

**MINUTES OF THE MEETING OF THE
ARTS COUNCIL OF NEW ZEALAND TOI AOTEAROA
HELD ON TUESDAY 18 & WEDNESDAY 19 OCTOBER 2022**

- Present:** Caren Rangi ONZM (Manukura—Chair), Michael Prentice (Manukura Tuarua—Deputy Chair), Bonita Bigham (via Zoom), Whetū Fala (Day 1, via Zoom), Robyn Hunt, Roger King (Day 1), Kura Moeahu (Day 1), Janine Morrell-Gunn, John Ong (via Zoom), Hilary Poole, Ane Tonga
- In attendance:** Stephen Wainwright (Chief Executive)
Paula Carr (Senior Manager, Māori Strategy & Partnerships)
Angus Evison (Senior Manager, Business Services)
Gretchen La Roche (Senior Manager, Arts Development Services)
David Pannett (Senior Manager, Strategy & Engagement)
Haniko Te Kurapa (Senior Manager, Te Kaupapa o Toi Aotearoa)
Makerita Urale, (Senior Manager, Pacific Arts)
Lisa Kinghorn (Secretariat)
- Apologies:** Garth Gallaway, Whetū Fala (Day 2), Roger King (Day 2), Kura Moeahu (Day 2)
- Also attending:** Elizabeth Beale (Co-Manager, Policy & Performance)
Philip Crampton (Project Manager, Digital Capability Initiative)
Belinda Jones (Manager, Capability Services & Initiatives)
Debs McSmith (Manager, Investment Services)
Aroha Rangi (Co-Manager, Māori Policy & Performance)

- Guests:** [REDACTED] s9(2)(a)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2.5: Karakai whakakapi

Day 1 of the Arts Council meeting was closed at 5.25 pm with a karakia.

RA TUARUA – DAY 2: WEDNESDAY, 19 OCTOBER 2022

1.0 ANEI KO NGĀ WHAKARITENGA MŌ TE RĀ • PROCEDURAL AND OPENING ITEMS

1.1 Meeting opens / karakia and welcome from the Chair

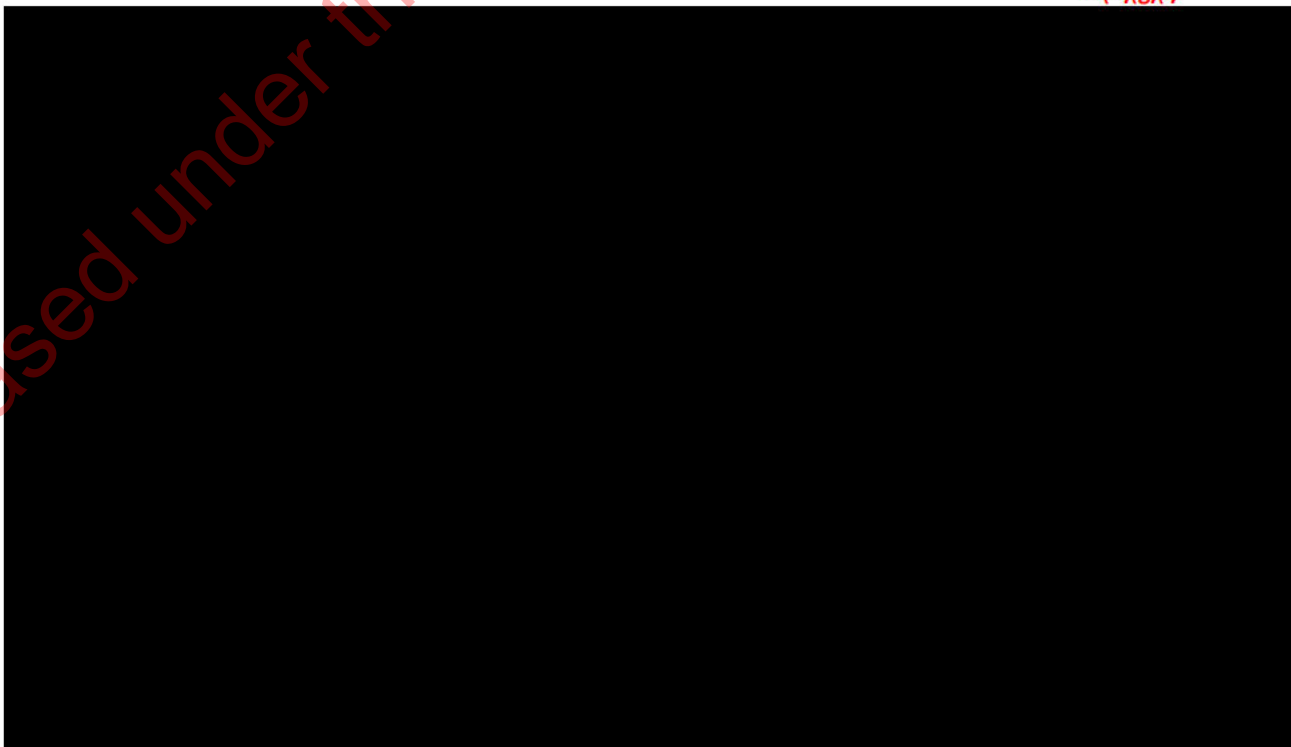
Haniko Te Kurapa opened the meeting at 9.00 am with a karakia.

2.0 TE KAUPAPA KORERO A TE KAUNIHERA – AGENDA OF COUNCIL DISCUSSION (cont.)

2.6 Digital Arts Commissioning and Capability Services: Agree successful Request for Proposal (RFP) respondent

The Council received the information to enable them to make the decision on the preferred respondent, We Are Indigo Limited, for the RFP for the Digital Arts Commissioning and Capability Services. Council members sought clarification on a number of points:

s9(2)(g)(i)



Released under the Official Information Act 1982

RECOMMENDATIONS:

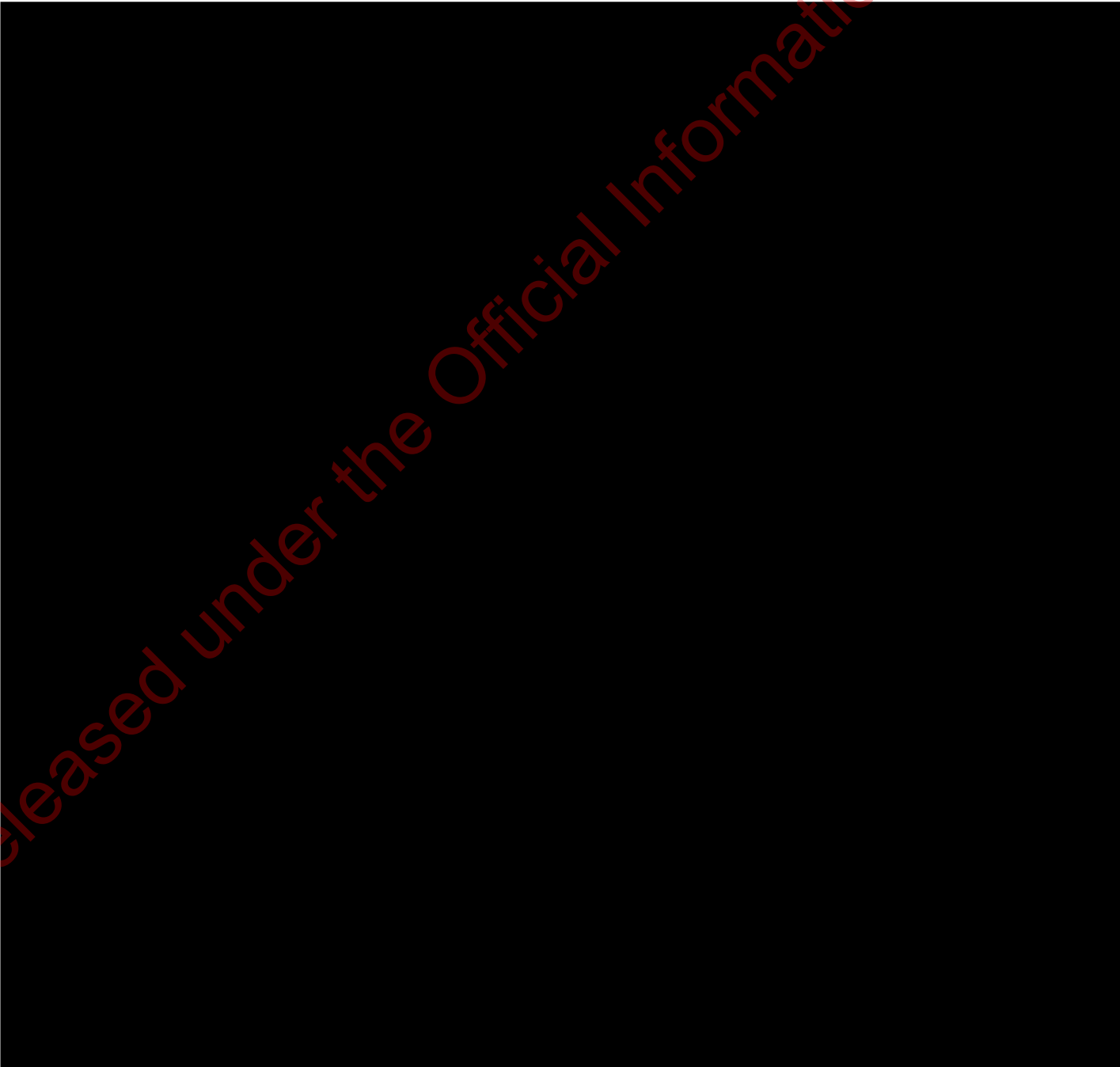
s9(2)(g)(i)

The Arts Council [REDACTED]

- (i) **noted** the Evaluation Report from the Request for Proposal (RFP) process (Appendix 1);
- (ii) **approved** the recommendation to enter into Funding and Partnership agreements with the preferred Proponent for the Services to at least 30 June 2024 subject to the outcome of the negotiations;
- (iii) **noted** that a process of due diligence and non-binding confidential negotiations with the preferred Respondent began in late September 2022;
- (iv) **delegated** authority to the Chief Executive to sign the Funding and Partnership agreements subject to:
 - i. recommendation 2, and

- ii. his approval of the outcome of negotiations;
- (v) **noted** that the anticipated start date of the Funding and Partnership Agreements is 1 November 2022; and
- (vi) **approved** a commitment by CNZ of a minimum of \$500,000 in funding for the Service in 2023/24.

ACTION: The Council to see an evaluation framework for the initiative in due course, which is not contingent on moving forward with the contract. There may be a decision point in 2024 and this framework will be used to make decisions around further funding.



s9(2)(g)(i)

Released under the Official Information Act 1982

Conclusion

15. HP thanked members and management, and referred to the recommendations in the paper (page 3), that the Committee, Arts Council Chair and Deputy Chair:

- 1) **note** the issues as summarised regarding the allegations against We Are Indigo, and their responses available to date (as of Thursday, 17 November 2022);
- 2) **note** that Management is committed to the intention and principles of *Te Tākai Here*, the Partnership Agreement with Toi ki Tua (the new entity established by We Are Indigo to deliver the digital services), including upholding the mana of all involved and maintaining mutual respect, integrity, honesty and openness (*with respect to governors' request under 'c' above, Management advises that this request is not consistent with these values*);
- 3) **note** that after further consideration and reflection, Management's recommendations remain the same as in the paper prepared for Council's October 2022 meeting (**Agenda Item 2.6** refers);
- 4) **note** the risk analysis and mitigations outlined by Management in this paper, including that the strategies are based on managing and not preventing risk;
- 5) **note** that Management intends to proceed with signing the Funding and Partnership Agreements (provided no substantiated allegations subsequently emerge) at a date to be agreed by the Chief Executives of CNZ and Toi ki Tua. Likely 1 December 2022; and
- 6) **note** the term of the Agreements will be adjusted to reflect the new commencement date and align with the timing of communications to the sector.

16. HP summarised the key messaging for the Arts Council, ARC and management are:

- An excellent paper
- Thank you for the additional due diligence
- There is no need to further relitigate
- ARC is unanimous in supporting the initial recommendations
- HP to close the loop with a short note to the Arts Council chair from ARC - **Action**
- Management can proceed with signing - **Action**

Meeting conclusion

17. The meeting was closed at approximately 2:00pm.