

Office of the Minister of Broadcasting, Communications and Digital Media

Memorandum for the Cabinet Appointments and Honours Committee

BROADCASTING COMMISSION (NZ ON AIR): APPOINTMENT OF CHAIR

Proposal

- 1 This paper requests the Committee note my intention to:
 - (i) Appoint Dr Ruth Harley of Wellington as a member and the Chair of the Broadcasting Commission (NZ On Air) for a term of office commencing on the date of appointment and expiring on 30 April 2021. She replaces Miriam Dean QC who is retiring after two terms as a member and the Chair of NZ On Air.

Background

- 2 NZ On Air was established pursuant to section 35 of the Broadcasting Act 1989 (the Act). It has the following functions pursuant to section 36:
 - a) to reflect and develop New Zealand identity and culture by promoting programmes about New Zealand and New Zealand interests, and promoting Māori language and Māori culture;
 - b) to maintain and, where appropriate, extend the coverage of television and radio broadcasting to New Zealand communities that would not otherwise receive a commercially viable signal;
 - c) to ensure that a range of broadcasting is available to provide for the interests of women, youth, children, peoples with disabilities and minorities in the community, including ethnic minorities. Also, to encourage a range of broadcasts that reflects the diverse religious and ethical beliefs of New Zealanders;
 - d) to establish and fund the archiving of programmes likely to be of historic interest in New Zealand.
- 3 Section 45 of the Act provides that NZ On Air shall consist of not fewer than three members and not more than six, one of whom shall be appointed as Chair.
- 4 There are no statutory requirements in relation to the formal skills of board members, apart from the provision in section 29 of the Crown Entities Act 2004 that appointees should have the “appropriate knowledge, skills and experience to assist the statutory entity to achieve its objectives and perform its functions”. Section 29 of the Crown Entities Act 2004 also requires the responsible Minister to “take into account the desirability of promoting diversity” in appointing members.

Comment

- 5 s9(2)(a)

Representativeness of Reappointment

- 6 I am satisfied the appointment of Dr Harley will enable efficient and consistent governance of the NZ On Air board. Her appointment will help provide an appropriate mix of skills and experience on the Board, as well as gender, industry, and geographical balance.

Remuneration

- 7 NZ On Air is classified as a group 3a level 3 governance board under the Cabinet approved fees framework. The fee for the Chair is \$38,000 per annum. This is within the appropriate range for this classification.

Appointment Process and Consultation

- 8 I can confirm an appropriate process has been followed in considering the proposed appointee in terms of the State Services Commission appointments guidelines. The Ministry for Culture and Heritage maintains an active nominations database. In addition, the appointment process included searching the databases of Te Puni Kōkiri and the Ministries for Women and Pacific Peoples. Nominations from the Government caucus and support parties were also sought and a review of the background of candidates undertaken.

Conflict of Interest

- 9 I can confirm the usual due diligence process of appropriate inquiries concerning conflicts of interest has been carried out in accordance with the Crown Entities Act 2004.

s9(2)(a)

Timing and Publicity

- 10 It is intended that an appropriate announcement be made at the time of commencement of the new Chair.

Recommendation

- 11 It is recommended the Committee **note** my intention to:
- (i) Appoint Dr Ruth Harley of Wellington as a member and the Chair of the Broadcasting Commission (NZ On Air) for a term of office commencing on the date of appointment and expiring on 30 April 2021.

Authorised for Lodgement

Hon Clare Curran
Minister of Broadcasting, Communications and Digital Media

03/05/2018