

Education Report: Closure of Tuterumuri School (3052)

To:	Hon Chris Hipkins, Minister of Education		
Date:	31 January 2020	Priority:	High
Security Level:	In Confidence	METIS No:	1217237
Drafter:	Kayne Good, Principal Advisor	DDI:	s 9(2)(a) OIA
Key Contact:	Roy Sye, Director of Education for Wellington	DDI:	
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This report seeks your approval to close Tuterumuri School (3052), following the consultation we have carried out on your behalf [METIS 1209545 refers] and the Tuterumuri School Board of Trustees' written advice that it no longer opposes closure.

Summary

- On 5 November 2019 you agreed to initiate consultation on the potential closure of Tuterumuri School under sections 154 and 157 of the Education Act 1989 [METIS 1209545 refers].
- We ran consultation on your behalf from 6 November 2019 to 6 January 2020. This was longer than planned, as the consultation period was extended twice at the Tuterumuri School Steering Committee's request.
- The boards of Tuterumuri School and three neighbouring schools whose rolls might be affected did not make formal submissions despite being invited to do so. However, the Tuterumuri School Board of Trustees voted to accept closure with a three to two majority following your decision to initiate consultation. Written advice of this was supplied by the principal on behalf of the board on 11 November 2019.
- Two submissions in favour of retaining the school were received within the submission timeframe - one from the Tuterumuri School Steering Committee and one from the Mayor of South Wairarapa District Council. This was a significant decrease in the number of submissions compared to the last consultation in 2018, when one submission supporting closure and 39 submissions opposing closure were received.
- We received two late submissions on Monday 13 January. Both of these supported the school staying open. We have considered these alongside the other submissions.

6. The key arguments put forward in the four submissions opposing closure related to improved internet access, flexible working, Tukurumuri being an affordable lifestyle destination for families and the impact the school's closure would have on the farming community. It was also suggested that closure of the school might hamper further development or population growth and that the roll decline was temporary. These comments are largely the same as those raised in the 2018 consultation.
7. Through the actions of the board, many believe the school has already closed. The principal has, through the media, discussed the school's closure and the media were present at the school in December 2019 when it held a school farewell celebration for the community.
8. We consider the school is in a worse position than it was during the 2017/2018 consultation. The roll is expected to be zero at the start of Term 1 of 2020, with no growth currently projected and no confirmed enrolments for the year. The principal has resigned effective 24 January 2020. The stability of leadership and governance continues to be an issue which would put educational achievement of any students who might enrol at risk.
9. In the two years since the last consultation, plans to attract students and grow the community have not been sustainable and/or have not materialised. We consider that you have provided the community an adequate opportunity to support the school's long term viability, but this has been unsuccessful. We believe the school will continue to struggle to attract students and staff.
10. Even if small scale developments did go ahead, there is no certainty that attracting families to Tukurumuri would lead to an increase in enrolments. There are currently 11 primary-school-aged students living in the Tukurumuri area, yet all of these families will be sending their students to other schools in 2020. Most of these families had already chosen other schooling options prior to the consultation process over Tukurumuri School's future.
11. If you agree to close the school we recommend you rely on 154(2A) of the Act, which allows you to close a school at any time after receiving written advice from the Board that it agrees to, or does not oppose closure. This removes the need for the usual additional 28 days for the Board to make further arguments in favour of the school staying open. The 28 day period would only lengthen the closure process unnecessarily as the Board has advised in writing that it does not oppose closure.
12. If the school closes, all property, including the school house will revert to the Crown and likely enter the disposal process. All students living in the Tukurumuri area will also become eligible for transport entitlements to their nearest school. This will be Martinborough School where the majority of the students in the Tukurumuri area already attend.
13. We estimate the ongoing operational savings to the Crown as a result of the closure to be \$175,000 per annum. There were three students on the roll at Tukurumuri at the July 2019 roll return, and this would generate \$30,000 in Educational Development Initiative funding to help them transition to their new schools.
14. The Steering Committee has suggested that instead of closure, the school is put into recess to reopen at a time when the population has grown sufficiently. This is not our current practice. If you close the school and the population increases in future, we would then consider whether a new school was required. This remains consistent with the advice we gave about the suggestion during the last consultation.

Recommended Actions

We recommend you:

- a. **note** that you have agreed to consultation on the possible closure of Tuteurumuri School, that consultation has been completed and the Tuteurumuri School Board of Trustees has advised it does not oppose closure;

Noted

- b. **agree** under section 154(2A) of the Education Act 1989 that Tuteurumuri School should close on 28 February 2020;

Agree / Disagree

- c. **sign** the attached letters to the Tuteurumuri School Board of Trustees and local Members of Parliament informing them of your decision;

- d. **sign** the attached notice for the *New Zealand Gazette*;

- e. **note** that if you decide that we should undertake further formal consultation with the board on your behalf, or to keep the school open, we will provide alternative letters for your signature;

Noted

- f. **agree** that this Education Report will be proactively released once a final decision is made about the school's future. Any information that might need to be withheld will be redacted in line with provisions of the Official Information Act 1982.

Agree / Disagree


Katrina Casey
Deputy Secretary
Sector Enablement & Support

31/1/2020


Hon Chris Hipkins
Minister of Education

6/2/20

Background

1. In August 2017 the Tuteurumuri School Board of Trustees advised the Ministry of Education that in Term 4 of 2017 there would be no students enrolled at the school and the principal had accepted another position for 2018. The principal and board chair enquired about initiating the closure process. Following this, three community meetings were held to discuss the future of the school.
2. On 20 February 2018 you agreed that consultation would begin about the possible closure of Tuteurumuri School [METIS 1099172 refers]. In May 2018, we provided the results of formal consultation and you determined that the school should close. You gave the Board 28 days to provide you with any final arguments as to why the school should remain open. You agreed for this to be extended to 10 August 2018 at the Board's request [METIS 1138582 refers].
3. On 17 September 2018, having considered the Board's final arguments, you decided that the school would remain open and you ended the closure process. You also instructed the Ministry of Education to provide you with an update later in 2019 regarding the ongoing sustainability of the school, including advice from the then upcoming Education Review Office (ERO) review.
4. On 29 October 2019, we provided you with an update on the school [METIS 1209545 refers]. This included the outcome of the latest ERO review, in which ERO determined the school was "developing". We advised that since the 2018 update, the roll of the school had grown to seven but had fallen again to two students. This caused the board of Tuteurumuri School to consult again with the community in September 2019 about the future viability of the school. This process included two public meetings where similar arguments to the 2018 consultation for and against closure were raised.

Consultation

5. Before making a decision about closing a school, sections 154 and 157 of the Education Act 1989 require that you consult with the board of the school concerned and with the boards of state schools whose rolls might be affected by the proposed closure.
6. On 5 November 2019, you agreed to initiate consultation on the potential closure of Tuteurumuri School under section 154 of the Education Act 1989.

Consultation with the board of Tuteurumuri School

7. On 6 November 2019 we delivered your letter initiating consultation on possible closure to the principal of Tuteurumuri School.
8. On 11 November 2019 we received an email from the board chairperson (Annex 1) to say that the board "has, by a vote of 3 to 2, decided to accept voluntary closure as of 11th of November 2019." The board believed this would put an end to consultation and the school would then close.

9. Under section 154(2A) of the Act, if the board of a state school at any time advises in writing that it agrees to, or does not oppose the proposed closure of the school, the Minister may (regardless of what stage of the process is at) close the school at any time. However, the Ministry's internal policy on consulting about school closures is that "if the board requests closure, the Ministry consults with the boards of schools whose rolls might be affected, even though s154(2A) says the Minister may close the school at any time once the board says it does not object." Accordingly, we completed the planned consultation.
10. At a meeting with the principal and board chair on 21 November 2019 we reiterated that no decision had been made on the school's future and the school was still open. The principal explained that they believed if the board accepted closure at any time, the school would close. We informed him we were continuing with consultation to ensure the process was robust and in line with previous consultations. We were then informed that the board would have voted for voluntary closure earlier in the year had they known this was the case.
11. On 22 November 2019 the board chair resigned from the role but remained on the board. She had enrolled her daughter at another school s 9(2)(a) OIA [REDACTED] The new chair is the guardian of the last two remaining students on the school's roll.
12. The principal wrote to you on 4 December 2019 to advise that he would like a decision on the future of the school to be made quickly. Although he did not advocate for a decision either way, he did point out the school was likely to start the year with no students and the board had accepted closure. He also noted the community had largely accepted closure. Since then, the principal has advised us that he has resigned from his position as principal of Tukurumuri School, with effect from 24 January 2020.
13. In early December 2019 the board threw a farewell party for the school. This was an open invitation to the community to mark the end of 97 years of service to the Tukurumuri community. We understand this was attended by approximately 80 former students, parents and staff. Before the farewell we advised the school that a farewell was premature as you had not made a decision on the future of the school and consultation was still ongoing. The board continued with its original plans. The farewell was publicised in the media in December 2019 as the end of the school.
14. Throughout the consultation process, members of the board have talked publicly about the school's closure. This has included media interviews where the principal has discussed closure. There was also a television news story that filmed the "last ever day" of the school, where the guardian of the two remaining students (and board chair) announced plans to send the sisters to another school in 2020. The guardian considered it was the right decision for the girls as "you have to have buddies at school".

Consultation with the boards of schools whose rolls might be affected

15. On your behalf, we wrote to the boards of Pirinoa, Kahutara and Martinborough Schools. These are the nearest schools to Tukurumuri School and the schools whose rolls might be affected by the possible closure. The locations of these schools are outlined in Annex 2, along with Locations and schools attended by the nearest students to Tukurumuri School in July 2019
16. We followed up with these schools on 6 December 2019. Kahutara and Martinborough Schools confirmed that they do not see Tukurumuri School's closure as having any effect on their school roll. Pirinoa School did not provide any feedback.


Other Submissions received during the 2019 Consultation

17. In the 2018 consultation we accepted and considered submissions sent directly to you or the Ministry, although consultation under the Act is with the board and the boards of schools whose rolls might be affected by the proposed closure. To ensure we were consistent with this approach we accepted and considered any and all submissions for this consultation. All four submissions received are attached as Annex 3, and are summarised below.

The Mayor of South Wairarapa District Council

18. On 9 January 2020 we received a submission from the Mayor of South Wairarapa District Council.

s 9(2)(ba)(i) OIA




The Steering Committee

22. On 9 November 2019 we received an Official Information Act (OIA) request on behalf of the Tukurumuri School Steering Committee (the Steering Committee). Part of the request was to extend the consultation period by 21 days to allow time for the OIA request to be answered, and to allow the requester time to consider the information released before preparing a submission. In light of this request, we extended the consultation from 5 December 2019 until 21 December 2019.
23. On 17 December 2019 we received a further request from the Steering Committee to extend consultation until 10 January 2020. We agreed to an extension to 6 January 2020, which enabled us to review submissions and provide timely advice to you while also providing members of the community more time to prepare a submission. The steering group agreed to, and was appreciative of, this extension.
24. On 6 January 2020 we received a submission from the Steering Committee. This group is not affiliated with, nor representative of, the school or the school's board.
25. The Steering Committee raised a number of arguments as to why they believe the school should remain open. Broadly these are:
- a. the Tukurumuri and Tora area are too geographically large not to have a school
 - b. closure of the school would be against the New Zealand Bill of Rights Act 1990 and Australian case law
 - c. there is community support for the school to remain open. This includes the two long-serving community members that are on the board and voted against closure

- d. members of the community are attempting to attract new residents to the area through potential developments. The closure of the school will restrict this growth
 - e. retaining the school will promote livestock rearing farms instead of conversion to forestry
 - f. people are moving to the Wairarapa and the population is increasing
 - g. the internet in the area has been greatly improved recently, which will attract people who are able to work from home
 - h. the Ministry has misled the public by stating the school will close, which has deterred enrolments.
26. The Steering Committee notes that attempts to create new housing in Tuteurumuri discussed in their submission during the last closure consultation in 2018 have not progressed. They explain that the Greater Wellington Regional Council sold the site they had hoped to develop to another party. They are now seeking alternative land for this development.
27. The Steering Committee's submission also includes an email from the general manager of a Masterton-based prefabricated housing manufacturer. This email supports the development of a housing subdivision and social housing in Tuteurumuri.
28. The submission also makes reference to a third Appendix which was not attached. The coordinator of this submission reports he holds the information on growth and building consents in South Wairarapa but does not have time to collate it. He suggested instead we get this information from the Mayor of South Wairarapa District Council.
29. The Steering Committee has requested that instead of closure, if the current roll is problematic, the school be put into recess until a time when the area has enough children for the school to reopen.

s 9(2)(ba)(i) OIA



Ministry Comment

34. We have considered the four submissions - a summary of our response to the main points raised by submitters is attached at Annex 4.
35. We are concerned about the long term viability of the school. When you agreed to keep the school open in 2018, you wanted to revisit the school's position one year on. We believe, despite much discussion from members of the community about improved circumstances, nothing has changed for the school in the past two years. This includes that the school is starting the 2020 school year with no students and no confirmed future enrolments. There is still no projected population growth in the Tukurumuri area.
36. During consultation on the potential closure of the school in 2018, a number of future enrolments were indicated. Although the school's roll did initially increase to seven students, it has since declined. This was the result of a family moving out of the area, a family securing employment elsewhere and parents wanting their children to go to larger schools for better socialisation and opportunities. This is particularly prevalent in senior students in preparation for secondary school and the reason why the third to last student left in Term 3 of 2019. The final two students (who are siblings in year one and year eight) are moving schools in 2020 for greater socialisation.
37. A number of plans to increase the school-aged population have been discussed, including building new houses, and attracting families to work on farms. These plans have not materialised. Although members of the community continue to discuss growth plans, none of these has been confirmed.
38. There are a number of school children in the wider Tukurumuri catchment. These children's parents choose not to enrol them at the school, instead choosing to enrol them elsewhere. Closure of Tukurumuri School would give a number of these students access to transport entitlements or potentially a bus service to Martinborough School.
39. We are aware of two early-childhood-aged children that attend a playgroup run out of Tukurumuri School. The playgroup coordinator is aware the school might close and is planning on moving the playgroup to the Tukurumuri Hall. We have also held discussions with the coordinator about the ongoing viability of the playgroup with a lack of early-childhood-aged children in the area. We do not know where the families of the two preschool-aged children (siblings) attending the playgroup intend to enrol their children once they reach school age, however Tukurumuri School informed us there are no known enrolments for 2020.
40. The ongoing stability of leadership in the school remains an issue. The current teaching principal has left the school after a year in the role as the job is not professionally satisfying and the future of the school is in question. The previous permanent principal found herself in the same situation and accordingly sought employment elsewhere. The need to attract and retain a permanent principal was one of the key requirements for keeping the school open in 2018.

41. It is likely the school will continue to struggle to find a suitable, long term teaching principal. Because of the school's size and location attracting emergency principals to the role has also been challenging in the past and might continue to be so.
42. The part time release teacher has confirmed she is seeking employment elsewhere. We anticipate recruitment to this role would also be challenging. There is potential that in Term 1 of 2020, there will be no teaching staff at the school along with no students. This would leave three part time staff (a teacher aide, caretaker and cleaner) employed by the board, as we understand the part time administrator will also be leaving her employment.
43. Although the board and staff have worked hard in an effort to further develop the school, there remains an ongoing risk to its operation. The school largely finds itself in the same situation it was in when you agreed to initiate consultation on the potential closure in 2018, despite two years of work to support the school to grow.
44. We have witnessed a stronger voice for closure in the community following unsuccessful attempts to grow the roll over the past two years. This has included community members publically acknowledging the school should close, and the board not making a submission supporting the school to stay open and instead accepting closure. We note that a number of the community have already attended a closure event for the school.
45. Members of the community do support the school, but they either do not have children or choose not to send their children to the school. We consider operating a school in this environment is not sustainable and that the school should close.
46. The Steering Committee has asked that we confirm that, if your decision is to close the school, we proceed with the further 28 period to hear final arguments from the board of trustees. We do not consider this appropriate. The board has accepted closure and did not make a submission during the first consultation. We also believe it is unlikely the community would produce any new rationale (which it would need to forward via the board) for you to consider before making a final decision.

Property, Financial and Staffing Implications

47. The school property is Crown-owned. If you agree to close the school, the property, including the board-owned school house would be disposed of in accordance with section 40 of the Public Works Act 1981. Any community contribution to the funding of school assets would be assessed as part of this process.
48. The school has not received \$50,000 as part of the School's Investment Package, as consultation on the possible closure of the school was underway. Should you decide the school will stay open, it will be eligible for, and will receive this funding.
49. If you agree to close, we will work with the Board and applicable unions to support staff through the disestablishment of their roles and their notice periods.
50. We estimate the ongoing operational savings to the Crown as a result of the closure to be \$175,000 per annum. The three students who were on the roll at the July 2019 roll return would generate \$30,000 in Educational Development Initiative funding to help them transition to their new schools. The locations and schools attended by the nearest students to Tukurumuri School in July 2019 is provided at Annex 4.

Risks

51. s 9(2)(g)(i) OIA
- 52.
53. We do not anticipate significant media interest if you decide to close the school. The media have already reported that the school has closed, and this has not attracted significant comment. Because of this we have not provided reactive question and answers as part of this briefing. We will provide you with media responses should these be required.

Conclusion

54. Considering all feedback we consider the school should close for the following reasons:
- a. Although there was a temporary revival of the school roll (to seven students) in early 2019, there were only two students at the end of 2019, there are no enrolments for 2020 and there are no prospective enrolments in the foreseeable future s 9(2)(ba)(i) OIA
 - b. The principal has resigned for the same reasons at the last permanent principal – the school is too small to provide challenge from a career perspective.
55. We acknowledge there is some community support for the school to remain open. However, there is also community support for the school to close. This included people at the second public meeting on the school's future the board ran in 2019 openly discussing the need for the school to close. This is further reflected in the reduced number of submissions supporting retention of the school compared to the 2018 consultation.
56. We acknowledge the school has played a significant role in the community in the past. However, we note that the majority of the members of the community with school-aged children are no longer supporting the school by sending their children there.

Next Steps

57. If you approve the closure of Tuteurumuri School without further consultation as provided for under the Act, you are asked to sign the *New Zealand Gazette* notice (refer to Annex 6).
58. You are also asked to sign the attached letters to the board chair and local MPs (refer to Annex 7).
59. If you decide that we should undertake further formal consultation with the board on your behalf, or to keep the school open, we will provide alternative letters for your signature.

Proactive Release

60. We recommend that this report be proactively released once a final decision is made. Any information that might need to be withheld will be redacted in line with the provisions of the Official Information Act 1982.

Annexes

- | | |
|----------|---|
| Annex 1: | Email from board chair advising the board did not oppose closure |
| Annex 2: | Locations of the closest schools to Tuteurumuri |
| Annex 3: | Submissions received from consultation |
| Annex 4: | Locations and schools attended by the nearest students to Tuteurumuri School in July 2019 |
| Annex 5: | Ministry analysis of submissions |
| Annex 6: | Closure notice for the <i>New Zealand Gazette</i> |
| Annex 7: | Letters to the Tuteurumuri School board chair and local MPs |

Annex 1: Email from board chair advising agreement to closure

From: Tuturumuri School Principal
Sent: Monday, 11 November 2019 3:30 PM
To: Alana McCorry <Alana.McCorry@education.govt.nz>
Subject: Voluntary Closure

Hi Alana,

I've copied below a note from the Board Chair. She had to rush out the door, so didn't quite sign it - will flick through a signed copy next time I see her.

Dear Alana McCorry,

Tuturumuri School Board has, by a vote of 3 to 2, decided to accept voluntary closure, as of 11th of November 2019.

If you could get back to us with the next steps soon, it would be much appreciated.

Regards

Louise Roseman

Tuturumuri Board Chair

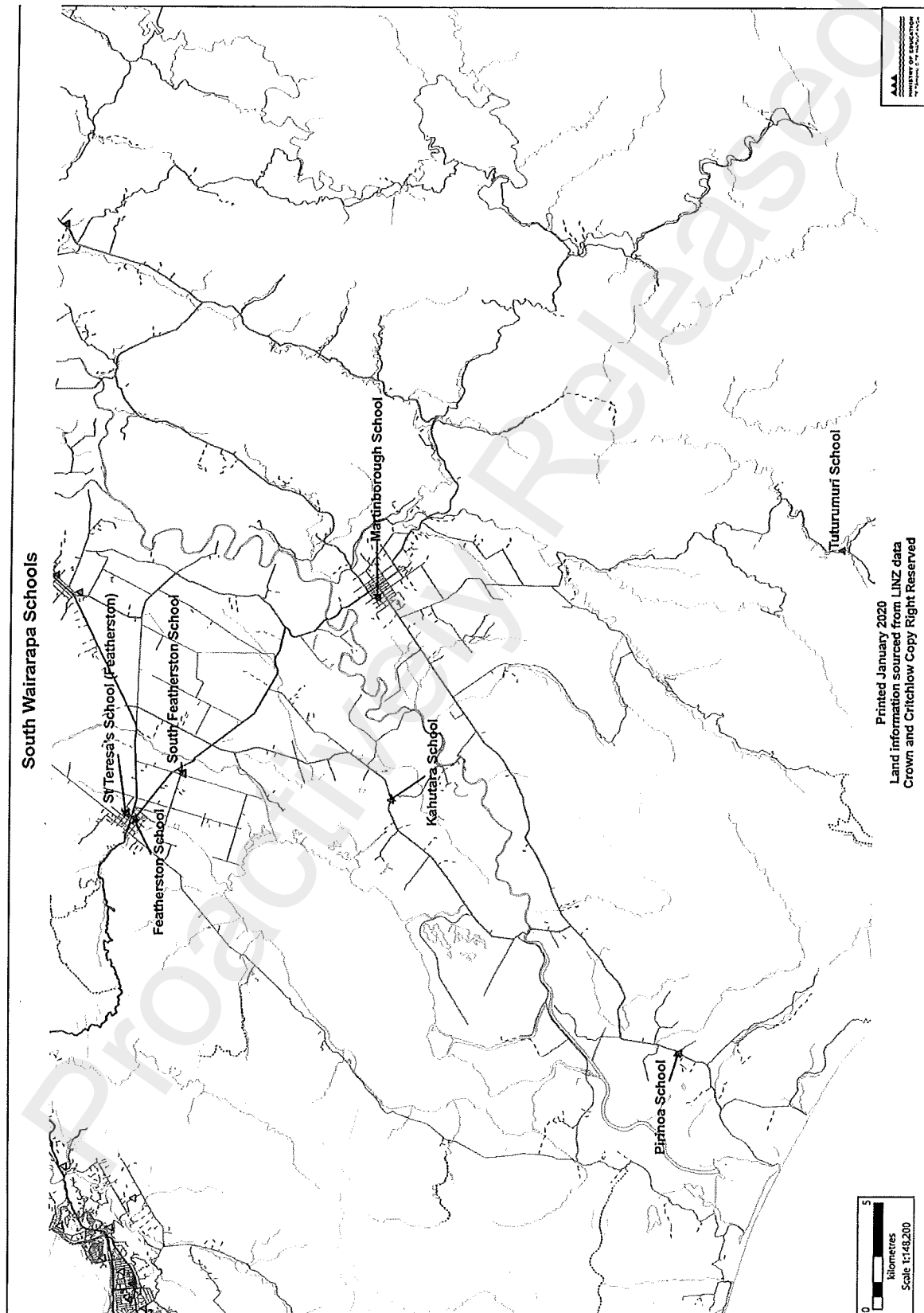
Cheers

--

Alistair Morrison
Principal

Tuturumuri School
RD 2 Martinborough
Ph: 06 307 8110
www.tuturumuri.school.nz

Annex 2: Locations of the closest schools to Tutarumuri



Annex 3: Consultation submissions

Submissions from:

- The Mayor of South Wairarapa District Council
- The Tutarumuri School Steering Committee
- s 9(2)(ba)(i) OIA
- [REDACTED]

Proactively Released

Subject: Tukurumuri School

Date: Mon, 6 Jan 2020 03:31:06 +0000

From: Alex Beijen- His Worship the Mayor <themayor@swdc.govt.nz>

To: s 9(2)(a) OIA

Ministry of Education
Level 1
Mātauranga House
33 Bowen Street
Wellington 6011
New Zealand

I write to support a reconsideration of the closing of Tukurumuri School.

Over the past 30 years, many rural schools have closed, for various reasons, having a dramatic effect on the rural lifestyle.

As we move into an era of land shortages in urban areas, and difficulty in attracting rural based workers, the loss of this school may have a very negative effect on our region.

Considering 10 years ago the roll was 29, I feel this current loss of students is a temporary situation.

We as a Council will be considering many options to react to the National housing shortage, and the continued existence of this school may play an important part in our strategy to provide affordable housing to families and middle income workers later this year.

I am more than happy to discuss this in person due to commercial considerations.

Kind regards

Alex Beijen

Mayor of the South Wairarapa



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tūtau

South Wairarapa District Council
06 306 9611
PO Box 6 Martinborough 5741
19 Kitchener Street Martinborough 5711
themayor@swdc.govt.nz

From: Dan Riddiford [redacted] s 9(2)(a) OIA

Date: 6/01/20 8:41 PM (GMT+12:00)

To: Mandy Bird <Mandy.Bird@education.govt.nz>, ERIKA.ROSS@EDUCATION.GOV.T.NZ,
[redacted] s 9(2)(a) OIA

Subject: [SPF: Suspicious Sender] Tuturumuri School.....candid communication

Ms Mandy Bird, MOE
2020 Monday

6 1

Good Evening Mandy

Copied to Ms Erika Ross

I write on behalf of the Steering Committee. Thankyou for receiving my mobile call [redacted] s 9(2)(a) OIA early this afternoon despite being on holiday, but due back next week. I had phoned to ensure that MOE would receive all the necessary documents and also that everyone in our community had a generous opportunity to individually voice their views.

You were right before Christmas in granting an extension until 6pm 6 January since no one comes alive until the New Year. It is worse in the farming community due to a well justified sense of exhaustion due to the seasonal time pressures of livestock and in my case also bees.

I appreciate also your assurance that the documents would not go to the Minister until at least next week since you (on return to work) would first have to review the documents and situation. Conscious of this I have rearranged my work for Monday 13 January for indoor officework so that I can be available on tel [redacted] s 9(2)(a) OIA to answer any questions over the Submission and further developments again

Please forgive me for encouraging everyone who phoned today that their comments emailed this week would be fairly received and considered by the Ministry. [redacted] s 9(2)(a) OIA, s 9(2)(ba)(i) OIA

I am grateful for your candid acceptance that we all are in difficulties over proposals to close the school such that the Ministry should work more closely with the Steering Committee on long term solutions. We as the Community outside the school believe that there are significant legal obstacles to closure of the school, but equally we know that a school roll of 2 or 4 is problematic for the Ministry.

We have been frustrated that sensible solutions have come to nothing. (1) [redacted] s 9(2)(a) OIA

[redacted] (2) GW have declined an unconditional offer for subdivisible land in circumstances amounting to breach of fiduciary duty. What more would the Ministry like Te Awaiti Station to do? [redacted] s 9(2)(a) OIA the Steering Committee have voiced the view that Mr

Fraser Mailman formerly a Principal at Tuteurumuri School and now a MDC Councillor will be able to offer some valuable advice.

Could you or Erika by the end of this week confirm that you have received :

1 Attached Tuteurumuri School MOE Third Submission....today

2 s 9(2)(ba)(i) OIA

3

and list for us whatever other documents may have come to you.

Yours Sincerely

Dan Riddiford

**The Hon Mr C Hipkins,
The Minister of Education,
Steering Parliament**

**Chairperson
Tuturumuri School
Committee**

Tuturumuri School should not be closed

Dear Sir,

"Students' Educational Needs are Paramount"

"Education shall be free at least in the elementary... stages." Art 26 1948 UN Convention

1 THE LAW

1.1 Our view of the law has not been contested by the Ministry so there is no need to

elaborate. The Ministry has only asked for an update on the facts "the new developments. The proposition under the NZ Bill of Rights Act 1990 that free primary school education is the right of every NZ child is beyond argument. (See in part S3 Educ Act.) The Tuturumuri District is too large to be deprived of a primary school.

1.2 We acknowledge that the present school roll is small, but say that each of us in good faith have taken initiatives and spent money to build the roll. We also say that MOE publicity has been unhelpful. Specifically we believe that in breach of the fiduciary principle the Ministry have repeatedly misinformed the media that the school was closing, with the obvious consequence that there are now several pupils by passing the school.

1.3 *Newcrest Mining (WA) Ltd v The Commonwealth of Australia* (1997) 147 ALR 42 (HCNA) 42 and *Queen v Tener* [1985] SC Can 89 confirm that there can be a compensatable taking of property rights by Government agencies and policies working in combination. Government policies over carbon implemented by Mfe and the Regional Councils are a taking in combination.

2 THE LEGAL PROCESS UNDER THE EDUCATION ACT

2.1 The Board of Trustees by decision 3:2 decided to close the School without fairly considering the views of the wider community or promptly communicating their closure decision to the wider community. The majority (3) of the Board voting for closure were short term residents including two MOE employees. We believe that by reason of conflict of interest the majority of 3 should all have recused themselves from voting.

2.2 Rightly the Ministry has granted the statutory S154 right of consultation to the wider community with the first round to end on Monday 6 January 2020. By email of 10 December 2019 Ms Mandy Bird of MOE wrote that "our request to have the consultation period extended until Saturday 21 December had been accepted. You now have until that date to submit any new information you have for the Minister to consider before making his decision..... Ngā mihi Mandy" Pragmatically that period was later extended until Monday 6 January 6pm. (However the MOE has undermined the School by not correcting media reports that the school was finally closing.)

2.3 We note and rely upon the requirement of s154 of the Education Act that there must be a second round of consultation. Would you please confirm this.

2-4 Ms Mandy Bird's letter of 21 November addressed to our Spokesman Mr Riddiford describes some of the legal process :

2-5 Para 3 "Any information we receive from you will be treated with commercial sensitivity."

2-6 Para 5 "The school site is Crown owned land". Our community has already explained that there are rights of offer back in terms of the Public Works Act from the Crown purchase of Tukurumuri Station and a constructive trust arising from many years of unpaid volunteer effort and donation by the community. Ms Bird considerably at the first public meeting at the school complimented the school on the high standard of maintenance evidencing our voluntary efforts.

2-7 Para 6 "Ownership of the school house was transferred from the Ministry to the Board of Trustees on 14 September 2005." We do not agree that S154(3) of the Education Act requires that the school house should revert to Crown ownership.

2-8 Para 6 "Should the school close the property will be added to a portfolio of closed school sites managed by the Ministry. If the site is declared ...as surplus ie no longer required for education purposes, the property then goes into the disposal process."

2.9 At the conclusion of this submission we will repeat our sustained community view from the first mention of MOE closure, that at worst the school "should go into recess". Population is moving rapidly into the South Wairarapa and it would be unwise for the Ministry to have prematurely closed sound school assets at Tukurumuri.

3 NEW DEVELOPMENTS A GENERAL OVERVIEW

Communities require (1) houses (2) employment and (3) local schools


3.1 Much has happened since our Second Submission in 2018 with Government Policies in combination *Newcrest* taking land use away from food producing livestock contrary into carbon sequestration. This is contrary to Article 2 of the Paris Convention (1990 Bill of Rights Act *Baigents case* CA) and removes all prospect of local employment. In our District Stoney Creek Station and Lagoon Hill Station have disappeared into radiata forestry and we believe that over 50% of the land locally owned is in danger of similarly disappearing from farming. This has happened despite livestock returns improving dramatically as evidenced in the attached Beef and Lamb report (Appendix 1) We submit that MOE cannot make decisions in a silo without considering the combined impacts of other Government policies *Newcrest*.

3.2 We believe that to survive rural communities and the culture of livestock rearing based on dog and dog management require (1) local schools supported by

school buses not travelling over 30 minutes (2) affordable local housing and (3) local jobs for wives as well as husbands and (4) good quality internet and roading.

3.3 The good news is that two Wairarapa based wireless networks Campbell Technology and Whiz Biz have arrived in the past year and offer internet at speeds over 20mbps compared with Chorus copper based internet as poor as 2mbps. Mr Stuart Campbell owner and Manager of Campbell Technology has explained that remote desk tops receiving internet at over 20mbps make teleworking possible and 20mbps is the minimum threshold required under the RBI Rural Broadband Initiative. All the vineyards at Martinborough operate on remote desk tops at 20mbps. Good quality internet opens up the prospect of home based employment on the internet.

3.4 To emphasise the extent to which the internet has enabled skilled employment to be pursued from any location in the world, we would describe the experience this past weekend s 9(2)(a) OIA



Please do not rush to shut down future growth in our District by closing the local school.

3.5 The bad news is that there are few if any local houses available to rent by families since they are increasingly acquired for holiday home or tourist B&B purposes. To overcome this one of our Community submitted to GW an unconditional offer to purchase land close to the school to generate sections of 2000m² at \$30,000 each. I attach a letter from Mr Mike Buckthought GM of Capital Precut Solutions based in Masterton with two branches and employing over 80 staff designing and fabricating pre built frames and trusses and locatable homes to an attractively modern standard. An 80% first mortgage at a current fixed rate of 3-5% for the larger home of 130m² would cost \$172pw (\$320,000 less 20% deposit = \$256,000 x 3-5% is \$172pw). Compared to Wellington and, Auckland rents over \$500pw (and indeed Martinborough) the difference would allow significant family savings or the opportunity for one of the spouses to care for the children from home. Affordable land for homeowners is our clear advantage.

3.6 Sadly GW Regional Council in breach of assurances and fiduciary duty has frustrated our initial plans targeted towards land owned by them at Stoney Creek

Stationhead by accepting a higher private offer at tender. However we are now exploring other local possibilities for subdivisible land to support the local school .

3.7 The movement of population to Martinborough and the South Wairarapa and the increase in land prices has even reached Tukurumuri. Speculative interest in land outbid our community offer based on local valuation advice.

3.7 Mr Tim Falloon of One Agency Real Estate on Saturday 21 Dec by email informed us that it has been estimated that every week 26 additional residents settle in Masterton and offered his further help after his return on 11 January.

3.8 We attach as Appendix 3 a schedule prepared by the staff of Mr Russell O'Leary the Planning Manager for the SWDC showing a steady rate of approvals for new sections and houses in the SWDC This rate of increase will soon outstrip local primary school assets.

3.9 Most sections along the Tora Coast have been sold and a further 13 sections (Tyer) were approved by the SWDC just before Christmas. Good quality internet makes it probable that families will now settle on the Tora Coast and telework from remote desks. Is the MOE now ready to support a school bus from the Tora Coast ?

3.10 We submit also that the Tukurumuri Community should be given the opportunity to prove their vision of a rural village based on affordable homes and a local school.

4 NEW DEVELOPMENTS: INITIATIVES SPECIFIC TO TE AWAITI STATION **These comments should be read alongside Mr Riddiford's confidential submission**

4.1 In 2013 Te Awaite planted 95 ha in carefully selected eucalypts under the AGS Afforestation Grant Scheme for carbon, pollen and nectar for benefit of bees and quality timber. More sheep are now grazed in this difficult and steep Block (Ram Hill) than previously and they emerge in much better condition. Eucalypts at a stocking rate of 100 stems per hectare (compared to 600 stems per hectare for radiata) sequester more carbon.

4.2 Te Awaite Station has spent \$70,000+ in upgrading their Creek Cottage to provide a modern home with a farm style kitchen leading into an attractive living and dining area and a modern bathroom with three large bedrooms beyond. They have now advertised for a suitable family knowing that January is the best time to advertise for farm staff. Attached as a confidential Appendix is a report on progress.

4.3 Te Awaite Hunting Adventures based at Te Awaite has expanded.

5 THE SCHOOL IN RECESS


The Community has consistently submitted that if the school roll is too small the school should go into recess. The MOE has stated that the Education Act does not allow this. We say however that the Act appears not to prevent it.

We would be grateful if you could formally confirm that the School might if necessary go into recess ie suspension and delay in closure and or state under the Official Information Act with pin point citation of all legal authorities your reasons for the official MOE view. We as a Community now agree to continue to maintain the buildings and grounds until the school roll had been restored.

Yours Faithfully

HS Sims Chairperson

s 9(2)(ba)(i) OIA



s 9(2)(ba)(i) OIA

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APPENDIX 2



Capital Precut Solutions Ltd
12 Papawai Place Masterton
(06) 3701390

RE: Tuterumuri School

Dear Minister of Education

As General Manager of Capital Precut Solutions I am writing this letter in support of the proposed new subdivision and social housing community at Tuterumuri, South Wairarapa.

Our company specializes in the premanufacture and construction of frames and trusses throughout the north island. We have a full time Drafting department producing full sets of working drawings to present to councils. Our easy build Wellington brand specializes in the construction of modular houses in the greater Wellington region. The BW Developments brand specializes in spec builds. We currently employ 80 staff including contractors etc.

Mr Riddiford has been discussing a plan for a new subdivision and social housing community with us since 2017. As such we are pleased to be on the Panel for the supply of new low-cost housing options for the proposed community. Prices start at

100m2 3-bedroom 1 bathroom on timber foundation including septic and water tanks \$255000.00inc GST

130m2 4-bedroom 2 bathroom on timber foundation including septic and water tanks \$290000.00inc GST

Please Don't hesitate to contact me on the below number for any further info or other options in terms of pricing Regards

Michael Buckthought
General Manager
Capital Precut Solutions Ltd

s 9(2)(a) OIA

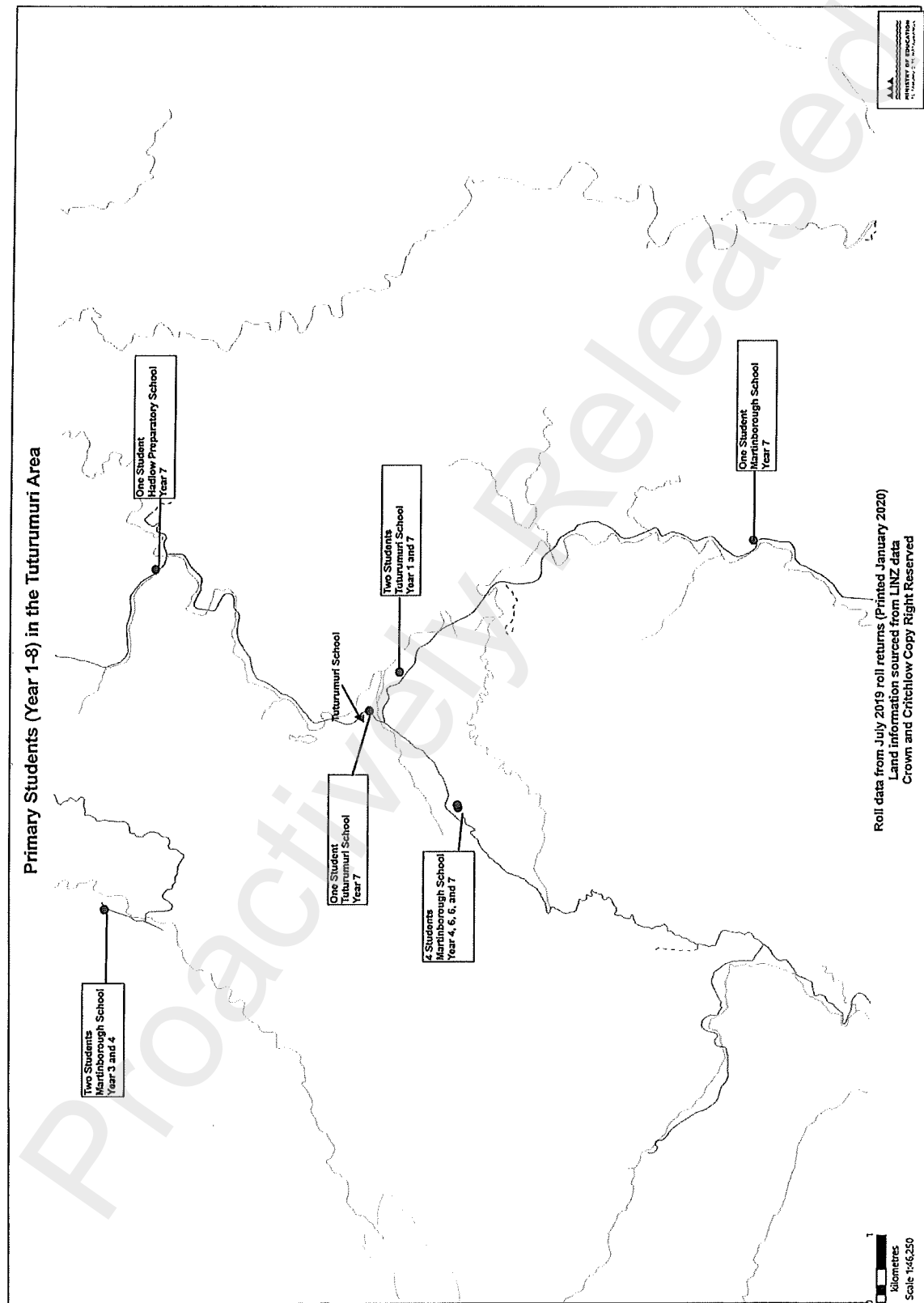
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Annex 4: Locations and schools attended by the nearest students to Tuterumuri School in July 2019



Annex 5: Ministry analysis of consultation submissions

Argument not to close	Ministry response
<p>The Tukurumuri and Tora area are too geographically large not to have a school and closure would restrict developments and plans to encourage growth. People are moving to Wairarapa, the population is increasing and the school's roll will bounce back.</p>	<ul style="list-style-type: none"> Although the Tora and Tukurumuri area is geographically sizable, it is not well populated. The area comprises large farming stations and the Aorangi Forest Park. This is not an area of projected or actual population growth and we are not aware of any new developments in this area. Although there is significant growth in areas of Wairarapa, this has not occurred in Tukurumuri and there is no indication it will. Although the South Wairarapa District Council has plans to grow the District, current plans do not include growing Tukurumuri. s 9(2)(ba)(i) OIA [REDACTED] any future developments in Tukurumuri are likely to be of small scale and are unlikely to attract a significant number of students. In the 2018 consultation the Steering Committee discussed plans to build a small number of houses. This has not progressed as the previous identified land has been sold to another party. We have seen no evidence that the school has been a factor in sustainably attracting people to the area and have no reason to believe it will in the future. We note that the roll did increase, but all of these students left during 2019, the majority in the first two terms. We consider that if the school was seen as an attractant to the area, the roll would reflect this. Although the school previously consistently had between 25 and 30 students, the roll has been less than 20 since 2013 and less than ten since 2017. We believe this decline is a result of a shifting population and families choosing to send their students elsewhere. The location of the eleven students living closest to Tukurumuri as at July 2019 and schools they attend is outlined in Annex Six. There is no evidence to suggest that the school's roll will recover and return to previous levels. Although there may be plans for the next generation to return to farms and raise children, this is not a certainty. In previous consultations it was indicated this would happen, but in the past two years we are not aware of it occurring s 9(2)(ba)(i) OIA [REDACTED] it would be at least six years before there would be primary-school-aged children to enrol at the school.
<p>Closure of the school would be against the New Zealand Bill of Rights Act 1990 and Australian case law.</p>	<ul style="list-style-type: none"> There is no provision in the New Zealand Bill of Rights Act 1990 guaranteeing a right to education or a school to suit a person's convenience. Section 3 of the Education Act 1989 guarantees an entitlement to free enrolment and free education at any state school, but the closure of Tukurumuri school would not affect this entitlement. The Australian case law quoted relates to mining permits in national parks, and specifically to the meaning of "acquisition of property" in s 51(xxxi) of the Australian Constitution. As such it has no bearing on closure of a school in NZ.

<p>There is community support for the school to remain open and the school acts as the heart of the community. Support for retention of the school includes the two long serving community members who are on the board and who voted against closure. Two of the three board members are Ministry employees and should have recused themselves due to a conflict of interest. So should the third member, who is a new resident.</p>	<ul style="list-style-type: none"> • There are no Ministry employees on the board. Mr Riddiford appears to be referring to employees of the school board. Had three members recused themselves the board would not have had a quorum (a majority of current board members) and no vote could have been held. • The roll in fact declined from 7 to 3 in the first half of 2019. • The majority of the board accept closure and the board has thrown a farewell event for the school. The Principal has reported that had they realised they were unable to voluntarily close following your decision to consult on closure, they would have voted to voluntarily close the school. • Each board member's vote holds equal weighting regardless of how long they have lived in the community or their historical links to the school. • We note that Tukurumuri has a community hall, which could become the heart of the community.
<p>Retaining the school will promote livestock-rearing farms instead of conversion to forestry and will assist with attracting staff.</p>	<ul style="list-style-type: none"> • The Steering Committee submission acknowledges two farms in the area have already converted to forestry. This was in spite of the school being open at this time. We do not believe we should consider a school's future to favour one commercial interest over another. There is no certainty that if the school were to remain open, farms would not be converted to forestry. There is also no guarantee a school would act as an attractant to livestock farmers. • s 9(2)(a) OIA 
<p>The internet in the area is greatly improved recently, which will attract people who are able to work from home.</p>	<ul style="list-style-type: none"> • There is potential that people will be able to work from home. However, this does not mean people will either choose to live in Tukurumuri or send their children to Tukurumuri School. As the Steering Committee notes, there is also no available housing in Tukurumuri and no current plans for developments. Without additional housing supply we are unsure how new residents could be accommodated. • We also note improved internet connections give students easier access to Te Aho o Te Kura Pounamu, The Correspondence School. Poor internet access was noted as a barrier to closure in 2018 as students would not be able to engage fully with correspondence schooling. This development removes that obstruction to closure.
<p>The Ministry has misled the public by stating the school will close which has deterred enrolments.</p>	<ul style="list-style-type: none"> • We refute this. At no point have we stated the school closing is a certainty. We informed the board on a number of occasions, including face to face on 21 November 2019, that the school was still open and a closure decision had not yet been made by you. The board has continued to

	<p>communicate directly with the community and through the media that the school is closing.</p> <ul style="list-style-type: none"> • We have responded to media requests from Television New Zealand, The Wairarapa Times-Age and Stuff. In all of these we said consultation was currently underway and no decision has been made on the school's future. The first publicity we are aware of was in <i>Stuff</i> on 25 October 2019, when we advised that no decision had been made, and acknowledged the effort community members had put into supporting the school. Despite of this, several items in the media have reported the school closed at the end of 2019. • At no time have we been informed of any future enrolments. We have no reason to believe people have been deterred from enrolling into the school by (the board's) announcements of closure.
<p>The Steering Committee has requested that instead of closure, if the current roll is problematic, the school be put into recess until a time when the area has enough children for the school to reopen.</p>	<ul style="list-style-type: none"> • Putting schools into recess is not our current practice. Although the Steering Committee has offered to meet the cost of maintenance, unused buildings have significant maintenance needs and still require a current building warrant of fitness. There is no certainty that the population will increase to a level such that school is required in the foreseeable future. • Vacant buildings pose a significant security risk as they are prone to vandalism or potential occupation by third parties. This would also create a precedent for the management of former school sites. We would also be retaining assets that were no longer required and could be better used for other purposes. • Instead of retaining an old school site, if the school does close and the population of Tukurumuri increases we would consider whether a new school were required at that time. This would provide the community with a modern school instead of housing students in old buildings that would no longer be fit for purpose and might not have been used for a number of years.

Annex 6: Closure notice for the *New Zealand Gazette*

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Hon Chris Hipkins

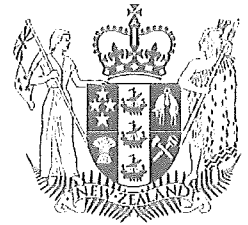
MP for Rimutaka

Minister of Education

Minister of State Services

Leader of the House

Minister Responsible for Ministerial Services



Education Act 1989

Tuturumuri School (3052) Closure Notice

Pursuant to section 154(2) of the Education Act 1989, I hereby declare that Tuturumuri School (3052) will close on 28 February 2020 and will cease to be established on that day.

Dated at Wellington on this 6th day of February 2020.

A handwritten signature in black ink, appearing to be 'CH'.

Hon Chris Hipkins

Minister of Education

Annex 7: Letters to Tutarumuri board chair and local MPs

Letters to:

- Tutarumuri School Board of Trustees chair
- Alastair Scott, MP for Wairarapa
- Hon Meka Whaitiri, MP for Ikaroa Rawhiti

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Hon Chris Hipkins

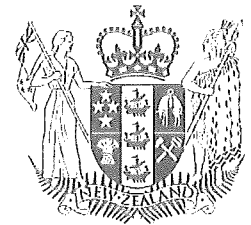
MP for Rimutaka

Minister of Education

Minister of State Services

Leader of the House

Minister Responsible for Ministerial Services



Peter Braggar
Chairperson
Tuturumuri School Board of Trustees
White Rock Road RD 2
Martinborough 5782

Dear Peter

I am writing to you and your Board to let you know my decision on the closure of Tuturumuri School, following the end of the consultation period. I note your Board has advised that it accepts closure.

I have considered all information provided to me during the consultation and the arguments for both closing and retaining the school. I have come to the decision that the school should close. I have not reached this decision lightly. The key reasons for my decision are:

- the school finds itself in a similar situation to 2018 when the last consultation on its future occurred. This is despite community effort to support the school and attract students
- the school's roll has remained very small. I understand it will start the year with no students and there is no certainty of future enrolments
- there is no projected population growth for the Tuturumuri area, nor any confirmed new housing developments
- the school again finds itself without a teaching principal. I believe attracting and retaining a high performing leader for the school will continue to be difficult
- there are alternate schools students living in Tuturumuri can and do attend. Although I acknowledge there is an additional travel time, this does not appear to be a barrier for a number of students living in the area.

As the Board has voted to accept closure, I am invoking section 154(2A) of the Education Act 1989 to waive a further 28 day period for the Board to present final arguments. The school will close on 28 February 2020.

I understand this decision is not what some of your Board want to hear. The Ministry will work with your Board throughout the winding up process. Mandy Bird, Education Manager will be your key contact during this period. Mandy can be reached by emailing mandy.bird@education.govt.nz or by calling 04 439 4631.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CH' followed by a stylized flourish.

Chris Hipkins
Minister of Education

cc Roy Sye, Director of Education for Wellington

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