

9 June 2023

s9(2)(a)

Tēnā koe s9(2)(a)

I refer to your request received on 12 April 2023, which has been considered under the Official Information Act 1982 (OIA). Your request and response is below.

- 1. Any copies of the audio or transcripts thereof held by the Ministry, officials or the respective Ministers for Arts, Culture and Heritage of Kiri Allan's commentary regarding RNZ's culture and treatment of Māori staff at the RNZ farewell function for Māni Dunlop last month.**
- 2. Any briefings prepared by the Ministry for Associate Minister Hon Kiri Allan, in relation to the RNZ farewell function for Māni Dunlop last month.**

The Ministry's response covers only information held by Manatū Taonga.

Manatū Taonga have not received a copy of any audio recording or transcript from the RNZ farewell function for Māni Dunlop in March 2023.

In addition, Manatū Taonga did not prepare any briefings for Hon Kiri Allan for the function. Minister Allan was no longer Associate Minister for Arts, Culture and Heritage at the time of the function.

Accordingly, I have refused parts 1 and 2 of your request under section 18(e) of the OIA – the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

- 3. Any draft versions of the proposed Online News Bargaining legislation**
- 4. Any financial considerations made by the Ministry or any contracted entities for the value of the Online News Bargaining legislation.**

The following information is covered by your request and is publicly available on the Ministry's website:

| Date           | Document Description   | Link  |
|----------------|--|---|
| 17 August 2022 | Regulatory Impact Statement: Recognising news media's value in a digital environment | <a href="https://mch.govt.nz/sites/default/files/projects/cab-rel-online-news-151222.pdf">https://mch.govt.nz/sites/default/files/projects/cab-rel-online-news-151222.pdf</a> |

#### Information being withheld

There are additional documents covered by your request, including draft versions of the proposed Online News Bargaining legislation, that I have decided to withhold in full under one or more of the following sections of the OIA, as applicable:

- section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials]

- section 9(2)(h) – to maintain legal professional privilege

5. All Status Reports provided to Minister Willie Jackson since 1 February 2023 not already disclosed in an OIA to this office.

6. Copies of the following briefings:

- BR23/044 Ministerial Certification of Contingent Liabilities and Contingent Assets as at 31 December 2022
- AM23/077 Minister Jackson meeting Minister of Finance
- BR23/088 Online News Bill – approval for outstanding policy decisions
- AM23/091 Draft Strong Public Media Technology Risk Assessment Report
- AM23/074 Meeting with Lane Studios

7. All briefings given to former Associate Arts Culture and Heritage Minister Kiri Allan that mention RNZ provided during her term of office 06/11/2020-01/02/2023.

8. A copy of all papers that went to both Broadcasting and Media Minister Willie Jackson and former Associate ACH Minister Kiri Allen in the last 12 months.

On 9 May 2023, you clarified part 7 of your request to the following:

7. Excerpts of all briefings given to former Associate Arts Culture and Heritage Minister Kiri Allan that mention RNZ provided during her term of office 06/11/2020- 01/02/2023.

#### Information being released

Please find enclosed the following documents:

| Date             | Briefing Number | Document Description                                     | Decision   |
|------------------|-----------------|--|--|
| 3 February 2023  | BR23/039        | BRO Status Report (fortnight beginning 6 February 2023)  | Some information withheld under 9(2)(a) and 9(2)(ba)(i)                            |
| 17 February 2023 | BR23/063        | BRO Status Report (fortnight beginning 20 February 2023) | Some information withheld under 9(2)(a), 9(2)(b)(ii), and 9(2)(f)(iv)              |
| 3 March 2023     | BR23/095        | BRO Status Report (fortnight beginning 6 March 2023)     | Some information withheld under 9(2)(a), 9(2)(b)(ii), 9(2)(ba)(i), and 9(2)(f)(iv) |
| 17 March 2023    | BR23/125        | BRO Status Report (fortnight beginning 20 March 2023)    | Some information withheld under 9(2)(a)  |
| 31 March 2023    | BR23/148        | BRO Status Report (fortnight beginning 3 April 2023)     | Some information withheld under 9(2)(a), 9(2)(b)(ii),                              |

|                   |            |  |   |
|-------------------|------------|--|---|
|                   |            |  | 9(2)(ba)(i), and 9(2)(f)(iv)  |
| 15 February 2023  | BR23/044   | Ministerial Certification of Contingent Liabilities and Contingent Assets as at 31 December 2022 | Some information withheld under 9(2)(a)                               |
| 22 February 2023  | AM23/077   | Minister Jackson meeting Minister of Finance   | Some information withheld under 9(2)(a), 9(2)(f)(iv), and 9(2)(b)(ii) |
| 17 February 2023  | AM23/074   | Meeting with Lane Studios  | Some information withheld under 9(2)(a)                               |
| 19 March 2021     | BR2021/156 | [Excerpt of] ACH Status Report (fortnight beginning 6 February 2023)                             | Some information withheld under 9(2)(a)                               |
| 27 August 2021    | BR2021/488 | [Excerpt of] COVID-19 Status Report (week ending 27 August 2021)                                 | Released in full  |
| 3 September 2021  | BR2021/508 | [Excerpt of] COVID-19 Status Report (week ending 3 September 2021)                               | Released in full  |
| 10 September 2021 | BR2021/521 | [Excerpt of] COVID-19 Status Report (week ending 10 September 2021)                              | Released in full  |
| 26 August 2022    | AM2022/413 | Lion King Reo Māori Parliamentary Screening  | Some information withheld under 9(2)(a)                               |

I have decided to release the relevant parts of the documents listed above, subject to information being withheld under one or more of the following sections of the OIA, as applicable:

- section 9(2)(a) – to protect the privacy of natural persons
- section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information
- section 9(2)(ba)(i) – to protect information which is subject to an obligation of confidence, where making available of the information would be likely to prejudice the supply of similar information
- section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials

In addition, some information has been deleted where it is not within the scope of your request.

AM23/077 Minister Jackson Meeting with Minister for Finance, dated 22 February 2023, contains information relating to proposed RNZ funding decisions. Following this, in April 2023, the Minister announced an annual funding increase of \$25.7 million to ensure the financial sustainability of RNZ.

This increase consists of:

- \$12 million for RNZ to maintain public media services,
- \$12 million for RNZ for digital transformation, strengthen public media outcomes and to contribute to new audience focused initiatives to innovate a multi-media digital platform, expand regional coverage, strengthen Māori and Pacific content for new audiences and build a dedicated emergency lifeline service, and
- \$1.7 million to ensure AM radio transmission would ensure broadcasting in times of emergency.

You can read more about this funding increase at: <https://mch.govt.nz/funding-boost-deliver-world-class-public-media-all-new-zealanders>

### Information being withheld

The following are additional documents covered by your request that I have decided to withhold in full under one or more of the following sections of the OIA, as applicable:

| Date             | Briefing Number | Document Description   | Decision                                   |
|------------------|-----------------|--|--|
| 24 February 2023 | BR23/088        | Online News Bill – approval for outstanding policy decisions | Withheld under 9(2)(f)(iv)                 |
| 24 February 2023 | AM23/091        | Draft Strong Public Media Technology Risk Assessment Report  | Withheld under 9(2)(b)(ii) and 9(2)(f)(iv) |

I have decided to withhold this information under one or more of the following sections of the OIA, as applicable:

- section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information
- section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials]

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA. I do not consider these considerations outweigh the need to withhold the information.


If you wish to discuss this decision with us, please feel free to contact [OIA@mch.govt.nz](mailto:OIA@mch.govt.nz).

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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

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

Nāku noa, nā

s9(2)(a)

A large black rectangular redaction box covers the majority of the page content below the 'Nāku noa, nā' heading. The text 's9(2)(a)' is visible in the top-left corner of this redacted area.

Emily Fabling

**Pou Mataaho o Te Aka - Deputy Chief Executive, Policy and Sector Performance**

PROACTIVELY RELEASED