

Hon Willie Jackson

Minister for Broadcasting and Media

AIDE MEMOIRE: Material for first reading of ANZPM bill

Date:	16 June 2022	Priority:	High
Security classification:	In Confidence	Reference:	AM2022/310
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Purpose

- 1 This briefing provides you with a draft speech for the first reading of the Aotearoa New Zealand Public Media Bill (the bill) and a legislative statement for presentation to the House in accordance with Standing Order 272.

Introduction of ANZPM Bill

- 2 Following final Cabinet decisions approving the bill for introduction, the Parliamentary Counsel Office (PCO) will arrange for the bill to be printed and delivered to the House Office.
- 3 We anticipate the bill will be introduced by Thursday 23 June 2022, which would enable the first reading to occur on Tuesday 28 June 2022.
- 4 The timing of the first reading is important to enable the bill to be referred to Select Committee prior to the July recess. This will allow for at least a four month Select Committee process, while still being able to meet the intended enactment date of 14 December 2022.
- 5 **Appendix One** provides you with a draft speech for the first reading of the bill. In addition to nominating the Economic Development, Science and Innovation select committee to consider the bill, please note the draft also seeks you move:
 - a. that the bill be reported to the House by 17 November 2022; and
 - b. that the committee have authority to meet at any time while the House is sitting except during oral questions, during any evening on a day on which there has been a sitting of the House, and on a Friday in a week in which there has been a sitting of the House, and outside the Wellington area, despite Standing Orders 193, 195, and 196.
- 6 Both motions will support the progression of the bill, by ensuring sufficient time for select committee consideration while still allowing enough time to meet the intended enactment date.

Legislative Statement

- 7 **Appendix Two** provides you with a legislative statement to be presented to the House ahead of the bill's first reading, in accordance with Standing Order 272.
- 8 The purpose of the legislative statement is to provide additional technical details of the bill to supplement the explanatory note. While a legislative statement is not a requirement, it is considered good practice to provide one.
- 9 Prior to being presented, the legislative statement must be circulated to the Clerk, and to the leader, whip, or relevant spokesperson of each party, no later than 11am on the sitting day on which the first reading is moved.

Next steps

- 10 Officials will inform your office when PCO has delivered the final bill to the House Office, ready for introduction.

Liz Stewart
Director
Strong Public Media Programme

**Noted by Hon Willie Jackson
Minister for Broadcasting and
Media**

Date:

Appendix 1: Draft speech for first reading of ANZPM Bill

The draft speech is being withheld under s9(2)(g)(i). However, the final speech is publicly available at: https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20220630_20220630_28.

PROACTIVELY RELEASED

Appendix 2: Legislative Statement

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Aotearoa New Zealand Public Media Bill

Legislative Statement

This legislative statement is presented to the House in accordance with Standing Order 272.

Overview

The Aotearoa New Zealand Public Media Bill (the bill) establishes Aotearoa New Zealand Public Media (ANZPM) and provides for its objectives, functions, operating principles, and governance. It also sets out the transitional arrangements to support the shift of the Government's provision of public broadcasting from Television New Zealand (TVNZ) and Radio New Zealand (RNZ) to ANZPM, including arrangements for shares, assets, and employees.

The purpose of the reform is to strengthen the delivery of public media services by providing a modernised, flexible legislative framework for ANZPM that will help ensure all New Zealanders can access relevant and trusted public media content across a range of platforms by enabling:

- better alignment of Government investment across platforms, increased flexibility to respond to future demographic and technological changes, and reduced inefficiencies
- a more sustainable long-term funding model
- a greater focus on currently under-served and under-represented audiences, while continuing to provide for existing audiences.

ANZPM will be established as an autonomous Crown entity, replacing TVNZ and RNZ with a single public media entity. TVNZ and RNZ will exist as subsidiaries of ANZPM until their dissolution, the date of which will be set by ANZPM's board no later than 1 March 2028.

Structure and governance

ANZPM will be governed by a board consisting of no fewer than six and no more than nine members who collectively, as agreed with the Minister of Finance, will have the necessary financial management skills, knowledge, or background to assist ANZPM to perform its Charter.

At least two members will be appointed, having regard to their knowledge of te ao Māori and tikanga Māori, following consultation with the Minister for Māori Development.

The board of ANZPM will have two extra duties in addition to the duties set out in the Crown Entities Act 2004. Collectively the board must ensure ANZPM:

- acts in accordance with its Charter; and
- engages with Māori about its relevant strategies and policies.

Charter

ANZPM will be required to achieve public media outcomes through the objectives, functions, and operating principles set out in the bill. Collectively these provisions form the Charter of ANZPM.

The Charter takes a principles-based approach to set clear expectations in relation to what ANZPM is required to achieve, but to provide it with a high degree of flexibility in terms of how it meets those expectations. This will avoid binding the entity to deliver specific functions or services, or to use particular platforms that may not be fit for purpose in the future due to technological, demographic or other changes.

Te Tiriti o Waitangi/Treaty of Waitangi

The bill includes specific provisions to recognise and respect the Crown's responsibility to give effect to the principles of the te Tiriti o Waitangi/Treaty of Waitangi.

Specific provisions in the Charter place expectations on ANZPM that it will support a valued, visible, and flourishing te reo Māori and tikanga Māori by:

- broadcasting freely accessible and high-quality content broadcast that is in or uses te reo Māori, promotes tikanga Māori and reflects Māori history, experiences and perspectives to a wide audience
- enabling iwi and hapū and Māori entities to have access to content by and about themselves, and to ensure that content is preserved
- ensuring Māori perspectives are reflected in the development and delivery of content and services for and about Māori.

As well as requiring the Responsible Minister to consult with the Minister for Māori Development on board appointments, the bill requires ANZPM to:

- collaborate with Māori (and other) media entities where this is financially responsible and consistent with the Charter
- include in its annual report an assessment of the extent to which ANZPM is fulfilling its charter, engaging with Māori about its relevant strategies and policies and collaborating with Māori media entities.

Editorial independence

The bill enshrines the editorial independence of ANZPM.

The implementation of the Charter is a statutorily independent function, which means that the entity cannot be directed on how it implements the Charter.

In addition, the responsible Minister is unable to direct the entity or remove board members in relation to any editorial matter.

The entity will also be required by its Charter to demonstrate editorial independence, impartiality, and balance and to provide reliable, accurate and comprehensive regional, national, and international news and information.

Other requirements

Free access to content

To achieve the Government's public media objectives, the entity's charter requires ANZPM to:

- ensure that high-quality content is made freely available and accessible to all New Zealanders across all genres
- ensure its content is broadcast predominantly free of charge
- where content has been charged for on its first broadcast, it is subsequently broadcast free of charge within a reasonable timeframe.

Collaboration

ANZPM will be required to work collaboratively across the media sector, wherever appropriate and financially responsible, to support a diverse, capable, and resilient media ecosystem. This includes having regard to the funding policies of NZ on Air and Te Māngai Pāho.

Accountability and monitoring

The bill ensures ANZPM will be able to be held to account for delivery of its Charter, its other statutory functions, and its financial performance through planning and reporting requirements over and above the standard requirements in the Crown Entities Act 2004.

In addition to the standard requirements, the entity's annual report will also report on specific aspects of ANZPM's performance including an assessment of the extent ANZPM is;

- fulfilling its Charter
- engaging with Māori about its relevant strategies and policies;
- collaborating with Māori media entities and other media entities

This assessment will be informed by audience research, undertaken on a regular basis, but at least once a year.

The House of Representatives will periodically review the Charter and ANZPM's performance against it, every five years.

Transitional arrangements

The Government intends that the transition from RNZ and TVNZ to ANZPM should be as efficient as possible, while providing certainty for employees and the broader media sector, providing continuity of services for audiences and giving ANZPM adequate time and flexibility to resolve more complex contractual issues.

The bill therefore provides, that on commencement, all shares, functions, land and property will transfer to ANZPM. RNZ and TVNZ employees (with the exception of the chief executives) will transfer to ANZPM on the same terms and conditions, with no impact on their entitlements or continuity of service. All services that were previously provided commercial-free by RNZ will continue to be provided commercial-free by ANZPM.

RNZ and TVNZ will exist as subsidiaries of ANZPM. RNZ and TVNZ's existing subsidiaries will become subsidiaries of ANZPM.

Agreements with international parties will remain with RNZ and TVNZ, unless renegotiated separately, and will not be affected by the commencement of the legislation. ANZPM's board must set a date on which RNZ and TVNZ will be dissolved and any contractual rights remaining with RNZ and TVNZ will be transferred to ANZPM.

The bill also clarifies how other enactments will apply during and after the transition from RNZ and TVNZ to ANZPM, reflecting that the ultimate owner of RNZ and TVNZ would not change (it remains the Crown).