



Peter Kelly  
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Dear Peter

On 6 December 2016, you refined your request for official information with the Tertiary Education Commission (TEC) as outlined below:

- *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.*

On 15 December 2016, the TEC transferred your request for 'any current such documents' to the Ministry.

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

I have interpreted your request to mean any Ministry reports indicating any consideration of the impact on Campbell Kindergarten, of transferring Karori Campus to the Victoria University of Wellington (VUW). This includes any Ministry reports discussing any requirement to consult with Campbell Kindergarten regarding the transfer.

Using this interpretation, I am refusing your request in full under section 18(e) of the Act, as this information does not exist.

In order to provide you with contextual information around the transfer of the Karori Campus, I am providing you with a copy of the original Property Occupancy Document (POD) from 1994 between the Ministry and Wellington Free Kindergarten Association Inc. (which later became He Whānau Manaaki O Tararua Free Kindergarten Association Inc., the parent organisation of Campbell Kindergarten).

On page 12, in the *Third Schedule – Special Conditions* section of the POD, it explains that Campbell Kindergarten is situated on Crown land and that under section 206 of the Education Act 1989, there was a possibility that the land could be transferred to the tertiary education institution (VUW). Both the Ministry and Wellington Free Kindergarten Association were notified and aware of this provision in the POD, which was signed and agreed to by both parties.

I want to acknowledge that, although the possibility of the transfer of the land to VUW was notified and agreed to as part of the original POD, we should have notified Campbell Kindergarten of the impending transfer before it was finalised in 2014. This was an oversight on our part and we are looking at how this happened to ensure it does not happen again.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Katrina Casey  
**Deputy Secretary**  
**Sector Enablement and Support**