

# **Terms of Reference: Ministerial Advisory Group: Allocation of Funding and Role of a Public Media Funding Commission**

## **Context**

The Minister of Broadcasting, Communications and Digital Media (the Minister) intends to convene a Ministerial advisory group (the Advisory Group) to provide the Minister with high quality, independent advice that would contribute to the following objectives:

- a) Support for and enhancement of the role of public media in national identity and an informed democracy
- b) Advice on the provision of sustainable, long-term funding for public media, to safeguard its independence from the government of the day, and protect it from the “benign neglect” of prolonged static funding by publicly advising on required funding levels
- c) Independent analysis and public awareness of the public media sector’s health, needs and opportunities
- d) Support for the provision of quality and independent investigative journalism, in a period when the sustainability of traditional models for delivering quality journalism is increasingly under threat from digital platforms that do not produce original journalism
- e) Support for quality New Zealand content in all genres
- f) Support for plurality in the provision of news and current affairs, given the economic stresses on media businesses that may otherwise reduce plurality.

One option proposed to achieve the objectives is a Public Media Funding Commission (the Commission). It is proposed the Commission, if established, would:

- a) Recommend to Parliament three-year funding levels for RNZ+ (the working title for RNZ expanded to enhance its role as a multi-platform provider) and NZ On Air and recommend the division of additional funding to them; receive multi-year funding bids and business cases from these agencies
- b) Recommend whether and on what basis TVNZ should provide technical and operational support to RNZ+; on the potential for shared services and content development between RNZ+ and the Māori Television Service; and on other practical issues in developing RNZ+
- c) Report to Parliament on the performance of RNZ+ and NZ On Air
- d) Research and report on the health and medium and long-term needs, opportunities and risks of the public media sector
- e) Take into account the role of TVNZ, Māori Television and Te Māngai Pāho

Under New Zealand's constitutional arrangements the Public Media Funding Commission, if established, would be able to make recommendations to Parliament about funding for public broadcasting, but would not be able to commit funding or bind the government of the day.

RNZ and NZ On Air will maintain their current level of editorial independence as provided in their governing legislation.

## **Functions**

The functions of the Advisory Group are to:

1. Provide advice on the options available to address the objectives set out above.
2. Provide advice on the functions, role and scope of a potential Public Media Funding Commission, and on alternatives to it, including:

- a) developing further the functions, role and final scope of the Commission
  - b) advising on the Commission's initial membership, if established
3. Provide advice to the Minister on the allocation of the \$38 million additional funding for public broadcasting in 2018/19, or \$152 million over four years, that will be sought for public broadcasting as a manifesto initiative in Budget 2018, to the extent that funding is granted
  4. Evaluate and provide advice on the RNZ and NZ On Air business cases
  5. Serve as a transitional committee towards the establishment of the Commission, if the Commission's establishment is confirmed by Cabinet.

In undertaking its functions, the Advisory Group will consider Māori perspectives, particularly the role of public Māori broadcasting organisations.

The Advisory Group will provide initial advice on the Commission's role, scope and functions, and recommend the allocation of funding for RNZ+ and NZ On Air, by dates to be agreed with the Minister.

### **Status**

The Advisory Group reports to the Minister of Broadcasting, Communications and Digital Media.

Secretariat services will be provided by the Ministry for Culture and Heritage.

The Official Information Act applies to all workings of the Advisory Group.

### **Membership**

The Advisory Group will have a maximum of five members appointed by the Minister of Broadcasting, Communications and Digital Media for a term of up to 18 months.

The Advisory Group's membership must have between them experience and expertise in governance, the media, business and the public service.

The appointment of members will be subject to the Cabinet Fees Framework (at the level of Group 4: "all other committees and other boards").

The Chair and/or a member may resign in writing to the Minister of Broadcasting, Communications and Digital Media.

The Minister of Broadcasting, Communications and Digital Media may advise, in writing, the Chair or a member that their term is to expire on such earlier date as specified.

If Cabinet determines it does not wish to establish a Public Media Funding Commission, the terms of the members will end at such earlier time as advised by the Minister.

If a Commission is not established by 30 June 2019, Advisory Group members may continue in office beyond this date at the discretion of the Minister until the Commission is established and its members are appointed.

The Minister may from time to time alter or reconstitute the Advisory Group, or discharge any member of the Advisory Group or appoint new members to the Group for the purpose of decreasing or increasing the membership or filling any vacancies.

### **Chairperson**

The Minister will from time to time appoint a member of the Advisory Group to be its chairperson. The chairperson will preside at every meeting of the group at which s/he is present. The chairperson may appoint a member as deputy chairperson, in consultation with the Minister. The deputy chairperson may exercise the powers of the chairperson in situations where the chairperson is not present or unable to act (e.g. if the chairperson has a conflict of interest).

### **Conflicts of interest**

The Advisory Group needs to retain public confidence. Members must perform their functions in good faith, honestly and impartially, and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. They must also be, and be seen to be, independent of the Minister of Broadcasting, Communications and Digital Media and the Ministry for Culture and Heritage.

Members attend meetings and undertake Advisory Group activities as independent persons responsible to the Advisory Group as a whole. Members are not appointed as representatives of professional organisations and groups. The Advisory Group should not assume that a particular group's interests have been taken into account because a member is associated with a particular group.

Members are required to disclose any actual or perceived interests to the full Advisory Group. The Advisory Group will then determine whether or not the interest represents a conflict, and if so, what action will be taken.

The chairperson will ask members to declare any actual or perceived interests at the start of each meeting.

### **Working arrangements**

Financial support will be provided through the Ministry for Culture and Heritage. Budgetary and financial management will be as agreed between the Ministry and the Advisory Group.

### **Reporting**

The Advisory Group will regularly report progress to the Minister.

### **Consultation**

In delivering its objectives, the Advisory Group will, where appropriate, be required to consult with:

- RNZ
- NZ On Air
- Relevant government bodies
- Other interests in the media sector, as may be necessary.