

25 February 2021

[REDACTED]

[REDACTED]

Tēnā koe [REDACTED]

Thank you for your Official Information Act request to the Department of Conservation, received on 14 January 2021 in which you asked for:

1. The recording of the Zoom meeting held 13 Jan.
2. Any internal correspondence prior to and post the Zoom call about the meeting focus, the choice of who to invite, or written summaries of what was said by attendees.
3. How many permits have *been* applied for by media since 2018.
4. What are the grounds for approving or declining a permit.
5. How many permits have been approved.
6. How many have been declined.
7. What grounds were any declined permits declined for (please provide as much detail as possible).
8. Has DOC estimate how much time processing media permits will take.
9. How many staff are assigned to this role.
10. What is the estimated cost in work hours etc of implementing the media permit system.
11. What is the internal process undertaken when an application is made (please provide as much detail as possible – who deals with it initially, what decisions they make and on what grounds, who else in the organisation applications are sent to, who makes final decisions to approve or deny permits).



12. Have media caused impact on wildlife in the past which prompted the instigation of permits, if so can you please provide details.
13. Have media had any instances where they weren't safe in the past, if so, can you please provide details.
14. Any documentation relating to the purpose of the review of the media permit system.
15. Any documentation relating to the possible outcomes of the media permit review.
16. An expected date the review will be complete.
17. What the plans are on communicating the result of the review to media.
18. If the media permit system remains, what approach will DOC take to media who don't apply for permits.
19. Since 2018 how many times have DOC staff asked media for the angle of their story when they are applying for permits.
20. Is asking for the angle of the story part of the internal process for accessing permits.
21. Are staff encouraged to do this.

On 5 February 2021 we extended the due date for your request to 1 March 2021 due to the large quantity of information sought.

Please note that we have incorporated your three emails received on 14 January 2021 into one Official Information Act request and we have interpreted all questions as they relate to mainstream media permits.

As you are aware, the Department is currently undertaking a fresh review of the mainstream media process. The purpose of the review is to ensure that we are supporting the media appropriately within the legislation. On 13 January 2021, we met with the Media Freedom Committee and key representatives of the media to ensure that we understand the role of the media and the range of their functions, whilst we undertake the review.

Attached as Table 1 is a schedule of documents and correspondence that falls within the scope of your request, as well as documents about the mainstream media process that have recently been released under a separate Official Information Act request.



I have decided to release the documents and correspondence listed in Table 1, subject to information being withheld under the following section of the Official Information Act, as applicable:

- maintain the effective conduct of public affairs through the free and frank expression of opinion, under section 9(2)(g)(i).

Your questions and our responses are listed below:

1. The recording of the Zoom meeting held 13 Jan?

I regret that I am not able to provide you with the information you seek. The recording of the meeting is being withheld to protect information which is subject to an obligation of confidence and making the information available would likely prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied (section 9(2)(ba)(i) of the Official Information Act).

2. Any internal correspondence prior to and post the Zoom call about the meeting focus, the choice of who to invite, or written summaries of what was said by attendees?

Attached in Table 1 is the internal correspondence prior to the meeting held on 13 January 2021.

I regret that I am not able to provide you with two emails sent after the meeting. These two emails are being withheld to protect information which is subject to an obligation of confidence. Making the information available would likely prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied (section 9(2)(ba)(i) of the Official Information Act).

3. How many permits have *been* applied for by media since 2018?

The mainstream media process was implemented in March 2019. From March 2019 to 2 February 2021 we have received twenty-seven mainstream media permit applications.

4. What are the grounds for approving or declining a permit?

Attached in Table 1 is the Mainstream Media Record of Process, an all-in-one process record which explains the criteria for granting a mainstream media permit on page 14, and the grounds for declining a mainstream media permit in the template decline letter on page 22.

5. How many permits have been approved?.

From March 2019 to 2 February 2021 twenty-six mainstream media permits have been granted.

6. How many have been declined?

From March 2019 to 2 February 2021 one mainstream media permit application has been declined.

7. What grounds were any declined permits declined for (please provide as much detail as possible)?

The application was declined due to requirements to consult with whānau, hapū, iwi and Māori. Consultation was required due to the location of the application containing wāhi tapu sites. The applicant was encouraged to apply for a one-off concession instead to allow the consultation to occur.

8. Has DOC estimate how much time processing media permits will take?

No.

9. How many staff are assigned to this role?

It is important to note that no single role is assigned to solely process mainstream media permits. Processing mainstream media permits is just one of many aspects of each role and the numbers of people in each role detailed below does not necessarily reflect how many actually end up being involved in processing mainstream media permits.

The Department's Media and Communications Team primarily manage the processing of mainstream media permits and have 16 staff. The mainstream media permit process also involves staff from other teams within DOC, including Operations staff at place who assess the impact of the application on their local area and make the final decision on whether to approve the activity or not. DOC has approximately 160 community staff distributed across 44 District Offices who provide this local assessment from time to time and 44 Operations Managers who make the decision for any permit within their District. A decision to approve depends on how the activity impacts on conservation or cultural values. Finally, the Statutory Process Team have approximately 10 staff who capture application details once a decision has been made on a mainstream media permit application.

10. What is the estimated cost in work hours etc of implementing the media permit system?

The Department does not keep a record of how many work hours have been involved in implementing the mainstream media process.



11. What is the internal process undertaken when an application is made (please provide as much detail as possible – who deals with it initially, what decisions they make and on what grounds, who else in the organisation applications are sent to, who makes final decisions to approve or deny permits)?

Attached in Table 1 is the Mainstream Media Record of Process, an all-in-one process record which contains the information you have requested.

12. Have media caused impact on wildlife in the past which prompted the instigation of permits, if so can you please provide details?
13. Have media had any instances where they weren't safe in the past, if so, can you please provide details?

To answer both questions above, concessions (permits) are required under the Conservation Act 1987 to ensure that impacts on wildlife and cultural values can be minimised and to ensure that people carrying out the activity are safe. The current concession system (Part 3B) that requires mainstream media to obtain permits for their activity on public conservation land was introduced into the Conservation Act in 1996. However, until March 2019, the Department had no media specific process to provide a consistent, streamlined and free service to the media. The mainstream media permit process was not developed in response to the media's conduct on public conservation land.

14. Any documentation relating to the purpose of the review of the media permit system?

Attached in Table 1 is the document dated 2 November 2020 titled "Task Assignment: Review of mainstream media process" which contains the information you have requested, subject to information being withheld to maintain the effective conduct of public affairs through the free and frank expression of opinion under section 9(2)(g)(i) of the Official Information Act.

15. Any documentation relating to the possible outcomes of the media permit review?

I regret that I am not able to provide you with the information you seek. Two documents dated 17 November 2020 and 27 November 2020 are being withheld to maintain the effective conduct of public affairs through the free and frank expression of opinions (section 9(2)(g)(i), and to maintain legal professional privilege (section 9(2)(h) of the Official Information Act).

16. An expected date the review will be complete?

We have interpreted this question to mean the date a decision will be made on the mainstream media process review report. We expect to complete the review by mid-March 2021.



17. What the plans are on communicating the result of the review to media?

We have undertaken to communicate the outcomes of the review with the Media Freedom Committee, representatives of the media and internally to staff, after a decision has been made on the review. We will also communicate the outcomes of the review to whānau, hapū, iwi and Māori and we will consult with whānau, hapū, iwi and Māori prior to making any decision about the future of the mainstream media process as an outcome of a decision on the review.

18. If the media permit system remains, what approach will DOC take to media who don't apply for permits?

I regret that I am unable to answer this question as the review is currently underway, the review report has not been finalised and no decisions have been made. Until this happens the status quo applies.

19. Since 2018 how many times have DOC staff asked media for the angle of their story when they are applying for permits?

We do not record every conversation we have with the media, however you will see in the Mainstream Media Record of Process that is attached in Table 1 that the mainstream media permit process requires details of the proposed activity.

20. Is asking for the angle of the story part of the internal process for accessing permits?

21. Are staff encouraged to do this?

Asking for the angle of a story is not a formal processing step in the Mainstream Media Record of Process attached in Table 1. The Mainstream Media Record of Process that is attached in Table 1 defines:

- **Mainstream media** as “Any print, radio, television or online journalist who is providing material for news and current affairs that is in the public interest. This does not include social media influencers or long-term documentary film makers that on sell their product (e.g. Coast, Blue Planet).”; and
- **Significant news** as “Any issue that is topical, timely and in the public interest. It could also involve reputational issues for DOC, and we would want to make sure DOC could respond in a transparent and timely fashion – given our role as public servant”.

These definitions are used to determine whether the application should go through the mainstream media process or go through the one-off permit process. It is not used to determine whether an application is approved or not. As stated above, a decision on permits is made by the Operations staff at place. Usually reporters will provide a general description of their purpose for being on public conservation land, which may or may not include the angle of their story.



Additionally, our staff actively assist media by providing photos or information relevant to any enquiry we receive from the Media and sometimes this is how we learn about the angle of a story.

Furthermore, section 4 of the Conservation Act 1987 requires the Department to give effect to the principles of the Treaty of Waitangi. These principles include informed decision-making, active protection and partnership. This responsibility has been emphasised by the Supreme Court's 2018 decision on the *Ngāi Tai ki Tamaki* case.

The principles of the Treaty of Waitangi require that in some situations, the Department must consult with whānau, hapū, iwi and Māori to ensure that an informed decision can be made. For example, we will consult with whānau, hapū, iwi or Māori if the public conservation land contains sites of significance, such as wāhi tapu. Sometimes the Department, whānau, hapū, iwi and Māori need to understand the angle of the story to be able to understand any cultural implications or potential adverse effects on cultural values.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act.

Please note that this letter (with your personal contact details removed) and enclosed documents may be published on the Department's website.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Nāku noa, nā

A handwritten signature in black ink that reads "Natasha Hayward".

Natasha Hayward  
Director Planning, Permissions & Land  
Department of Conservation  
*Te Papa Atawhai*



**Table 1 - Schedule of documents**

<b>Item</b>	<b>Date</b>	<b>Document description</b>	<b>Decision</b>
1		Internal correspondence prior to the meeting held on 13 January 2021	Released in full
2		Mainstream Media Record of Process	Released in full
3	30 October 2020	Briefing for Director-General: DOC's mainstream media process	Released in part (aspects withheld under s 9(2)(g)(i))
4	2 November 2020	Task Assignment: Review of the mainstream media process	Released in part (aspects withheld under s9(2)(g)(i))