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Tēnā koe

Official Information request and response

Thank you for your request under the Official Information Act ("OIA") dated 1 December 2023.

You have requested:

- 1. What obligations, contractual or otherwise, with respect to the Treaty or presentations of topics related to the Treaty were assigned to any person or organisation who received money from the fund?*
- 2. Please provide a copy of the standard contract entered into that governed receipt of money from the fund. Please include any constraints or obligations that are assigned under this contract that may appear in schedules or attachments to the standard contract.*
- 3. Did anyone who applied for the fund (whether they received funds or not) complain about constraints imposed on them related to editorial decisions? If so, how many complaints were received and please provide a list of those complaints.*
- 4. Were there any explicit limitations or constraints placed on fund recipients with respect to the content they produced/published?*

Please see below our response:

1. Under the three PIJF contracts templates ([Project, Roles](#) and [Industry Development](#)), funding recipients had an obligation to, where appropriate given the content being produced by the recipient, use best endeavours to actively promote the principles of Partnership, Participation and Active Protection under Te Tiriti o Waitangi acknowledging Māori as a Te Tiriti partner. As you will see from the contract, this is in addition to other best endeavours obligations.
2. Please see the hyperlinks to the contracts at our response in Paragraph 1. These are the three standard contracts that all funding recipients entered into. We would also note that any provision of funding is governed by NZ On Air's (the 'Broadcasting Commission) legislative framework as set out in the Broadcasting Act and the clear independence granted to NZ On Air and the editorial protections granted to NZ On Air funding recipients.

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This includes [Section 42](#) of the Act that prohibits NZ On Air from giving any direction to any funding recipient in respect of editorial content. This also includes [Section 44](#) of the Act which prohibits NZ On Air's governing minister from giving a direction to NZ On Air in relation to cultural matters (Section 44(1)) and also prohibits that Minister, or any other Minister, from providing direction in respect of any content or any gathering or presentation of news or current affairs content.

3. No applicant or recipient of PIJF funding made a complaint about any perceived or actual constraint imposed on them in respect of editorial decisions.

We decline this part of your request under section 18(g) of the OIA as the information requested is not held by NZ On Air and we have no grounds for believing that the information is held by another department (for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture or Minister of the Crown or organisation, or by a local authority.

4. Whilst NZ On Air does not see this requirement as a constraint or limitation, all funding recipients (PIJF or otherwise) must be subject to the authority of the Broadcasting Standards Authority or NZ Media Council. It is a legislative requirement (as per [Section 40](#) of the Broadcasting Act) for all NZ On Air funded content, in respect to PIJF, screen, music or any other such content, to be required to meet either the standards in [Section 4\(1\)](#) of the Broadcasting Act or the [principles](#) of the NZ Media Council.

For your information, funding provided by NZ On Air for all successful projects is [searchable](#) on our website. You can also [sign up](#) to receive our regular industry newsletter via our website.

You have the right to refer this response to the Ombudsman if you are dissatisfied with it. More information on how to do this is [here](#). NZ On Air proactively releases information in accordance with the Government's commitment to the Open Government Partnership National Action Plan. This includes publishing responses to requests for information under the OIA. Please note that this response (with your name removed) will be published on the NZ On Air website shortly and will remain on our website for 12 months.

Thank you for your interest in our work.

Yours sincerely



Sharon Kerry
HEAD OF CORPORATE SERVICES