

Variation of the decision of the Electoral Commission on the allocation of time and money to eligible political parties for the broadcasting of election programmes for the 2014 General Election

Section 76A of the Broadcasting Act 1989 (the Act), gives the Commission power to vary its original allocation of time and money to political parties for the broadcasting of election programmes in certain circumstances. Section 76A(1) reads:

76A Power of Electoral Commission to vary allocations

(1) If, after any allocation is made under section 73 or section 74A,—

(a) a broadcaster in respect of which an allocation of time has been made ceases to be a broadcaster; or

(b) a political party does not accept any allocation of time under section 73 or any allocation of money under section 74A; or

(c) the party ceases to be registered; or

(d) the party fails to submit a list of candidates for election to the seats reserved for those members of Parliament elected from lists pursuant to section 127 of the Electoral Act 1993; or

(da) the party fails to comply with any conditions imposed by the Electoral Commission under section 74A(2)(b) requiring the political party or group of related political parties to advise the Electoral Commission of the value of election programme bookings made by the political party or group of related parties; or

(e) the relationship of the party with any other political party has changed to a significant extent; or

(f) [Repealed]

the Electoral Commission may, subject to subsection (4), vary the allocation under section 73 or section 74A, as the case may require.

The Expatriate Party of New Zealand and Truth, Freedom, Justice, two of the parties that were given an allocation in the Electoral Commission's Broadcasting Allocation Decision of 6 June 2014, have not been registered as political parties by 14 August 2014 (dissolution of Parliament) in accordance with Part 4 of the Act. They have not "ceased to be registered," but they are ineligible to receive an allocation of time and money for the broadcasting of election programmes because section 75(1)(a) of the Act only permits making allocations to political parties which are registered parties at the time of dissolution or expiration of Parliament.

The number of parties continuing to be eligible for broadcasting allocations of time and money has therefore dropped to 15 and the total of \$67,270, previously allocated to the Expatriate Party of New Zealand and Truth Freedom Justice, is therefore available for redistribution.

ACT New Zealand

On 13 June 2014, Hon. John Banks, the sole Member of Parliament (MP) for ACT New Zealand (ACT), resigned from Parliament. This meant that ACT no longer had an MP. Although ACT's categorisation for the purposes of its allocations was influenced by the fact it had an MP at the date of the Commission's allocation decision (s75(2)(c) of the Act) the resignation of ACT's MP did not, at the time, cause the Commission to consider a variation to the broadcasting allocation as a change in the number of MPs who are members of the party is not one of the grounds upon which a variation can be made.

Under section 76A(3) the Board must reconsider all of the criteria under section 75(2) in varying its previous allocation decision. This now includes the resignation of ACT's sole MP.

However, section 76A(4) states that where effect has been given in whole or in part to an allocation made under section 73 or section 74A to a political party, the Commission shall not vary the allocation unless the registration of the party is cancelled or the party fails to submit a list of candidates for election.

The Commission considered varying ACT's original allocations of time and money under s76A as a result of the resignation of its sole MP. However, information supplied by ACT clearly indicates that ACT has wholly or in part given effect to its allocations of time and money. Accordingly, the Commission considers that it is debarred from varying ACT's allocation. However, as ACT now has no MP, the Commission's view is that it should not share in the redistribution of the additional \$67,270 and time now available.

Other eligible parties (excluding ACT)

The Commission has given full consideration, as required, to the submissions provided by all eligible parties prior to its original allocation decision and also to the submissions (lodged in anticipation of the possibility of the Commission varying its original decision) by the New Zealand National Party and the Conservative Party of New Zealand.

Having considered all of the statutory criteria, the Commission has decided to allocate the funds previously allocated to the Expatriate Party of New Zealand and Truth, Freedom, Justice proportionately to all of the other eligible parties in the percentages set out in paragraph 62 of its Broadcasting Allocation Decision of 6 June 2014. These increases are reflected in the table below.

The Commission notes that there is a maximum of two minutes available for redistribution for each of the opening and closing addresses as a result of the Expatriate Party of New Zealand and Truth, Freedom, Justice not being registered by the 14 August 2014.

The Commission has decided not to re-allocate the two lots of two minutes available between the remaining eligible parties having regard to the proximity of the opening addresses, the time which it takes to produce such addresses and the impracticability of reallocating such small amounts of time between 15 parties.

The order of opening and closing addresses in the Commission's decision dated 6 June 2014 is unchanged for the 15 eligible parties.

Radio New Zealand's allocation will not be varied.

The Commission may consider a further variation of time and reallocation of money to the then eligible political parties after noon on 26 August 2014, the deadline for the submission of party lists for the 2014 General Election, if any parties fail to comply with the conditions in section 76A.

The following table sets out the revised allocations to those parties that are eligible for the broadcasting allocation for the 2014 General Election:

Variation of Broadcasting Allocation Decision for the 2014 General Election

Parties	Monetary allocation (incl of GST)	Time allocation of opening addresses (in minutes)¹	Time allocation for closing addresses (in minutes)
<i>The New Zealand National Party (National Party)</i>	\$1,076,229	15.5	15.5
<i>The New Zealand Labour Party (Labour Party)</i>	\$939,565	13.5	13.5
<i>The Green Party of Aotearoa/New Zealand (Green Party)</i>	\$409,993	7.5	7.5
<i>New Zealand First (NZ First)</i>	\$204,996	4.5	4.5
<i>Māori Party</i>	\$102,498	2.5	2.5
<i>ACT New Zealand (ACT Party)</i>	\$76,930	2	2
<i>Internet Party and MANA Movement (Internet MANA)²</i>	\$78,581	2	2
<i>United Future New Zealand (United Future)</i>	\$78,581	2	2
<i>New Zealand Independent Coalition (NZIC)</i>	\$78,581	2	2
<i>Conservative Party of New Zealand (Conservative Party)</i>	\$61,499	1.5	1.5
<i>The Alliance (Alliance)</i>	\$34,357	1	1
<i>Aotearoa Legalise Cannabis Party (ALCP)</i>	\$34,357	1	1
<i>The Civilian Party (Civilian)</i>	\$34,357	1	1
<i>Focus New Zealand (Focus NZ)</i>	\$34,357	1	1
<i>The New Zealand Democratic Party for Social Credit (Democrats for Social Credit)</i>	\$34,357	1	1
<i>Radio New Zealand (RNZ)³</i>	\$4,012		
Total allocated	\$3,283,250	58	58
Total allocated	\$3, 283,250		
Total available	\$3,283,250	60	60

¹ The order for opening and closing addresses appears in paragraphs 74 and 75 the Broadcasting Allocation Decision of 6 June 2014.

² Formerly the New Freedom Party

³ Allocated to RNZ in accordance with section 77A(5)

Dated: 20 August 2014

Signed for and on behalf of the Commission.



Hon Sir Hugh Williams QC
Chair



Jane Huria
Deputy Chair



Robert Peden
Chief Electoral Officer