



Electoral Commission  
*Tē Kaitiaki Take Kōwhiri*

## **1999 GENERAL ELECTION**

### **DECISIONS OF THE ELECTORAL COMMISSION ON ALLOCATIONS OF TIME AND MONEY TO POLITICAL PARTIES FOR BROADCASTING OF ELECTION PROGRAMMES**

#### **1. Introduction**

- 1.1 The Electoral Commission is required by sections 70A to 79C of the Broadcasting Act 1989 to allocate time made available by broadcasters and money appropriated by Parliament to enable political parties to meet all or part of the costs of broadcasting election programmes.

#### **2. The statutory provisions**

- 2.1 The time to be allocated by the Electoral Commission is that made available by broadcasters, either free of charge or at discounted rates, in response to an invitation issued by the Commission to broadcasters pursuant to section 71 of the Act. In addition, Television New Zealand Limited (TVNZ) and Radio New Zealand Limited (RNZ) are required by section 77A(3) of the Act to make time available for opening and closing addresses on one free-to-air television channel with national coverage in the case of TVNZ, and on National Radio in the case of RNZ. Opening and closing

addresses must be broadcast between 7.00pm and 9.00pm. Closing addresses must be broadcast in the last week of the election period (section 77A(1)).

- 2.2 The Commission issued an invitation to 273 broadcasters and broadcasting industry associations on 25 February 1999. Broadcasters' replies concerning time for opening and closing addresses and concerning other free or discounted time are outlined in sections 5 and 8 of this decision. The Commission distributed all broadcasters' replies to political parties and the Minister of Justice in accordance with section 72 of the Act.
- 2.3 The money to be allocated is that appropriated or deemed to be appropriated by Parliament as notified by the Minister of Justice to the Commission pursuant to section 74 of the Act. By letter dated 28 September 1998, the Minister notified the Commission that the amount so appropriated for the next general election is \$1.85 million excluding GST (\$2.081 million including GST). This is the same amount as was appropriated for the 1990, 1993 and 1996 general elections.
- 2.4 Section 75 of the Act specifies the criteria which political parties must meet in order to be eligible for an allocation of time and money for the general election to be held this year and the matters to which the Commission must have regard when determining allocations of time and money to eligible parties:

**75. Criteria in relation to allocation of money and time to political parties**—(1) The Electoral Commission shall not allocate any time to a political party under section 73 of this Act or make under section 74A of this Act an allocation of money to a political party unless,—

(a) In the case of a general election,—

(i) That party was registered on the Register of Political Parties at least 3 months before the dissolution of Parliament for that general election; or

(ii) Persons belonging to that party or group of related political parties were, by section 70D of this Act, deemed, at least 3 months before the dissolution of Parliament for that general election, to be constituency candidates at that general election for at least 5 seats in the House of Representatives; and ...

(2) The Electoral Commission shall, in allocating time to a political party under section 73 of this Act or in making under section 74A of this Act an allocation of money to a political party, have regard to—

- (a) The number of persons who voted at the immediately preceding general election for that party and for candidates belonging to that political party; and
- (b) The number of persons who voted at any by-election held since the immediately preceding general election for any candidate belonging to that political party; and
- (c) The number of members of Parliament who,—
  - (i) In the case of a general election, were members of that political party immediately before the expiration or dissolution of Parliament; and ...
- (d) Any relationships that exist between a political party and any other political party; and
- (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; and
- (f) The need to provide a fair opportunity for each political party to which subsection (1)(a)(i) of this section applies to convey its policies to the public by the broadcasting of election programmes on television.

(3) Notwithstanding anything in subsection (1) or subsection (2) of this section, an allocation made under section 73 of this Act of time in an election period or a decision made under section 74A of this Act in respect of an election period may be made before the beginning of the election period.

2.5 The Act defines the election period as beginning on writ day and ending with the close of the day preceding polling day.

### **3. Parties entitled to an allocation of time and money**

3.1 In every year in which Parliament is due to expire, the Commission is required by section 70A of the Act to insert a notice in the *Gazette* specifying a date by which any political party that considers it will qualify for an allocation of time or of money must give notice in writing to the Commission that it considers itself so qualified. By section 70A(3) each political party that considers it will qualify for an allocation of time or money must give notice to the Commission in writing. The notice must contain the information set out in section 70C and must state either that the party is registered on the Register of Political Parties or that the party intends to apply for registration in order to be registered at least three months before the date on which the Parliament is due to expire. Alternatively if the party considers it qualifies under section 75(1)(a)(ii) the notice must state the names of at least five persons who have declared their

intention of becoming constituency candidates for the party at the general election and must state the electorates for which those persons intend to be candidates.

- 3.2 A notice from the Commission published in the *Gazette* on 25 February 1999 specified 22 March 1999 as the due date for parties to give notice that they considered they qualified for an allocation. In response to the Commission's *Gazette* notice, 23 registered parties or groups of related political parties gave notice by the due date. One registered party did not give notice. One registered party gave notice one month late.
- 3.3 Notices from five unregistered parties stated that they intended to apply for registration in order to be registered at least three months before Parliament is due to expire. One of those parties was subsequently registered prior to the hearings of parties referred to in paragraph 3.10 below. Another of those parties also supplied the names and electorates of at least five electorate candidates for the party. Although the notice the Commission received from one other unregistered party claiming eligibility under section 75(1)(a)(ii) did not include the names and electorates of at least five electorate candidates for the party as required by section 70C(g) of the Act, the information was provided subsequently. Two other unregistered parties did not provide all the details required by section 70C of the Act, and were therefore not eligible to be considered for an allocation in relation to the 1999 general election.
- 3.4 The Commission sought legal advice from the Crown Law Office on three issues related to parties' eligibility for an allocation. The first issue was whether a registered party had to give notice by the deadline specified in the Commission's *Gazette* notice in order to be eligible for an allocation. The Crown Law Office concluded that the Act provided the Commission with a discretion to accept a late notice from a party. Accordingly the Commission decided to consider all currently registered parties for an allocation whether or not they had given notice, and to accept the late notice from the registered party referred to in paragraph 3.2 above.

- 3.5 The second issue concerned whether the lack of the information required by section 70C(g) of the Act in a notice from a party claiming eligibility for an allocation under section 75(1)(a)(ii) of the Act could be supplied subsequent to the original provision of the notice. The Crown Law Office concluded that the Act provided the Commission with a discretion to consider such a party for an allocation if it supplied the information required and thus rectified a previously deficient notice. The Commission therefore decided that the sole party in this position should be considered for an allocation.
- 3.6 The third issue related to the eligibility of parties that are granted registration on the Register of Political Parties at least three months prior to the dissolution of Parliament for the general election but subsequent to the deadline for parties to give notice that they consider themselves eligible for an allocation. The Crown Law Office concluded that such parties would satisfy section 75(1)(a)(i) and that the Commission may consider those parties for an allocation even if they had not given notice. The Commission decided that newly-registered parties which are on the Register of Political Parties at least three months prior to the dissolution of Parliament for the general election will be considered for allocations of money and of time provided by broadcasters free of charge or at discounted rates, but will not be considered for an allocation of time provided by broadcasters for opening and closing addresses.
- 3.7 Accordingly, the Commission has decided (a) to allocate approximately 90% of the funds appropriated by Parliament to enable parties to broadcast election programmes relating to the 1999 general election, (b) to allocate all the time provided by broadcasters for opening and closing addresses, and (c) to make an initial allocation of the other time provided by broadcasters free or at discounted rates.
- 3.8 Parliament is due to expire on 1 November 1999, and therefore 1 August 1999 is the latest possible date by which a currently unregistered party can become registered in order to satisfy section 75(1)(a)(i). If any currently unregistered party is granted registration on or before 1 August 1999, that party will be considered for an allocation of money and of time provided by broadcasters free or at discounted rates, whether or

not it gave notice to the Commission pursuant to section 70A. Currently unregistered parties should be aware, however, that the effective deadline for registration for the purposes of the Broadcasting Act will be earlier than 1 August 1999 if Parliament is dissolved before 1 November 1999. Once the actual date of dissolution of Parliament is known, therefore, the Commission will review allocations to newly-registered parties in case any achieved registration less than three months before the actual dissolution of Parliament. The Commission will be obliged to withdraw any allocation made to a party that was not on the Register of Political Parties at least three months prior to the actual dissolution of Parliament. It is important to note, however, that parties will be entitled to submit a party list at the election provided they achieve registration prior to writ day.

3.9 Once allocations have been made to any newly-registered parties, the remaining funds will be allocated to parties in Categories 1, 2 and 3 (see paragraphs 4.6-4.7 below). After nomination day the Commission will also consider whether it should vary any allocations pursuant to section 76A of the Act.

3.10 As required by section 76 of the Act, the Commission invited the 28 parties or groups of parties which gave notice by the due date, and the registered party which gave late notice, to meet with the Commission and be heard. Hearings of parties were held on 27 and 28 May. The hearings were held in public. Sixteen parties were heard in person, and seven parties were heard by telephone audio-conference. Six parties did not wish to be heard.

#### **4. Allocations of time and money under section 75(2) of the Act**

4.1 The Commission has taken the various procedural and other steps required by the Act before making the allocations of time and money. These include meeting with and hearing political parties and consulting with broadcasters and considering their comments. In reaching its decisions concerning allocations of broadcasting time and money the Commission has considered all the written and oral submissions made to it.

Commissioners were unanimous in making all the allocations and the other decisions recorded in this decision.

- 4.2 In allocating time and money to eligible parties the Commission is required to have regard to the matters set out in section 75(2)(a) to (f). The Commission has decided that its decision ought to record its conclusions about the way in which it considered and applied the matters specified in section 75(2).
- 4.3 In relation to the interpretation of section 75(2), the Commission first notes that though the wording of section 75(2) of the Act (“... shall ... have regard to”) may conceivably leave it open to argument that the Commission is able to consider other matters, all other considerations point to the contrary, including the lack of any paragraph in section 75(2) permitting the Commission to take into account such other matters as it considers relevant. Accordingly the Commission has decided that it can only consider the matters specified in section 75(2). The Commission notes that these matters do not allow it to distinguish between parties on the basis that some may, for example, be single-issue parties or even be thought to be pursuing a largely frivolous agenda. Nor does section 75(2) allow the Commission to distinguish between parties contesting the Māori seats and parties which are not. The Commission notes, however, that the allocations of broadcasting time and funds have to be made against the background of the time made available by broadcasters, together with any relevant matters which arise out of the required consultations with parties and broadcasters, and the amount of money made available by Parliament. However none of these matters is specifically included in section 75(2).
- 4.4 Because section 76A of the Act empowers the Commission in certain circumstances to vary an allocation made to a party of time or money where, among other things, the party fails to submit a party list or the number of persons who are constituency candidates belonging to a political party or group of related political parties changes, the Commission requested parties to advise whether they intended to nominate a party

list and to state the total number of electorate seats (General and Māori) which they intend to contest at the 1999 general election.

- 4.5 The Commission records its interpretation of the paragraphs of section 75(2) as follows:

*(a) The number of persons who voted at the immediately preceding general election for that party and for candidates belonging to that political party.*

Under this head the Commission has taken into account the percentages of total votes cast for parties and candidates of that party at the 1996 general election as recorded in the official election statistics published by the Chief Electoral Office.

It was suggested to the Commission that, when a candidate at the immediately preceding general election subsequently transfers to a new party, the votes for that candidate should be credited to the new party. The Commission considers that would be contrary to the wording of section 75(2)(a).

*(b) The number of persons who voted at any by-election held since the immediately preceding general election for any candidate belonging to that political party.*

The Commission has taken account of percentages of the votes cast in the Taranaki-King Country by-election held on 2 May 1998 as provided to the Commission by the Chief Electoral Office.

*(c) The number of members of Parliament who, in the case of a general election, were members of that political party immediately before the expiration or dissolution of Parliament.*

In making its allocations, the Commission has taken the projected number of members of Parliament for each party at dissolution according to the publicly declared intentions of members of Parliament. The Clerk of the House of Representatives will be asked to advise the Commission of the numbers of members of Parliament for each party once Parliament is dissolved for this year's general election.

*(d) Any relationships that exist between a political party and any other political party.*

This paragraph appears to be intended to allow the Commission to treat umbrella parties and their component parties as one entity so that there is no element of double counting when allocations are made. These relationships are also referred to in sections 73(3) and 74A(5) of the Act.

*(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.*

(i) The results of public opinion polls

In respect of polls recording the party votes, the Commission has taken account of the results of 13 One Network News/Colmar Brunton polls, six TV3/CM Research Gallup polls, 13 *National Business Review/Insight* polls and 4 *New Zealand Herald/DigiPolls*, all of which were published from 1 June 1998 to 2 July 1999. The Commission did not take other published polls into account or the results of parties' own polling. The Commission took account of poll results for parties registered since May 1998 from the month following registration.

Because most of these polls record separate results for the party votes and the electorate votes, and because support for parties can vary between the two votes, the Commission also considered the results of polls relating to each vote where these were

available. In respect of polls recording the electorate votes, the Commission had available to it the results of 12 One Network News/Colmar Brunton polls, six TV3/CM Research Gallup polls, six *National Business Review/Insight* polls and two *New Zealand Herald/DigiPolls*, all of which were published from 1 June 1998 to 2 July 1999.

In order to ensure a consistent comparison between these polls, the Commission considered results for “decided voters” only and did not adjust published results to take account of “don’t know” or “would not vote” responses or of refusals to participate in the polls.

(ii) The number of persons who are members of that political party

The Commission requested the parties to provide a statutory declaration stating the number of current financial members of the party. The Commission also advised that all parties which elected not to provide details of membership in that form should appreciate that, in their cases, the Commission would not be able to give any consideration to the membership criterion. Due to the sensitive nature of the information for some parties, the Commission agreed to accept their figures in confidence, in so far as it is able to do so under the Official Information Act 1982 and the general law.

(iii) Other indications of public support

Various parties urged the Commission to have regard to other indications of public support such as media coverage and public profile, the numbers of people attending party and electoral gatherings, and the party’s organisation and structure. In view of the difficulties of obtaining reliable information about these matters for all parties, the Commission decided it should not take any account of such matters as indications of public support.



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

The Commission first notes that (with the exception of paragraph (d)) all the previous criteria relate to the likely extent of a political party's voter or public support. Paragraph (f) is, however, of a different quality. It applies to each party eligible to be considered for an allocation because it was registered three months before the dissolution of Parliament for the 1999 general election. The paragraph appears by implication to be intended to incorporate the notion that the party has nominated a party list. It refers to providing each such party with "a fair opportunity" to convey its policies to the public by the broadcasting of election programmes "on television", which is acknowledged to be much the most expensive and accessible broadcasting medium.

A "fair opportunity" must be an opportunity which is fair or equitable in all the circumstances, which include the extent to which the party satisfies the other criteria in paragraphs (a) to (e). The fact that a party is unable to purchase television time with its own funds is also important. The overall size of the fund available for allocation is also an important factor. The allocations of money have to be made from an appropriation which has not changed since the 1990 election but which now must be spread over more eligible parties, none of which is permitted to purchase broadcasting time with its own funds. If, therefore, the Commission makes no allocation of money to a minor party, that party cannot buy *any* broadcasting time; and, if the allocations to minor parties absorb part of the funds which would otherwise go to other parties, the latter are disadvantaged because they, too, cannot purchase additional broadcasting time with their own funds.

The Commission does not think that, in the context of paragraph (f), any real significance as a differentiating factor can be given to the fact that a party is nominating

constituency candidates for all or most electorates, since a party submitting only a list of candidates will also wish to campaign on a nationwide basis.

Balancing all of the above considerations, the Commission decided that the best way to meet the requirements of paragraph (f) is for every registered party eligible under section 75(1)(a)(i) to be allocated an amount of money 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).

Because paragraph (f) appears to be intended to give preferential treatment to parties eligible under section 75(1)(a)(i), the Commission considers that parties eligible under section 75(1)(a)(ii) should receive a lesser allocation but one which is of some use to them.

- 4.6 The Commission decided, based on its consideration of paragraphs (a), (b), (c) and (e) of section 75(2), that the eligible parties fell into five discernible categories, as follows (parties are listed in alphabetical order in each category):

Category 1      New Zealand Labour Party; The New Zealand National Party.

Category 2      ACT New Zealand; New Zealand First Party; The Alliance.

Category 3      Aotearoa Legalise Cannabis Party; Christian Heritage Party; Graham Capill Party Leader; Mauri Pacific; The Greens, The Green Party of Aotearoa/New Zealand; United New Zealand Party.

Category 4      Animals First; Aotearoa/New Zealand Party; Asia Pacific United Party; Freedom Movement; Future New Zealand; Green Society; Libertarianz; Mana Māori Movement; Mana Wahine Te Ira Tangata; Natural Law Party; Te Tawharau; The McGillicuddy Serious Party;

The NZ South Island Party; The Peoples Choice Party; The Republican Party Incorporated.

Category 5 Majority Choice; Quality of Life Political Movement.

4.7 The Commission then considered what allocations of money and time should be made to parties in each category on the basis of all the criteria in section 75(2). The Commission's decision to make an initial allocation of approximately 90% of the total sum appropriated is noted in paragraph 3.7 above. The Commission decided that the requirements of section 75(2), including paragraph (f), would be met by the following allocations:

(a) Parties in Category 1 will receive a total of 56% of the initial sum to be allocated, to be divided equally between them. Each party in this category will also receive time for opening and closing addresses.

(b) Parties in Category 2 will receive a total of 20% of the initial sum to be allocated, to be divided between them based on the extent to which each party satisfied the criteria (a)-(c) and (e) in section 75(2). Each party in this category will also receive time for opening and closing addresses.

(c) Parties in Category 3 will received a total of 10% of the initial sum to be allocated, to be divided equally between them. Each party in this category will also receive time for opening and closing addresses.

(d) Each party in Category 4 will receive a fixed sum of money which, taking all the circumstances into account, provides the party with a fair opportunity to convey its policies to the public by the broadcasting of election programmes on television. Each party in this category has been allocated \$18,000 (including GST), which will be sufficient to purchase one 60 second and one 30 second television commercials during the election period at the average rates for November peak time (6.00pm-10.30pm) for TV1, TV2 and TV3 after allowing for the Volume Incentive Discounts applicable to television advertising paid for with public funds, plus a small sum towards production costs. The sole parliamentary party in this category will receive the same amount of time for opening and closing addresses as the parties in Category 3. No

other party in this category has been allocated any time for opening and closing addresses.

(e) Each party in Category 5 has been allocated a fixed sum of \$5,000 (including GST). No party in this category has received an allocation of time for opening and closing addresses. The Commission notes that a party in this category will be reclassified as Category 4 if it becomes registered at least three months before the dissolution of Parliament for the 1999 general election.

4.8 It should be noted that the Commission has not imposed any requirement that money allocated to a party must be spent on buying television time. A party can, therefore, elect to spend its allocation of money on buying time for radio advertising. Submissions by parties indicated a strong preference for the ability to divide funds allocated by the Commission as they saw fit between buying television time, buying radio time and the costs of producing television and radio advertisements. The Commission notes, however, that the Government Volume Incentive Discounts (VIDs) negotiated from time to time between some broadcasters and the Department of the Prime Minister and Cabinet are applicable to the rates charged by those broadcasters for broadcasting parties' election programmes on television and radio. Parties are permitted to spend their own funds on production costs (see section 9 of this decision).

4.9 A table showing the initial allocations of money to each eligible party is in section 6 of this decision.

## **5. Time provided by TVNZ and RNZ for opening and closing addresses**

5.1 Television New Zealand Limited (TVNZ) is required by section 77A(3) of the Act to make time available for opening and closing addresses on one free-to-air channel with national coverage. TVNZ initially offered to provide 90 minutes for opening addresses and 30 minutes for closing addresses. TVNZ proposed to charge for this time, albeit at a significantly discounted rate. Following the public hearings of political parties'

submissions and after discussions with the Commission, TVNZ offered free time of 72 minutes for opening addresses, and 24.5 minutes for closing addresses on Television One, and said that it would recover some of its costs by broadcasting non-political commercial advertising between opening addresses and between closing addresses.

- 5.2 Radio New Zealand Limited (RNZ) is similarly required under section 77A(3) to make time available for opening and closing addresses, on the service known as National Radio. RNZ initially offered free time of 90 minutes for opening addresses and 30 minutes for closing addresses. In the light of the revised offer from TVNZ, RNZ amended its offer to 72 minutes for opening addresses and 24.5 minutes for closing addresses.
- 5.3 Both TVNZ and RNZ made proposals in relation to the scheduling of these programmes. Neither TVNZ nor RNZ made proposals for the allocation of time to parties or for the order in which opening and closing addresses should be broadcast. The Commission discussed with each broadcaster the hours of broadcast of opening and closing addresses, and records its appreciation of the willingness of both broadcasters to be flexible in accommodating these broadcasts within their schedules.
- 5.4 TVNZ will broadcast 24 minutes of opening addresses on Television One between 7.30pm and 8.00pm on the Friday night at the end of the opening week of the campaign, and will broadcast 48 minutes of opening addresses between 7.30pm and 8.30pm on the following night. The Commission notes that the actual date on which the first opening address will be broadcast is traditionally a matter for the Prime Minister to decide. The closing addresses will be broadcast on Television One on the Friday preceding election day between 7.30pm and 8.00pm.
- 5.5 RNZ will broadcast 24 minutes of opening addresses on National Radio between 7.30pm and 8.00pm on the Friday night in the opening week of the campaign, and will broadcast 48 minutes of opening addresses on National Radio between 7.05pm and

8.00pm on the following night. The closing addresses will be broadcast on National Radio on the Friday preceding election day between 7.30pm and 8.00pm.

- 5.6 Section 77A(4) of the Act provides that the Commission shall determine the amounts to be paid on account of the broadcaster's production costs of every opening address and every closing address. A part of that cost is the pre-broadcast checking that TVNZ and RNZ must carry out and the associated administration. In conformity with previous practice, the Commission invited TVNZ and RNZ to indicate their costs. TVNZ has offered to bear such costs itself. RNZ sought a budget of \$1,688 (including GST) which the Commission has accepted. It should be noted that this figure is deducted from the total appropriation available for allocation among eligible parties.
- 5.7 Having consulted both broadcasters as required by section 75A(a) and (b) of the Act, the Commission has decided, pursuant to section 73 of the Act, to make the allocations of free time for opening and closing addresses on TV1 and National Radio that are recorded in the table in paragraph 6.1 of this decision.

## **6. Allocations made by the Commission of money and of time provided by TVNZ and RNZ for opening and closing addresses**

- 6.1 The following table sets out the allocations made by the Electoral Commission to eligible political parties of approximately 90% of the money deemed to have been appropriated by Parliament, and the Commission's allocations of the free time TVNZ and RNZ provided for opening and closing addresses.

**Allocations to political parties of money for all or part of the costs of election programmes and of free time for opening and closing addresses on Television One and National Radio**

	<b>Allocation (incl. GST)</b>	<b>opening address (minutes)</b>	<b>closing address (minutes)</b>
<b>Registered parties</b>			
New Zealand Labour Party	\$524,412	12	4
The New Zealand National Party	\$524,412	12	4
The Alliance	\$168,561	8	2.5
ACT New Zealand	\$112,374	8	2.5
New Zealand First Party	\$93,645	8	2.5
Aotearoa Legalise Cannabis Party	\$37,458	4	1.5
Christian Heritage Party: Graham Capill Party Leader	\$37,458	4	1.5
Mauri Pacific	\$37,458	4	1.5
The Greens, The Green Party of Aotearoa/New Zealand	\$37,458	4	1.5
United New Zealand Party	\$37,458	4	1.5
Animals First	\$18,000	0	0
Aotearoa/New Zealand Party	\$18,000	0	0
Asia Pacific United Party	\$18,000	0	0
Freedom Movement	\$18,000	0	0
Future New Zealand	\$18,000	0	0
Green Society	\$18,000	0	0
Libertarianz	\$18,000	0	0
Mana Māori Movement	\$18,000	0	0
Mana Wahine Te Ira Tangata	\$18,000	4	1.5
Natural Law Party	\$18,000	0	0
Te Tawharau	\$18,000	0	0
The McGillicuddy Serious Party	\$18,000	0	0
The NZ South Island Party	\$18,000	0	0
The Peoples Choice Party	\$18,000	0	0
The Republican Party Incorporated	\$18,000	0	0
<b>Other parties</b>			
Majority Choice	\$5,000	0	0
Quality of Life Political Movement	\$5,000	0	0
<b>Broadcasters' production costs</b>			
TVNZ	\$0		
RNZ	\$1,688		
<b>Amount allocated</b>	<b>\$1,892,382</b>	<b>72</b>	<b>24.5</b>
<b>Amount remaining to be allocated</b>	<b>\$188,618</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>\$2,081,000</b>	<b>72</b>	<b>24.5</b>



## 7. Order of opening and closing addresses

7.1 The Commission invited parties to make submissions on the order of opening and closing addresses. Again there was a disparity of views. The Commission has decided it is appropriate for the first opening address to be given by the Prime Minister, to be followed on the same night by the opening address of the Leader of the Opposition. Two ballots were held in the Commission's offices in the presence of an independent Justice of the Peace to determine the order of the opening addresses for the other parties that were allocated time for this purpose. TVNZ will broadcast non-political advertising between blocks of opening addresses and between blocks of closing addresses. The order of the closing addresses for the parties in each category is the reverse of their order for opening addresses.

7.2 The order of the opening addresses will be as follows:

Friday: The New Zealand National Party  
New Zealand Labour Party.

Saturday: ACT New Zealand  
The Alliance  
New Zealand First Party  
United New Zealand Party; Mauri Pacific; Christian Heritage Party:  
Graham Capill Party Leader  
Mana Wahine Te Ira Tangata; The Greens, The Green Party of  
Aotearoa/New Zealand; Aotearoa Legalise Cannabis Party.

7.3 The order of the closing addresses will be as follows:

New Zealand Labour Party  
The New Zealand National Party  
New Zealand First Party; The Alliance; ACT New Zealand

Aotearoa Legalise Cannabis Party; The Greens, The Green Party of Aotearoa/New Zealand; Mana Wahine Te Ira Tangata; Christian Heritage Party; Graham Capill Party Leader; Mauri Pacific; United New Zealand Party.

## **8. Offers of time made by other broadcasters**

### **8.1 Other time provided for opening and closing addresses**

Five broadcasters other than TVNZ and RNZ offered time for opening and closing addresses. The Commission notes that offers from some of these broadcasters were not clear on whether the time was being offered for use by political parties or for use by individual electorate candidates. The Commission has no responsibility for the allocation of any time which broadcasters may wish to provide for broadcasting of election programmes on behalf of individual electorate candidates, and any such time is not covered by the allocations which follow.

The Commission is required to allocate this time for opening and closing addresses among eligible political parties, and has consulted each affected broadcaster about the proposed allocations. The Commission has decided that allocations of the time for opening and closing addresses offered by these broadcasters should be in similar proportions to the allocations of the time provided by TVNZ and RNZ as set out in the table in section 6 of this decision, as follows:

**Allocations of time provided for opening and closing addresses  
(other than time provided by TVNZ and RNZ)**

Party	% of time for opening addresses	% of time for closing addresses
New Zealand Labour Party	17	17
The New Zealand National Party	17	17
ACT New Zealand	10	10
New Zealand First Party	10	10
The Alliance	10	10
Aotearoa Legalise Cannabis Party	6	6
Christian Heritage Party: Graham Capill Party Leader	6	6
Mana Wahine Te Ira Tangata	6	6
Mauri Pacific	6	6
The Greens, The Green Party of Aotearoa/New Zealand	6	6
United New Zealand Party	6	6
<b>Total</b>	<b>100</b>	<b>100</b>

The orders of broadcasts of opening and closing addresses on these stations are to be those given in paragraphs 7.2 and 7.3 for opening and closing addresses broadcast by TVNZ and RNZ. Broadcasters should note that parties' opening addresses cannot be broadcast before writ day and parties' closing addresses must be broadcast in the last week of the election period.

## 8.2 Other time provided free or at discounted rates

Twenty-five broadcasters offered other time for election programmes free of charge; 34 broadcasters offered other time for election programmes at discounted rates. The Commission notes that offers from some of these broadcasters were not clear on whether the time was being offered for use by political parties or for use by individual electorate candidates. The Commission has no responsibility for the allocation of any time which broadcasters may wish to provide for broadcasting of election programmes

on behalf of individual electorate candidates, and any such time is not covered by the allocations which follow.

The Commission is required to allocate these offers of time among the eligible parties, and has consulted each affected broadcaster about the proposed allocations. The Commission has allocated the time offered by these broadcasters in the same proportions as the allocations of money shown in the table in section 6 of this decision, as follows:

**Allocations of time provided free or at discounted rates  
(other than time for opening and closing addresses)**

	<b>% time</b>
<b>Registered parties</b>	
New Zealand Labour Party	28
The New Zealand National Party	28
The Alliance	9
ACT New Zealand	6
New Zealand First Party	5
Aotearoa Legalise Cannabis Party	2
Christian Heritage Party: Graham Capill Party Leader	2
Mauri Pacific	2
The Greens, The Green Party of Aotearoa/New Zealand	2
United New Zealand Party	2
Animals First	0.9
Aotearoa/New Zealand Party	0.9
Asia Pacific United Party	0.9
Freedom Movement	0.9
Future New Zealand	0.9
Green Society	0.9
Libertarianz	0.9
Mana Māori Movement	0.9
Mana Wahine Te Ira Tangata	0.9
Natural Law Party	0.9
Te Tawharau	0.9
The McGillicuddy Serious Party	0.9
The NZ South Island Party	0.9
The Peoples Choice Party	0.9

The Republican Party Incorporated	0.9
<b>Other parties</b>	
Majority Choice	0.2
Quality of Life Political Movement	0.2
<b>Total</b>	<b>99.9</b>

(The above percentages do not add to 100% due to the rounding of individual allocations.) As noted in paragraph 3.7, these allocations will be reviewed after parties' eligibility is finally established.

## 9. Conditions concerning expenditure of allocations

9.1 The Commission is empowered by section 74A(2)(b) and section 74A(3) of the Act to include in its decisions conditions concerning the manner in which any political party or group of related political parties is to expend its allocation. Political parties were invited to make submissions on conditions which should be applied to this expenditure.

9.2 The predominant submission was that parties should receive bulk allocations of money as in 1996. Parties submitted that they should have the discretion to use their allocations as they saw to best advantage. The Commission has accepted this view.

9.3 The following conditions are made by the Commission. They affect political parties and broadcasters.

1. Each political party and group of related political parties is to report to the Commission –
  - (a) the values (including GST) of its election programme bookings as those bookings are made; and
  - (b) the values (including GST) of the production costs which are to be paid from the party's allocation as those production arrangements are made.
2. Funds allocated to a political party are to be used only for the purpose of purchasing radio or television time for election programmes or meeting the cost

of production of election programmes. They cannot be put to other uses, such as print advertising.

3. Political parties may not use their own funds to purchase television or radio advertising time, but may use their own funds for production costs.<sup>1</sup>
4. Time or money allocated to a political party or group of related political parties cannot be transferred to another party. Parties are also reminded that under section 74A(5) of the Act money cannot be allocated to an individual party if that party has received an allocation as part of a group of related political parties.
5. Payments by a party for broadcasting of election programmes on a community access broadcasting station or other station which requires payment for such broadcasts are to be made from the party's allocation.
6. Payment by a party to a broadcaster of a donation or other sum in relation to the purchase of time to broadcast an election programme on behalf of the party must be made from the party's allocation. Any donation or other sum relating to the production costs of a party's election programme may be paid from the party's allocation or from its own funds.

9.4 The Commission draws the attention of parties and broadcasters to the fact that the sums allocated by the Commission include GST. Parties should be aware that broadcasters' ratecards often do not include GST, and do not include the Volume Incentive Discounts (VIDs) negotiated from time to time between some broadcasters

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<sup>1</sup> Parties should note that funds allocated by the Commission do not count as a party election expense under paragraph (g) of the definition of "election expenses" in section 214B of the Electoral Act 1993. However, if a party spends its own funds on production costs, that expenditure is counted as an election expense. Electorate candidates may use their own funds for the purchase of broadcasting time, but the costs of those broadcasts are counted among the candidates' election expenses (section 213 of the Electoral Act).

and the Department of the Prime Minister and Cabinet for the costs of broadcasting time on television and radio which are paid from public funds.

- 9.5 The attention of parties and broadcasters is also drawn to the requirement in section 79B(1) of the Act that –

No broadcaster shall offer or give to any political party, whether by way of a reply under section 71A of this Act or otherwise, terms for broadcasting time that are more favourable than those offered or given to any other political party that buys or expresses an interest in buying comparable time from that broadcaster.

Section 79B(2) of the Act contains a similar provision in respect of candidates.

## **10. Submission of Accounts**

- 10.1 The Commission circulated to parties its proposed method of handling the payment of accounts submitted to it by parties for production and advertising costs. Comments were invited. There was general acceptance of the method of authorisation and control of expenditure by the parties which responded. The procedures for authorising and submitting accounts are attached to this decision.

Signed for and on behalf of the Electoral Commission

Rt Hon Sir Ian McKay  
President  
9 July 1999

Members: Rt Hon Sir Ian McKay (President)  
Mr C. Keating (Secretary for Justice)  
Deputy Chief Judge N. Smith (Deputy Chief Judge of the Māori Land Court)  
Dr P. R. Harris (Chief Executive)

Additional members for the purpose of Part VI of the Broadcasting Act 1989:  
Mr D. Beatson (representing the Government)

Mr L. Falck JP (representing Opposition parties)

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