

2023 BROADCASTING ALLOCATION - VARIATION

1. The Electoral Commission (the Commission) released its 2023 Broadcasting Allocation decision on 12 May 2023. That decision should be read alongside this variation decision.
2. Section 80 of the Broadcasting Act 1989 (the Act) gives the Commission power to vary its original allocation of money to political parties for the broadcasting of election programmes and election advertising. Section 80 reads:

80 Electoral Commission may vary allocation

- (1) The Electoral Commission may vary a decision made under section 79 if a party to which an amount of money is allocated -
 - (a) does not accept that allocation; or
 - (b) ceases to be registered; or
 - (c) fails to submit a list of candidates for election under section 127 of the Electoral Act 1993; or
 - (d) fails to comply with any conditions imposed by the Electoral Commission under section 79(1)(b).
 - (2) The Electoral Commission may also vary a decision made under section 79 if there has been a significant change in the relationship between a party that has received an allocation of money and any other party.
 - (3) The Electoral Commission may vary a decision made under section 79 without affording any party the opportunity to –
 - (a) meet with the Electoral Commission; or
 - (b) comment on the proposed variation.
 - (4) In varying a decision made under section 79, the Electoral Commission must have regard to –
 - (a) the views of parties received in the course of consultations undertaken in accordance with section 77; and
 - (b) the matters specified in sections 78 and 79(3).
 - (5) If an allocation of money made to a party has been spent (in whole or in part), the Electoral Commission must not vary that allocation unless –
 - (a) the registration of the party is cancelled under section 70 of the Electoral Act 1993; or
 - (b) the party secretary has failed to submit a list of candidates for election under section 127 of the Electoral Act 1993.
3. Section 79(2) of the Act provides that an allocation may be made to a group of related parties. Section 79(3) of the Act provides that an allocation may not be made to an individual party if that party is to receive an allocation as part of a group of related parties.
 4. Under section 80(2) of the Act, the Commission may vary a decision if there has been a significant change in the relationship between a party that has received an allocation of money and any other party. As the NZ Outdoors & Freedom Party is now a component party of Freedoms New Zealand, the Commission considers this is a significant change in relationship between two parties who have received an allocation. For this reason, the Commission has determined to vary the allocation.
 5. As a result of changes formally notified to the Commission on 25 July 2023, Freedoms New Zealand has the following component parties:
 - NZ Outdoors & Freedom Party,
 - Vision New Zealand, and
 - Rock the Vote NZ.

6. Freedoms New Zealand was allocated \$66,332 in the 2023 Broadcasting Allocation. As Vision New Zealand is a component party of Freedoms New Zealand, it was not entitled to a separate allocation, in accordance with section 79(3) of the Act.
7. NZ Outdoors & Freedom Party is a registered party and was allocated \$66,332 in the 2023 Broadcasting Allocation. Rock the Vote NZ is an unregistered party, which has not contested an election or by-election, and did not give notice of its eligibility for an allocation.
8. Section 79(3) of the Act precludes the Commission allocating money to individual parties if the party has received an allocation as part of a group of related political parties. While Freedoms New Zealand will continue to receive an allocation, its new component party, NZ Outdoors & Freedom Party is no longer entitled to an allocation separate from that allocated to Freedoms New Zealand as it is a component party of Freedoms New Zealand.
9. The results of Vision New Zealand and the NZ Outdoors & Freedom Party at the previous general election (if applicable), by-elections, polling and support have been taken into account when considering Freedoms New Zealand's overall allocation in this variation.
10. New Nation Party did not give notice of its eligibility for an allocation, but at the time of the original allocation was a component party of Freedoms New Zealand. The results of New Nation Party at previous by-elections, polling and support were taken into account when considering Freedoms New Zealand's overall allocation in the original decision. It is no longer a component party and so this variation decision also takes into account this change.
11. The Commission has reconsidered the views of parties received during consultation undertaken in accordance with section 77. The Commission has considered 79(3) and all of the criteria in section 78 including party and candidate votes at the last election, by-election results, number of members of Parliament, relationships, indications of public support, and the need to provide a fair opportunity for each party to convey its policies to the public by the broadcasting of election programmes on television.
12. Having given due consideration to the change in relationship and all of the criteria, the Commission has determined that Freedoms New Zealand should be placed into its own allocation category.
13. The following table sets out the revised allocations to those parties who remain eligible for the broadcasting allocation for the 2023 General Election. Parties are reminded that the amounts allocated by the Commission include GST.
14. Three currently unregistered parties have an allocation but are subject to the condition that they cannot use their allocation unless and until they are registered. Any of these parties that are not registered by the date of dissolution of Parliament (8 September 2023), will not be eligible for an allocation, and the amounts allocated to them will be available for reallocation. The Commission may consider a further variation of the allocation to the then eligible political parties after the date of dissolution of Parliament.

Variation of Broadcasting Allocation Decision for the 2023 General Election

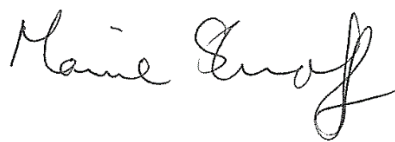
	Political Party	Original Allocation (inclusive of GST)	Varied Allocation (inclusive of GST)
Parties eligible for share of broadcasting allocation	New Zealand Labour Party	\$1,243,724	\$1,249,944
	The New Zealand National Party	\$1,036,438	\$1,048,875
	ACT New Zealand	\$352,389	\$356,535
	The Greens, The Green Party of Aotearoa/New Zealand	\$352,389	\$356,535
	Te Pāti Māori	\$198,996	\$201,069
	New Zealand First Party	\$165,830	\$167,903
	New Conservative	\$132,664	\$134,737
	The Opportunities Party (TOP)	\$132,664	\$134,737
	Freedoms New Zealand	\$66,332	\$92,036
	Aotearoa Legalise Cannabis Party	\$66,332	\$67,161
	DemocracyNZ	\$66,332	\$67,161
	Heartland New Zealand Party*	\$66,332	\$67,161
	ONE Party (currently applying to change its party name to NewZeal)	\$66,332	\$67,161
	Animal Justice Party Aotearoa New Zealand*	\$66,332	\$67,161
	Protect & Prosper New Zealand*	\$66,332	\$67,161
Parties not eligible for allocation	NZ Outdoors & Freedom Party**	\$66,332	\$0
	Vision New Zealand**	\$0	\$0
	TOTAL allocated	\$4,145,750	\$4,145,337
	TOTAL available	\$4,145,750	\$4,145,750

* These parties are currently unregistered.

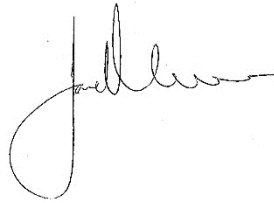
** A component party of Freedoms New Zealand which in accordance with section 79(3) of the Broadcasting Act 1989 is not entitled to a separate allocation.

Dated: 1 August 2023

Signed for and on behalf of the Commission:



Dame Marie Shroff DNZM CVO
Chair
Pou Kaiāwhā
Kaitiaki Take Kōwhiri



Jane Meares
Deputy Chair
Pou Kaiāwhā
Kaitiaki Take Kōwhiri



Karl Le Quesne
Chief Electoral Officer
Pou Kaiāwhā
Kaitiaki Take Kōwhiri