Scientists of the DSIR attend and present papers to a number of international conferences each year. Study award schemes are also well-established. Each year the DSIR awards six Prestige Travel Awards, enabling scientists to enhance their knowledge by studying and working at international research centres.

918. In addition, the research associations described in section D above monitor international developments in their particular field and have developed specialized networks of contacts. The associations contribute to valuable technology transfer, for example by publishing the findings of overseas research and development in their industry magazines and other publications.

919. The Royal Society of New Zealand acts as a channel for communication in the international science field (as well as between national science societies, and between science and government). The Society's Journal, for example, exchanges publications with national learned societies throughout the world. In 1989, the Society sponsored four senior secondary students to the Bicentenary Australian and New Zealand Association for the Advancement of Science, in Sydney. The Society administers New Zealand's relationships with a number of international scientific bodies including the International Council of Scientific Unions (ICSU), 16 of its specialist International Unions, and 10 Scientific Committees and Associates of ICSU. On the basis of this membership, New Zealand has been able to sponsor and organize a number of international symposia. Since the first symposium in 1965, about 50 have been held in New Zealand.

920. During 1989, the Royal Society joined an important new international initiative, the International Geosphere-Biosphere Programme. This is a coordinated programme of research that will serve as a basis for assessing future changes on the Earth in the next 100 years arising from the interdependence of the biological systems and the rapidly polluting physical environment.

921. New Zealand is a founding signatory to the Antarctic Treaty, which was adopted in 1959 as the basis for a system of international cooperation in all activities relating to Antarctica. The Treaty requires that Antarctica be used for peaceful purposes only and promotes international cooperation, freedom of scientific investigation, and the exchange of information and scientific personnel. The New Zealand Antarctic Research Programme is coordinated by the Ross Dependency Research Committee. In addition to its role in the organization and administration of New Zealand activity in the Ross Dependency (administered by New Zealand), the Committee coordinates New Zealand activity with that of other countries operating in Antarctica and, in particular, with any of their expeditions operating in the Ross Dependency.

922. New Zealand's membership of UNESCO provides a framework for participation in a range of international scientific and cultural interchanges. The New Zealand National Commission for UNESCO is structured around a broadly based Commission with members representing the fields of education, the arts and science; and interdepartmental Executive Committee; and a small secretariat. The Commission liaises with the competent authorities within New Zealand in relation to various UNESCO conventions, recommendations and programmes. In addition to preparing reports on the implementation of UNESCO instruments, the Commission from time to time undertakes public information activities to improve public awareness about the organization. Particular attention has been paid by the Commission in recent years to improving the opportunities offered by UNESCO for contacts among those interested in Pacific cultures, education and science. The National Commission is also responsible for coordinating New Zealand's participation in the UNESCO World Decade for Cultural Development, 1988-1997.

923. As a member of the South Pacific Commission, New Zealand has participated in the South Pacific Festival of the Arts which is held in different countries of the region every four years.

924. Bilateral cultural agreements with France (signed in 1977) and Italy (in 1979) offer scope for strengthening mutual understanding and knowledge. Under the terms of the agreements, partner Governments undertake, for example, to support the teaching of the language, literature, culture and history of the other country. Other measures for cultural interchange which the agreements facilitate include the mounting of exhibitions, and encouragement for scholarships and awards at academic and cultural institutions.

925. The public affairs programme of the Ministry of External Relations and Trade encompasses many projects of a cultural nature, primarily to increase awareness and understanding of New Zealand overseas, but also in some instances to promote awareness of other countries' cultures in New Zealand. The Ministry has at various times during the period under review been involved in organizing tours overseas by New Zealand cultural groups and exhibitions. The outstanding example was the Te Maori exhibition referred to in section A above. The Ministry also commissions short promotional films and produces a variety of printed booklets in English and other languages, in order to extend the understanding of New Zealand society and culture in other countries. In recent years, funding has been allocated to a "New Zealand Studies" programme at selected universities and institutes in Australia, Europe, Asia and the United States.

926. Sister city or "town twinning" agreements entered into primarily at the local government level are operating successfully with a number of countries and provide another framework for cultural cooperation, visits and exchanges.

927. The commemoration of 1990 as New Zealand's sesquicentennial has had important international dimensions. The hosting of the fourteenth Commonwealth Games in Auckland, immediately before Waitangi Day on 6 February, was a particular highlight. Under the "Living Treasures" programme, a number of foreign Governments have arranged for leading personalities from their countries to visit New Zealand during the year. In February 1990, New Zealand hosted the fifth Conference of Commonwealth Arts Administrators. An international Festival of the Arts in Wellington in March brought together artists of many countries in all genres. Other activities will include the World Youth Festival in August, and the World Indigenous Peoples' Conference in December. As explained in earlier sections, activities for the 1990 commemoration have been coordinated by the 1990 Commission under the terms of the 1990 Commission Act 1988.

928. In early 1990, the Government's decision to fund a high-powered (100 kilowatt) shortwave transmitter with enhanced programme content to the South Pacific, was implemented in a joint operation of Radio New Zealand International and the Ministry of External Relations and Trade. The new equipment has been installed at a cost of about \$3 million, with operating costs of about \$1 million annually financed by the Ministry.

929. The new service has a South Pacific orientation and aims among other objectives to provide broadcasters and listeners in the region with reliable and convenient access to news and information on developments of regional or community interest. It is also expected to provide a valuable means of strengthening the bonds between Pacific Island communities in New Zealand and their counterparts overseas. The service will provide a medium for development assistance programmes such as English language training, and will

facilitate the exchange of regional programmes by broadcasting items prepared in other South Pacific countries, where possible, as well as those produced in New Zealand. Vernacular news and information programmes will also be provided as resources permit. Included in the general objectives of the new service are those of developing international awareness and appreciation of New Zealand, and reflecting New Zealand's cultural diversity.

930. The major difficulty affecting New Zealand's participation in international scientific cooperation is its geographical isolation from major industrial countries, and the limited resources available for cooperation at this level. To some extent, similar problems inhibit the development of international cultural cooperation.

ANNEXES

I. List of attachments*

1. Race Relations Act 1971
2. Human Rights Commission Act 1977
3. Labour Relations Act 1987
4. State Sector Act 1988
5. Accident Compensation Act 1982
6. Equal Pay Act 1972
7. Social Security Act 1964
8. Parental Leave and Employment Protection Act 1987
9. Children, Young Persons and Their Families Act 1989
10. Housing Act 1955
11. Residential Tenancies Act 1986
12. Health Act 1956
13. Mental Health Act 1969
14. Clean Air Act 1972
15. Education Act 1964
16. Education Amendment Act 1989
17. Queen Elizabeth II Arts Council Act 1974
18. Broadcasting Act 1989
19. Scientific and Industrial Research Act 1974

* The documents listed below are available for consultation in the Centre for Human Rights.

II. Supplementary material

- . Annual Reports of the Human Rights Commission and of the Office of the Race Relations Conciliator
 - . Towards a Fair and Just Society: Summary Report of the Royal Commission on Social Policy, 1988
 - . Report of the National Housing Commission, 1988
 - . Before Five: Pre-School Education in New Zealand
 - . Tomorrow's Schools: The Reform of Education Administration in New Zealand
 - . Learning for Life: Education and Training Beyond the Age of Fifteen; and Part II: Policy Decisions
 - . National Education Guidelines
 - . Health Benefits Review, 1986
 - . New Zealand Health Charter and Goals, 1989
-