



23/04/2024

A Collins

fyi-request-25714-fa9215a3@requests.fyi.org.nz

fyi-request-25713-38cc254e@requests.fyi.org.nz

fyi-request-25715-3a256caa@requests.fyi.org.nz

Tēnā koe A Collins

OIA: 1323952 – Information regarding proposed and planned major building projects at schools that have or are being considered to be paused or reprioritised

Thank you for your requests via the FYI website of 12 February 2024 to the Ministry of Education (the Ministry) requesting information. As agreed to on 29 February 2024, the information requested is for the following:

1. *Details of any proposed or planned major building projects at schools that are under consideration or are confirmed for reprioritisation, rescoping, pausing or delay and the dates that the decisions on these actions were made or are proposed to be finalised.*
2. *Copies of all advice, briefings, memos or any other documents provided by the Ministry to the Minister regarding the reprioritisation, rescoping, pausing, or delaying of proposed or planned major building projects at schools, since 20 November 2023.*
3. *Copies of all internal correspondence regarding the reprioritisation, rescoping, pausing, or delaying of major building projects at schools, since 20 November 2023.*
4. *Copies of all external correspondence sent or received by the Ministry regarding the reprioritisation, rescoping, pausing, or delaying of major building projects at schools, since 20 November 2023.*

On 29 February 2024, you also provided the following clarification of your request:

Regarding the third part of the request, I will refine my request to internal correspondence with tier 1 and tier 2 staff.

Regarding the fourth part of my request, I would like to define the scope as external correspondence with the Office of the Minister of Education, and schools.

Your request has been considered under the Official Information Act 1982 (the Act).



41 documents have been identified as being in scope of the **first, second, and fourth parts** of your request. These comprise 25 primary documents and 16 associated attachments.

I am releasing to you 19 of these documents in full and 14 in part as **Appendix A**, with the following information withheld:

- The names of former Ministry staff and the phone numbers of individuals which are not publicly available have been withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons.
- Information which is Budget sensitive has been withheld under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.
- Free and frank advice has been withheld under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or organisation in the course of their duty.
- Information regarding ongoing negotiations has been withheld under section 9(2)(j) of the Act, to enable a Minister of the Crown or any organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Please note, Document 1 forms an initial briefing that was provided to Hon Erica Stanford as the incoming Minister of Education in December 2023, in response to questions raised by the Minister during a verbal briefing on the Marlborough Colleges project. Following this initial, high-level briefing note, the Minister requested further details from the Ministry around the history of the project, including in relation to the changing costs and previous Ministerial/Cabinet engagement on the matter. These additional details are set out in Documents 5 and 9, which should be read alongside Document 1.

In the course of preparing this response, a point of potential confusion was raised relating to the content of Document 9. That Document refers at points 7 and 9 to the Ministry having been verbally instructed by the former Minister of Education to deliver on the “scope agreed by Cabinet”. For clarity, the word “scope” refers here to the broad project specifications (i.e. co-location of the two colleges) that had been agreed to by Cabinet, rather than referring to costs that had been approved by Cabinet.

Additionally, please also note that through the Dec 2023 – Feb 2024 period where advice was provided to the Minister’s Office there are inconsistencies with the total projected cost of the project. These inconsistencies primarily relate to using estimates with differing approaches to adopting cost reduction, risk allowances and value engineering opportunities while maintaining project scope.

The estimate in Document 1 was informed by independent cost advice as well as cost advice received from the appointed construction contractors. This estimate did not include adoption of all available cost reduction and value engineering opportunities, and included significant allowances for risk.

The estimate in Document 16B was primarily informed by the independent advice received, rather than the view of the appointed construction contractors. It took a more optimistic view of risk and the adoption of cost reduction and value engineering opportunities.

I am withholding four documents in full under sections 9(2)(f)(iv) and 9(2)(g)(i) of the Act.

I am refusing the remaining four documents under section 18(d) of the Act, as the information requested is currently and/or soon to be publicly available.

One of these documents, the list of 352 property projects which are subject to review, can be found on the Ministry's website at the following link:

<https://assets.education.govt.nz/public/Documents/Primary-Secondary/Property/Value-for-money-list-for-website-250324.pdf>

Once published, you will be able to find the remaining information at the following link:

<https://www.education.govt.nz/our-work/information-releases/>

You can find further information regarding the documents I am releasing to you in the **Document Table** below this letter.

As required under section 9(1) of the Act, I have considered the public interest in releasing the information withheld. I do not consider the public interest considerations favouring the release of this information are sufficient to outweigh the need to withhold it at this time.

Additionally, regarding the **fourth part** of your request, we sought additional clarification from you on 5 March 2024, advising the following:

You clarified that "Copies of all external correspondence sent or received by the Ministry regarding the reprioritisation, rescoping, pausing, or delaying of major building projects at schools, since 20 November 2023" included correspondence with schools. This requires additional clarification as a large number of schools are in scope of your request and it would require substantial collation to review and provide copies of all of the correspondence to these schools.

Could you please specify if there are specific schools that you would like to receive regarding? This would allow the Ministry to ensure we can provide the specific information you require in a timely manner. Failure to clarify may mean that correspondence to schools may be refused under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

As we have not received a clarification from you, I am refusing your request for correspondence with schools under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

Three email chains have been identified as in scope of the **third part** of your request. I am releasing these to you in part as **Appendix B**, with the following information withheld:

- The names and contact details of non-Ministry staff, and all cellphone numbers, have been withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons.
- Free and frank advice has been withheld under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or organisation in the course of their duty.
- Information that is out of scope of the request has also been redacted.

You may also be interested in the following page and its associated links on the Ministry website. Here you can find information regarding the value-for-money reviews, standard property solutions for schools, and answers to frequently asked questions:

<https://www.education.govt.nz/our-work/changes-in-education/value-for-money-reviews/>

Please note, we may publish this response on our website. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review my decision on your request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'S. Evans', with a large, stylized flourish at the end.

Scott Evans
Hautū | Deputy Secretary
Te Pou Hanganga, Matihiko | Infrastructure and Digital

Appendix A Document Table

#	Date	METIS #	Title	Decision on release
1	5 Dec 2023	1319807	Briefing Note: Marlborough Schools Co-location Project	Release in part. Some information has been withheld under section 9(2)(f)(iv) of the Act.
2	6 Dec 2023	1319934	Information Update	Release in part. Information has been withheld under section 9(2)(j) of the Act.
3	7 Dec 2023	1319368	Briefing Note: Briefing to the Incoming Minister Infrastructure and Digital	Refused in full. Information has been refused under section 18(d) of the Act.
3A			Infrastructure & Digital Te Pou Hanganga, Matihiko Slides	Refused in full. Information has been refused under section 18(d) of the Act.
4	14 Dec 2023	1320375	Information Update	Release in full.
5	19 Dec 2023	1320514	Briefing Note: A summary of Marlborough Colleges Co-location Project advice and decisions	Release in part. Information has been withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act.
6	19 Dec 2023	1320562	Information Update	Release in full.
7	9 Jan 2024	1320917	Rapid Response	Release in full.
8	15 Jan 2024	1322810	Rapid Response	Release in part. Information has been withheld under section 9(2)(j) of the Act.
9	16 Jan 2024	1320919	Rapid Response	Release in part. Information has been withheld under section 9(2)(f)(iv) of the Act.
10	17 Jan 2024	1320859	Information Update	Release in part. Information has been withheld under section 9(2)(j) of the Act.
11	25 Jan 2024		Agenda – Deep Dive: Property Funding	Release in full.
11A			Understanding Property Investment	Withhold in full. Information has been withheld under section 9(2)(f)(iv) of the Act.
11B			Property Capital Injection Funding View	Withhold in full. Information has been withheld under section 9(2)(f)(iv) of the Act.

#	Date	METIS #	Title	Decision on release
11C			Redevelopment Dashboard	Release in part. Information has been withheld under section 9(2)(j) of the Act.
11D			Growth Fund Dashboard	Release in full.
11E			Property: Focus on a sustainable and affordable future	Release in full.
12	5 Feb 2024	1322168	Information Update	Release in part. Information has been withheld under section 9(2)(j) of the Act.
13	7 Feb 2024	1322389	Information Update	Release in part. Information has been withheld under section 9(2)(f)(iv) of the Act.
14	9 Feb 2024	1322286	Information Update	Release in full.
15	12 Feb 2024	1322411	Information Update	Release in part. Information has been withheld under section 9(2)(f)(iv) of the Act.
16	14 Feb 2024	1322740	Information Update	Release in part. Information has been withheld under section 9(2)(a) of the Act.
16A			Marlborough Project Summary	Withhold in full. Information has been withheld under section 9(2)(f)(iv) of the Act.
16B			2024 Project Review Communications Plan	Release in part. Information has been withheld under sections 9(2)(f)(iv) and 9(2)(j) of the Act.
16C			School visit briefing and profiles	Release in part. Information has been withheld under section 9(2)(a) of the Act.
17	14 Feb 2024	1322809	Information Update	Release in full.
18	16 Feb 2024	1322947	Information Update	Release in full.
18A			Ngā iti Kahurangi Dashboard	Release in full.
19	16 Feb 2024	1322938	Information Update	Release in full.
19A			Transforming School Building: A sustainable and affordable future	Release in full.

#	Date	METIS #	Title	Decision on release
19B			Property: Focus on an affordable and sustainable future	Release in full.
19C			National sector associations	Release in full.
19D			Phases of delivery rate	Release in part. Information has been refused under section 18(d) of the Act and withheld under section 9(2)(j) of the Act.
20	16 Feb 2024	1322983	Rapid Response	Release in full.
21	16 Feb 2024	1323007	Rapid Response	Withhold in full. Information has been withheld under section 9(2)(g)(i) of the Act.
22	20 Feb 2024	1322984	Information Update	Release in part. Information has been withheld under section 9(2)(j) of the Act.
23	28 Feb 2024	1323670	Briefing Note: Meeting with the Waikato, Bay of Plenty, Poverty Bay Intermediate and Middle School Principal Association 10-12pm, Thursday 29 February at Mount Maunganui	Refused in full. Information has been refused under section 18(d) of the Act.
24	28 Feb 2024	1323728	Rapid Response	Release in full.
24A			Review Project List	Release in full.
24B			List of Projects	Refused in full. Information has been refused under section 18(d) of the Act.
25	28 Feb 2024	1323801	Rapid Response	Release in full.