

## Members present

Hon Andrew McGechan (President)  
Chief Judge Joe Williams – *ex officio* (Maori Land Court)  
Ms Belinda Clark – *ex officio* (Secretary for Justice)  
Dr Helena Catt (Chief Executive)

Dated: 29 July 2008

Decision Number: 2008-17

Initiated by

**BRIAN STEEL ON 17 APRIL 2008**

In relation to

**Election advertisement**

**LABOUR PARTY**

## Subject

Labour Party file boxes in Parliament's chamber that display the party's logo.

## Findings and Determination

The Commission is unable to consider the complaint as the subject matter is covered by parliamentary privilege.

**This headnote does not form part of the decision.**

## Subject

Labour Party file boxes in Parliament's chamber that display the party's logo.

## Issues raised

Brian Steel suggests the boxes are in Labour red and prominently display references to Labour and its logo, and are in view of television cameras broadcasting the proceedings of the House and advertises the Party to viewers.

## Comments from Labour Party

The financial agent of the Labour Party in a letter emailed on 10 June 2008 indicates that:

- matters in the House are governed by Parliamentary privilege and not to be called into question by a court or any entity such as the Commission
- the actions of MPs in the House are undertaken in exercise of their rights as Members and could not be controlled by the financial agent of the Party
- the issues should be raised with the Speaker and not the Commission.

The financial agent also requests clarification of whether participating in the Commission's process would put the financial agent in breach Parliamentary privilege.

## **Electoral Commission's Determination**

The Electoral Commission obtained a legal opinion from Crown Law on the interrelationship between the Electoral Finance Act and Parliamentary privilege, especially in relation to election advertising. The opinion is that this matter is covered by parliamentary privilege and therefore the Commission is unable to investigate the use and display of file boxes within the chamber. The Electoral Commission considered and accepted the Crown law advice.

**For the above reasons it is the view of the Electoral Commission that it cannot consider this matter.**

Signed for and on behalf of the Electoral Commission



Dr Helena Catt  
Chief Executive and Commissioner  
New Zealand Electoral Commission

1 August 2008

### **Exhibits**

The following items were received and considered by the Electoral Commission when it determined this matter:

1. Email 17 April 2008 from Brian Steele raising the issue
2. Letter 10 June 2008 from Mike Smith
3. Letter 16 June 2008 to Crown Law
4. Letter 22 June 2008 from Crown Law