

23 May 2017

William Hale

By email: fyi-request-5781-69ce459d@requests.fyi.org.nz

Dear Mr Hale

Request for information about the Serious Fraud Office investigation into the Taratahi Agricultural Training Centre

I refer to your request to the Ministry of Education dated Monday 24 April 2017 in which you requested the following information:

“Can you provide me with a summary of the Serious Fraud Investigation findings relating to the investigation (circa 2015) into overpayments made to Taratahi [Taratahi Agricultural Training Centre] by TEC [Tertiary Education Commission]. Specific culpabilities regarding staff directives to defraud by senior management are of specific interest to me, as is repayment arrangements of the admitted overpayments to Taratahi.”

I refer also to your email dated Wednesday 17 May 2017 in which you outlined your interest in receiving the above information as:

“Having been made redundant from a training company after a TEC investigation led to loss of contracts I am interested in the training provider Taratahi outcomes in that although found to be in receipt of overpayments and reports of directives to staff to defraud by senior management and admissions of mistakes made no investigation report was ever made public.

The TEC investigation into the company I was employed by (which did work for Taratahi) was made public. There seems a lack of transparency in this instance.”

As previously advised, we accepted a transfer of the above request from the Ministry of Education on Wednesday 26 April 2017.

Our response

The information you have requested was obtained by the Director under or in connection with the exercise of her powers under section 5 of the SFO Act. As such, the information is protected under the SFO Act and section 36(2) of the SFO Act governs its release.

The Director has considered your request in accordance with section 36(2) of the Act and has decided to release part of the information requested by you. The remainder has been withheld pursuant to s18 (c) (ii) of the Official Information Act.

Summary of the SFO investigation

The SFO opened an inquiry into Taratahi Agricultural Training Centre (Taratahi) on 23 February 2015 and subsequently commenced a full investigation on 13 July 2015. The scope of the investigation was limited to staff enrolment on funded courses.

The investigation did identify concerns around staff enrolled in courses run by Taratahi, however we were not satisfied there was sufficient evidence to prove that the relevant senior members of Taratahi were deliberately deceptive. In addition, whilst there were deficiencies in the way in which Taratahi was operated, we did not identify any personal gain amongst the relevant senior members of Taratahi.

We note that you have not specifically sought a copy of the SFO's investigation report. However, for completeness, in response to your point around transparency, whilst Tertiary Education Commission (TEC) may have chosen to disclose the investigation report it commissioned, the SFO is governed by strict statutory secrecy obligations which will restrict such disclosures.

Specific culpabilities regarding staff directives to defraud by senior management

As noted above, the scope of the investigation was limited to staff enrolment on funded courses. The SFO found no evidence of staff directives to defraud.

Repayment arrangements of the admitted overpayments to Taratahi

As above, any repayment arrangements that may have been reached are outside of the scope of the SFO investigation. Any queries regarding this matter should be directed to TEC and/or Taratahi. Please visit the following websites for their contact details: www.tec.govt.nz/contact-us and www.taratahi.ac.nz/contact.

You are entitled to make a complaint about our decision to the Office of the Ombudsmen. They can be contacted at P O Box 10152, Wellington 6143 or at office@ombudsmen.parliament.nz.

Yours sincerely



Paul O'Neil
General Counsel