

30 August 2022

9(2)(a)

Tēnā koe 9(2)(a)

I refer to your request received on Thursday, 7 July, which has been considered under the Official Information Act 1982 (OIA), for the following information:

Please send me the document that shows the basis on which Treasury have projected possible capital returns for the PME. By that I mean what information was this projection based on. Include all workings, explanations, reports, analysis and other details that exist in relation to this projection, whether by Treasury or other government bodies, or commissioned by them.

We have decided to withhold these workings in full under section 9(2)(b)(ii) of the OIA. This is to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we may publish this letter (with your personal details removed) on the Ministry's website.

Nāku noa, nā

9(2)(a)

Anthony Townsend
Acting Programme Director, Strong Public Media

From: [OIA](#)
Sent: Thursday, 8 September 2022 5:25 pm
To: 9(2)(a); [Gill Coltart](#)
Subject: RE: HPRM: Re: DOIA22/158: Decision on your request

Tēnā koe 9(2)(a)

Thank you for your email.

Regarding the first part of your email, as you are aware, the new entity will be established by subsuming TVNZ and RNZ. The projections you refer to are based on TVNZ revenue forecasts and Crown funding. We believe that the release of this information would unreasonably prejudice TVNZ's commercial position as well as the future commercial position of Aotearoa New Zealand Public Media (ANZPM). This is because in the future their commercial positions will effectively be the same.

As background, Treasury estimated their capital returns based on financial information in the Strong Public Media Business Case. Capital returns were not specified in the business case. Treasury estimated capital returns based on forecast revenues, forecast operating baseline requirements, and what could be considered "surplus". This financial data from the business case has been withheld under section 9(2)(b)(ii) of the Official Information Act because it relates to the projected commercial position of ANZPM, which is expected to earn commercial revenue in a competitive market. The information is based on TVNZ revenue forecasts which are also commercially sensitive. We, therefore, consider that releasing the projections would likely have an unreasonable prejudicial effect on ANZPM and TVNZ's commercial positions and that this is not outweighed by public interest.

As noted, you have the right to seek a review from an Ombudsman of this response should you not be satisfied with our response.

Regarding your initial request, our interpretation was that you were seeking the information that we sent you on 7 July. When you responded (on the same date) and provided clarification, we considered this a new request. We then advised you of an extension on 3 August to undertake consultation, before providing you with a response on 30 August.

Let me know if you have any further questions.

Ngā mihi

Holly

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From: 9(2)(a)
Sent: Tuesday, 30 August 2022 6:06 pm
To: OIA <uia@mch.govt.nz>; Gill Coltart <Gill.Coltart@mch.govt.nz>
Subject: HPRM: Re: DOIA22/158: Decision on your request

Thanks for this.

So to clarify, because I am struggling to understand the reasoning, MCH will not release the Treasury projection that MCH used as a basis for its policy to require a possible \$300m clawback from the ANZPM, and that the Minister referred to in an answer to a written question, because MCH considers releasing it would prejudice the commercial position of ANZPM?

Please note that ANZPM does not yet exist, so cannot yet be considered a party to have an interest or 'position' as required by s 9(2)(b)(ii).

I also contend the public interest in releasing the information outweighs any commercial sensitivity. This month the Select Committee is considering the ANZPM Bill, a part of which includes decisions based on this Treasury forecast. The public is asked to make submissions on the Bill. How can the public do so without being told how or why Treasury has come up with this highly contentious forecast? Especially given the forecast has implications for ANZPM's future commercial and non-commercial roles, being decided in the next few months.

This OIA request was initially made on June 11. It was responded to on 7 July in a factually inaccurate reply which failed to answer the request. I explained this on 7 July. Now on 30 August you are withholding the information. That has exceeded the 20 day time limit for OIA requests. Is there a reason for this?

Ngā mihi

9(2)(a)

On 30/08/2022 5:20 pm, OIA wrote:

Tēnā koe 9(2)(a)

Please find attached a letter setting out the decision on your Official Information Act request.

Ngā mihi

Holly

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From: 9(2)(a)

Sent: Thursday, 7 July 2022 1:25 pm

To: OIA <ويا@mch.govt.nz>

Subject: Re: DOIA22/135: Response to your request

Kia ora Holly

The page number at the link is wrong but I may have found the reference you mention on page 91 instead of page 31.

If that is the reference you meant to direct me to, it does not answer the question. My question referred to the Minister's response to a written question where he mentioned a Treasury projection:

"Using last year's Business Case, commercial revenue estimates based on TVNZ's current forecast and operations and an estimated operating budget of \$400m annually, Treasury have projected possible capital returns"

I asked for the document that shows the basis for Treasury's projection. The information in the Budget you sent me repeats the projection, without any information on its basis - ie how Treasury came to the projection.

I repeat the request in different wording - please send me the document that shows the basis on which Treasury have projected possible capital returns for the PME. By that I mean what information was this projection based on. Include all workings, explanations, reports, analysis and other details that exist in relation to this projection, whether by Treasury or other government bodies, or commissioned by them.

If there is no basis for this projection and it is not based on anything, please let me know.

9(2)(a)

On 7/07/2022, at 10:10 AM, OIA <oja@mch.govt.nz> wrote:

Tēnā koe 9(2)(a)

Here is the response to your request, received on 11 June 2022 for the following information:

The Minister refers to a Treasury projection of returns from the PME, in his answer to written question

19694: https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ_16964_2022/16964-2022-melissa-lee-to-the-minister-for-broadcasting

- 1. Is this Treasury document publicly available or has the basis of this projection been released elsewhere?**
- 2. If the document that this projection is part of hasn't been released, please could you forward me a copy?**

The Treasury document that you seek is publicly available and can be found in the summary of initiatives of Budget 2022. It can be located at the following link on page 31:

<https://www.treasury.govt.nz/sites/default/files/2022-06/b22-wellbeing-budget-soi.pdf>.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

You will note that we are responding to your request instead of the previous Minister for Broadcasting and Media, Minister Faafoi. While your request was pending, and as I am sure you are aware, there was a change in Minister which meant that all OIAs for Minister Faafoi were transferred to Manatū Taonga to respond to.

Let us know if you have any questions.

Ngā mihi

Holly

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From: OIA <oia@mch.govt.nz>

Sent: Monday, 27 June 2022 1:25 pm

To: 9(2)(a)

Subject: DOIA22/135: Update on your request - Treasury document

Kia ora 9(2)(a)

As you can see below, we are following up with Treasury on your request. We will be in touch in due course.

Ngā mihi

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From: OIA

Sent: Wednesday, 22 June 2022 12:25 pm

To: 9(2)(a)

Subject: Confirmation on transfer of request

Tēnā koe Treasury

I'm contacting you about an OIA request that we received. As you'll see below, it relates to a [written Parliamentary question](#) regarding the projection of returns for the new public media entity intended to replace TVNZ and RNZ. Minister Faafoi responded to the question stating that Treasury has projected the possible capital returns.

As the request relates to a Treasury document, we think it's appropriate to transfer this request to you. It would be great if you could get back to us by **midday tomorrow, Thursday, 23 June** to let us know whether there is any reason this should not be picked up by you.

We apologise for the short notice on this. As you are likely aware, there is a new Minister for Broadcasting and Media which created some uncertainty around OIA requests sitting with the previous Minister.

Ngā mihi

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From: 9(2)(a)

Sent: Saturday, 11 June 2022 9:52 AM

To: Gill Coltart <Gill.Coltart@mch.govt.nz>; K Faafoi (MIN)
<k.faafoi@ministers.govt.nz>

Subject: OIA re treasury report

Kia ora

The Minister refers to a Treasury projection of returns from the PME, in his answer to written question 19694 (https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ_16964_2022/16964-2022-melissa-lee-to-the-minister-for-broadcasting)

Is this Treasury projection and its workings, publicly available? I didn't see it in the SPM report or BCG report, though perhaps I missed it. Or has the basis of this projection been released elsewhere?

If the document that this projection is part of hasn't been released, please could you forward me a copy?

Thank you

9(2)(a)

9(2)(a)

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