



16 February 2022

[REDACTED]
TOMPKINS WAKE

By email: [REDACTED]

Tēnā koe [REDACTED]

Official Information request and response

Thank you for your request under the Official Information Act ("OIA") dated 13 December 2021.

On behalf of a client, you have requested:

1. *Full details of the application made by Southern Community Media Trust (trading as "Crux") for "Factual" funding. This application was granted \$151,200 in September 2021 (Crux 2021/22Pijf). Please include any details held relating to the applicant Trust including:*
 - i. *type of trust;*
 - ii. *trust deed; or*
 - iii. *trust statement of purpose.*
2. *Any information held by NZ On Air relating to any relationship or connection between Southern Community Media Trust and Crux Publishing Limited (which also appears to trade as "Crux") which has previously been granted funding from NZ On Air in the following decisions:*
 - i. *Deep South – July 2021;*
 - ii. *Southern Lens 2 – July 2020;*
 - iii. *Southern Lens – July 2019; and*
 - iv. *House Talk – May 2019.*

and may also have been involved in the application "Living In La La Land" granted funding in July 2018.

On 13 December 2022 NZ On Air sent the following information to request clarification on Point 1 and address Point 2:

Previously, the Southern Community Media Trust was the name used to apply for funding through our portal. It is our understanding that the trust was winding up and Crux were shifting to running their operations entirely out of Crux Publishing Limited. As they were using an old applicant profile that has their applicant name listed as the Southern Community Media Trust, this would have pulled through our system into the media release.

To confirm, we have not contracted with the Southern Community Media trust. All our contracts for the listed projects are with Crux Publishing Limited.

In reference to Question 1A – can you please specify exactly what information you are seeking when you ask for “Full details of the application”. Is it just the information that we may hold pertaining to the Trust structure and purpose?

On 21 December 2021 you responded with the following clarification

- A. *All details on record regarding the application in the name of the Southern Community Media Trust – that is, any information which is able to be disclosed, including correspondence between NZOA and Southern Community Media Trust/Crux Publishing Ltd;*
- B. *Any other information relating to the relationship or connection between the Southern Community Media Trust and Crux Publishing Ltd; and*
- C. *The rationale for the approval of the funding granted to Southern Community Media Trust and/or Crux Publishing Ltd*

In regard to point A. we are interpreting this as detail relating to the successful PIJF funding round in September 2021. As referenced in your original request.

As this project is still in production, and not due to be completed and delivered until the end of December 2023, under section 9(2)(b) of the OIA we are withholding the information pertaining to the proposal and planning documents provided for this project, as part of the grant application process. We have also withheld draft and final versions of contracts, job descriptions and employment agreements. These are still considered commercially sensitive documents.

However, I have attached the requested information that we are able to release:

- Application form to accompany project in longlist and shortlist phase (pg 1-4)
- Email dated 19 July 2021 | PIJF – Roles (pg 5)
- Email dated 3 August 2021 | Time slot request - Roles. Crux (pg 6)
- Email dated 3 August 2021 | Re: Crux -PIJF Shortlisting (pg 7)
- Confirmation of funding letter dated 23 September 2021 (pg 8-11)
- Email dated 12 October 2021 | Re: NZOA funding webinar – RSVP (pg12-15)
- Email dated 13 October 2021 | Re: PIJF -CRUX funding (pg 16)
- Email dated 14 October 2021 | Re: PIJF -CRUX funding (pg 17)
- Email dated 12 November 2021 | RE: PIJF Senior Journalist employment contract (pg 18- 30)
- Email dated 25 November 2021 | Re: Crux Roles Funding - Minimum Content Outputs(pg 31 – 32)
- Email dated 2 December 2021 | RE: Employment Agreement. – PIJF (pg 33 – 36)

In regard to point B. other than the information that we had addressed in our previous email, we are able to release:

- Copy of Business certificate from NZ Companies register (pg 37)

In regard to point C. I have attached the requested information that we are able to release:

- Extract of Internal funding paper with rationale (pg 38-42)
- Copy of meeting minutes confirming the funding decision (pg 43- 45)

The following redactions in these documents have been made:

- section 9(2)(a) of the OIA to protect the privacy of natural persons
- section 9(2)(b) of the OIA to protect information where the making available of the information—
 - (i) would disclose a trade secret; or

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- (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Once this project has been completed we will be happy to reconsider your request and may be in a position to release some of the information we have redacted or withheld. Please contact us again at that time with a new request.

In addition to the information we have provided, we have also been advised by Crux Publishing Ltd that:

- “The Southern Community Media Trust was replaced by Crux Publishing Ltd in April 2019 based on legal advice and practical experience based on our goal of community ownership. We plan to issue shares to the community and a Trust can’t issue shares.
- All NZOA contracts relate to Crux Publishing Ltd apart from Living in LaLa Land - but that contract was to the production company (Storyworks) not to Crux/SCMT.
- We published [this story](#) in January 2022 featuring the hiring of Kim Bowden (PIJF) but made it clear that Kim was only partially funded by agreement with NZOA (we upgraded Kim’s packages from Intermediate to Senior journalist at our own cost - so we could better train juniors in the future.)
- Crux Publishing Ltd is funding Kim’s extra salary (Intermediate to Senior) plus all of the budgeted items including vehicles, computer, phone etc.”

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