

## Request for draft guidelines on religious instruction and observance in schools

<b>Legislation</b>	Official Information Act 1982, s 9(2)(g)(i)
<b>Agency</b>	Ministry of Education
<b>Ombudsman</b>	Leo Donnelly
<b>Case number(s)</b>	419690
<b>Date</b>	April 2018

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*Officials still in the process of drafting—premature disclosure in advance of the planned public consultation process was not in the overall public interest*

The Ministry of Education withheld draft guidelines on religious instruction and observance in schools under section 9(2)(f)(iv) of the OIA, and the requester complained to the Ombudsman.

While the Ombudsman did not consider that section 9(2)(f)(iv) applied, he formed the opinion that section 9(2)(g)(i) did. Releasing the draft guidelines, while officials were still in the process of drafting them, would inhibit the free and frank expression of opinions, and adversely affect the progress of completing the draft.

The Ombudsman recognised a strong public interest in promoting public participation in the decision making process surrounding the adoption of guidelines. The guidelines related to an issue of public significance, potentially affecting the majority of New Zealand children. The subject was also highly controversial, and had generated much public debate.

For these reasons, the Ministry had always accepted that the public would be given the opportunity to participate in the production of the guidelines, for which publication of the draft for consultation would be necessary. It was therefore only a matter of time before the information would be released to allow public consultation on the draft guidelines.

The Ombudsman concluded that the public interest in promoting public participation was best met through disclosure of the completed draft in the context of the planned public

consultation process. Premature disclosure in advance of the planned public consultation process was not in the overall public interest.

*This case note is published under the authority of the [Ombudsmen Rules 1989](#). It sets out an Ombudsman's view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.*