



3 September 2020

File No. DOIA 1920-1245

Gareth Watkins

[fyi-request-12244-89508e7a@requests.fyi.org.nz](mailto:fyi-request-12244-89508e7a@requests.fyi.org.nz)

Dear Mr Watkins

Thank you for your email of 15 February 2020, requesting the following under the Official Information Act 1982 (the Act):

*“Can you please supply me with all of the information you have relating to the management, use or future use of the RNZ’s FM frequency’s for Concert and National radio, as well as any proposed use of the 102FM frequency.*

*I am interested in information from 1 Jan 2019 - 15 Feb 2020. This could include correspondence, briefings, meetings, advice, memos, agreements etc”.*

As you will be aware, on 21 March 2020 in response to the COVID-19 Pandemic, the Prime Minister has announced an alert level system, which restricted the movement of New Zealanders’s across the Country. These restrictions impacted on the way a number of organisations operated including the Ministry of Business, Innovation and Employment (MBIE), and officials have been working hard to rectify this.

In the case of your request, it has meant that the time frame for response lapsed, resulting in the response to your request being delayed. We appreciate your understanding, and apologise for this delay and any inconvenience this caused as a result.

I can advise that MBIE has identified 36 emails and 3 documents in scope of your request. The information identified is in relation to a Cabinet Paper by the Ministry of Culture and Heritage (MCH) for the Allocation of the 102FM block of Radio Spectrum.

At this time plans for the 102FM block are on hold due to the Government’s reprioritisation of work in response to the COVID-19 Pandemic, and may be revisited once the pandemic situation stabilises. This was reported to the Social Services and Community Select Committee by Minister Faafoi at the Arts, Culture and Heritage Estimates Hearing in June 2020.

The final report from the 2018/19 Annual review of the Ministry for Culture and Heritage can be found via; [www.parliament.nz/en/pb/sc/reports/document/SCR\\_96367/201819-annual-review-of-the-ministry-for-culture-and-heritage](http://www.parliament.nz/en/pb/sc/reports/document/SCR_96367/201819-annual-review-of-the-ministry-for-culture-and-heritage)

As this cabinet paper is yet to be considered by the Minister, the paper, all correspondence and documents relating to that paper has been withheld in full including title information under the following sections of the Act;

9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and Officials

9(2)(h) to maintain legal professional privilege.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely

A handwritten signature in blue ink that reads "Len Starling". The signature is written in a cursive, flowing style.

Len Starling  
Manager Radio Spectrum Policy and Planning  
Commerce, Consumers, Communications