

OI/16/01327

15 December 2016

Peter Kelly
Email to: fyi-request-4619-c85fe973@requests.fyi.org.nz

Dear Peter

Thank you for your refined request to the Tertiary Education Commission, dated 6 December 2016, asking for the following information under the Official Information Act 1982 (the Act):

- *I am interested in documents that would indicate any consideration of the impact on Campbell Kindergarten of the sale to Victoria University, and/or documents discussing any requirement to consult Campbell Kindergarten.*
- *This includes any current such documents.*

In 2010 the government introduced a policy applying to Crown assets managed by tertiary education institutions (TEIs). TEIs are institutions established under section 162 of the Education Act 1989 (universities, polytechnics, colleges of education, specialist colleges, and formally established wananga). The policy allows TEIs to acquire full legal title to land and building assets that they have an on-going educational need for, and to dispose of assets that no longer meet their needs and retain a portion of the sale proceeds. TEIs must apply for, and meet the criteria for, land and building assets to be transferred to them. Further detail on the policy is available on the Tertiary Education Commission (TEC) website at <http://www.tec.govt.nz/teo/working-with-teos/tei/asset-management-teis/crown-asset-transfer-disposal/>.

Victoria University of Wellington applied in 2010 for the transfer of all the Crown owned land and buildings that it managed at its Kelburn and Karori campuses into its own title. Officials assessed the application and concluded that, on the basis of the information provided, it met the criteria under the policy for the transfer of Crown assets to a TEI. The Minister for Tertiary Education, Skills and Employment and Minister of Finance jointly approved the transfer of the assets in 2011.

As your original request was related to the transfer and decision making process, it was transferred to the TEC as we led the work for the transfer of Karori Campus to Victoria University of Wellington.

A review of documents has identified none within scope of your refined request. However, in regards to the transfer of Crown assets to Victoria University of Wellington, there are two documents which we consider may be useful to you in relation to the assessment and decision process. These documents are:

- *Tertiary Education Report: Victoria University of Wellington – Transfer of Crown Assets.*
- *Assessment of TEI application to transfer ownership of Crown title assets (internal document).*



I am releasing the information referenced above. In compliance with the Official Information Act, I am withholding some information in the released documents. Redactions are clearly marked in the documents, with reasons for the redactions provided.

I am satisfied, in terms of section 9(1) of the Act, that the need to withhold the information referred to above is not outweighed by other considerations that render it desirable, in the public interest, to make the information available.

With regard to the remaining part of your request, about any current documents relating to consultation with Campbell Kindergarten, we are transferring this part of your request to the Ministry of Education, under section 14(b)(ii) of the Act, as we believe this information is more closely connected with the functions of that department and any current consultations they may be involved in.

Under section 28(3) of the Act you have the right to complain to the Ombudsman about my decision.

Yours sincerely



Tim Fowler
Chief Executive
Tertiary Education Commission



We ensure New Zealand's future success.