



Presbyterian Church of Aotearoa New Zealand

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Infoline
The Human Rights Commission
P O Box 6751
Wellesley Street
AUCKLAND

ATTENTION: PAUL WARHURST

REQUEST FOR ADVICE:

The Presbyterian Church of Aotearoa New Zealand (PCANZ) has been considering its responsibilities under the Marriage (Definition of Marriage) Amendment Act 2013 and realises that it is not clear on the application of Section 44 of the Human Rights Act 1993 in relation to the usage of its churches, hall buildings and grounds. There is no apparent exemptions to Section 44 for Churches and their property yet they have always understood that they could decide how and when they were used by people and groups inside and outside their congregation.

The PCANZ wishes to ensure that it is meeting its statutory obligations with regard to Section 44 of the HRA and would be grateful if the Human Rights Commission was able to give us guidance on this. As you will see the matter seems a little complex and we believe that the Commission is the best body to go to for advice.

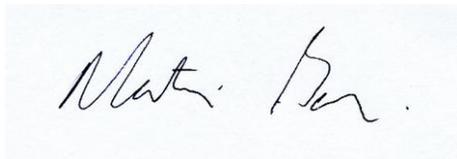
We have the following list of questions that we would be appreciative the Human Rights Commission responding to.

Questions regarding the rental or use of church buildings in relation to section 44 of the Human Rights Act

1. Church councils have understood that they can decide who uses their buildings and put conditions on their use, usually only for activities consistent with Christian beliefs and values of the Church, whether for rental or free use. This is particularly so with their churches, Is this the case under Section 44 of the Human Rights Act?
2. Are there different criteria for providing use of a:
 - i) Church for rental as opposed to non rental use?
 - ii) Church halls and other buildings and grounds for rental as opposed to non rental use?

- iii) Church and a parish hall and grounds?
3. Can a Church council refuse use of the Church and/or halls to other faiths (e.g. Muslim, Buddhist) to carry out weddings or other ceremonies that are based on different religious beliefs and Gods to those of the host congregation?
 4. Can a Church Council refuse to rent or allow use of their facilities, including the Church, without any explanation?
 5. Is there any difference between advertising the availability of church halls, and someone taking their own initiative without seeing the advertisement, coming to ask about usage?
 6. Is it competent for a Church council to decide that it is the policy of that Church that all services held in the sanctuary can only be conducted by one of its ministers or by the minister's invitee?
 7. Sometimes a smaller church is not big enough for a large funeral, which may be held in an adjoining larger church, and the same case with a wedding. If a church does allow other use of the Church sanctuary than its own services (e.g. weddings and funerals of people not in the congregation, or concerts not run by the congregation) can it refuse other requests for such use?
 8. Is it acceptable to designate any part of the buildings as not available for public hire e.g. the sanctuary of the church, but let them be used for say a polling place or for the blood transfusion service?
 9. Do the responses to the above questions apply where a Church council has control of a second Church building which is on public land and is managed by that Church and the local District Council?

I will be happy to discuss any matters relating to the above with you.

A handwritten signature in black ink, appearing to read "Martin Baker", is centered on a light blue rectangular background.

Martin Baker
Assembly Executive Secretary