

8 June 2005

Hon. Margaret Wilson, MP
Speaker of the House
Parliament Buildings

Dear Madam Speaker

Labour election advertising from Parliamentary budget

I write to bring your attention to a series of what can only be described as election billboards for the Labour Party, which are apparently, funded using Parliamentary resources, as they contain the Parliamentary Crest.

They appear to be a direct contravention of the clearly enunciated rules for advertising, which carries the Crest.

Rule 1.3.3 clearly sets out the rules for use and content of advertising.

1(a) For the purposes of this section "parliamentary business" means all business relating to the work of a member of Parliament or parliamentary political party and may include:-

- promoting or providing details of the services a member is offering to the public;*
- material of an informational nature to inform the recipient of the member's or parliamentary political party's views on public issues of the day;*
- information about a member's or parliamentary political party's activities.*

The billboards in question contain a picture, with the bottom half of the billboard coloured red and containing the slogan "You're better off with Labour", together with the Labour Party logo and the Parliamentary Crest.

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A picture of the billboard is attached to this letter for your information. The one pictured is located in Wellington, at the Lambton Quay bus interchange, although these are widespread in urban North Island centres, appearing predominantly on Adshell bus shelters. Adshell have contracts with a large number of city councils enabling them to erect advertising on shelters and the like.

In no way can this billboard possibly be interpreted as coming within the ambit of the provisions set out in 1.3.3. It does not promote the services offered by any member. It is clearly not providing any material of an informational nature on public issues of the day. Nor does it provide information about that party's activities.

It is somewhat of a stretch to suggest that the simple slogan "You're better off with Labour" is intended to be anything more than an election advertisement.

It is noted that 1(a) uses the words 'and may include' in reference to the three bullet point examples. In this sense, it is not an exhaustive list of the sort of activities, which may be permitted.

On its own, this would not be a problem. The problem arises when the provisions of 1(b) are taken into account. These provisions clearly exclude certain types of advertising from the definition of parliamentary business.

1(b) "Parliamentary business" does not include:-

- *soliciting subscriptions or other financial support for a political party or a candidate at an election;*
- *party political, promotional or electioneering material for the purpose of supporting the election of any person or party;*
- *any work undertaken as a Minister of the Crown and Member of the Executive Council.*

It is the second bullet point exclusion, which is relevant in this case.

The billboard in question is clearly party political promotional material for the purpose of supporting the election of the Labour Party.

Had it contained the slightest piece of useful information, it could be argued that it fell under the provisions of 1(a). The absence of any meaningful information means it has to be addressed as a party promotional activity, which falls squarely within the exclusions detailed in 1(b).

It is contended that the advertisements are little more than electioneering, that the simple slogan does not meet the test for the provision of information, and that the advertisements should properly be paid for by the Labour Party and not by taxpayers.

Taxpayers are already committed to funding the Labour Party's campaign later this year, and will be footing the bill for over \$1 million in television advertising for the Labour Party. It is bad enough that taxpayers have to fork out for this, and endure it each night on the telly, without having to fork out for these election advertisements months in advance of the election.

It is apparent that the boundaries for what constitutes 'parliamentary business' are being constantly tested. It is equally apparent that no reasonable person would agree that Labour's billboards in any way constitute parliamentary business.

I trust that, following investigations and consideration of the facts of this matter, you will agree that this is a serious breach of the rules regarding Parliamentary funded advertising, and institute proceedings to seek recovery of the amounts involved.

Such action is necessary to preserve the integrity of the whole system of Parliamentary funded advertising.

Thank you for investigating this matter

Yours sincerely

Ken Shirley
Whip
ACT New Zealand



7 July 2005

Hon Ken Shirley MP
8.06A
BOWEN HOUSE



Dear Ken

Thank you for your letter of 8 June. I apologise for the delay in replying but it has taken some time to gather all the information relevant to this matter.

As I understand the issue, it is whether the advertisement is within the prohibited grounds as defined in 1.3.3.1(b) of the guidelines. The question then is whether the advertisement is party political, promotion or electioneering material for the election of any party or individual. As I understand it, the advertisement was in conjunction with a programme of promoting information relating to the budget. It was publicly displayed for 10 days between 30 May to 10 June and then removed. If the advertisement had been published by itself and not part of budget information programme, I think would have been outside the guidelines. Since the advertisement was related to a programme of budget information, and the fact it was displayed for a short time reinforces this purpose, I do not believe it is in breach of the current guidelines on this occasion.

After reading the guidelines for advertising, I agree with the Auditor-General's Report that they create much uncertainty and confusion. I understand Parliamentary Services staff is required to give opinions on whether various parties advertising falls within the guidelines and that what may be considered 'marginal' calls are often made. This is no fault of the staff but the lack of clarity in the guidelines and a formal process for complaints in the guidelines, leads to unnecessary confusion and uncertainty. It is time another attempt was made to provide all parties with greater certainty of what is permitted and what is not. I trust that the ACT party would support such a review.

Yours sincerely

Hon Margaret Wilson
SPEAKER



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WITH LABOUR**

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Parliament Buildings, Wellington



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