Briefing for the incoming Minister for Media and Communications

Media component of your portfolio

27 November 2023



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Introduction

Minister, welcome to the Media and Communications portfolio.

In this future-focussed portfolio, you are supported by Manatū Taonga Ministry for Culture and Heritage in relation to media policy and the Ministry of Business, Innovation and Employment (MBIE) in relation to communications policy.

We would welcome the opportunity to discuss your priorities for the portfolio as soon as you are ready. We have noted your policy commitments and we stand ready to provide advice on implementing them.

The purpose of this briefing is to:

- provide background information about the media components of the Media and Communications portfolio
- · introduce you to the key contacts at Manatū Taonga Ministry of Culture and Heritage
- provide you with initial advice on the immediate issues and key strategic choices in the portfolio in addition to opportunities for you to implement your priorities for the portfolio. These areas could be considered for inclusion in the work programme alongside your stated priorities.

This briefing is intended to be read alongside the *Overarching briefing to the incoming Ministers for Arts, Culture and Heritage*. Further briefings will be provided to you according to your priorities and areas of interest. You will also receive a briefing from MBIE covering the communications components of the portfolio.



The media sector supports our social and economic prosperity

The media sector comprises a range of services, both local and global, that provide news, information, and entertainment content delivered across television, radio, print media, and digital platforms.

An independent, well-functioning and resilient media is a critical component of an open, participative democracy. The media informs and entertains people, encourages debate, and connects communities and business. The media content we consume reflects and shapes our sense of who we are, contributing to social cohesion and national identity. Media infrastructure provides a critical lifeline information in times of emergency.

The New Zealand media sector is made up of over 7,800 businesses (the vast majority of which are sole traders or small businesses) and directly employs more than 25,000 people, contributing more than \$4 billion per year in GDP¹.

New Zealand's media system comprises public, commercial, and community media

New Zealand's Government-owned media is comprised of Television New Zealand (TVNZ), Radio New Zealand (RNZ) and Whakaata Māori. TVNZ does not receive any direct Government funding and is monitored by the Treasury. RNZ receives Government funding and is monitored jointly between the Ministry and the Treasury. You and the Minister of Finance are shareholding Ministers for both TVNZ and RNZ. Whakaata Māori is the responsibility of the Minister for Māori Development.

Community access, student radio, and Pacific media receive some public funding (via NZ On Air's fixed Platform fund), recognising their role in supporting the Broadcasting Act requirement to serve a diverse range of audiences. Iwi radio delivers te reo programming and platforms Māori stories and music, funded through Te Māngai Pāho and monitored by Te Pūni Kōkiri.

The commercial media sector includes companies such as Warner Bros. Discovery, SkyNZ, New Zealand Media and Entertainment (NZME), Stuff and MediaWorks. In recent years New Zealand has seen the emergence of independent online news sources such as The Spinoff, Newsroom and Business Desk. In addition, many small independent production companies produce content for local and international broadcasters and platforms.

¹ Infometrics 'Media and Broadcasting' sector profile 2022, produced for the Ministry

Government invests in media content production to achieve social, cultural and economic outcomes

For 2023/24 the media appropriation (within Vote Arts, Culture and Heritage) is just over \$184 million, primarily for purchasing public media services delivered through NZ On Air. This includes:

- \$179.766m for NZ On Air (which includes \$66.606m for RNZ)
- \$3.825m for RNZ International and AM transmission
- \$0.859m for the BSA

Government provides funding to support media production through three key funding agencies: NZ On Air, the New Zealand Film Commission and Te Māngai Pāho (through Vote Māori Development). The total Vote Arts, Culture and Heritage investment into local content in 2022/23 totalled \$240.0 million, comprising \$166.7 million through NZ On Air and \$73.3 million through New Zealand Film Commission (including \$65.6 million administered for the New Zealand Screen Production Rebate – Domestic).

Government invests in media to ensure that all New Zealanders can access reliable, trusted information and quality local content that reflects our cultural identity. Aspects of the New Zealand's media system operate effectively without public funding, but important parts of our media system simply would not be present without support from the government. The small size of the New Zealand market amplifies the challenges for industry.

Technology has changed the way audiences consume content and the way media earns revenue

As New Zealand audiences of all demographics increasingly access content online, they are consuming less media from traditional sources such as radio, newspapers, and television. YouTube is the most popular platform, reaching 44 percent of the population daily, followed by Netflix at 42 percent, Facebook at 36 percent, TVNZ 1 at 34 percent and Spotify at 33 percent, which is closing in on radio (39 percent).

As audiences have moved online, advertising revenue has decreased. TVNZ reported a decline in profits from \$59.2m in 2020/21 to \$1.7m in 2022/23 and is forecasting a loss of \$15.6m for 2023/24. NZME reported a 76 percent profit drop for the second half of 2022 and MediaWorks reported a \$9.7m loss for 2022. Warner Bros. Discovery has reported losses of \$34m in New Zealand in 2022

9(2)(b)(II)

New Zealand media companies are attempting to shift to a digital operating environment. TVNZ has announced a \$100m investment in its online platform TVNZ+, while continuing to maintain legacy networks and infrastructure.

Digital products provide only a fraction of the revenue previously provided by traditional operating models. At the same time, the expense of maintaining those traditional models means broadcasters are now facing the prospect of switching off TV and radio AM services and moving exclusively to online streaming.

There are opportunities to support for both sector innovation and greater audience choice. The media and content production sectors are aware of the need to find funding from sources other than Government and are strong supporters of creating a more modern and streamlined system that encourages more effective investment.



As Minister for Media and Communications, you are responsible or share responsibility for five Crown entities or Crown-funded organisations administered by the Ministry for Culture and Heritage:

- the Broadcasting Commission (NZ On Air)
- Broadcasting Standards Authority (BSA)
- Television New Zealand (TVNZ)
- Radio New Zealand (RNZ)
- The National Pacific Radio Trust (NPRT)

As TVNZ and RNZ are Crown entity companies they are monitored by the Treasury rather than the Ministry; you and the Minister of Finance are shareholding Ministers for them.

NZ On Air is an autonomous Crown entity responsible for funding local media projects, and more recently was given the responsibility for administering the Game Development Sector Rebate.

You, the Ministry, and funded agencies each has a set of responsibilities laid out in key reference documents such as the Crown Entities Act 2004, the Public Service Act 2020, the Cabinet Manual (2017) and Statutory Crown Entities: A Guide for Ministers (2014).

Funding appropriation

Broadcasting and media Crown entities and policy work are funded through Vote Arts, Culture and Heritage. You are responsible for the media appropriation which for 2023/24 provides a total of over \$184 million for purchasing public media services mainly from broadcasting Crown entities. See Appendix 1 for a breakdown of funding for these entities.

Legislation

You are responsible for three key pieces of legislation within the portfolio: the Broadcasting Act 1989, the RNZ Act 1995, and the TVNZ Act 2003.

You also have responsibility for industry codes such as the Code of Practice for New Zealand Music Content in Radio Broadcasting, an agreement between the Government and the Radio Broadcasters Association. The Code provides a voluntary commitment of 20 percent of contemporary popular New Zealand music on commercial radio and complements other interventions that support New Zealand music.

Cross-portfolio connections

Your media responsibilities are likely to involve cross-portfolio work with:

- the Minister of Internal Affairs, who has responsibility for digital safety, the Films, Videos and Publications Classification Act 1993, and the New Zealand Lottery Grants Board (which supports media funding entities)
- the Minister for Arts, Culture and Heritage who holds responsibility for the New Zealand Film Commission and the funding it administers for domestic screen productions (noting that you hold responsibility for the New Zealand Screen Production Rebate – International in your Economic Development portfolio)
- the Minister for Māori Development who holds responsibility for funding and monitoring Te Māngai Pāho and Whakaata Māori
- the Minister for Ethnic Communities, with respect to the diversity of the media sector.





Upcoming actions and decisions

The following upcoming actions and decisions will be required within the first few months of your appointment. The Ministry will provide you with advice to support these decisions.

Action required	Timing for decision/action	
Board Appointments		
Appoint a Deputy Chair to National Pacific Media Trust		
Appoint a Trustee/Treasurer to National Pacific Media Trust	- Early 2024	
Appoint a Chair to the Broadcasting Commission (NZ On Air) (term expires 30 April 2024)	Luly 2021	
Policy decisions		
9(2)(f)(iv)	- Early 2024	
Legislation Programme bid	7)	
Decide on priorities for bids	Per Cabinet process	
Financial matters and funding decisions		
Make financial decisions as part of October Baseline Update	October 2023 – May 2024	
Make decisions on Budget 2024, including Fiscal Sustainability and Effectiveness targets		
Crown entity Accountability Documents		
Receive Crown entity Quarterly Reports	December 2023	
Present Crown entity Annual Reports to the House	October 2023-January 2024	
Receive Crown entity Board self/independent evaluations	December 2023	
Review and Sign Crown entity Letters of Expectations	January 2024	

Suggested stakeholder meetings

The media sector is highly engaged with policy and operational matters within the portfolio. In addition to meeting with the Crown entities within your portfolio, the Ministry recommends meeting with the following stakeholders as an initial introduction to the sector:

- **Freeview** Freeview's shareholding Chief Executives (TVNZ, Warner Bros. Discovery, RNZ and Whakaata Māori) to discuss issues in broadcasting such as the prominence and discoverability of local content.
- News Publishers Association (NPA) Brook Cameron (General Manager) and Sinead Boucher (Chair) to discuss the status of the Fair Digital News Bargaining Bill.

- Radio Broadcasters Association (RBA) Jana Rangooni (chair of the RBA) to discuss digital transformation and costs for radio transmission infrastructure.
- New Zealand Media and Entertainment (NZME) Barbara Chapman (NZME's independent Chair) and Michael Boggs (CEO) to discuss the challenges facing the sector.
- **Sky TV** Sophie Moloney (CEO) to discuss modernising the media system and the Broadcasting Levy (which funds the Broadcasting Standards Authority).
- **Stuff** Laura Maxwell (CEO) and Sinead Boucher (Owner) to discuss the status of the Fair Digital News Bargaining Bill.
- Warner Bros. Discovery (WBD) Glen Kyne (WBD's New Zealand representative) to discuss the future of Three and ThreeNow, plans for its new platform and work to modernise the media system.



There are opportunities within the Ministry's existing and future work programme to help deliver the Government's priorities, support a sustainable media system, and ensure Crown revenue is well directed.

Efficient and effective spending

We are currently working on a long list of options to deliver on the Government's priorities for baseline savings in the portfolio. There are opportunities to ensure we have a modern and fiscally sustainable media system such as through modernising and streamlining regulation, reprioritising to achieve efficiencies and savings, and transforming service delivery.

The entities within the portfolio typically run lean operating models with a high proportion of funding passing directly through into investment in the local content production sector. For instance, operating costs represented less than 4 percent of NZ On Air's total expenditure in 2022/23. Savings options for our entities will require substantive choices to stop or scale down current services or activities to achieve the target fiscal savings in the medium to long term.

While the media funding entities operate relatively leanly, there are choices to consider whether New Zealand's system for funding content is efficient, effective, and fair, and delivers maximum benefit from Government investment in an evolving media environment.

Greater investment from industry into the sector could be used to offset government expenditure. Opportunities to encourage investment are further discussed below.

Modern and streamlined regulation

The Ministry has preliminary work underway to modernise the regulatory system for media to ensure it is fit for purpose and providing value for all New Zealanders.

A primary focus is the Broadcasting Act, which is more than 30 years old. The Act forms part of a fragmented and incomplete regime for regulating media content. 9(2)(f)(iv)

Inconsistent regulation across platforms has wider impacts beyond market distortion. For example, TVNZ has advised that these rules discourage it from bidding for rights to international sporting events such as Rugby World Cups, which may be limiting audience access to events of national significance. New Zealand's funding entities and broadcasters support modernisation of the Act.

Ministry policy work also includes ensuring that the legislation underpinning Crown entities is fit for purpose. For example, in June 2022, the Economic, Development, Science and Innovation

Committee completed a review of the RNZ Charter. There is an opportunity to implement the Committee's recommendations and update the RNZ Charter to better reflect the expectations of a modern and effective public media entity.

Drive technology and innovation

Harnessing technology and innovation will be key to ensuring the long-term viability of local media.

As the sector transitions online, companies will be required to consider the viability of ongoing investment in analogue broadcasting infrastructure. It is likely that the Freeview Chief Executives (from TVNZ, Warner Bros. Discovery, RNZ and Whakaata Māori) will raise the future of traditional TV broadcasting with you. TV broadcasters pay a fee to Kordia (a government-owned firm), and the costs are increasingly unsustainable as competition increases from global streaming companies.

The ongoing transition away from legacy transmission infrastructure continues to require careful management. Analogue radio and TV broadcasting still contribute to New Zealand's resilience during natural disasters and towards equity of access for geographically isolated New Zealanders.

9(2)(f)(iv)

A key area of focus for the media sector is ensuring the prominence and discoverability of both local services and local content, to ensure New Zealand audiences can easily find and engage with content that is made for and about them. Viewership and engagement of existing content inform the decisions that streaming platforms make to commission or acquire new content and are therefore critical to sustaining local companies and producers.

Artificial intelligence, copyright and intellectual property issues are also creating opportunities and challenges. Media companies are calling for more work to be done on intellectual property issues to ensure our copyright regime remains fit for purpose in the context of a rapidly changing technological environment. This environment is impacting the way we create, distribute and consume content.

Encouraging investment

The New Zealand media sector is eager and aware of the need to find funding from sources other than Government to improve its economic sustainability, growth, and audience reach.

To date, the Ministry has focused on progressing the Fair Digital News Bargaining Bill as a mechanism to encourage sustainable investment in local online news. The Bill is designed to reduce reliance on government funding by providing pathways for local media to enter commercial deals with online companies that are using their news content to drive engagement (and generate advertising revenue) but without paying the original creators.

The Ministry has also begun to consider options to encourage more private and international investment into other types of local media content. Advocates for regulatory intervention (including sector organisations such as the Screen Production and Development Association) highlight that most of the global streamers that are popular with New Zealand audiences have almost no locally

produced content in their catalogues. In October 2023, a manual scan showed Netflix had only six New Zealand titles in its catalogue, half of which are more than five years old. Disney had none. Neon, Sky's New Zealand streaming platform, carried 54 home-grown titles, making up 4 percent of its catalogue.

By comparison in Australia in the 2021/22 financial year, streaming companies (Amazon Prime Video, Disney, Netflix and Stan) spent \$335.1 million on acquiring, producing or investing in 718 Australian programmes.

This kind of investment provides a significant boost to the Australian media production sector as well as assisting local content to reach Australian and global audiences. In New Zealand's context, it could enable potential savings to Government by reducing reliance on content funding (which constitutes the significant majority of portfolio spend).

We look forward to discussing options to encourage investment with you and to better understand your priorities in this area.

Supporting a diverse media ecosystem

The media delivers a wide range of content that reflects New Zealand's cultural, social, and regional diversity. Quality journalism creates a space for open dialogue and informed discussions on assorted topics that matter to all New Zealanders. The ministry has work underway to strengthen media diversity and ensure all communities in New Zealand, including ethnic communities, can access high quality news and entertainment.

Addressing these challenges requires a multi-faceted approach involving policy and regulatory settings, industry collaboration, and public awareness. Actions such as promoting media literacy, supporting independent journalism, ensuring diversity of ownership, and exploring innovative funding models are crucial for maintaining a vibrant, independent and diverse media landscape in New Zealand.

Media Crown entities are already playing a key role in this space. NZ On Air funds a range of content such as *Creamerie* (shown on TVNZ) and platforms Community Access Radio. RNZ has recently established the new RNZ Asia unit and launched two new sections for Chinese and Indian New Zealanders.



The Ministry is here to support you in carrying out your Ministerial duties and realising your priorities for the media and communications portfolio. The Ministry will provide you with free and frank advice on relevant portfolio issues and will deliver on your objectives and to support the Government's wider priorities and policies. It will also monitor and advise on the performance of Crown-funded agencies.

You will have a Private Secretary on secondment from the Ministry, who will support you with portfolio related matters and act as the interface between your office and the Ministry. The Ministry will provide you with regular status reports and will have regular officials' meetings with you.

Further information about the work of the Ministry is provided in Appendix 4.

Ministry Leadership team

The Ministry's Secretary and Chief Executive, Leauanae Laulu Mac Leauanae, and the Deputy Chief Executive for Policy and Sector Performance, Emily Fabling, are your main points of contact with the Ministry.

Key contacts

Leauanae Laulu Mac Leauanae Tumu Whakarae Chief Executive and Secretary

- · Strategic direction
- · Organisational performance

9(2)(a)

Emily Fabling
Pou Mataaho o Te Aka
DCE Policy & Sector Performance

- Policy and sector performance advice
- Monitors the Government's interest in Crown-funded cultural sector agencies and appointments
- Research and evaluation







Appendix 1: Monitoring of funded agencies and Crown entities



The role of the Ministry

As stewards of the arts, culture, heritage, media, and sporting sectors, the Ministry has a duty to advise Ministers on the sustainability, health and capability of the sector and the challenges and opportunities the sector faces. Our overall aim is to drive sector performance for the benefit of all New Zealanders. As part of this, Manatū Taonga works with a diverse range of Crownfunded cultural agencies with key regulatory and funding functions in the sector. The Ministry's role as a monitor is to assist you as responsible Minister to carry out your role in:

- **Ensuring an effective board is in place** for Crown entities by appointing members to, and removing members from boards and determining remuneration of some board members
- Giving directions to entities to give effect to government policy (Crown agents) or have regard to government policy (autonomous Crown entities)
- **Reviewing** the operations and performance of the entity
- · Requesting **information** from an entity
- Participating in the process of setting the entity's strategic direction and performance expectations
- · Monitoring the entity's performance
- · Managing risks on behalf of the Crown
- · **Answering to Parliament** for the performance of the entity.

As monitor, the Ministry is responsible for:

- · Administering **appropriations**
- · Administering legislation
- Tendering independent advice to Ministers, including advice on entities' performance

'It Takes Three' monitoring framework

Parliament (including select committees)

Minister

- Sets direction and funding
- Appoints the board
- Monitors performance

Crown Entity

Accountable to the Minister for performance.

Monitoring department

Helps the Minister to:

- · appoint a board
- administer appropriations
- monitor performance.

('It Takes Three' - Te Kawa Mataaho, Public Service Commission)

Organisation and purpose	Funding	Key personnel	Monitor	Minister's responsibilities and government expectations
RNZ - Crown Entity Company Independent public service broadcaster Established under the Radio New Zealand Act 1995	\$66.606m from NZ On Air \$3.825m from Vote ACH for RNZ International In addition, RNZ receives some contestable funding from NZ On Air	Chair: Dr Jim Mather CE: Paul Thompson	Treasury and the Ministry The Ministry lead on policy	 Shareholding Ministers (you and Minister of Finance) determine appointments and (with discretion) removal of Board members Minister has no power to direct (unless specifically provided for in another Act) but sets direction and annual expectations Agency must 'give effect to' Whole-of-Government approach if directed by Ministers of Finance and Public Service
 TVNZ - Crown Entity Company Independent public broadcaster To share the moments that matter to New Zealanders through commercial broadcasting Established under the Television New Zealand Act 2003 	N/A – Receives no direct Crown funding but receives some contestable funding from NZ On Air	Chair: Alastair Carruthers CE: Brent McAnulty (Acting)	Treasury The Ministry lead on policy	Similar responsibilities to that for RNZ but monitored through Treasury; the Ministry provides wider policy advice
 NZ On Air - Autonomous Crown Entity Independent government funding agency Provides funding for scripted and factual content as well as platforms and music Established under the Broadcasting Act 1989 	\$179.766m from Vote Arts Culture and Heritage in 2023/24 (includes \$66.606m for RNZ) \$38.737m from Vote Business, Science and Innovation in 2023/24 for the Game Development Sector Rebate	Chair: Dr Ruth Harley CE: Cameron Harland	The Ministry	 Minister determines appointments and (with discretion) removal of Board members Agency must 'have regard to' policy that relates to the entity's functions and objectives if directed by Minister Minister sets direction and annual expectations but no direction can be given on cultural matters Agency must 'give effect to' Whole-of-Government approach if directed by Ministers of Finance and Public Service
 BSA - Independent Crown Entity Quasi-judicial tribunal; oversees New Zealand's broadcasting standards regime; considers complaints about broadcasters Publishes and conducts research on broadcasting standards Established by the Broadcasting Act 1989 	Jointly funded by government and through broadcaster levies. \$0.859m from Vote Arts Culture and Heritage in 2023/24	Chair: Suzie Staley CE: Stacey Wood	The Ministry	 Advise Governor-General on appointments and removing Board members Minister has no power to direct (unless specifically provided for in another Act) but sets direction and annual expectations Agency must 'give effect to' Whole-of-Government approach if directed by Ministers of Finance and Public Service
NPMT - Private trust (listed in Schedule 4 of the Public Finance Act 1989) To serve New Zealand's Pacific community through maintaining the national Pacific radio network (Radio 531pi and Niu FM)	N/A – Receives no direct Crown funding but receives platform funding of around \$5m per year via NZ On Air, plus some contestable funding. For example in 2022/23 it received \$892,871 through the Public Interest Journalism Fund.	Chair: Saimoni (Sai) Lealea CE: Don Mann	The Ministry	 In consultation with Minister for Pacific Peoples, Minister determines appointments and (with discretion) removal of Board members Changes to the trust deed need to be agreed by Joint Ministers

Appendix 2: Issues in the broadcasting and media sector



Kiwi audiences are moving online at pace

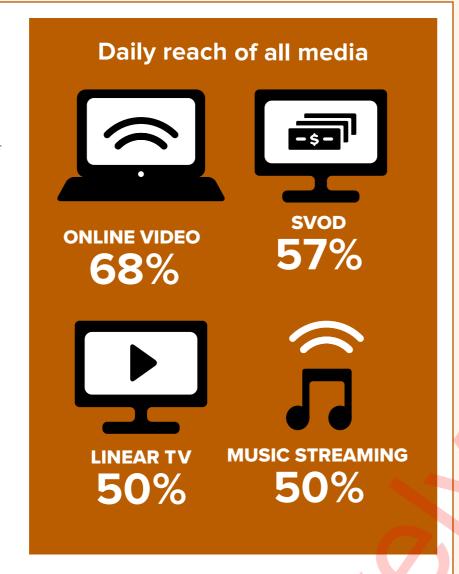
Trends:

- New Zealanders now spend more time using digital media than traditional media.
- · Digital growth has spread to older audiences.
- On demand viewing shows the strongest audience growth of any media.
- YouTube remains the most popular media option in New Zealand, following by Netflix, Facebook, TVNZ1 and Spotify.
- · Television no longer dominates 'prime time'.
- · Spotify listening is closing in on radio.

Ministry workstreams: this context informs all broadcasting and media work programmes.

Implications: traditional media and public media entities must digitally transform to reach audiences. Regulatory regimes are now outout-date.

Stakeholders: applicable to all stakeholders.



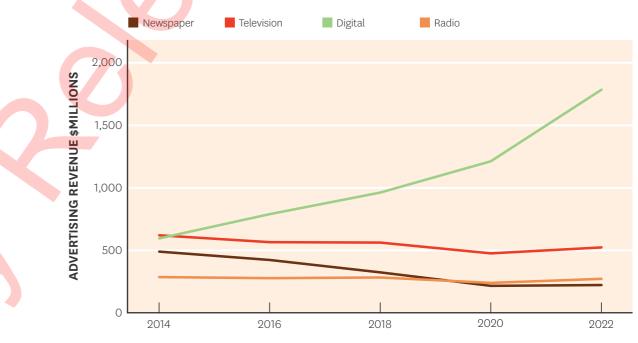
Traditional media business models are failing

Issue: Advertising revenue on traditional news media entities is declining (particularly for television and print), and local media need to adapt to monetise digital content and find new revenue streams. At the same time, large online companies are increasingly competing for digital advertising revenue (Facebook, Google) and audiences (Netflix, YouTube, Disney) while making a limited contribution to local jobs and content.

Ministry workstreams: Fair Digital News Bargaining Bill, Modernising the Broadcasting Act 1989.

Implications: The longer-term viability of New Zealand commercial media, and the local content and perspectives they provide, is at risk.

Stakeholders: News publishers that produce news content for a New Zealand audience and online companies that make their news content available.



Regulatory systems are outdated

Issue: The regulatory regime is over 30 years old and in urgent need of modernisation.

- Content in Aotearoa is subject to inconsistent classification and standards depending on the platform it is viewed on, which is confusing for consumers and unequal for industry. For example, there are five separate regulatory bodies and online content such as YouTube (NZ's most popular media option), is not subject to any regulation.
- The Broadcasting Act 1989 was created before widespread use of the internet. Since 2020, digital media has attracted bigger audiences than traditional mediums and the current system creates an uneven playing field for our local broadcasters who are subject to rules such as advertising restrictions on Sunday mornings and certain public holidays. Key groups of New Zealanders are also under-engaged with publicly funded local content.

Ministry workstreams: Safer Online Services and Media Platforms review (led by DIA) and modernising and streamlining media legislation.

Implications: Audience confusion, unregulated harm, uneven playing field, inefficiencies, falling behind equivalent jurisdictions.

Stakeholders: Regulatory and industry bodies, media companies, broadcasters.









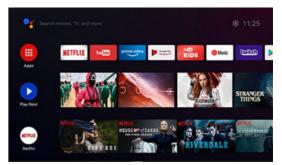


Aotearoa's current content regulators

Local content is valued but is not reaching all audiences

Issue: Some key groups of New Zealanders (including children and youth) are under-engaged with local content. Global digital platforms are one of the most popular ways for New Zealanders to access content and these have limited local content. The local content that exists on these platforms can be difficult to find. Local broadcasting services and platforms have limited availability or prominence on smart TVs sold in New Zealand.

There is an opportunity to consider requirements for streaming platforms to show or produce New Zealand content and prominence and discoverability requirements to ensure local content reaches audiences and is given prominence on the platforms and on technology used by New Zealanders.



Smart TV home screen – note absence of New Zealand apps

There is also an opportunity to consider ways to increase the levels of captioning and audio description on media content to ensure deaf, hard of hearing, blind or vision impaired New Zealanders have access to this content.

Ministry workstreams: modernising and streamlining media legislation.

Implications: If audiences can't find/access relevant local content this undermines government investment.

Stakeholders: New Zealand broadcasters, TV manufacturers, ABLE, global platforms.