

DRAFT

Hon Craig Foss

Minister of Broadcasting



22 May 2014

Media Statement

Better access to NZ's television heritage

The TVNZ archive, including over 500,000 hours of original New Zealand television, is set to become much more accessible, Broadcasting Minister Craig Foss says.

Guardianship of the archive will transfer from TVNZ to the Ministry for Culture and Heritage on 1 August. It will be managed on a day-to-day basis by the New Zealand Film Archive.

Mr Foss says the Government has set aside \$9.3 million to purchase the purpose-built archive facility in Avalon, Lower Hutt, and up to \$2 million per annum for the archive's ongoing management.

"This archive contains a unique record of life in New Zealand, and includes historic news bulletins, current affairs shows and documentaries from 1960 to today, and classic programmes such as *It's In The Bag*, *Country Calendar*, *Play School* and *Hudson & Halls*. The Government is committed to preserving these and other programmes and making them accessible to all New Zealanders.

"In keeping with the Government's commitment to provide better public services, the expectation is that this will, over time, allow New Zealanders to access greater levels of audio-visual content online. This is great news for teachers, researchers and anyone interested in New Zealand's television heritage," Mr Foss says.

Ownership of the land and archive buildings will pass to the Department of Internal Affairs. Eleven TVNZ staff currently working at the archive are expected to be employed by the New Zealand Film Archive.

Media contact: s9(2)(a)

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OFFICIAL INFORMATION ACT

Minister of Broadcasting

**EVENT TO MARK THE TRANSFER OF RESPONSIBILITY FOR THE TVNZ
ARCHIVES TO THE NEW ZEALAND FILM ARCHIVE, 31 JULY 2014**

Date	24 July 2014	MCH File Ref	D-0546299	Briefing No	2014/334
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Action sought

Timeframe / Deadline

Note the information and draft speech provided.

Contacts for telephone discussion

Name	Position	Telephone	
		(work)	(after hours)
s9(2)(a)	Ministerial Speeches and Correspondence	s9(2)(a)	s9(2)(a)

Minister's Office to complete

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| <input type="checkbox"/> Seen | <input type="checkbox"/> Withdrawn | <input type="checkbox"/> Not seen by Minister |

Minister's Office Comments

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Date received from MCH	Date returned to MCH

EVENT TO MARK THE TRANSFER OF RESPONSIBILITY FOR THE TVNZ ARCHIVES TO THE NEW ZEALAND FILM ARCHIVE, 31 JULY 2014

Purpose

- 1 You have agreed to speak at a function to mark the transfer of responsibility for the Television New Zealand Archives to the New Zealand Film Archive, and to launch the New Zealand Film Archive's new brand identity. The event will take place at the ground floor coffee bar of the New Zealand Film Archive on Ghuznee Street on 31 July 2014, beginning at 5 pm.
- 2 Your office has requested information and a draft speech.

Background

- 3 The purpose of the event is to mark the formal bringing together of New Zealand's major audio-visual collections with the transfer of the TVNZ Archives to the care of the New Zealand Film Archive (NZFA), and to launch the NZFA's new brand identity which will be public from Friday 1 August.
- 4 The new formal name of the NZFA is: New Zealand Archive of Film, Television and Sound Ngā Taonga Whitiāhua me Ngā Taonga Kōrero. The new brand identity is: Ngā Taonga Sound and Vision.
- 5 The organisers have asked that you announce the new formal name and brand identity at the end of your speech. The NZFA advises most of the guests will be familiar with the details of the transfer so it will not be necessary to explain these in your speech.

The event

- 6 The event is hosted by Jane Kominik, Chair of the NZFA and Frank Stark, Chief Executive.
- 7 About 70 guests are expected, including the NZFA Board and senior staff, Ministry for Culture and Heritage staff, Television New Zealand staff, and funders and stakeholders of the NZFA.
- 8 You have been asked to speak for five to ten minutes and finish by announcing the NZFA's new formal name and brand identity. An image of the brand and a new logo will be projected as you make the announcement.
- 9 The order of events will run as follows:
 - 5.00 pm Guests arrive and refreshments are provided
 - 5.15 pm You arrive

- 5.25 pm Mihi
- 5.30 pm Jane Kominik, Chair of the NZFA, introduces you
- 5.35 pm You speak for five to ten minutes and launch the new name and brand
- 5.45 pm Frank Stark invites guests to continue with refreshments and to attend a short screening in the cinema at 6.30 pm.

Recommendations

10 We recommend you **note** the information and draft speech provided.

s9(2)(a)
for Chief Executive

Hon Craig Foss
Minister of Broadcasting
_____/_____/2014

Minister's feedback on quality of report:	1	2	3	4	5
1 = Was not satisfactory 2 = Fell short of my expectations in some respects 3 = Met my expectations 4 = Met and sometimes exceeded my expectations 5 = Greatly exceeded my expectations					

HON CRAIG FOSS
FUNCTION TO MARK THE TRANSFER OF RESPONSIBILITY FOR THE TVNZ
ARCHIVES TO THE NEW ZEALAND FILM ARCHIVE
31 JULY 2014
DRAFT SPEECH

Acknowledgements

The NZFA has agreed to liaise directly with your office on acknowledgements once RSVPs are confirmed.

Draft speech

I am delighted to be here today to celebrate the coming together of New Zealand's audio-visual heritage in film, sound and television.

In February last year I had the pleasure of speaking at the event marking the transfer of the Sound Archives. Today we complete the picture, bringing the TVNZ Archives into the fold.

The New Zealand Film Archive has a strong track record in digitisation and a culture of making collections available to the public.

So New Zealanders can rest assured this precious part of their heritage is in the best possible hands.

The TVNZ Archives' home in Avalon is a real treasure trove – 600,000 hours of New Zealand television, or close to 55 years of local screen history.

Country Calendar, Gliding On, McPhail and Gadsby – the classic programmes many of us grew up with and probably thought we would never see again are out there, waiting to be fully preserved and digitised.

The Crown will now be guardian of the TVNZ collection, on behalf of all New Zealanders. I am pleased the Government has been able to invest \$24.4 million to purchase and improve their home at Avalon and to support the Film Archive's work in looking after them.

The transfer of the TVNZ Archives ticks all the boxes for better public services and value for money. It removes duplication, makes the best use of expertise and ensures an efficient structure for their ongoing care.

But this is not just about streamlining. We have some pretty high expectations going forward and they have to do with public access.

Up until now, public access to the TVNZ archives has been limited – in fact many New Zealanders probably don't know they exist.

Now the Film Archive has been given the explicit responsibility of digitising the items of highest heritage value, and ensuring New Zealanders can get online access, free of charge.

The Film Archive is starting immediately on this task and will have the first fruits of that work online before the end of the year. And I am told it hopes to have around 20,000 titles or 5,000 hours of content online within the next three years.

So New Zealanders will be able to revisit their favourite programmes of the past and share them with their children and grandchildren.

Government's investment in ultra-fast broadband will help ensure the infrastructure is there for New Zealanders to get the full benefit from these online services.

One of the things that made the Film Archive the obvious home for both the sound and television archives was its commitment to making content accessible.

Through its Saving Frames project, the Film Archive has been working to immortalise New Zealand's film heritage in digital format, and it has made a great start on digitising the sound archives with 10,000 hours' worth already completed.

These projects have yielded some real gems – including lost First World War films found in the UK, and recordings of three women recalling voting for the first time after New Zealand became the first self-governing country to grant women the vote in 1893.

Television is still very popular in this country. According to a recent NZ On Air survey, 83 percent of us watch the telly regularly.

So there is every reason to produce and broadcast great New Zealand TV shows, often with the help of funding from NZ On Air.

And we do make some fantastic television. I don't know if any of you are watching the Sunday Theatre historical docu-dramas on TV ONE on important events and New Zealanders – with topics like the Erebus disaster and Nancy Wake. Last Sunday there was one on Radio Hauraki and the start of commercial radio in New Zealand, which makes you realise what a long way we have come.

Another one to watch for will be *When We Go to War*, a mini-series about New Zealanders in the early years of the First World War, planned for next year with the centenary of the War high on all our radars.

From comedies like *Agent Anna* to special interest programming like *Tagata Pasifika* or *Q and A*, New Zealand producers are using the technical and creative power of the television medium to tell our stories in a way nothing else can.

They are making the audiovisual heritage of the future.

Combining the Film Archive's collection of independent television with the TVNZ Archive will make our important contemporary productions more accessible online. This gives local production a longer life and, where there's been public funding, means New Zealanders get more for their money.

The transfer of the Sound Archives last year went like clockwork – so we are able to place the TVNZ Archives under the Film Archive's care with complete confidence.

Adding to this is the fact we have been able to retain the expertise of TVNZ staff who will continue to look after them, as new employees of the Film Archive.

Taking on the sound and television archives of the major broadcasting agencies is a big increase in responsibility. In light of this, the Film Archive undertook a review of its governance, structure and capability, and this has resulted in a new constitution, a new operational structure and a new system for electing board members. So the Film Archive is well fit for purpose to deal with what is genuinely a quadrupling of its workload.

And this brings us to the news of the night: to reflect these new responsibilities, the Film Archive has changed its name – and I will have the honour of announcing this name to you shortly.

Firstly, though, a few thank yous to those who have contributed to the transfer of the TVNZ Archives and the Sound Archives before them: the boards and staff of TVNZ, Radio New Zealand and the Sound Archives Ngā Taonga Kōrero; the board and senior management of the New Zealand Film Archive; and Ministry for Culture and Heritage staff who were involved throughout both processes.

Now I get to say the new official name of the New Zealand Film Archive. It is a bit of a mouthful, but then, so is the workload. It is: the New Zealand Archive of Film, Television and Sound Ngā Taonga Whitiāhua me Ngā Taonga Kōrero.

You're not going to have to memorise that – a shorter version has been developed and will function as the new brand of this organisation.

So I am delighted to announce that, as of tomorrow, the former New Zealand Film Archive will be known as Ngā Taonga Sound and Vision.

Congratulations to all, and I wish Ngā Taonga Sound and Vision all the best for the substantial but rewarding task ahead.

Minister of Broadcasting

TVNZ ARCHIVE – UPDATE ON IP ISSUES

Date	14 February 2013	MCH File Ref	D-0521343	Briefing No	2014/36
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Action sought

Timeframe / Deadline

None required	N/A
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Contacts for telephone discussion

Name	Position	Telephone	
		(work)	(after hours)
s9(2)(a)	Senior Adviser, Media Policy	s9(2)(a)	
Greg Harford	Manager, Media Policy	s9(2)(a)	s9(2)(a)

Minister's Office to complete

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Minister's Office Comments

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Date received from MCH	Date returned to MCH

TVNZ ARCHIVE: UPDATE ON IP ISSUES

Purpose

- 1 You have requested a short update on progress with the transfer of the TVNZ Archive to the Crown, in particular the IP issues and the outcomes that will result from the transfer.

Progress update

- 2 The transfer of the TVNZ Archive from TVNZ remains on track to come into effect on 1 July 2014, although the timeframes are tight, and there is a significant amount of work required to deliver, this includes:

- Out of scope

-

- defining the outputs to be provided in terms of digitisation and public accessibility;

- Out of scope

-

- securing the agreement of the New Zealand Film Archive to the proposal; and

- securing funding for the property transfer, preservation/ digitisation and enhanced accessibility

Out of scope

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Outcomes from Archive transfer

- 9 The benefits for the Crown in transferring the TVNZ Archive to another entity are in relation to freeing up content for public access by digitisation. The catalogue of 647,000 items includes iconic New Zealand content such as clips from nightly news bulletins, documentaries, drama and sports programmes (refer to the following page for some examples).
- 10 As discussed at the Ministry's officials meeting with you on 10 February, you see the focus of the TVNZ Archive transfer to relate to content that has previously been broadcast. Since our meeting, TVNZ has advised that the Archive only holds content that has previously been broadcast: raw footage is not included and therefore will not be transferred.
- 11 As a starting point, public access to the Archive will be improved by online publication of key elements of the Archive database. This will be an improvement on the status quo as it will, for the first time, be possible for the public to search the database easily - and learn about the content available within the Archive.
- 12 After publication of the database, it is proposed to begin digitising and preserving material for the future. This will take time, and it will not be possible to preserve all the content because the necessary equipment has a limited life

and is, at this stage, obsolete: it may not possible to purchase replacement equipment. Rather, it will be necessary to curate and prioritise the digitisation work, in accordance with the available budget.

- 13 A final step in enhancing accessibility will be streaming material on the Internet. The vehicle for this has not yet been determined, but the amount of content available is expected to grow over time.
- 14 Increasing the accessibility of the Archive is expected to lead to increased demand for content to be reused. As part of the deal, selected Crown websites will be able to stream material free of charge - but any other reuse would require the agreement of TVNZ or the copyright owner. There would be a charge for commercial use, but TVNZ has indicated it will agree to waive licensing fees for not-for-profit use.

Next Steps

- 15 We are continuing to progress the matters raised above, and will report to you further in due course.

Recommendations










- 16 We recommend you:
 - a) **Note** the contents of this briefing.

Greg Harford
for Chief Executive

Hon Craig Foss
Minister of Broadcasting
____/____/2014

Minister's feedback on quality of report:	1	2	3	4	5
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Figure 1: An indicative sample of the diverse range of material held within the TVNZ Archive.

TVNZ Archive Collection: Sample Content		
Issues of The Day		
		
Dateline Monday: Bastion Point; 1978	6.30pm News: Rainbow Warrior; 1985	Frontline: Pre-Budget Debate; 1988
Documentary		
		
Country Calendar: Supplying Water to North Canterbury Farms; 1972	Waka Huia: Ngati Toa; 1989	Country Calendar: Rarotonga; 2003
Creative Arts		
		
Review: Colin McCahon; 1974	Festival 88: NZSO performing Shostakovich; 1988	Tagata Pasifika: Romeo and Tusi; 1999

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Minister of Broadcasting

TVNZ ARCHIVE TRANSFER – UPDATE

Date	21 March 2014	MCH File Ref	D-0525748	Briefing No	2014/107
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Action sought

Timeframe / Deadline

We recommend you:	N/A
a) Note the contents of this briefing.	
b) Circulate this briefing to the Minister of Finance, the Minister for Arts, Culture and Heritage, and the Minister of Internal Affairs for their information.	

Contacts for telephone discussion

Name	Position	Telephone	
		(work)	(after hours)
Greg Harford	Manager, Media Policy	s9(2)(a)	s9(2)(a)

Minister's Office to complete

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Minister's Office Comments

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Date received from MCH	Date returned to MCH

TVNZ ARCHIVE TRANSFER: UPDATE

Purpose

- 1 This briefing provides you with an update on progress with the transfer of the TVNZ Archive to the Crown, particularly in relation to:
- a) the value proposition to the Crown;
 - b) negotiations with TVNZ around a watermark on streamed content;
 - c) budget issues;
 - d) Out of scope
 - e)

The proposal

- 2 As you know, it is proposed that:
- the Department of Internal Affairs (DIA) purchase the TVNZ Archive building and associated land at Avalon;
 - custodianship of the contents of the TVNZ Archive, which are subject to the Public Records Act 2005, be passed to the Crown;
 - the New Zealand Film Archive be appointed Archive Manager, to maintain the contents of the Archive, provide day to day production library services to TVNZ and digitise content over time;
 - the contents of the Archive be made progressively more accessible to the public;
 - Out of scope
- 3 It is currently intended that MCH will manage the operations of the TVNZ Archive collection for the Crown: departments are in discussions to ensure that the transfer is effected in the most efficient manner.

Defining the Value Proposition

- 4 For the Crown, there are several benefits to the proposal. These are outlined below.

At risk material will be managed and preserved

- 5 The TVNZ Archive contains more than 600,000 items of audiovisual content, the majority of which is considered to be of high heritage value. Its long-term preservation, however, does not align with TVNZ's business needs. The proposed transfer of the Archive collection to the Crown via MCH will allow for the proper preservation of the Archive collection.

Public access to the contents of the Archive will be enhanced

- 6 While the Archive contains a large number of items of significant heritage value, public knowledge of and access to the contents of the Archive are relatively restricted. The catalogue's main purpose has been to service TVNZ's internal needs and it is not generally available to the public. Under the proposed arrangements, the Crown will publish the catalogue, enhancing public knowledge of the Archive's contents. It is expected that, over time, this will lead to greater demands for access.
- 7 The New Zealand Film Archive will facilitate access requests for non-commercial use, subject to authorisation being granted by TVNZ as the copyright owner.
- 8 Over time, public access to the TVNZ collection will be enhanced further. It is planned to digitise items of the highest heritage value and make them available over the Internet. This will open up access to anyone with an Internet connection. While the detail of this has not yet been worked through, we would expect around 5,000 hours of content to be available within three years contingent on budget allocation. This opportunity is of course scalable.
- 9 TVNZ has also undertaken to license use of the contents of the Archive for non-commercial use without a licensing fee (although it may still charge the costs of administering licences). This is expected to create opportunities for educators, researchers and producers (for example, through the Ministry of Education's Digital Literacy Programme and *The Network 4 Learning*).

Out of scope

Watermark

- 12 As you are aware, officials have been involved in ongoing discussions with TVNZ over its proposal to apply a watermark to content made available online through the transfer.
- 13 The current proposal is that:
 - the agreement will reflect a positive obligation on TVNZ to make material in the Archive collection available for online streaming without a license fee (but with the ability to recover the cost of issuing such licences) and without a watermark for non-commercial and non-competing uses. TVNZ will only require a watermark to be applied to material that is likely to be of clear commercial interest to its competitors; and
 - TVNZ and NZ Film Archive will collaborate to develop a recommendation to the Crown on the size, transparency and location of a watermark that

will be used under the provisions of the contract discussed above.

Out of scope

Financial due diligence and operating expenses

- 15 We have received a final financial due diligence report from PriceWaterhouse Coopers (PwC). This report is attached for your information.
- 16 The PwC projections of the cost of MCH operating the archive, along with a proposal from the New Zealand Film Archive, have been used to inform the Budget Bid for operating expenses. The PwC report highlights a number of uncertainties due to the progress of negotiations that will impact on the projections (for example, redundancy costs, utilities). Contingency has been made for this uncertainty in the Budget Bid, which is shown below.

	2014/15 \$m	2015/16 \$m	2016/17 \$m	2017/18 \$m
Funding sought - opex	2.00	2.00	2.00	2.00
Funding sought - digital boost	0.00	1.00	1.00	1.00
TOTAL	2.00	3.00	3.00	3.00

Out of scope

Out of scope

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Recommendations

22 We recommend you:

- a. **Note** the progress outlined above; and
- b. **Circulate** this briefing to the Minister of Finance, the Minister for Arts, Culture and Heritage, and the Minister of Internal Affairs.

Greg Harford
for Chief Executive

Hon Craig Foss
Minister of Broadcasting
/ / 2014

Minister's feedback on quality of report:	1	2	3	4	5
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Out of scope

From: frank stark [s9(2)(a)]
Sent: Tuesday, 4 November 2014 2:17 p.m.
To: [s9(2)(a)]
Cc: Jane Kominik
Subject: Re: Budget 2015 Proposals (for action)

Dear [s9(2)(a)]

As discussed on the telephone, I think it is unlikely that Nga Taonga Sound & Vision will make a bid for new funding in the upcoming Budget. However, we will certainly need to consider the implications of meeting Minister Foss's ambitious challenge to put 20,000 or more titles on-line over the next three years. In response to that, the archive might well need to make a funding bid in the out years to finance the necessary infrastructure which, of course, did not form part of the TVNZ transfer arrangements, nor the current MoU.

I will ensure that the matter is discussed at this Friday's Board meeting and endeavour to get back to you by the end of Monday.

Regards

Frank

On 3/11/2014, at 11:51 am, [s9(2)(a)] wrote:

Dear Frank

This memo was sent out yesterday to senior agency managers and your name was not included for Ngā Taonga, sorry.

I am not sure whether Ngā Taonga is intending to bid for more money in 2015 but am fairly sure you will be seeking funding for website and database development further down the track, once the access arrangements have been further discussed. While we will need to know your intentions for years 2, 3 and 4 (2016, 2017 and 2018) of our Four-Year Plan, this memo is specifically about bids for 2015.

We would appreciate your advice on Ngā Taonga's plans and proposed timing for Budget bids.

Ngā mihi

[s9(2)(a)]
 Heritage Adviser, Cultural Policy Branch
 Manatū Taonga - Ministry for Culture and Heritage
 ASB Bank House, Level 4, 101 The Terrace
 P O Box 5364, Wellington, New Zealand
 Ph [s9(2)(a)] Fax +64 4 499 4490

Out of scope

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OFFICIAL INFORMATION ACT

Frank Stark

Chief Executive

Ngā Taonga Sound & Vision

Phone s9(2)(a)

Mobile

www.ngataonga.org.nz

Minister for Arts, Culture and Heritage

LETTER OF AGREEMENT FOR THE NEW ZEALAND FILM ARCHIVE, JULY 2014

Date	25 June 2014	MCH File Ref	D-0543499	Briefing No	2014/
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Action sought

Timeframe / Deadline

Sign two copies of the attached Letter of Agreement to enable the New Zealand Film Archive to receive payment for the first quarter of the 2014/15 year.

Sign both copies of the attached letter to the NZ Film Archive Chair to confirm the baseline funding agreed in Budget 2014.

Contacts for telephone discussion

Name	Position	Telephone	
		(work)	(after hours)
Peter Richardson	Acting Manager, Heritage Policy	s9(2)(a)	
s9(2)(a)	Heritage Adviser	s9(2)(a)	

Minister's Office to complete

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Minister's Office Comments

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Date received from MCH	Date returned to MCH

**LETTER OF AGREEMENT FOR THE NEW ZEALAND FILM ARCHIVE,
FIRST QUARTER OF 2014/15**

Purpose

- 1 This briefing seeks your approval to enter into a Letter of Agreement for the New Zealand Film Archive (the Film Archive) in the absence of a signed Memorandum of Understanding (MOU) for 2014/15.
- 2 Also attached is a letter to the Film Archive Chair confirming baseline funding agreed in Budget 2014.

Background

- 3 TVNZ, Film Archive and the Ministry for Culture and Heritage (MCH) have signed an agreement to transfer the TVNZ Archive collection from TVNZ to MCH. MCH is contracting the Film Archive to provide maintenance, preservation and digitisation services for the collection.
- 4 However, the terms of this contract have yet to be finalised, in particular those relating to access to the Avalon building and public access to collection contents. These terms will need to be reflected in the MCH/Film Archive MOU.
- 5 In the absence of a final MOU, MCH has prepared a Letter of Agreement between you and the NZFA until the MOU is completed (scheduled to be ready for the NZFA Board meeting on 1 August 2014). The letter will enable payment for the first quarter as an interim arrangement.

Ministry comment

- 6 MCH and the NZFA have agreed to proceed with the attached Letter of Agreement, which will give all parties time to finalise arrangements for the TVNZ Archive collection.

Recommendations

7 We recommend you:

- a) **Sign** both copies of the attached Letter of Agreement.

~~Agree / Disagree~~

- b) **Sign** both copies of the attached letter to the Film Archive Chair.

~~Agree / Disagree~~



Peter Richardson
Acting Manager, Heritage Policy



Hon Christopher Finlayson
Minister for Arts Culture and Heritage
26 / 6 /2014

LETTER OF AGREEMENT

between the

MINISTER FOR ARTS, CULTURE AND HERITAGE

and

THE NEW ZEALAND FILM ARCHIVE

Background

The purpose of this letter of agreement (the "Agreement") is to set out an agreed funding and accountability regime between the Minister for Arts, Culture and Heritage (the "Minister") and the New Zealand Film Archive (the Film Archive) for the first quarter of 2014/15.

This Agreement is being executed as an interim measure in the absence of a Memorandum of Understanding for 2014/15 between the parties being concluded as at 30 June 2014.

Payment

On behalf of the Minister, the Ministry for Culture and Heritage will make payments of **\$755,000** (GST exclusive) for *Arts, Culture and Heritage programmes*; and of **\$287,500** (GST exclusive) for *Māori Television archiving* to the Film Archive on 1 July 2014, plus the amount of **\$397,500** (GST exclusive) for *archiving of TVNZ Archive collection material*, on the basis set out in this Agreement.

Outputs

The Film Archive will apply the funding provided under this Agreement to a range of services, including administration, management, and service functions consistent with the 2013/14 Memorandum and relevant schedules, as they apply to the Film Archive's ongoing functions and operations; and in accordance with the letter of expectations for 2014 dated 7 March 2014 with particular reference to the specific priorities.

This funding is also provided on the understanding that:

- a. the Film Archive will operate on a 'best practice' basis, for the term of this Agreement, that allows the Minister to maintain trust and confidence in the NZ Film Archive;
- b. the Film Archive will consult with the Ministry in developing new outputs and performance measures for its management of the TVNZ Archive collection for inclusion in its Statement of Intent; and
- c. the parties will make all reasonable efforts to ensure the 2014/17 Statement of Intent can be approved and the Memorandum of Understanding for 2014/15 is agreed to and executed by 1 August 2014.

Monitoring and Accountability

The Film Archive will remain accountable to the Minister, consistent with the terms and conditions of the 2013/14 Memorandum between the Minister and the Film Archive for its financial and operational performance during the first quarter of the 2014/15 year or until the MOU for 2014/15 is signed and in effect. The Film Archive may be required to provide the Minister or Ministry with timely and relevant information regarding the use of funding received under this Agreement. Specifically, over the term of this Agreement, the Film Archive will provide to the Minister through the Ministry for Culture and Heritage:

- monthly reports on current key achievements, issues and/or risks for the period;
- a final draft Statement of Intent for 2014/17.

The Ministry will advise the Minister on any significant monitoring issues regarding the Film Archive's activities.

Relationship Management

The Film Archive will operate under a "no surprises" policy, whereby the Minister is kept informed of potentially contentious issues that may have a significant impact on the current or on-going operations of the Film Archive.

Signatures



Hon Christopher Finlayson
Minister for Arts, Culture and Heritage

Date:

26 June 2014



Jane Kominik
Chair, New Zealand Film Archive

Date:

LETTER OF AGREEMENT

between the

MINISTER FOR ARTS, CULTURE AND HERITAGE

and

THE NEW ZEALAND FILM ARCHIVE

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- a. the Film Archive will operate on a 'best practice' basis, for the term of this Agreement, that allows the Minister to maintain trust and confidence in the NZ Film Archive;
- b. the Film Archive will consult with the Ministry in developing new outputs and performance measures for its management of the TVNZ Archive collection for inclusion in its Statement of Intent; and
- c. the parties will make all reasonable efforts to ensure the 2014/17 Statement of Intent can be approved and the Memorandum of Understanding for 2014/15 is agreed to and executed by 1 August 2014.

Monitoring and Accountability

The Film Archive will remain accountable to the Minister, consistent with the terms and conditions of the 2013/14 Memorandum between the Minister and the Film Archive for its financial and operational performance during the first quarter of the 2014/15 year or until the MOU for 2014/15 is signed and in effect. The Film Archive may be required to provide the Minister or Ministry with timely and relevant information regarding the use of funding received under this Agreement. Specifically, over the term of this Agreement, the Film Archive will provide to the Minister through the Ministry for Culture and Heritage:

- monthly reports on current key achievements, issues and/or risks for the period;
- a final draft Statement of Intent for 2014/17.

The Ministry will advise the Minister on any significant monitoring issues regarding the Film Archive's activities.

Relationship Management

The Film Archive will operate under a "no surprises" policy, whereby the Minister is kept informed of potentially contentious issues that may have a significant impact on the current or on-going operations of the Film Archive.

Signatures



Hon Christopher Finlayson
Minister for Arts, Culture and Heritage

Date: 26 June 2014

Jane Kominik
Chair, New Zealand Film Archive

Date:



Office of Hon Christopher Finlayson

Attorney-General
Minister for Treaty of Waitangi Negotiations
Minister for Arts, Culture and Heritage
Associate Minister of Māori Affairs

27 JUN 2014

Jane Kominik
Chair
PO Box 11449
Manners Street
WELLINGTON, 6142

Dear Jane

New Zealand Film Archive Funding for 2014-2015

This letter confirms the New Zealand Film Archive's (the Film Archive's) government funding for 2014/15 as published in Budget 2014. You will receive \$5.185 million from Vote Arts, Culture and Heritage in four instalments (Appendix 1).

I understand your Statement of Intent (SOI) for the next three years (2014/17) will not be provided until the end of July this year. In the absence of this document, I am signing a Letter of Agreement for the first quarter of 2014/15. This will ensure your cashflow continues to cover your normal outgoings.

Please sign both copies of this letter and the enclosed Letters of Agreement, as indicated, retain one copy of each for your records and return one copy of each to your Ministry advisor, s9(2)(a) Ministry for Culture and Heritage, PO Box 5364, Wellington 6145.

I look forward to working with you in 2014/15 and wish you, your Board and staff a successful year.

Yours sincerely

Hon Christopher Finlayson
Minister for Arts, Culture and Heritage

Jane Kominik
Chair, New Zealand Film Archive

cc Frank Stark, Chief Executive, New Zealand Film Archive

Appendix 1 – 2014/15 Crown Payments to the NZFA

	Appropriation (\$ GST Exclusive)	GST (\$)	Disbursement (\$ GST Inclusive)
1 July 2014	755,000	113,250	868,250
1 October 2014	755,000	113,250	868,250
5 January 2015	755,000	113,250	868,250
1 April 2015	755,000	113,250	868,250
\$ Total	3,020,000	453,000	3,473,000

Māori Television and Iwi Radio Archiving Funding (Te Māngai Pāho)

	Appropriation (\$ GST Exclusive)	GST (\$)	Disbursement (\$ GST Inclusive)
1 July 2014	287,500	43,125	330,625
3 January 2015	287,500	43,125	330,625
\$ Total	575,000	86,250	661,250

TVNZ Archive Management Funding

	Appropriation (\$ GST Exclusive)	GST (\$)	Disbursement (\$ GST Inclusive)
1 July 2014	397,500	59,625	457,125
1 October 2014	397,500	59,625	457,125
5 January 2015	397,500	59,625	457,125
1 April 2015	397,500	59,625	457,125
\$ Total	1,590,000	238,500	1,828,500

MEMORANDUM OF UNDERSTANDING

between

THE MINISTER FOR ARTS, CULTURE AND HERITAGE

and

**THE NEW ZEALAND ARCHIVE OF FILM, TELEVISION AND
SOUND NGĀ TAONGA WHITIAHUA ME NGĀ TAONGA
KŌRERO**

for the period

1 AUGUST 2014– 30 JUNE 2017

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

MEMORANDUM OF UNDERSTANDING

PURPOSE AND SCOPE

- 1.1 This Agreement sets out the responsibilities and accountabilities of the Minister for Arts, Culture and Heritage (the Minister) and the New Zealand Archive of Film, Television and Sound Ngā Taonga Whitiāhua me Ngā Tonga Kōrero (the Archive) for the period 1 August 2014 to 30 June 2017 inclusive.
- 1.2 The Schedules 1 to 4 form part of this document.
- 1.3 The parties intend this Memorandum to be legally binding to the extent possible.

INTRODUCTION

The Archive:

- 2.1 is an independent charitable trust registered under the Charitable Trust Act 1957;
- 2.2 is subject to any obligation imposed by law.

The Crown:

- 3.1 is a major source of funding for the Archive;
- 3.2 expects the Minister to be accountable to Parliament for the use of public funds appropriated to the Archive through Vote Arts, Culture and Heritage;
- 3.3 recognises that the Archive must consider not only the Crown's interests in its outputs as stated in its Statement of Intent, but also the requirements and expectations of its other stakeholders, including audiences;
- 3.4 through the Minister, has appointed the Ministry for Culture and Heritage (the Ministry) to advise the Minister on the Archive's service and financial performance relating to the collection, preservation and archiving of New Zealand audiovisual material.

Outcomes and Outputs

- 4.1 The Archive will work to achieve the outcomes and deliver the outputs for archiving management services as set out in Schedules 3 to 4.

RESPONSIBILITIES

The Board of the Archive will:

- 5.1 be accountable to the Minister for the Archive's performance and provide the reports as agreed in Schedule 2 of this Memorandum;
- 5.2 ensure the Archive complies with the terms of this Memorandum, the provisions of the Charitable Trust Act 1957 and other relevant legislation;

- 5.3 consult with the Minister on necessary variations to the Memorandum where the Archive plans or anticipates significant changes in agreed outputs and related performance measures;
- 5.4 evaluate its performance as a Board and advise the Minister of its conclusions and plans for future development on an annual basis, by 30 June of each year.

The Archive will:

- 6.1 consult with the Ministry prior to the public release of information by the Archive;
- 6.2 work towards establishing a closer relationship with other agencies and iwi involved with archiving;
- 6.3 cooperate with the Ministry on work to improve arrangements for managing New Zealand's audiovisual archives, especially with respect to their accessibility;
- 6.4 be accountable to the Minister for the delivery of planned outputs and comply with all terms of the Agreement. If it becomes known to the Archive that outputs will not be delivered or that there is non-compliance with the terms of the Agreement, or that financial performance will be significantly different to the agreed work programme, the Archive will advise the Minister through the Ministry as soon as the Archive becomes aware of that possibility.
- 6.5 agree to apply funding allocated to the former Radio New Zealand Sound Archives Ngā Taonga Kōrero and the former TVNZ Archive to deliver the outputs and outcomes for sound and television archiving as set out in the Archive Statement of Intent. The Archive will provide a confirmed business plan for each year for the use of the baseline funding for sound and television archiving to the Ministry by 1 May of each year;
- 6.6 provide a plan for the use of funding provided for the Iwi Radio Archive to the Ministry by 31 July 2014 and by 1 May of each succeeding year and report regularly on progress against the agreed plan to the Ministry; and
- 6.7 manage the Television New Zealand Archive Collection in accordance with Schedule 4. The Archive will provide production library services to TVNZ, and will comply with its agreement with Television New Zealand to provide the production library services (as defined in its agreement with TVNZ, a copy of which is attached as Schedule 5);
- 6.8 handle, preserve and store the material it is being asked to archive from New Zealand broadcasting agencies in accordance with international best archiving practice for audiovisual archiving and any standards agreed between the Archive and MCH;
- 6.9 report on its archiving activities, including the above outputs, in its regular reporting as outlined in Schedule 2. This will include its use of funding provided for Digitisation and Access Projects.

The Minister will:

- 7.1 subject to the above provisions, recognise the independence of the Archive in managing its operations:

7.2 acknowledge that it may not be possible for the Archive to achieve some performance measures for its outputs covered in this Memorandum due to circumstances beyond its control. However, if there is significant or sustained failure to produce the outputs specified in Schedules 2, 3 and 4 or significant non-compliance with the terms of the Memorandum, the Minister will consider the most appropriate action, if any, that needs to be taken. Any breach of the Archive's agreement with TVNZ for production library services that significantly decreases the benefits or significantly increases the burden to TVNZ of obtaining the production library services will be deemed to be a significant failure for the purposes of this clause. These actions may include:

- amending the Memorandum to reflect the new situation; or
- withholding payment of a proportion of the Archive's appropriation until the terms of the Memorandum have been met.
- in the event that all funds have been paid to the Archive, requiring a repayment of the funds to the Crown.

7.3 not undertake such actions referred to in paragraph 7.2 without prior consultation with the Board of the Archive. Any changes will be recorded in writing and attached to the Memorandum.

7.4 consult the Archive before making a decision to provide funding to the Archive for a specific purpose or in a specific way ("tagged funds");

7.5 provide operating funding as follows, in accordance with the Estimates of Appropriations for 2014/15 (on behalf of the Crown):

	2014/15	2015/16	2016/17
General operating funding, including funding for the archiving of SANTK	\$3,020,000	\$3,020,000	\$3,020,000
Funding for the management, archiving and increased accessibility of the TVNZ Archive collection	\$1,590,000	\$2,000,000	\$2,000,000
Funding from Te Māngai Pāho for the archiving of Māori Television productions to the Archive	\$200,000	\$200,000	\$200,000
Funding from Te Māngai Pāho for the archiving of Iwi Radio material to the Archive	\$375,000	\$375,000	\$375,000
Total (GST exclusive)	\$5,185,000	\$5,595,000	\$5,595,000

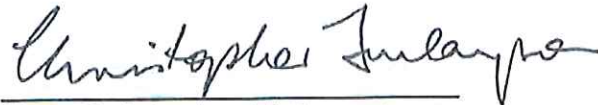
The Ministry will:

- 8.1 subject to government appropriations for the period of this agreement, pay the agreed funding to the Archive in quarterly instalments (see *Schedule 1 for 2014/15*)
- 8.2 provide the Archive with timely feedback on the reports provided under *Schedule 2*;
- 8.3 consult with the Archive, where appropriate, on the content of briefings to the Minister. The Archive's comments will be taken into account and, where agreement cannot be reached, these comments can be included (if the Archive wishes) along with the Ministry's advice to the Minister;
- 8.4 draft replies to Parliamentary Questions and Ministerial correspondence. The Archive and the Minister and/or Ministry will supply each other with any information required to carry out their work in a professional and timely manner, and to meet externally imposed deadlines. The Ministry (and/or the Minister) can withhold information from the Archive where it is appropriate to do so (for example, in accordance with the provisions of the Privacy Act 1993), or where they may be separately liable for any legal proceedings;
- 8.5 refer correspondence to the Archive for direct reply if this is considered appropriate (for example, where it concerns the operational responsibilities of the Archive);
- 8.6 use its best endeavours to inform the Archive of significant issues that could concern the Archive's operations, and maintain regular dialogue and co-operate on matters of mutual interest including reviews of the work and/or funding of the Archive. If any issue or dispute arises between the Ministry and the Archive both parties will work to resolve the dispute promptly;
- 8.7 use its best endeavours to advise the Archive of press statements that comment on the Archive prior to the release of any statement;
- 8.8 renegotiate this agreement if during its term the work or environment of the Archive is so altered that the Memorandum's contents are no longer appropriate.

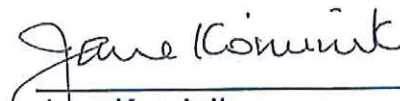
FORCE MAJEURE

- 9.1 In this Memorandum "force majeure" means an event which is beyond the reasonable control of any of the parties and which makes a party's performance of its obligations under this Memorandum impossible or so impracticable as reasonably to be considered impossible. It does not include industrial action where that action is within the power of the party invoking force majeure to prevent.
- 9.2 No party should be liable to the other party for any breach of its obligations under this ~~where~~ such breach or non-performance is caused by force

SIGNATURES



Hon Christopher Finlayson
Minister for Arts, Culture and Heritage



Jane Kominik
Chair
The New Zealand Archive of
Film, Television and Sound
Ngā Taonga Whitiāhua me
Ngā Taonga Kōrero

Date

Date 1. 8. 2014

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Schedule 1 – 2014/15 Crown Payments to the Archive

	Appropriation (\$ GST Exclusive)	GST (\$)	Disbursement (\$ GST Inclusive)
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TVNZ Archive Management Funding for 2014/15

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1 April 2015	397,500	59,625	457,125
\$ Total	1,590,000	238,500	1,828,500

Schedule 2 – Key Reporting Dates 2014/15

Date	Reporting Activity
Monthly	The Archive provides MCH with monthly reports for the Minister on current key achievements, issues, and/or risks for the period.
29 August 2014	The Archive provides the Minister (via MCH) with a six-monthly report on its financial and operational activities to 30 June 2014.
By 3 November 2014	The Archive provides MCH with a copy of the <u>most recent</u> report provided to its Board (covering operational activities, financial position and performance, and year-end projections).
13 February 2015	The Archive provides MCH with a six-monthly report on its financial and operational activities to 31 December 2014.
By 1 May 2015	The Archive provides MCH with a copy of the <u>most recent</u> report provided to its Board (covering operational activities, financial position and performance, and year-end projections).
9 August 2014	The Archive provides MCH with its unaudited accounts and KPI results.
12 Sept 2014	MCH provides the Archive with feedback on its draft accounts and results.
Within 5 working days of receiving the Audit Report	The Archive provides MCH with the Audit Report and the final draft Annual Report.
Within 1 week of receiving final auditors' letter	The Archive provides the Minister (via the Ministry) with any further significant information arising from the work of its auditors.
Statement of Intent 2015–18	
By 10 October 2014	The Archive meets with MCH to discuss expectations and business planning.
30 March 2015	The Archive provides MCH with its first draft SOI.
10 April 2015	MCH provides comments to the Archive on the draft SOI.
17 April 2015	The Archive provides the draft SOI to Minister (via MCH).
1 May 2015	The Minister provides any comment to the Archive on the draft SOI (via MCH).
By 29 May 2015	The Archive provides its final SOI to the Minister.
By 29 June 2015	The Archive publishes the SOI after it has been presented to the Minister.
Memorandum of Understanding 2015/16	
By 8 May 2015	MCH provides the Archive with a draft Memorandum of Understanding.
By 26 June 2015	The Archive and the Minister sign the MOU.
Report on Governance	
By 30 June 2015	The Archive Board reports to the Minister (via MCH) on assessment of its own governance performance.

Schedule 3 – Archive Statement of Intent 2014-2017

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Schedule 4 – TVNZ ARCHIVE COLLECTION ARCHIVE MANAGER SERVICES

Background

- A. The TVNZ Archive Collection (the Archive Collection) has been transferred to the Crown by the agreement for the Transfer of the TVNZ Archive Collection and Employees dated 16 June 2014 (the Archive Collection Agreement). The Crown holds the Archive Collection and intends to make the Archive Collection publicly accessible in accordance with the terms and conditions of the Archive Collection Agreement.
- B. For the purpose of ensuring appropriate management of the archive Collection, the Crown has agreed to appoint the New Zealand Archive of Film, Television and Sound Ngā Taonga Whitiāhua me Ngā Taonga Kōrero (the Archive) as the Archive Manager and to take receipt of the Archive Collection.
- C. In order to comply with the Crown's obligations under the Public Records Act 2005, and in order for exemptions under the Copyright Act 1994 for archiving and providing public access to apply, the arrangement between the Crown and the Archive will involve the Ministry for Culture and Heritage (MCH) subcontracting day-to-day maintenance and operation of the Archive Collection to the Archive.
- D. Any new intellectual property arising from the management of the Archive Collection will be the property of the Crown.
- E. The receipt of the Archive Collection by the Archive and the other elements of the transaction between the parties will be undertaken in accordance with the terms and conditions of this agreement.
- F. The Crown hereby appoints the Archive as the Archive Manager of the Archive collection, for an initial period of 3 years and the Archive accepts such appointment. The Archive will take receipt of the Archive Collection on 1 August 2014
- G. The Crown will obtain the agreement in writing of the Chief Archivist under the Public Records Act 2005 to defer under section 22 of that Act, for a specified period to be agreed between the Crown and the Chief Archivist, the transfer of the Archive Collection that has been in existence for 25 years or more and that is otherwise required by section 21 of that Act, provided that the terms and conditions of any such agreement are reasonably acceptable to the Crown.

Description of Archive Manager Services

- 1 The services to be provided by the Archive Manager include the responsibilities of the Archive Manager referred to in the Archive Collection Agreement and other outputs as may be agreed with the Crown from time to time. The key responsibilities include:

- 1.1 Provision of certain public access to the Archive Collection by viewing
 - 1.2 Provision of access for re-use by third parties subject to the Crown's agreement with TVNZ
 - 1.3 Digitisation of the Collection
 - 1.4 Preservation of the Collection
 - 1.5 Provision of Production Library Services to TVNZ, as set out in the Archive's agreement with TVNZ (a copy of which is attached as Schedule 5)
- 2 To the fullest extent possible, the Archive Collection will remain subject to the terms and conditions of the agreements between TVNZ and third party donors, and the Archive will comply with those agreements.
- 3 The Crown will provide the Archive with reasonable access to all relevant information about the Archive Collection that has been provided to the Crown by TVNZ, including metadata and all relevant information relating to rights of third parties.
- 4 No legal title and copyright (including any new copyright, if any) in the Archive Collection is being transferred to the Archive as a result of the carrying out of these services.
- 5 If the Archive records communication works, as defined in the Copyright Act, into the Archive Collection in accordance with section 90 of the Copyright Act, it will do so as contractor for the maintenance of the Archive Collection for the Crown.

6 *Storage, presentation and operation of Archive Collection*

- 6.1 The Archive will store, preserve and operate the Archive Collection in accordance with international best archiving practice for audio-visual archiving and in accordance with (subject to any third party rights) any reasonable requirements of the Crown.

7 *Digitisation*

- 7.1 Prior to 1 May in each year following the date of this agreement the Archive and the Crown will meet to agree a policy and/or schedule for the copying of the Archive Collection over the following 12 months. The Archive will use its best endeavours to adhere to any agreed schedule.
- 7.2 The Archive will progressively digitise the content of the TVNZ Archive for the purpose of making it available on the internet. Subject to expected levels of funding being confirmed, the following number of items will be digitised each year. The Archive will make these items available for approved users to stream and subject to funding, will stream them on its own website.

Subject to funding, a minimum of 2,000 items will be available on the internet by June 30, 2016.

	2014/15	2015/16	2016/17	2017/18
Items digitised	1,000	3,000	3,000	3,000
Items on internet	500	2,000	3,000	4,000

7.3 The Archive will copy the Archive Collection for preservation purposes in accordance with the provisions of the Copyright Act 1994 and as provided for in this MOU. Preserved Archive Collection Material will be stored and maintained by the Archive on behalf of the Crown and as contractor to the Crown for the maintenance of the Archive Collection.

7.4 On the expiry of this MOU, where requested by the Crown, the Archive Manager must transfer to the Crown copies made of the Archive Collection during the term of the MOU.

8. *Cataloguing of Archive collection*

8.1 The Archive will record descriptive information about the Archive Collection on to a database that is accessible to the public on the Internet.

9. *Significant Maori material*

9.1 The Archive is a bi-cultural organisation committed to ensuring appropriate use of the Archive Collection with significant Maori content and will provide relevant information regarding such material to whanau, hapu and iwi as part of its development of kaitiakitanga and access procedures.

9.2 In the case of significant Maori material, parties acknowledge that TVNZ has the right to decide access to TVNZ copyright material (subject to the provisions relating to viewing in clause 9 of the Archive Collection Agreement and other relevant provisions of that agreement). The Archive Manager will use best endeavours to ensure that the results of the clearance process are in keeping with the Archive Manager's best practice, including its policy for consulting with kaitiaki.

10. *Public access to the Collection*

10.1 The Archive will make the Archive Collection available for public viewing in accordance with clause 9 of the Archive Collection Agreement (see Schedule 6).

11. *Production Library Services*

- 11.1 The Archive will provide the Production Library Services to TVNZ, in accordance with its agreement with TVNZ dated 16 June 2014. Where an agreement relating to the provision of the production library services is not in existence between the Archive and TVNZ, the Archive will provide the services not relating to the production library services to the Crown.
- 11.2 The Archive will provide the production library services in accordance with the performance indicators set out in the Production Library Services Agreement.
- 11.3 Any breach by the Archive of its agreements with TVNZ for production library services that significantly decreases the benefits or significantly increases the burden to TVNZ of obtaining the production library series will be a breach of this agreement.

12. *Database Management*

- 12.1 In accordance with clause 2.3.2 of the Archive Collection Agreement, the Crown hereby grants the Archive a non-exclusive and non-transferable and royalty-free right to publish the contents of the database online in order to make it searchable by the general public provided that the Archive must not modify, delete or alter the Database in anyway. This does not permit publication of any part of the Archive Collection itself or the detailed shot logging information that supports the TVNZ production library function, but permits the inclusion of a precis of each title.
- 12.2 The Archive will copy the Database and copy content from the Database on to a database that is accessible to the public on the internet at regular intervals.
- 12.3 The Archive recognises TVNZ's right to handle, use and modify the contents of the Database in any manner TVNZ wishes, including to manage and administer all aspects of the Database.
- 12.4 The Database is expected to be obsolete in 2 – 3 years. TVNZ will maintain the Database until TVNZ's Digital Production Library (DPL) is operational, as notified by TVNZ to the Crown and the Archive. As soon as possible following notification by TVNZ the Crown will notify the Archive of TVNZ's intention to retire the Database to enable the Archive to make any final copies.

13 *Third party requests to re-use the Archive Collection*

- 13.1 The Archive will manage any third-party requests to re-use any of the Archive Collection in accordance with clause 10 of the Archive Collection Agreement (see schedule 6).

- 13.2 The Archive will work with TVNZ to refine the process for handling third-party requests.
- 13.3 Where a person requesting a copy of material from the Archive Collection does not provide the necessary permissions or licences from TVNZ or any other copyright holder of the material to re-use, the Archive Manager will refer the request to TVNZ.
- 13.4 95 per cent of all requests by the public or not for profit organisations for material from the Archive will be responded to within three working days of receipt and will be delivered within one week of receiving authorisation from TVNZ and/ or other rights-holders to release the material
- 13.5 The Archive will work with TVNZ to develop a pre-approval process for third party requests to reuse the materials in the Archive Collection in which TVNZ is the sole copyright holder, on such conditions as agreed between TVNZ and the Archive Manager from time to time.
- 13.6 In accordance with clause 9A of the Archive Collection Agreement, pursuant to clause 6 of the Agreement between the Crown and TVNZ dated 25 July 1991 relating to the transfer of assets to TVNZ, the Archive will, as the Archive Manager, allow access by Māori Television Broadcasters wishing to make programmes the dominant purpose of which is the promotion of Māori language and culture, for broadcast by Māori Television Broadcasters, to Māori Television Archival material held by it on a cost recovery basis.

14. *Streaming of Archive Collection*

- 14.1 The Archive will manage any requests to stream any of the Archive Collection in accordance with clause 11 of the Archive Collection Agreement (see schedule 6)
- 14.2 The Archive will collaborate with the Crown and TVNZ to review the watermark as provided for in clause 11.7 (see schedule 5) at agreed periods
- 14.3 In addition, as set out in clause 11.3 of the Archive Collection Agreement, the Archive may itself stream the Archive Collection subject to compliance with the provisions of clause 11.

15. *Compliance with the Public Records Act*

- 15.1 The Archive will comply with any requirements of the Crown, set out by the Crown in writing, for the Crown to meet its obligations under the Public Records Act.

16. *Compliance*

16.1 The Crown may at its own expense, and subject to the approval of the Minister of Finance, ascertain compliance with the provisions of this clause.

17. *Governance*

17.1 The Archive agrees to fulfil its obligations in relation to clause 13 of the

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Schedule 5 – Agreement between TVNZ and Production Line

Schedule 6 – Agreement between TVNZ and the transfer of the TVNZ Archive Collection
Agreement

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Jane Kominik
Chair
Ngā Taonga Sound & Vision
P O Box 11449
Manners Street
WELLINGTON, 6142

Dear Jane

LETTER OF EXPECTATIONS

This letter sets out my expectations for Ngā Taonga Sound & Vision (Ngā Taonga) for 2015/18. This letter will aid you in the development of your 2015-2018 Statement of Intent (SOI).

The past year has seen significant changes with the transfer of the TVNZ Archive collection almost trebling the audiovisual collection already being managed by Ngā Taonga and its acceptance of a contract to manage the archiving of the Iwi Radio Station collections. During the coming year Ngā Taonga will be involved in scoping and prioritising these collections as well as developing strategies for their preservation and digitisation.

The Government remains committed to its priorities of rebuilding Christchurch and better public services. The Government's aim is to renew Christchurch's unique identity and its vitality through supporting the recovery of its history, heritage and traditions. Ngā Taonga Sound & Vision has a significant part to play in this renewal through its film and sound holdings and the location of the Sound Archives in Christchurch.

Better Public Services requires an ongoing Government commitment to business improvement and service delivery, and achieving greater value from the taxpayers' investment. It also requires agencies to look increasingly for ways of working across the cultural sector and beyond, to improve the sector's cultural and social outcomes.

Over the next four years, I expect the Board to align, where possible, Ngā Taonga's strategy and operations with the Cultural Sector Strategic Framework. This Framework identifies five strategic priorities for the cultural sector during 2015/19: fostering inclusive New Zealand identity, supporting Māori cultural aspirations, frontfooting transformative technology, improving cultural asset sustainability and measuring and maximising public value. I see these priorities as a good match for Ngā Taonga's core business activities.

My specific expectations for the Archive are as follows:

- 1 *Maximising public access to audiovisual heritage:* I expect Ngā Taonga to work constructively with the Ministry for Culture and Heritage and other screen agencies on improving arrangements for the management of New Zealand's audiovisual heritage, and particularly the development of an online platform.

I also expect Ngā Taonga to participate with other screen agencies to provide efficient rights clearance and servicing of public broadcaster and individual public requests for access to the TVNZ and radio collections.

- 2 *Providing leadership in the audiovisual archiving sector:* I expect Ngā Taonga to continue the development of its role as an expert adviser on the care and preservation of New Zealand's audiovisual archive.
- 3 *Five-year strategic plan:* I acknowledge the challenges facing Ngā Taonga in the coming year and your intention to provide a new five-year strategic plan for Ngā Taonga. I look forward to seeing this work outlined in your Statement of Intent.
- 4 *Supporting Māori television and radio archiving:* I expect Ngā Taonga to continue to meet its annual commitments to archive Māori Television Service broadcast material and to provide strategic plans for ongoing targets in acquisition methods for Māori broadcasting.
- 5 *Contribution to the Canterbury heritage recovery programme:* I acknowledge Ngā Taonga's ongoing commitment to retaining the Sound Archives in Christchurch and the contribution this decision makes to Christchurch recovery. I expect to be advised of Ngā Taonga's efforts to resolve a permanent location for the Sound Archives.

My expectation is that you will engage with Ministry officials shortly after receiving this letter to discuss my expectations in more detail. This should then inform you and your Board's thinking when drafting your organisation's 2015-2018 Statement of Intent. My office will then arrange a meeting for us to discuss my expectations further if that is required.

Yours sincerely

Hon Maggie Barry ONZM
Minister for Arts, Culture and Heritage

cc Huia Kopua, Acting Chief Executive, Ngā Taonga Sound & Vision

Jane Kominik
Chair
Ngā Taonga Sound & Vision
P O Box 11449
Manners Street
WELLINGTON 6142

Dear Jane

LETTER OF EXPECTATIONS

This letter sets out my expectations for Ngā Taonga Sound & Vision (Ngā Taonga) in 2016/17. Its purpose is to assist the Board to develop its 2016/20 Four-year Plan and other strategic planning documents.

I am encouraged by Ngā Taonga's proactive approach to scoping, digitising and cataloguing the major collections entrusted to you by the Crown in recent years which I witnessed during my recent visit on 26 January. I appreciate your efforts to ensure access for all New Zealanders to our audiovisual heritage.

The Government has the following overarching expectations for all Crown-funded agencies in 2016/17:

Performance improvement – the Government expects Crown-funded agencies to continue looking for ways to deliver higher-quality public services and value-for-money.

Focus on achieving results – agencies should be able to demonstrate what difference they are making to their customers and stakeholders. I expect ongoing efforts to improve the quality of performance measures included in your public accountability documents. Please engage with the Ministry for Culture and Heritage as soon as practicable on this important issue.

Collaboration – agencies should continue to look for new and better ways of working together. Agencies should have a clear strategy for partnering to improve sector outcomes, and putting citizens – not agency boundaries – first in service design. Given the Government's ongoing commitment to fiscal restraint, arts, culture and heritage agencies should also continue seeking partnerships with the private and philanthropic sectors to leverage alternative funding streams where appropriate.

Openness and transparency – the Government expects Crown-funded agencies to publish non-sensitive performance information - including this letter - on your website in a timely manner. I expect you to inform me of any

new information before publishing it on your website, consistent with the 'no surprises' policy.

My specific expectations for Ngā Taonga are as follows:

- 1 *Maximising access to New Zealand's audiovisual heritage:* I expect Ngā Taonga to work constructively with the Ministry for Culture and Heritage and other screen and production agencies on improving arrangements for the management of and access to New Zealand's audiovisual heritage, and particularly the delivery of a coordinated online platform.

As part of this, I expect Ngā Taonga to participate with other screen agencies to provide efficient rights clearance and servicing of public broadcaster and individual public requests for access to the TVNZ and radio collections.

- 2 *Providing leadership in the audiovisual archiving sector:* I expect Ngā Taonga to continue the development of its role as an expert manager of the care and preservation of New Zealand's audiovisual archive.

- 3 *Supporting Māori television and radio archiving:* I expect Ngā Taonga to continue to meet its annual commitments to archive Māori Television Service and Iwi Radio station broadcast material and to provide plans for new and ongoing targets for acquisition of Māori broadcasting material.

- 4 *Accommodation of the Archive collections:* I acknowledge Ngā Taonga's recent decision to seismically strengthen its main Wellington building and its commitment to finding a permanent location for the Sound Archives. I expect Ngā Taonga to actively explore all cost-effective options for storage of its collections and would like you to provide me with an overview of your plans across your various premises.

I expect you to engage with Ministry officials once you receive this letter to discuss my expectations in more detail. I look forward to working with you and your Board over the coming year, and to seeing the expectations outlined above reflected in your planning documents.

Yours sincerely

Hon Maggie Barry ONZM
Minister for Arts, Culture and Heritage

cc Rebecca Elvy, Chief Executive, Ngā Taonga Sound & Vision



Office of Honourable Maggie Barry ONZM

MP for North Shore
Minister for Arts, Culture and Heritage
Minister of Conservation
Minister for Seniors

COPY

23 MAR 2017

Jane Kominik
Chair
Ngā Taonga Sound and Vision
84 Taranaki Street
PO Box 11 449
WELLINGTON 6142

Dear Jane

LETTER OF EXPECTATIONS: 2017/18

This letter sets out my expectations for Ngā Taonga Sound and Vision (Ngā Taonga) in 2017/18 - its purpose is to assist the Board to draft your strategic planning documents.

I acknowledge the successful launch of Ngā Taonga's Strategic Plan 2016-2024. Along with the Four Year Plan 2016-2020, the Strategic Plan sets a suitably ambitious direction for your organisation. I look forward to seeing Ngā Taonga's progress with respect to the priorities and result areas that have been identified.

Before outlining my specific expectations for Ngā Taonga, I would like to outline two expectations that I have of all the agencies I am responsible for - effective governance and 'no surprises'.

Whilst your board has the most immediate and direct responsibility for monitoring the performance of Ngā Taonga, I expect it to provide me (as responsible Minister) with high quality information on performance against your planning documents, and timely information on the risks and opportunities facing your organisation. I have asked the Ministry for Culture and Heritage, acting as my monitoring agent, to focus on the quality and timeliness of performance information - you can expect the Ministry to work with you on this over the coming year.

For the avoidance of doubt, no surprises means that I expect you to inform me in a timely manner about matters of significance within my portfolio responsibilities, particularly where these matters may be controversial or may become the subject of public debate.

My specific expectations for Ngā Taonga in 2017/18 are as follows:

1. *Implement the Four Year Plan 2016-2020 and Strategic Plan 2016-2024:* I expect Ngā Taonga to make progress on implementing its Four Year Plan 2016-2020 and Strategic Plan 2016-2024, and to provide me with regular updates on progress or any significant organisational change.

2. *Buildings and accommodation:* In view of the recent Kaikoura earthquake, I expect the safe housing of Ngā Taonga's collections and staff to be one of your organisation's major concerns in 2017/18. I expect you to continue to explore cost-effective options regarding Ngā Taonga's earthquake-prone Taranaki Street headquarters, and to provide me with updates on any decisions in relation to this building. I also expect you to keep me informed regarding the future of Ngā Taonga's facilities in Auckland and Christchurch.
3. *Maximise cross-agency collaboration:* I expect Ngā Taonga to work constructively with the Ministry for Culture and Heritage and other screen and production agencies on improving arrangements for the management of and access to New Zealand's audiovisual heritage. I also expect you to work with agencies such as the National Library and Archives New Zealand in order to improve coordination across the system of publicly-funded archives.
4. *Continue to grow non-government revenue:* The Government continues to operate within an environment of fiscal constraint. I note that 10% of Ngā Taonga's revenue came from non-government sources in 2015/16. I commend your organisation for this result, and I encourage you to grow the share of your revenue from non-government sources.
5. *Continue digitising the TVNZ Archive:* I understand that Ngā Taonga is facing cost pressures in relation to its work on digitising the TVNZ Archive. Given the fiscal constraints faced across the public sector, I expect you to continue to deliver this work within baseline funding. I would also like you to provide the Ministry with a report on the progress of this digitisation project by the end of the financial year.
6. *Te Ture mō Te Reo Māori (the Māori Language Act) 2016:* With the passing of the Māori Language Act, the Government is prioritising the development of its Māori Language Strategy, Maihi Karauna. Given the work Ngā Taonga performs in archiving Māori broadcast programming, I expect Ngā Taonga to be involved in discussions on the development of the Maihi Karauna.

Finally, I would appreciate a response to this letter, which outlines the key strategic challenges and opportunities facing Ngā Taonga and how the Board intends responding to the expectations contained in this letter. I look forward to working with you, the rest of the Board and your Chief Executive over the coming year.

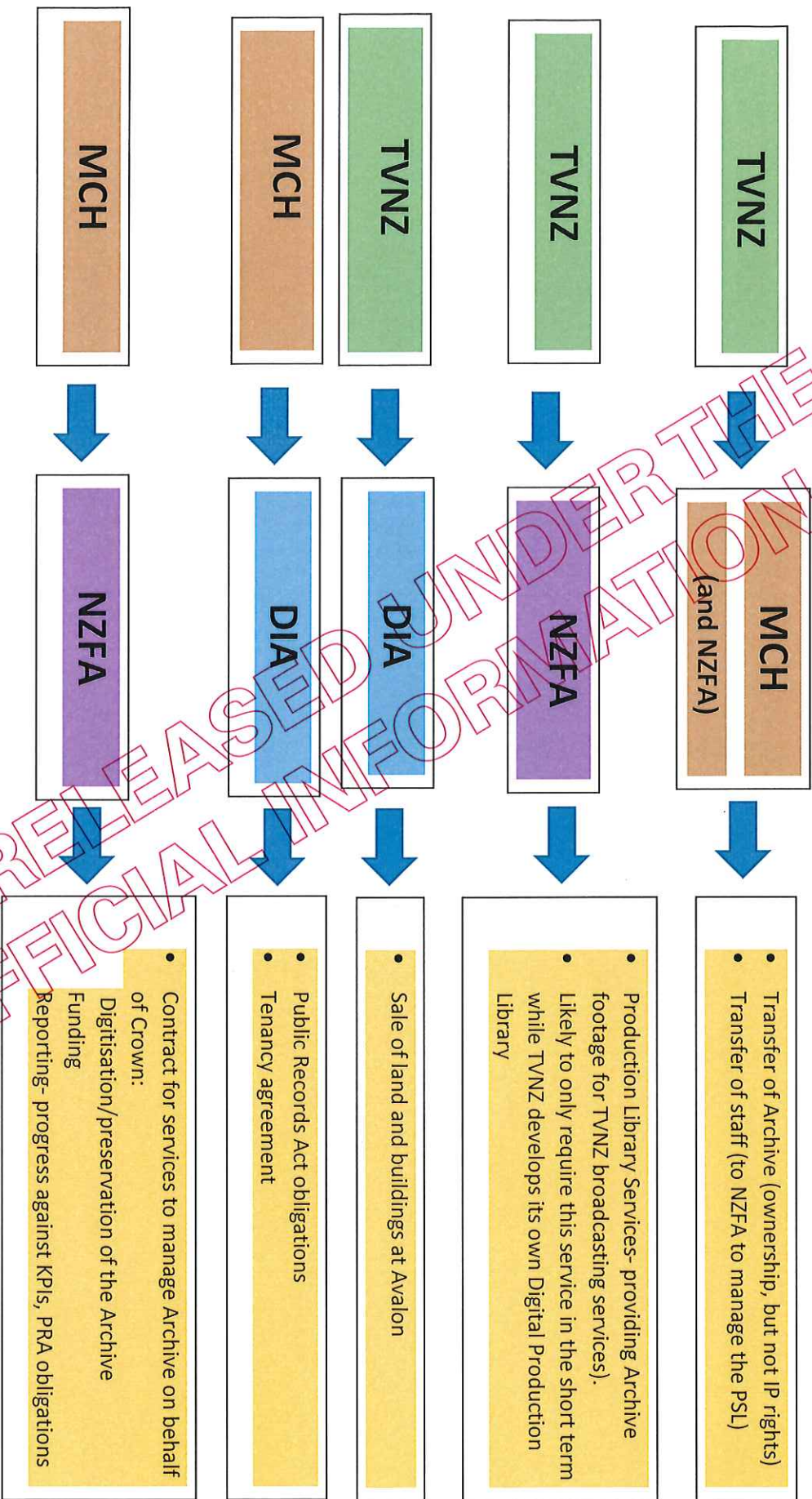
Yours sincerely



Hon Maggie Barry ONZM
Minister for Arts Culture and Heritage

cc: Rebecca Elvy, Chief Executive, Ngā Taonga Sound and Vision

AGREEMENTS FOR THE TRANSFER OF THE TVNZ ARCHIVE



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MINISTRY FOR
CULTURE AND HERITAGE

27 MAY 2014

Manatū
Taonga

Ministry
for Culture
& Heritage

Minister for Arts, Culture and Heritage
Minister of Broadcasting

TVNZ ARCHIVE: UPDATE ON FINAL AGREEMENTS

Date	23 May 2014	MCH File Ref	D-0531969	Briefing No	2014/229
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Action sought

Timeframe /
Deadline

<p>We recommend you:</p> <p>a) Note that all remaining issues have been satisfactorily resolved;</p> <p>b) Note that all agreements required to give effect to the transfer will be finalised this week, with the necessary authorisation under the Public Records Act 2005 likely to be completed by 1 July 2014;</p> <p>c) Note that the transfer will take effect from 1 August 2014, at which time control of the Archive collection, and ownership of the land and buildings at Avalon will transfer to the Crown; and</p> <p>d) Agree to refer a copy of this briefing to the Minister of Finance and Minister of Internal Affairs.</p>	
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Contacts for telephone discussion

Name	Position	Telephone	
		(work)	(after hours)
Greg Harford	Manager, Media Policy	s9(2)(a)	
s9(2)(a)	Policy Advisor, Media Policy		

Minister's Office to complete

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Overtaken by events
<input type="checkbox"/> Referred to: _____		
<input type="checkbox"/> Seen	<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Not seen by Minister

Minister's Office Comments

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Date received from MCH	Date returned to MCH

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TVNZ ARCHIVE: UPDATE ON FINAL AGREEMENTS

Purpose

- 2 This paper updates you on agreements reached between the Crown, TVNZ and the New Zealand Film Archive (NZFA) regarding the transfer of the TVNZ Archive to the Crown. It briefs you on the resolution of issues outstanding at the time of the last update (briefing 2014/154 refers).

Background

- 3 Officials from the Ministry for Culture and Heritage (MCH) and the Department of Internal Affairs (DIA) have been in discussion for some time with TVNZ and NZFA regarding the transfer of the TVNZ Archive collection to the Crown. Agreements to give effect to the transfer have been finalised this week.
- 4 MCH has recommended that its Chief Executive sign the Archive Collection Agreement and the MCH-DIA Memorandum of Understanding for access to the Archive Facility. This will occur in the week beginning 26 May 2014.
- 5 The MCH-NZFA Memorandum of Understanding will be signed by the Minister for Arts, Culture and Heritage in time for the NZFA Board meeting scheduled for late June.
- 6 The 2014 Budget provided funding for:
 - a) \$11.3 million capital and \$5.1 million operating funding over four years to purchase and make necessary improvements to the purpose-built archive facility; and
 - b) \$8 million operating funding over four years for ongoing management of the archive.
- 7 Five separate, but interconnected, agreements are required to give effect to the transfer. These are outlined below.

Out of scope

Archive Collection Agreement

- 10 The Archive Collection Agreement (ACA) sets out the terms and conditions relating to the transfer of the Archive Collection from TVNZ to MCH and the proposed transfer of the existing employees from TVNZ to the Film Archive, including:
 - a. The vesting of the title, risk and possession of Archive collection in MCH;
 - b. MCH's appointment of an Archive Manager;
 - c. MCH and the Archive Manager's right to access the Database relating to the Archive collection and publish it online; and
 - d. The process by which MCH and TVNZ will make the material in the Archive collection more accessible to the public including enabling MCH to stream content online where appropriate.
- 11 The ACA is conditional on the Agreement for Sale and Purchase being unconditional, an Archive Manager being appointed (NZFA) and the Chief Archivist authorising the disposal of the archive collection to MCH. The period for public comment on the intended transfer that is required under the PRA ends on 21 June 2014. Depending on the extent of the comment, it may be possible for this process to be completed by 1 July 2014.
- 12 TVNZ will retain its intellectual property rights to the material, its database and will have an ongoing right of access to the collection for the purposes of providing its own production library services.

MCH - DIA Memorandum of Understanding for access to the Archive collection

- 13 This MOU allows the Crown's Archive Manager (NZFA) to occupy the Archive Facility for the purposes of providing certain public access, preservation, maintenance and digitisation services, as set out in the MOU between NZFA and MCH. Access is also required to allow NZFA to provide Production Library Services to TVNZ.
- 14 The MOU also allows TVNZ to access to the Archive Facility in certain circumstances.

MCH - NZFA Memorandum of Understanding 2014-17

- 15 The MOU provides funding to NZFA to preserve and digitise the Archive collection, in order to increase public accessibility. The MOU also allows NZFA to occupy the Archive facility and use the equipment to provide these services to MCH, and to provide production library services to TVNZ.
- 16 The MOU ensures that NZFA is accountable to MCH for its use of public funding. It sets out how MCH will monitor NZFA, and provides assurance to both TVNZ and NZFA that MCH will mediate in the event of a dispute over the provision of production library services.
- 17 The agreement also provides, for the first time, service expectations for third party access to the Archive.

Production Library Services Agreement

18 This agreement, between TVNZ and NZFA, provides for the provision of Production Library Services (PLS) to TVNZ. These services also include NZFA assisting TVNZ to catalogue the Archive collection until TVNZ's Digital Production Library is operational. This is expected to be in December 2015.

Comment

19 At the time of our last briefing (2014/154) two significant issues were outstanding. These have now been successfully resolved.

Production Library Services

20 TVNZ originally proposed that the Crown take on responsibility for providing production library services and subcontract these obligations to NZFA. This would have exposed the Crown to unacceptable legal risk. As an alternative, officials proposed, and TVNZ accepted, that:

- a) TVNZ and NZFA have a separate agreement (outlined above) covering the provision of production library services by the NZFA to TVNZ;
- b) MCH will ensure service delivery through its MOU with NZFA; and
- c) The Archive Collection Agreement provide TVNZ with the ability to step in to access the Archive facility and material in the unlikely event that NZFA is unable or unwilling to provide production library services to TVNZ to an acceptable standard.

Out of scope

Risks

Out of scope

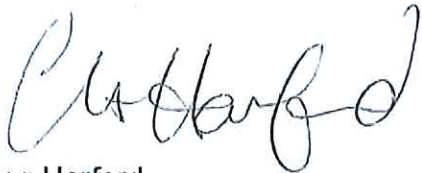
Out of scope

The Crown will be reliant on NZFA to achieve public accessibility objectives

- 27 The Crown will be reliant on NZFA (a charitable trust) to deliver its objectives in terms of digitising and increasing public accessibility to archive material.
- 28 In the first 18 months, NZFA will have to balance its work for the Crown with the provision of production library services to TVNZ. TVNZ has provided an estimate of the level of service it will require from NZFA while it develops its own replacement Digital Production Library (DPL).
- 29 The MOU accounts for this by requiring a reduced number of items digitised and available on the internet in 2014-15. If development of the DPL takes longer than expected, or production library services are required above estimated levels in 2014-15, then NZFA's ability to meet its targets for the Crown might be compromised.
- 30 NZFA has indicated that by June 2016 2,000 items will be available on the internet, with this number increasing substantially in subsequent years. It is only in the first 18 months that digitisation efforts are expected to be slowed by TVNZ's requirements on NZFA.
- 31 In order for TVNZ to develop its DPL, it may wish to digitise some material itself, in addition to material digitised by NZFA as part of its production library service. We have negotiated for copies of any such material to be shared with NZFA, with a reciprocal right for material NZFA digitises to be provided to TVNZ. This will increase efficiency and may result in greater levels of material being digitised overall.
- 32 Making digitised content publically available online is a substantial piece of work. It will require careful consideration of the best and most efficient way to achieve this outcome.

Out of scope

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Greg Harford
For Chief Executive

Hon Craig Foss
Minister of Broadcasting

1 / 2014



Hon Christopher Finlayson
Minister for Arts, Culture and Heritage

6/5 / 2014

Out of scope

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Greg Harford
For Chief Executive



Hon Craig Foss
Minister of Broadcasting

7.44 5 /2014

Hon Christopher Finlayson
Minister for Arts, Culture and Heritage

/ /2014