

[In Confidence]

Office of the Minister for Broadcasting, Communications and Digital Media

COVID-19 Committee

News and media as an essential service

Proposal

- 1 This paper proposes to expand the guidance for news and media operating as essential services during COVID-19 Alert Level 4.

Executive Summary

- 2 The Government has issued guidance for news and media outlets with regard to their operating as essential services. The focus of the guidance is to ensure the public receive the most up to date news and information while supporting public health objectives through minimising movement of people and printed goods locally and across regions.
- 3 The Ministry of Culture and Heritage have received requests for exemptions to, or expansion of the current guidance, particularly to allow for the production and delivery of non-daily and community newspapers.
- 4 I am seeking agreement to expand the guidance to include publications that provide news and information where;
 - 4.1 a newspaper's primary focus is hard to reach audiences due to physical location, limited digital connectivity or people whose second language is English.
 - 4.2 an outlet can demonstrate compliance with all health measures to minimise the transmission of Covid-19 during the production and delivery of newspapers.

Current guidance on news and media

- 5 RNZ and TVNZ are listed as Lifeline Utilities in Schedule 1 of the Civil Defence Emergency Management Act 2002. Under the Act each lifeline utility must "ensure that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency" (Section 60). As such they are critical minimum services that government has a role in ensuring continue.
- 6 No other news or media organisations are listed in the Act, however, a number of media organisations have Memorandums of Understanding with the National Emergency Management Agency:
 - 6.1 Mediaworks TV Limited
 - 6.2 Radio Broadcasters Association (RBA) - The Hits, Newstalk ZB, More FM, Magic Talk, Rhema Broadcasting and Pacific Networks

- 6.3 Association of Community Access Broadcasters - 12 stations from Auckland to Invercargill which cater to niche audiences and allow groups to produce and broadcast programmes for their own regions and communities. — Wellington Access Radio, Planet FM Auckland, Free FM Hamilton, Plains FM Canterbury, Access Radio Taranaki, Radio Kidnappers, Access Manawatu, Arrow FM Wairarapa, Coast Access Kapiti, Fresh FM Nelson, Otago Access Radio, Radio Southland
- 7 The MOUs do not cover the broadcasters' editorial role. They "are concerned solely with requests for the broadcast of formal emergency announcements from an authorised CDEM manager" (MCDEM).
- 8 The Ministry issued guidance on 24 March to assist news and media organisations determine whether they qualified as 'essential businesses.' Supporting public health objectives was at the core of the guidance. The guidance allows for a range of media organisations to operate and ensure a plurality of voices in the New Zealand landscape under Covid-19 Alert Level 4. The stations listed above would be able to operate under the guidance, provided they undertook to meet Ministry of Health guidelines.
- 9 The Government has subsequently received requests for exemptions or expansion of the current guidance. The requests for exemptions primarily relate to non-daily or community newspapers and magazines. For clarity, the Ministry has provided guidance only – it has not made operational decisions for organisations. Where the publishers have flexible options for delivery (eg, online) there is not restriction on them doing so.
- 10 In considering these requests, there are a number of objectives that need to be balanced but public health should remain at the core of decision-making on essential services. In respect of print media, the Ministry of Culture and Heritage considers that the following objectives should be considered when assessing whether it qualifies as an essential business:
- 10.1 Protection of freedom of expression – limitations must not be based on content. They should be solely based on reducing the risk of spread contamination (eg through production and delivery)
- 10.2 Provision of the latest public health information and messages – up to date information is critical
- 10.3 Provision of news and current affairs that support community connection including in rural and/or isolated communities, and non-English speakers
- 10.4 Minimising the movement of people – within communities and across regions
- 10.5 Minimising stress on other essential services (eg, monitoring, delivery services)
- 11 In an emergency situation broadcast services through RNZ and TVNZ are available to all New Zealanders and the Pacific for a critical information service

but some audiences (eg, highly isolated communities and non-English speakers) may not be reached by these media formats.

- 12 The Ministry has assessed delivery mechanisms of news against these criteria. Broadcast and online delivery provide the best mechanism for providing up-to-date information *and* minimising risk of Covid-19 transmission.

Criteria	Broadcast	Online	Print deliver homes and to	Bulk drop to communities
Freedom of expression	Yes	Yes	Yes	Yes
Latest health information	Yes	Yes	No	No
Community connection	Yes	Yes	Yes	Yes
Reach into communities	Yes (may rely on community radio)	Yes	Yes	Partial (communities will be distributed)
Minimal movement	Yes	Yes	No	No (but less than home delivery)
Minimise stress on other services	Yes	Yes	No	No (but less than home delivery)

Issues with physical news product and delivery

- 13 Newspaper and magazine publishers have provided comment to the Ministry on steps that can be taken to minimise transmission. Risks still remain in delivery given it relies on people and goods moving around and between regions.
- 14 Due to production schedules, newspapers will not provide as up to date news and information as broadcast and online delivery, particularly in the case of non-daily publications.
- 15 The Ministry of Health advise that clinical experts note that there are no particular risks associated with the production and distribution of newspapers per se, but rather the risks should be mitigated in the same way as for any other industry. That means, the only real risk would stem from a worker not standing down when symptomatic or when he or she had recently come into contact with a confirmed case of COVID-19, and then spreading the virus to his or her co-workers.
- 16 All businesses need to follow the public health measures listed on the COVID-19 website, including practising good hand hygiene, coughing and sneezing into the elbow, staying home when feeling unwell, maintaining appropriate physical distance from others, and not touching the eyes, nose or face. Production of newspapers is a largely automated process, so papers are not handled a great deal. To reduce the risk further of spreading the virus through

handling the newspapers or carrying the bails of papers during their distribution, newspaper workers could also wear gloves and ensure they are washing their hands regularly.

- 17 MBIE has been consulted on the issue of distribution and notes that there are policy interdependences with any decision to determine non-subscription newspapers as essential services. Local newspapers are typically a form of unsolicited circulation; agreeing that one form of unsolicited print media is an essential service may be used as a precedent that would see other forms of direct mail to households and businesses (eg, direct marketing).
- 18 MBIE and the Ministry of Transport are seeking to declare many aspects of direct mail as non-essential to reduce stress on the logistics and delivery system. This can be mitigated by bulk drops to supermarkets and dairies, but this will not necessarily serve isolated communities.
- 19 Given the potential risk of transmission in any physical delivery, an option would be to require newspapers to place an advisory note to customers at bulk drop collection points (eg, supermarkets and dairies). Further steps may also be required to restrict unsolicited delivery of free newspapers during the Alert Level 4 period. At the very least, non-subscribed newspaper providers should respect 'No circulars' signage on private property during this period.
- 20 The Ministry has advised that there is currently no mechanism for monitoring compliance with the current or proposed revised guidance - a high trust environment is required. Newspapers will be required to provide reassurance to the Ministry as to how they will minimise transmission risks. If any breaches are reported, they would be referred to the NZ Police.

Expanded criteria for news and media essential services

- 21 At present non-daily and community printed newspapers do not meet the guidance.
- 22 There is an option to expand the guidance to allow for additional printed publications. If the guidance is changed, it is recommended that a principles-based approach is retained rather than specifying individual publications. Specifying some publications as *in* and others as *out* would invite further requests for exemptions. Rather, I would prefer to set additional principles and ask publications to determine whether they can meet them and provide officials with written confirmation that they can.
- 23 As the expansion of the guidelines would increase the movement of people and therefore may increase the risk the spread of COVID-19, the new principles should be based on providing a service to communities that is not currently being met. The objectives that are currently not being fully met are providing newspaper coverage to communities in hard to reach areas (eg remote rural communities) or vulnerable communities (eg non-English speakers, communities less likely to access 'mainstream' media).

24 I recommend the following principles should be added to the existing criteria (see Appendix) for news and media essential services:

24.1 Where a newspaper's primary focus is hard to reach audiences due to physical location, limited digital connectivity or language issues it is included under the news and media designation (e.g, rural and remote communities or non-English speakers)

24.2 All newspaper publishers will be required to provide written confirmation to the Ministry for Culture and Heritage that they will undertake all health measures to minimise the transmission of Covid-19 during the production and delivery of newspapers.

24.2.1 Guidance: For example, delivery should be limited to distribution services that are currently operational (eg NZ Post) and/or bulk drops at dairies and supermarkets.

24.2.2 Guidance: Vulnerable, at-risk and young people should not be involved in the delivery of physical news products.

[REDACTED]

Financial Implications

26 There are no financial implications with this decision. However, it should be noted that the news and media sector is facing serious financial challenges due to the significant reduction in advertising revenue. That is the subject of further work.

Consultation

27 The Ministry for Business, Innovation and Employment has been consulted on a draft version of this paper. The Ministry of Health provided comment as set out in paragraph 15.

Communications

28 Decisions on the guidance will be published on the Ministry's website and distributed via industry bodies, including the Newspaper Publishers Association, Magazine Publishers Association and Independent Community Newspapers Association.

Proactive Release

29 I intend to proactively release this paper.

Recommendations

The Minister for Broadcasting, Communications and Digital Media recommends that the Committee:

- 1 **Note** that RNZ and TVNZ are the only media entities that Government has an obligation to maintain as Lifeline Utilities under Civil Defence Emergency Management Act 2002;
- 2 **Note** that the Ministry for Culture and Heritage issued guidance to assist organisations to determine whether they were an 'essential business' during COVID-19 Alert Level 4, which had supporting public health as the key determinant;
- 3 **Note** that the principles and guidelines do not restrict the content of any news or media;
- 4 **Note** that under the principles and guidelines, the physical delivery of news and media has been limited to contact-less media (broadcast and online) and tightly controlled daily metropolitan newspaper production and delivery;
- 5 **Note** that the Ministry will seek further public health input on how to mitigate the risks associated with the production and distribution of print news media during the Covid-19 Alert Level 4 period;
- 6 **agree** to expand the guidance around news and media as an essential service to allow targeted production and delivery of printed newspapers for communities that are hard to reach due to physical location, with limited digital connectivity or non-English language material;

Authorised for lodgement

Hon Kris Faafoi

Minister for Broadcasting, Communications and Digital Media

Appendix: Draft revised guidance for news and media



