

Submission to the Electoral Commission

2008 Election Broadcasting Allocation

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New Zealand Labour Party.

1. Introduction

The New Zealand Labour Party is pleased to have the opportunity to present submissions to the Electoral Commission in regard to determining eligibility for, and the proportion of the allocation of time and money to, broadcasts for the 2008 general election and related procedures.

The New Zealand Labour Party believes that free political broadcasting is an integral and important part of the general election process in New Zealand.

Effective democracy is dependent on an informed, interested and involved public. The purpose of election campaigns is to ensure that the public receives information and becomes actively involved in the political process. Electronic media is crucially important in ensuring the widest possible spread of information and is widely used for other public good processes.

Electronic media are also the most effective means of ensuring such information is obtained by voters, and so elections in New Zealand regulate their spread of use by allocation of public monies rather than by parties' ability to spend.

2. Eligibility

The New Zealand Labour Party is eligible for an allocation of funds in respect of the 2008 general election, as it will have been registered on the Register of Political Parties for well over three months prior to the dissolution of Parliament for the general election.

The New Zealand Labour Party is not part of a group of related parties.

3. Criteria for allocating time and money to eligible political parties.

3.1 Section 75 (2) (a) The number of persons who voted at the immediately preceding general election for that Party and for candidates belonging to that political Party.

At the 2005 general election, the **New Zealand Labour Party** received 935,319 party votes, 41.1% of the total party votes cast and 41.65% of the effective party vote. 902,072 electorate votes, 40.35% of the total, were cast for Labour Party candidates.

The **National Party** received 889,813 party votes, 39.1% of the party votes cast and 39.62% of the effective party vote. 902,874 electorate votes, 40.38% of the total, were cast for National Party candidates.

Of the parties which reached the 5% party vote threshold for representation:

The New Zealand First Party received 130,115 party votes, 5.72% of the party votes cast and 5.79% of the effective party vote. 77,117 electorate votes, 3.49% of the total, were cast for New Zealand First Party candidates.

The Green Party received 120,521 party votes, 5.3% of the party votes cast and 5.37% of the effective party vote. 92,164 electorate votes, 4.12% of the total, were cast for Green Party candidates.

Of the parties that achieved representation through gaining an electorate seat:

The Maori Party received 48,263 list votes, 2.12 % of the total party vote and 2.14% of the effective party vote. It also received 75,076 electorate votes, 3.36% of the total electorate vote.

United New Zealand received 60,860 party votes, 2.67% of the total party vote and 2.71% of the effective party vote. It also received 63,486 electorate votes, 2.84% of the total electorate vote.

Act New Zealand received 34,469 party votes, 1.51% of the party votes cast and 1.53% of the effective party vote. 44,071 electorate votes, 1.97% of the total, were cast for Act Zealand candidates

Jim Anderton's Progressive Coalition gained 26,441 party votes, 1.16% of the party votes cast and 1.18% of the effective party vote. It also gained 36,638 electorate votes, 1.64% of the electorate votes cast.

Together these parties received 98.7% of the total party votes cast, and 98.1% of all electorate votes cast.

Another 11 registered parties gained a total of 29,88 party votes and 41,371 electorate votes. This was considerably down on 2002.

On that basis the combined number of votes for registered political parties is as follows:

Party	Combined Vote No	Combined Vote %
Labour Party	1,837,391	39.70%
National Party	1,892,687	40.89%
New Zealand First	208,232	4.49%
Green Party	212,685	4.59%
United Future NZ	153,026	3.30%
Maori Party	111,257	2.40%
ACT Party	78,540	1.69%
Jim Anderton's Progressive Coalition	63,079	1.36%
Total	4,628,096	

As in previous years, it is submitted that the plain language of this criterion means that both electorate and party votes should be taken into account by the Commission, and indeed this is how the criterion has been applied in the past.

3.2 Section 75 (2) (b) The number of persons who voted at any by-election held since the immediately preceding election for any candidate belonging to that political party

There have been no by-elections since the last election.

3.3 Section 75 (2) (c) The number of members of Parliament who were members of that political party immediately before the dissolution or expiration of Parliament

The New Zealand Labour Party currently has 49 members of Parliament, of whom 30 are electorate representatives and 19 are list members. Again, the criterion is objective; it refers to a number that can be precisely quantified.

The following table demonstrates the number of and the percentage distribution of members to the parties represented in Parliament at the date of submission, and who are likely therefore to be represented immediately prior to the dissolution of Parliament.

Party	MP Number	MP %
Labour	49	40.5%
National	48	39.7%
New Zealand First	7	5.8%
Green	6	5.0%
Maori	4	3.3%
ACT	2	1.7%
United Future NZ	2	1.7%
Jim Anderton's Progressive Coalition	1	0.8%
Independent	2	1.7%
Total	121	

3.4 Section 75 (2) (d) Any relationships that exist between a political party and any other political party

The Labour Party does not have any relationships with other political parties for the purposes of campaigning.

3.5 Section 75 (2) (e) Any other indications of public support for that political party such as the results of public opinion polls and the number of persons who are members of that political party

3.5.1 Opinion Polls

It is submitted in relation to this criterion, that the Commission should only consider the results of independently commissioned, publicly known and methodologically sound opinion polls that give indications of definite support for political parties at the time of taking the poll. Write-in or phone-in polls should not be considered, nor should results based on partial or small samples be considered.

Given some variations in polls over the past year and subsequent discussion about the methods used to generate decision, it is the Labour Party's view that the fairest way to quantify these results is by way of average of all the qualifying polls over a defined period.

Published polls on the electorate vote no longer appear to be available, so a graph of the poll of polls on the party vote is attached Those included are UMR Research, Colmar Brunton, TNS, Roy Morgan, Herald Digipoll and Fairfax.

There is little difference in the result whether one considers the six months or year prior to the date of submission.

The results are shown in the following table:

Party	PV Ave
	<i>Apr 07 – Mar 08</i>
National Party	49.33
Labour Party	36.25
Green Party	6.54
New Zealand First	2.91
Maori Party	2.36
ACT Party	0.95
United Future NZ	0.66
Progressive Coalition	dnr

Other polls that maybe taken into consideration by the commission include polls commissioned from Digipoll by the Marae programme on TV1. Because of the particular characteristics of these polls they have not been taken into account in the above table.

The Party's publicly expressed view is that these should not be regarded as definitive, as they have not served as good indicators of outcomes in the past.

3.5.2 Party Membership

The membership of the New Zealand Labour Party has increased considerably since we made this submission in 2005 to 54,892 members, once again due to a significant increase in affiliate membership.

The New Zealand Meatworkers Union and the Aotearoa Meatworkers Union have merged and the members have voted to become affiliate members of the Labour Party through their union. Affiliate members have equal membership rights to those who join the party individually through branch membership.

The Commission has tended in the past to find the issue of membership of affiliates somewhat difficult to evaluate. However it is submitted that affiliate membership just as with branch membership is the result of the deliberate choice of individual citizens, albeit expressed differently. It is also submitted that the total number is truly indicative of the level of membership support for the Party. Crossover membership is not significant.

It should also be noted that attendance at our Annual Conference for 2006 and 2007 has been back at levels last seen in the 1980's, and the same was true for our recent Congress this year.

A statutory declaration regarding the membership of the Labour Party is attached as Appendix 4.

3.6 Section 75 (2) (f) The need to provide a fair opportunity for each political party to which subsection (1) of this section applies to convey its policies to the public by the broadcasting of election programmes on television.

The Commission in past determinations has indicated that it fulfils the requirements of this paragraph by allocating an amount of money to each Party eligible under Sections 75 (1) (a) (i) to enable it to buy a minimum amount of television broadcasting time, with the remaining funds allocated to parties according to the extent to which they satisfy paragraphs (a) – (c) and (e) of Section 75 (2).

It is submitted that the Commission should continue to apply Section 75 (2) (f) in the same way as it has done in previous determinations, by allocating a fixed sum to the parties which comply with Section 75 (1) (a) (i).

However it is also submitted in relation to the determination for the 2008 election that the criterion of fairness in relation to the broadcasting of television programmes should apply across elections.

In 2005 the National Party was allocated \$900,000 inclusive of GST, but effectively was able to increase this by 12.5% by buying broadcasting time on a GST-exclusive basis.

This delivered a significant advantage to the National Party in relation to the Commission's determination. This is particularly so as broadcast advertising is the most effective, which is the reason why it particularly is controlled in New Zealand. In our view, the Commission should take this factor into consideration in its determination. We do not intend to imply any imputation of fault, simply to note the consequence of the fact.

4. Weighting

The Commission has indicated that it particularly seeks submissions on the weighting that should be given to the statutory criteria in Sections 75 (a) to (f).

In our submission to the 2005 determination, we referred to the weighting given by the Commission in 1996 as follows:

Section 72 (a)	Vote at last election	1.5
Section 72 (b)	Results of by-election	0.25
Section 72 (c)	Number of MPs	1
Section 72 (e)	Party Vote Polls	2
	Electorate Vote polls	1

We indicated that it seemed a reasonable approach.

However there are a number of new factors that indicate that this may no longer be as appropriate.

In the first instance, as indicated above, the agencies no longer publish electorate vote polls, with the exception of the Maori seats by Digipoll. Also there is no by-election to take into account.

There are also a number of issues that have been taken up in relation to opinion polls, as changes in technology and habit have made telephone-based polls increasingly subject to variability. Rapidly diminishing response rates coupled with the shift of many people away from land-lines at both ends of the normal socio-economic curve mean that the reliability of some particular telephone-based polls is increasingly under question.

One way to correct for this is the polls of polls, and this does provide for greater convergence if not addressing necessarily the fundamental problem

Two other factors should also be noted. The 2005 election was notable for the fact that the campaign period showed considerable volatility in the frequently published polls, and also the final result diverged quite considerably from some poll data. Colmar Brunton's results are attached as one example of the latter phenomenon, but it should be noted that it was only one example.

Another factor that should be noted is that the polls tend to converge around the time of an election. This was true even in 2002, and is also shown in the attached graph going back to January 2005.

For these reasons we would recommend that the Commission give equal weight to the statutory criteria, rather than extra weight to opinion polls as indicated in its report on the 2005 determination.

	Vote 05	nMPs%	PVPoll	Sum	Weighted avge
Labour	39.7	40.5	36.3	116.5	39.33
National	40.9	39.7	49.3	129.9	43.85
NZ First	4.5	5.8	3.0	13.3	4.49
Green	4.6	5.0	6.5	16.1	5.43
Maori	2.4	3.3	2.4	8.1	2.73
United Future	3.3	1.7	0.7	5.7	1.92
ACT	1.7	1.7	1.0	4.4	1.48
Progressive	1.4	0.8	dnr	2.2	0.74

5. Methodology for allocation

The Commission has advised that once it has received and considered submissions on the application of the criteria, it will develop a methodology for allocation. In the past the Commission has also tended to group parties into various categories, and allocate funds on the basis of the categories.

In the 1996 allocation, the National Party received \$535,360; Labour \$431,540; New Zealand First \$249,500; and the Alliance \$252,040. In 1999, the Labour Party and the National Party were both allocated \$606,659, and in the 2002 allocation they were also both given \$615,000. The combined amount came to 61% of the available funds.

In 2005 62% of the available funds were given to Labour and National, although not in equal amounts. In 2005 Labour was far ahead on all of the statutory criteria, and Labour was allocated \$1.1million and National \$900,000.

For the 2008 election, the Labour Party submits that the parties in the first category should consist of the New Zealand Labour Party and the National Party, and should as in 1999 and 2002 receive an equal amount.

The second category should include New Zealand First and the Green Party.

The Maori Party, Act New Zealand, and United Future NZ should form the third category.

The fourth category should include the Progressive Coalition.

The fifth category should include the remainder parties.

6. Nomination of candidates

The New Zealand Labour Party intends to submit a list of 75+ candidates for the 2005 election, and to nominate 70 candidates for General and Maori electorate seats.

7. Opening and closing addresses

7.1 Minimum allocation

In the 2005 election, National and Labour were allocated 12 minutes opening time and 6 minutes closing time; ACT, NZ First, United future and the Greens 7 minutes opening and 3 minutes closing, the Maori Party 4 minutes opening and 3 minutes closing; and eight other parties 1 minute opening.

For the 2008 election, it is submitted that greater weight should be given to the two major parties, that the category two and three parties should not be collapsed into the same allocation as in 2005, but that special consideration should be given to the Maori party and including it in category two for the purposes of time allocation.

7.2 Order of addresses

The New Zealand Labour Party submits that the established convention of the Prime Minister opening and closing should be followed, with the National Party next, and the remainder of the parties following in the order of their average poll rating.

8. Conditions concerning the expenditure of money allocated to parties

The New Zealand Labour Party is happy to notify the Commission of the values of its bookings and the production costs to be met from its allocation as soon as those commitments are made.

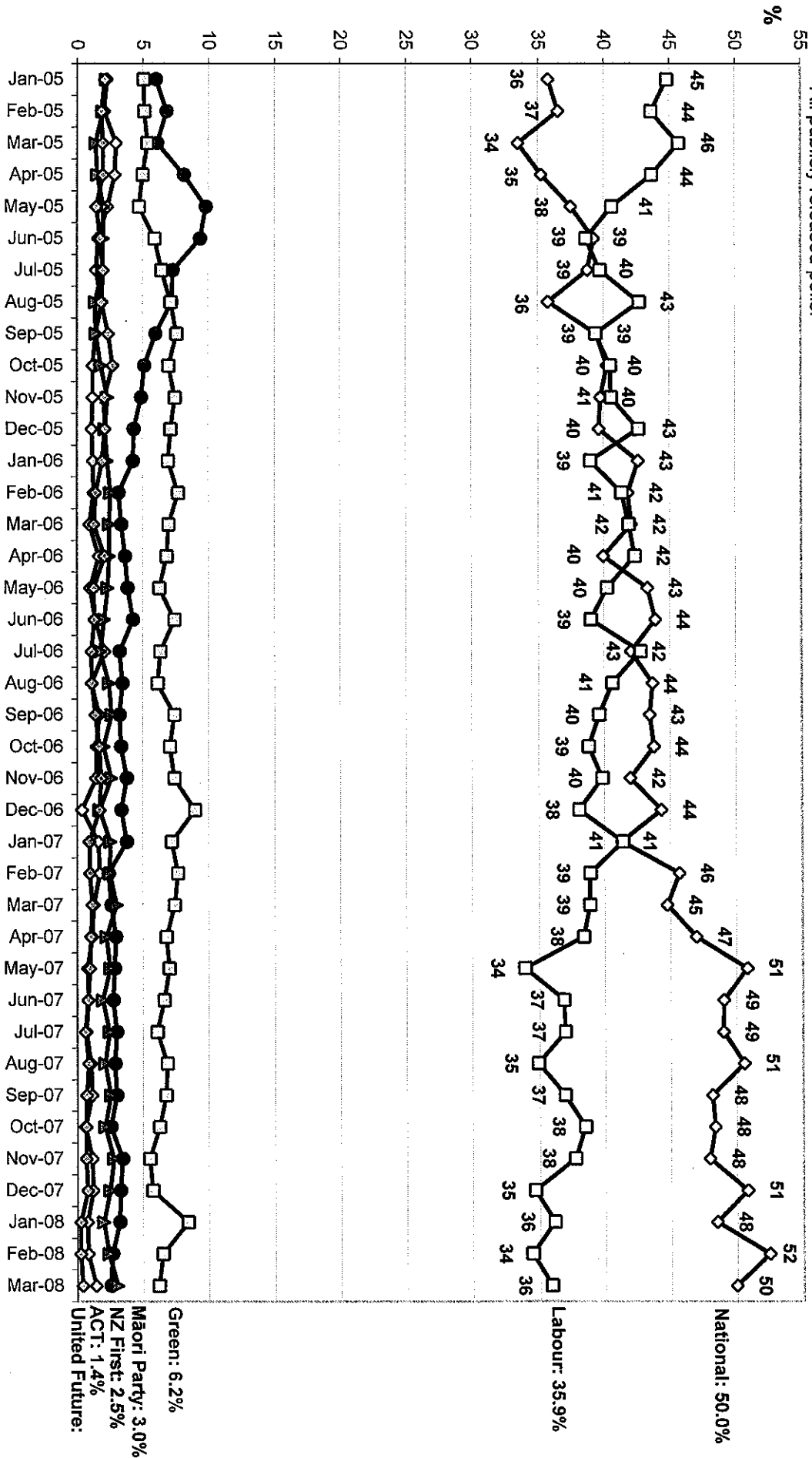
9. Party to be heard

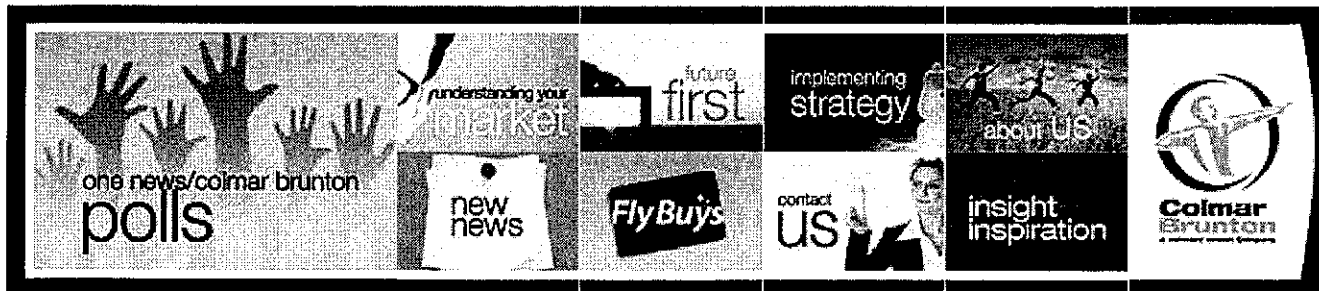
The New Zealand Labour Party wishes to be heard in support of its submission, and will be represented by Mike Williams, President, and Mike Smith, General Secretary.

PARTY VOTE: POLL OF POLLS*

UMR Research, Colmar Brunton, TNS, Roy Morgan, Herald Digipoll, Fairfax

*All publicly released polls.





[2008 poll results](#) [2007 poll results](#) [other 2006 results](#) [all past results](#)

05, 02 & 99 election results

	Election Day Results	One News Colmar Brunton
Labour	41	38
National	40	44
NZ First	6	6
Greens	5	5
The Maori Party	2	2
United Future NZ	3	3
ACT	2	2
Progressives	1	1

2002 Election

	Election Day Results	One News Colmar Brunton
Labour	41	44
National	21	21
NZ First	11	10
ACT	7	7
United Future	7	4
Greens	7	8

1999 Election

	Election Day Results	One News Colmar Brunton
Labour	39	39
National	31	31
Alliance	8	8
ACT	7	7
Greens	5	6
NZ First	4	8

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Statutory Declaration

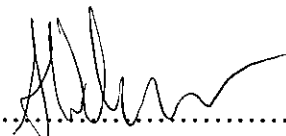
I, Andrew Michael Beresford Smith, of Fraser House, 160-162 Willis Street, Wellington, General Secretary of the New Zealand Labour Party, solemnly and sincerely declare that

1. The New Zealand Labour Party intends, at general elections, -
 - (i) to submit a list of candidates under section 127 of the Electoral Act 1993; and
 - (ii) to have 1 or more constituency candidates stand for the Party; and
2. The New Zealand Labour Party has at least 500 current financial members who are eligible to enrol as electors.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.


.....

Declared at Wellington this 18th day of April 2008


.....
Justice of the Peace, Solicitor,
or other person authorised to take
a statutory declaration

Adam Wortman
Solicitor
Wellington

Statutory Declaration

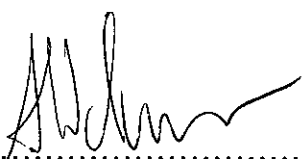
I, Andrew Michael Beresford Smith, of Fraser House, 160-162 Willis Street, Wellington, General Secretary of the New Zealand Labour Party, solemnly and sincerely declare that:

1. I am the General Secretary of the New Zealand Labour Party ("the Party") and am authorised to make this declaration on behalf of the Party.
2. As at 31 December 2007 the financial membership of the Party was 54,892.
3. The membership of the Party is defined in the Constitution of the Party as consisting of members of branches (ordinary and special) and members of affiliates of the Party. The membership term is for one year.
4. The Party intends to submit a list of 75+ candidates for the 2008 general election, and to nominate 70 candidates for the general and Maori electorates.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.


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Declared at Wellington this 18th day of April 2008


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or other person authorised to take
a statutory declaration

Adam Wortman
Solicitor
Wellington