



23 May 2023

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NZ Herald
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Tēnā koe ██████

Official Information request and response

Thank you for your request under the Official Information Act (“OIA”) dated 14 March 2023. The required response date for this request was extended by NZ On Air on 17 March 2023 and again on 10 May 2023, with a final revised response date of 24 May 2023.

You have requested:

Copies of any and all reports, documents, minutes, briefing notes, meeting recordings, memoranda, correspondence, legal advice, aide memoires, texts, Microsoft Teams conversations, online message conversations (ie. Whatsapp), social media conversations or emails, internal and external

- 1. Regarding any licencing and sub-licencing agreements for SIS The Show*
- 2. Regarding any communications with external parties about SIS The Show including and not limited to guild representatives, government representatives, public servants, journalists and any other industry members*
- 3. Regarding any communications with Viacom, Paramount, or Sky about SIS The Show, regarding licencing and sub-licencing or any other details about the show*
- 4. Regarding any financial decisions or payment agreements with Viacom, Paramount, Sky or any third parties for SIS The Show*
- 5. Regarding any conversations about the protest and petition by SIS The Show on the date 17 October 2022 and following*
- 6. Regarding any conversations about Destiny Momoisea, Maiya T, Hanelle Harris, Jadin Leslie or Karin Williams*
- 7. Regarding any conversations with Karin Williams including text messages, emails, and call logs*
- 8. Regarding decision-making for both audits of SIS The Show Pilot and Season 1*
- 9. Regarding any conversations between NZOA staff and their Board members regarding SIS The Show*

Please see below our response:

Information released under previous OIA requests related to this production has previously been made available to you on 17 March 2023. Previously released documentation and information will not form part of this response.

1. Beyond what has already been released, there is no correspondence relating to the licencing and sub-licencing agreements for *SIS* and as such we decline your request under Section 18(e) of the OIA. NZ On Air has not been privy to discussions between the producers of the show and broadcast partners (including potential broadcast partners).

NZ On Air, as required under its funding agreement, has a copy of the Sky Network Television licence agreement regarding the distribution of the content in New Zealand. NZ On Air has declined to release this agreement under Section 9(2)(b)(ii) of the OIA as it is a third-party commercial agreement that NZ On Air is not party to.

2. Please see below our response to this part of your request:
 - a. Please find attached text correspondence that was had between the NZ On Air Head of Funding and the Head of Sky Originals at Sky Network Television. NZ On Air has decided to withhold parts of these conversations under Section 9(2)(a) of the OIA.
 - b. NZ On Air received an email on 27 December 2023 from an industry member following our publicised decision to audit the full season of *SIS*. Given that the release of such correspondence would likely cause the person who sent the email to be identifiable and that the individual raised concerns about past interactions, we have declined to release this correspondence under Section 9(2)(a) of the OIA. However, in trying to meet the aims of your request we have decided to summarise this correspondence. The sender of the email, who was familiar with the work of the producers for *SIS*, was supportive of NZ On Air's decision to audit the production prior to providing the final instalment of NZ On Air funding. The sender of the email also outlined previous interactions they had had with the producers of *SIS* and questioned the character of one of the key personnel of the production, which NZ On Air acknowledged but did not consider directly relevant to the issue of the content being released on Vimeo.
 - c. Please find attached a copy of the response sent by the NZ On Air Chief Executive in reply to the correspondence outlined at subparagraph 2(b) of our response. NZ On Air has decided to withhold parts of this correspondence under Section 9(2)(a).
 - d. NZ On Air Communications staff dealt with several journalist enquiries in relation to the unapproved release of *SIS* on Vimeo. No formal minutes exist in relation to these phone conversations. Please also refer to our response at paragraph 5a. Journalists were directed to our statement(s) on the website and variety of background questions answered to aid understanding of the situation.
 - e. Two informal conversations were had between the NZ On Air Head of Funding and a journalist from The Spinoff following the unapproved release (from the perspective of NZ On Air) of *SIS*. These conversations were had on 24 November 2022 and 29 November 2022 respectively however were not minuted or noted. To the best of that staff member's recollection, conversations that were had were for The Spinoff to

ascertain information regarding the unapproved release of *SIS* on Vimeo and to inform the release of [this feature](#).

- f. A NZ On Air staff member took an afterhours call on 18 October 2022 from a legal representative of the Producers for *SIS*. This phone call was not formally minuted. We have declined to release a copy of notes taken by this staff member in relation to this conversation under Section 9(2)(g)(i) of the OIA.

To the best of the staff member's recollection, the legal representative assured they were working with the producers to remove *SIS* from the Vimeo platform. The representative also requested to see any statement NZ On Air was planning to put out and assured the NZ On Air staff member that the production team remained supportive of NZ On Air.

- g. Immediately after the call outlined in subparagraph d, the same staff member received a call from Ms Hanelle Harris, one of the lead producers of *SIS*. This phone call was not formally minuted. We have declined to release a copy of notes taken by this staff member in relation to this conversation under Section 9(2)(g)(i) of the OIA.

To the best of the staff member's recollection, Ms Harris reiterated the *SIS* team's issues were not with NZ On Air but rather wanted to create a conversation about systemic change in the industry to address their perception of racism. Ms Harris also mentioned that they were considering taking the content down from Vimeo.

3. Please refer to Paragraph 1 of our response.
4. The only entity to which NZ On Air provided funding for *SIS* was Sis The Show Limited, the production company for the show. NZ On Air has not provided funding to nor entered agreements with Viacom, Paramount, or Sky Network Television in relation to this programme. We decline this part of your request under Section 18(g) of the OIA.
5. The email correspondence NZ On Air had directly with Sky Network Television has already been made available to you on 17 March 2023.

In addition to that, please see the rest of our response in relation to this part of your request:

- a. It is not possible for NZ On Air to provide staff phone logs over this time period and this part of your request is partially declined under Section 18(e) of the OIA as the information does not exist. Phone logs for staff office phones do not keep long term records of all calls made, received or missed.
- b. Internal conversations at NZ On Air were had following the unapproved release of *SIS* on Vimeo and following the launch of the production's online petition. However, due to NZ On Air's efforts in attempting to understand and resolve the matter in an efficient manner, these conversations were not minuted or noted. Conversations were had about the appropriate next steps to take following the unapproved release of the content, having regard to NZ On Air's funding and legislative requirements and the producer's obligation to ensure the content be distributed in line with the agreed upon distribution plan. These conversations were also had to formulate

correspondence and media releases related to the unapproved release of *SIS*. Copies of the correspondence and media releases have already been made available to you on 17 March 2023 or are publicly available on NZ On Air's website.

- c. Similarly, following the unapproved release of *SIS* on Vimeo, multiple conversations were had with the NZ broadcaster for the programme, Sky Network Television. These conversations were undertaken to seek clarity on what legal and other steps Sky Network Television intended to take and gauge any potential impact such decisions would have on the licence agreement between the producer and the broadcaster, the NZ On Air funding agreement and the intended distribution of the content. Many of these conversations were not minuted or noted and other relevant correspondence between NZ On Air and Sky Network Television has been made available to you.
- d. Conversations were had between NZ On Air Head of Funding and a Content Commissioner at Sky Network Television on 6 December 2022 following NZ On Air's receipt of a multiple social media messages in response to online posts on the official *SIS* Instagram page. These conversations were not minuted or noted.
- e. We are also partially declining this part of your request under Section 9(h) of the OIA.

6. Please refer to Paragraph 5 of our response.

7. Please see our response in relation to this part of your request:

- a. A phone call was made to Ms Williams by a member of staff the day after *SIS* was released on Vimeo (17 October 2022). No minutes or notes concerning this conversation were identified in relation to this call but NZ On Air can confirm that the intention and outcome of the call was to check in with Ms Williams and to confirm her status on the production following the unapproved release of *SIS* on Vimeo. Ms Williams confirmed to the staff member that she was no longer attached to the production at the time of the call.
- b. A second phone call to Ms Williams was made by the NZ On Air Head of Funding to Ms Williams on 8 November 2022. No minutes or notes concerning this conversation were identified however NZ On Air can confirm that the intention of the call was to talk with Ms Williams in her capacity as the former Executive Producer for during pre-production, production and post-production of *SIS* and to seek initial clarification around where, in her opinion, she understood the final funding instalment of NZ On Air funding for *SIS* may be applied to. Ms Williams confirmed with the NZ On Air Head of Funding that, to the best of her knowledge at the time of the call, the remaining NZ On Air funding would be applied towards internal or related parties of the contracting production company, *SIS The Show Limited*.

NZ On Air has decided to withhold text conversations between the NZ On Air Head of Funding and Ms Williams under Section 9(2)(a) of the OIA.

8. Please see our response in relation to this part of your request:

NZ On Air carries out an annual selection of productions it wishes to externally audit. Production audits are carried out by an independent auditor that NZ On Air engages. NZ On Air have These decisions are based on a number of factors including the format of the content, the number of times a production company may have been previously funded by NZ On Air, the quantum of funding, any discrepancies or errors identified in cost and producer reports supplied by the producers to NZ On Air during the life of the production and any other matters NZ On Air staff may deem to be relevant.

- a. Given the *SIS* Pilot was the 5th funding application Culture Factory (the creatives behind *SIS*) had successfully received NZ On Air funding for, the production was deemed to be a suitable candidate for a project audit.
- b. The decision to audit the full season of *Sis* was the result of an internal discussion at NZ On Air. The reasons for this audit were outlined in our media release regarding *SIS* on 14 December 2022. This can be found [here](#) .

9. The funding recommendation paper submitted to the NZ On Air Board regarding *SIS* on 29 September 2020 has already been released to you.

In addition to this, we have decided to release the following:

- a. A copy of an email sent to the NZ On Air Board by the NZ On Air Head of Communications on 18 October 2022.
- b. A copy of an email sent to the NZ On Air Board by the NZ On Air Head of Communications on 19 October 2022.
- c. A phone conversation was had between members of NZ On Air staff and a NZ On Air Board member, who had, following the unapproved release of the content, independently contacted the production team (please see subparagraph 9(c)). This conversation, which was not noted or minuted, was done to ascertain the extent of the correspondence the Board member had had with the production team. Attached is an email from the Board member to the NZ On Air Chief Executive on 15 November 2022 in relation to that phone conversation.
- d. Copies of the correspondence the NZ On Air Board member had with the producers of *SIS* on 18 October via social media.
- e. A copy of the Chief Executive's update to the NZ On Air Board, as it relates to *SIS*, from the November 22, 2022 NZ On Air Board meeting. We have redacted information in this document that falls outside of your request and have partially redacted this document under Section 9(2)(h) of the OIA.
- f. A copy of an email sent to the NZ On Air Board by the NZ On Air Chief Executive on 6 December 2022.

NZ On Air has decided to withhold some information that falls within the scope of this part of your request under Section 9(2)(g)(i) of the OIA.

For your information, funding provided by NZ On Air for all successful projects is [searchable](#) on our website. You can also [sign up](#) to receive our regular industry newsletter via our website.

You have the right to refer this response to the Ombudsman if you are dissatisfied with it. More information on how to do this is [here](#). NZ On Air proactively releases information in accordance with the Government's commitment to the Open Government Partnership National Action Plan. This includes publishing responses to requests for information under the OIA. Please note that this response (with your name removed) will be published on the NZ On Air website shortly and will remain on our website for 12 months.

Thank you for your interest in our work.

Yours sincerely



Sharon Kerry
HEAD OF CORPORATE SERVICES

Attachments:

1. Text correspondence between NZ On Air Head of Funding and Head of Sky Originals (2a)
2. NZ On Air response to complaint received on 27 December 2022 (2c)
3. A copy of the email sent to the NZ On Air Board on 18 October 2022 (9a)
4. A copy of the email sent to the NZ On Air Board on 19 October 2022 (9b)
5. A copy of the email correspondence between the NZ On Air Chief Executive and a member of the NZ On Air Board (9c)
6. Copies of the online correspondence between a NZ On Air Board Member and the producers of *S/S*
7. A copy of the Chief Executive Update to the NZ On Air Board on 22 November 2022
8. A copy of the email sent to the NZ On Air Board on 6 December 2022