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### The Prime Minister's Hour

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It's been done in the UK and the US before, but not in New Zealand. Prime Minister John Key takes to the airwaves this Friday at 2pm to host his very own radio show.

Join "DJ Key" for this fun, relaxed hour, as he interviews some very special guests, including Sir Richard Branson and Ritchie McCaw.

RadioLIVE listeners will also have the opportunity to talk to John Key directly, sharing what's on their minds, and putting questions to the Prime Minister via 0800 RADIOLIVE (0800 723 465) or by submitting a question [here](#).

#### Your questions

What question would you like DJ Key to ask Sir Richard Branson or Ritchie McCaw?

Leave your question here and we'll be in touch.

[Listen to the official show trailer here!](#)

#### Post your opinion

Name: [input] Email: [input] (Work/business) Opinion: [input]

2000 characters left

By Susan

Question for Ritchie McCaw... has his family been affected by the Earthquakes and how is he coping with the stresses that flow from that... (and PS... BEST FOR THE remaining tournament)

I Agree (1) I Disagree (0)

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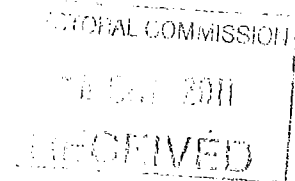


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4 October 2011



The Electoral Commission  
PO Box 3220  
WELLINGTON 3220

Dear Commissioners

I am making a complaint under the Election Finance Act regarding a broadcast on 30 September 2011 on RadioLive with the Prime Minister and also National party candidate John Key.

According to media reports, the free broadcast time was made available by RadioLive to the National party candidate alone.

The obvious favouritism of the broadcast is all the more alarming given the public information of the defacto \$43m loan, a deferred payment of its license fee, provided by National party government ministers to the broadcaster MediaWorks, the parent corporation of RadioLive. At the time of the loan approval the Communications Minister was Steven Joyce, a founder of MediaWorks. That the transaction was a loan was confirmed in the House by the Prime Minister when he told the House on 12 April 2011 that the "arrangement required the approval of the Minister of Finance as a loan under section 65N of the Public Finance Act, as confirmed by the Prime Minister in the House."

The background of the defacto loan by the National government to MediaWorks creates the appearance, whether actually true, that the broadcast was quid pro quo: free loan = free air time promoting the National party Prime Minister during the election campaign.

That MediaWorks initiated the interview solely for the Prime Minister is indicated by an article in the National Business Review dated 29 Sept:

The Prime Minister's office suggested NBR contact MediaWorks for comment, "as they invited the Prime Minister to take part and organised his slot on the show."

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Letter to the Electoral Commission  
4 October 2011  
Page two

I believe this broadcast is campaign electioneering:

- The radio station provided a free one hour of promotion and advertising for the Prime Minister, and no other political party leader, during the period of election campaigning;
- The apparent aim of the programme was to present a format for the Prime Minister to appear relaxed and funny;
- The interviewer was flattering to the Prime Minister during the broadcast and presented the candidate in a most favourable light;
- The broadcast was made during period of high interest in media because of Rugby world Cup;
- The broadcast included Richard Branson, Peter Jackson and Richie Macaw – all high profile personalities guaranteed to create a large audience, and the interviews were conducted by the Prime Minister himself, a role certain to gain recognition. The appearance is that MediaWorks set up companion interviews to heighten interest surrounding the Prime Minister's free airtime;
- That the broadcast was titled "The Prime Minister's Hour" subtly conveys to the listening public the candidate continuing as "Prime Minister", a contestable role dependant on the results of the election.

I believe the broadcast constitutes a breach of sections 204F and 204H of the Electoral Act 1993 because the item is election advertisements that do not contain a valid promoter statement and were not authorised in writing by the party secretary.

Sincerely

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**Natalie McNaught**

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**From:** Thursday, 6 October 2011 11:16 a.m.  
**Sent:** Robert Peden  
**To:** Natalie McNaught  
**Cc:** Complaint regarding Prime Minister's Hour programme.  
**Subject:** PMHourcomplaint.pdf  
**Attachments:**

Dear Robert

Please find attached a copy of a complaint in regard to the "Prime Minister's Hour" programme broadcast on September 30th by Radio Live.  
Should I send a hard copy as well or will this suffice?

regards

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5 October 2011

Chief Electoral Officer  
Electoral Commission

by email

Dear Robert,

**Prime Minister hosting Radio Live Show – 30 September 2011**

I wish to make a complaint under the Electoral Act 1993 and the Broadcasting Act 1989 in relation to the broadcast of this programme by RadioLive.

In my opinion the Radio Live show billed as the “inaugural Prime Minister’s Hour” as broadcast on 30 September is both an election advertisement for the purposes of the Electoral Act and an election programme for the purposes of the Broadcasting Act, and is in breach of both Acts.

The Electoral Act defines an election advertisement as including a candidate advertisement which “means an advertisement in any medium that may be reasonably be regarded as encouraging or persuading voters to vote for a constituency candidate”.

The Broadcasting Act Clause 69 defines an election programme as a programme that—

- (a) encourages or persuades or appears to encourage or persuade voters to vote for a political party or the election of any person at an election;

It is clear from the statements of the broadcaster that the programme was intended as an advertisement. Jana Rangooni, General Manager talk brands, describes it in an email supplied by you under the Official Information Act as a “programme we hope will encourage more listeners to our brand.”

It is also clear from their statements that the producers of the programme and the Prime Minister believed that the programme would not be an election advertisement or an election programme if he did not talk about policy or the election. In fact he did do so as will be detailed below.

However the law does not define election advertising by reference to talk about policy or the election; it has for many years referred to advertisements that “encourage or persuade or appear to encourage or persuade” voters to vote for a candidate or person.

The broadcaster’s argument appears to be that while the programme was specifically intended to “encourage” support for the Radio Live brand, the same programme could in no way be considered and not was it intended to encourage support for the Prime Minister’s brand in a presidential campaign less than two months out from an election.

This disjunction is untenable.

The “Prime Minister’s Hour” programme is in my opinion best described as brand advertising for the radio station, and also brand advertising for the Prime Minister who is a candidate in the election due in the next two months. It falls within the context of ‘celebrity endorsement’ which is a widely practised form of advertising, including in my experience by political parties. I attach an extract from a paper from Victoria University which comments on the utility of celebrity advertising involving athletes.

This form of advertising is designed to encourage or persuade support for a brand or person by association with prominent and popular celebrities. The fact that the programme was billed as the “Prime Minister’s Hour” uses the Prime Minister’s celebrity to endorse the Radio Live brand, and

the Prime Minister's choice of celebrity guests is designed to encourage or persuade support for his "brand" in the upcoming election. Comments from listeners such as "John Key you're a bloody legend" and "John Key you're my favourite man in New Zealand" support this brand endorsement. I note that the Commission's advice was copied to the Prime Minister's Communications Adviser in the Prime Minister's office at the request of the broadcaster. Part of this person's job is undoubtedly to promote the Prime Minister's brand.

I attach a blog comment from Chris Ford that details the use of this form of personal brand marketing in modern political advertising, and offers some evidence that a "John Key Government" strategy is being pursued by the National party in the upcoming election.<sup>1</sup>

The programme is an election advertisement and an election programme and is in breach of both the Electoral Act and the Broadcasting Act prohibition on the production of election programmes.

I note that the Commission provided general advice to the broadcaster in response to a request as to whether the programme might be an election advertisement. The Commission's advice stated that the broadcaster should exercise a high degree of caution with regard to party leaders and/or candidates hosting radio shows in the lead up to a general election, and that "if Radio Live was to proceed with the programme it would need to be confident it could put in place adequate controls to ensure that the programme did not breach the election advertising rules."

Before signing off the programme, the Prime Minister discussed political matters with Paul Henry. It was alleged that "Labour was miffed with the programme" and in response to a question as to whether the Standard and Poor downgrades were his fault John Key said that they were "quite positive about the government". These are clearly political statements and put a political cast on the whole show. They also indicate that in spite of the Commission's warning the broadcaster did not place adequate controls in place to ensure that the programme was not an election advertisement. A transcript of this discussion is attached.

I note also that the programme is still available without a promoter statement on the broadcaster's website.

The matter is not inconsequential. By definition the programme was only provided to the Prime Minister. It was also widely publicised beforehand. In my opinion it is a clear and deliberate breach of both the Acts mentioned above.

With many thanks for your consideration,

Yours sincerely,

<sup>1</sup> <http://www.voxy.co.nz/politics/popularity-john-key-why-brand-national-no-longer-significant/1273/101225>

Appendix 1 – Celebrity endorsement.  
The Use Of Celebrity Athletes As Endorsers:  
Views Of The New Zealand General Public

Jan Charbonneau, Massey University

and Ron Garland, Waikato University

Abstract

New Zealand companies have a long history of using professional athletes as endorsers in their promotional campaigns. Celebrity endorsement literature suggests transfer of positive image between the celebrity/athlete and product, service or cause endorsed.

The purpose of this research was to assist sport marketing managers and advertising agencies in matching athletes with products. Following on from athlete endorsement research conducted with tertiary education students (Garland and Ferkins, 2003), the views of the New Zealand general public relative to athlete endorsement were solicited. Ohanian's (1990) 15 item source-credibility scale and the constant-sum scale were used to measure potential endorsement fit for four New Zealand sporting personalities: Bernice Mene (retired captain national netball team); Sarah Ulmer (2004 Olympic Gold Medallist, cycling); Justin Marshall (All Black rugby most capped halfback); and Stephen Fleming (captain, national cricket team). The Ohanian scale was used to test each athlete's credibility as endorser of a sports drink, with the constant sum scale used to test their endorsement fit for a sports drink, bottled water, deodorant, honey and a bank account.

Overall, the female athletes scored best on both scales and for all products except the bank account, making them good all rounders for product endorsements. Stephen Fleming and Bernice Mene, both team captains received comparable scores for endorsement of bank accounts, suggesting perhaps a general public perception of their leadership and authority.

Keywords: athlete, endorsement, advertising

Celebrity and Celebrity Athlete Endorsement

Celebrity and celebrity athlete endorsements have long attracted the interest of practitioners, students and researchers (Brooks and Harris, 1998). For this paper, a celebrity athlete endorser is a publicly recognised sports star who uses that public recognition to help another (usually a corporate client) sell or bolster the image of specific goods and services.

Celebrities and celebrity athletes provide benefits that unknown endorsers cannot. Celebrities cut through advertising clutter, hold viewer attention (Charbonneau and Garland, 2005) and transfer positive qualities such as physical attractiveness and likeability to the brand (Ohanian, 1990). They contribute to brand name recognition/recall and assist in the development of credible, distinct brand personalities (Erdogan and Kitchen, 1998). Athletes provide particularly compelling endorsements for products that have contributed to their sporting performance and success (Dyson and Turco, 1997; Stone, Joseph and Jones, 2003).

Appendix 2 – Brand John Key

The Popularity Of John Key - Why Brand National Is No Longer Significant

[Home](#) › [Blogs](#) › [Chris Ford's blog](#)

Tuesday, 13 September, 2011 - 12:05

Yesterday, I read one of the most interesting pieces of political blogging I have seen all year on the Tumeke website. Entitled "Why Key is so popular" it sought, from a left standpoint to elucidate on why the PM continues to enjoy high ratings.

The blog admitted that Key's popularity is an issue that the left "are grappling with as the RWC blocks out the election." The blog posits that we have become subjected to the mythology of Key as the poor boy made good and that appeals to what Tumeke calls "low information voters." Most importantly, the blog holds that for all these reasons:

*The most important thing any left wing political strategist should read when contemplating strategy to attack the National Party with is this incredible insight into the utter dysfunction of American Politics.*

This blog comes at a time when I was contemplating National's election strategy. For the last forty years, New Zealand politics has been following the American presidential template where campaigns have been designed by public relations companies as mere contests between the two or three leading party leaders and, accordingly, have downplayed ideological and policy positioning. This year is no exception.

In the United States, presidential campaigns have emphasised personality over party for the last fifty years. If you look at a collection of American campaign ads on You Tube from the time of Dwight Eisenhower's campaign in 1952 through to Barack Obama's in 2008, you get the impression that both major party candidates in any given year were running as independents or non-pledged candidates. The party name barely features (if at all) in many presidential campaigns. If party labels are used, they are done so by opponents only to tag their rivals by negative association e.g. Republicans as 'the party of the wealthy' and the Democrats as 'the party of tax and spend.' These labels have carried over into New Zealand politics.

This type of personality over party label campaigning has worked in New Zealand for the likes of Norman Kirk (1972), Rob Muldoon (1975), David Lange (1984) and Helen Clark (1999 and 2002). In some years, though, when governing or opposition party leaders have been unpopular, their image has been used less. I remember this happening to Rob Muldoon (1978, 1981 and 1984), Helen Clark (1996) and Jim Bolger (all campaigns from 1987 onwards). During these campaigns, the wider cabinet/party 'team' has been emphasised and the leader has been portrayed within this context as the leader of the team.

This year, the National Party will be particularly advantaged by the presidentialised template. Already, I have noticed when listening to Parliament that National MPs emphasise the 'John Key Government' in speeches. National candidate advertising emphasises the words John Key more than any other. Overall, for National, the party label is almost irrelevant. This has flustered the likes of Labour MP Clare Curran who Facebooked a couple of weeks ago about the number of tee-shirts emphasising brand Key that were being worn by the campaign team of her National Party rival in Dunedin South.

It seems that the Nats know that their leader is a winner.

That's why the Nats will emphasise John Key in this campaign. This means that the sharp, hard right edges of National policy, such as state asset sales, will not have a great deal of attention given to them by the party in this campaign. Instead, the 'good ol' boy' personality of Key will be stressed



to the max. The man who could be the next door neighbour who you would trust to return a borrowed lawnmower. The man who you would like to have at your next barbeque or dinner. A man that you can trust to make the hard decisions in tough times and yet smile all the way through. Middle Zealandia will lap this marketing mythology all up.

Conversely, Labour will place a great deal of importance on the unpopular Phil Goff as a team leader and will stress policy more. Their policies might be more palatable to New Zealanders than National's right wing prescriptions but, nonetheless, they will not be able to hide the Achilles heel of their campaign - Goff himself. The Labour leader will therefore have to campaign very hard to overcome everything that National and Key will throw at him. This coming campaign has been clearly designed (as it already seems) to further hurt and even humiliate Labour and Goff before it's even begun!

So, this year, brand John Key will have greater prominence than brand National. And Godly, they could be onto a winner. After all, as one American advertising consultant once said, it was important to market presidential candidates like you would soap. And that's how market capitalism dictates the democratic process.

- [Chris Ford's blog](#)

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Appendix 3 - RADIO LIVE – PM'S HOUR

From 2.56pm near the end of the show

KEY refers to the multitudes of calls, texts and messages that have come in to the studio, apologises for not being able to read them out and then quotes only one – “John Key, you're a bloody legend” and “John Key you're my favourite man in New Zealand”

And then he introduces Paul Henry and engages in the following discussion.

PH: What worries me is that Standard and Poors and Fitch have downgraded us because they have heard the PM is moonlighting and considering another career.

KEY: Well, we'll do anything to make money and this is just another way we can contribute to the coffers.

PH: The Labour Party are furious that you're on and they're not. You know that don't you. Mmmm.....they're really miffed.

KEY: Radio Live asked me on and I haven't talked at all about politics.....

PH: You don't really watch Coronation Street do you?

KEY: Well, I don't now. I mean, I'm working for the nation.

PH: I'll tell you what I'm going to talk about this afternoon – the shocking state of this downgrading of our economy.

KEY: Yeah ...

PH: And I'm going to ask the probing question - is it your fault?

KEY: No ... is the answer. Private sector debt ....Private sec ....In fact they've been quite positive about the Government's approach to debt. And it does actually in all seriousness reflect the international environment that's out there, so ya know, ....

PH: And also I think it reflects the fact that these rating agencies are now very very much more cautious than they used to be.

KEY: They're very jumpy. I mean, look...Standard and Poors have downgraded eight ah countries in the last few weeks. So Fitch are just taking us back to where we were in 2002. I mean...look...ah...ah...on one level I'm disappointed....I am a bit disappointed, I've gotta say that. But it's private sector debt...we'll be just be.... keep working hard to....[inaudible]

PH: And let's be honest, you can always become a radio host if the worst comes to the worst.

KEY: I think not but this has been John Key on the inaugural Radio Live .....

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## Natalie McNaught

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**To:** Chris Flatt  
**Subject:** RE: URGENT Complaint - Prime Minister's Hour on Radio Live on 30 September 2011

Dear Chris

Thank you for your email with an attached letter of complaint regarding the Prime Minister's hour on Radio Live broadcast on 30 September 2011. The Electoral Commission is looking into the matter and will update you further in due course.

Yours sincerely

*Natalie*

Natalie McNaught | Senior Adviser Legal | *Electoral Commission* | Te Kaitiaki Take Kowhiri  
Level 9 | 17-21 Whitmore Street | PO Box 3220 | Wellington  
Tel: +64 4 498 2312 | Fax: +64 4 495 0031 | Web: [www.elections.org.nz](http://www.elections.org.nz)

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**From:** Chris Flatt [<mailto:gensec@labour.org.nz>]  
**Sent:** Monday, 3 October 2011 4:46 p.m.  
**To:** Kristina Temel  
**Cc:** Natalie McNaught  
**Subject:** URGENT Complaint - Prime Minister's Hour on Radio Live on 30 September 2011

**URGENT Complaint - Prime Minister's Hour on Radio Live on 30 September 2011**

Please find a letter attached regarding this matter. We respectfully request that this matter be treated with urgency.

Regards  
Chris

**Chris Flatt**  
**General Secretary**

New Zealand Labour Party  
Level 1, Fraser House  
160-162 Willis Street, Wellington  
PO Box 784, Wellington 6140

Ph: (04) 384-7649  
Mob: 027-451-3579  
Fax: (04) 384-8066  
<http://www.labour.org.nz>

Authorised by Chris Flatt, 160 Willis Street, Wellington

# NEW ZEALAND LABOUR PARTY

Fraser House, Labour Party Head Office



3 October 2011

Chief Electoral Officer  
Electoral Commission  
PO Box 3320  
Wellington 6140

Attention: Robert Peden

**Re: Complaint in relation to the Prime Minister's Hour on Radio Live on 30 September 2011**

This is a formal complaint of a breach of the Electoral Act concerning a radio show hosted by the leader of the National Party, John Key, on the Radio Live radio station on 30 September 2011.

We have raised with Mediaworks as owners of Radio Live our concerns on this matter. These emails are attached.

The show in question featured the Leader of the National Party hosting a show where listeners called in and asked questions of him. He was left to answer those questions without having to provide alternative views or answers.

We believe the very act of installing the Prime Minister as sole host of an hour long talk programme, less than two months from the date of a general election, will encourage people to vote for him and the National Party and advocates support for him. While Mr Key notes that it was an 'election free zone' early on in the programme, the very act of noting that there is an election serves to link Mr Key with the act of voting at the election.

Further, Radio Live has refused to allow Labour Party leader Phil Goff to host a similar programme. This is blatant favouritism of one party leader over another and serves to further emphasise that Mr Key is somehow special and deserving of support/votes.

During the programme Mr Key was given an uninterrupted hour to promote his brand and personality. He chatted to various celebrities, including Ritchie McCaw, Richard Branson and Peter Jackson, and emphasised his personal connection with them.

This show was aired within the attributable period for election advertising, as defined under the Electoral Act. Mediaworks have confirmed that they will not provide the same opportunity to the Leader of the Opposition, Phil Goff.

The absence of an alternative viewpoint during John Key's show, and the refusal by Mediaworks to provide a similar opportunity to the Leader of the Opposition during the attributable period, could reasonably lead a member of the general public to be persuaded to vote or not vote for either John Key or his party on the basis of his remarks on that show.

Thus, the conduct of the broadcaster turned the show into an electoral advertisement under s3A of the Electoral Act.

The show did not feature a promoter statement from either John Key or from the National Party. Given that the show was an election advertisement, this is an additional breach under section 204F Electoral Act.

Urgency

We believe this complaint should be handled with urgency for the following reasons.

The programme received major publicity in the press and Mr Key's remarks on the show were reported subsequent to the programme. Further, the novel nature of the programme makes it memorable and Mr Key will no doubt be referring to his stint as a radio host in the coming weeks.

The programme is also available online at the Radio Live website. While the Commission has no jurisdiction over on-demand content online it effectively means that this 'advertisement' is able to be repeatedly listened to.

Further, the Commission could, if it upheld this complaint, order Radio Live to put a statement on its website noting its finding.

Therefore, this complaint should be handled urgently.

Yours faithfully,



Chris Flatt  
General Secretary

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**From:** Jana Rangooni [mailto:]  
**Sent:** Friday, September 30, 2011 08:10 AM  
**To:** Fran Mold  
**Subject:** RE: Hosting the show

Hi Fran

We have carefully thought this through and taken advice on it - this is **not** election coverage it is a programme we hope will encourage more listeners to our brand.

He will not be talking about policy or the election.

I can assure you our election coverage will be absolutely even handed and objective and to that end we should finalise plans for Phil to be booked in for available dates once the election period kicks off post RWC.

In the meantime we will continue to engage with politicians as part of regular and special programming and there is nothing inappropriate about our doing so with the election two months away.

Sorry I didn't get to meet you when I was down in Wellington in August it would be good to catchup but I appreciate you may have a very busy 2 months ahead.

Thanks

Jana

JANA RANGOONI | GENERAL MANAGER- TALK BRANDS| MEDIAWORKS RADIO | +64  
9 9289200 | +64 21 244 661

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**From:** Fran Mold [mailto:]  
**Sent:** Thursday, 29 September 2011 3:44 p.m.  
**To:** Jana Rangooni  
**Subject:** Re: Hosting the show

Hi Jana

I'm sorry but it absolutely has everything to do with the election.  
It is naïve to think otherwise given it is less than 2 months to election day.

It gives the leader of the National Party an absolute free hit. Especially given Mediaworks is going to such lengths to advertise it so prominently. This has not happened when Phil Goff or other leaders have appeared on the show to my knowledge.

It is very different having a politician on air in a situation where they are held to account by the host compared to this situation where John Key gets total control over the show.

We strongly believe this is unfair and the same opportunity should be given to other leaders.

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We ask that you reconsider. It is important for news organisations to be neutral and fair in the lead-up to elections and to give their listeners the opportunity to hear from all politicians in an even-handed way.

Regards Fran Mold

---

**From:** Jana Rangooni [mailto: ]  
**Sent:** Thursday, September 29, 2011 03:21 PM  
**To:** Fran Mold  
**Subject:** Re: Hosting the show

Hi

This is nothing to do with the election and have a few ideas around the election and hope we can have Phil in more than once before then!

Thanks  
Jana

Sent from my iPad

On 29/09/2011, at 2:55 PM, "Fran Mold" < > wrote:

Hi there

We saw your press release today regarding National Leader John Key hosting a show on Radiolive tomorrow.

Given we are in the midst of an election, it would only be fair to give the same opportunity to other political leaders. So we are very keen to arrange for Labour Leader Phil Goff to come on the show as a host.

Note that you say it's an opportunity you'll be making available to whoever is Prime Minister. But it would be pretty naive to think that giving such an opportunity and publicity surrounding it to the leader of the National Party alone is not unfair to other leaders in the build up to the election.

I look forward to hearing from you soon.

Regards Fran Mold  
Chief Press Secretary  
Leader of the Opposition

Sent with Good ([www.good.com](http://www.good.com))

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## Kristina Temel

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**From:** Robert Peden  
**Sent:** Sunday, 30 October 2011 9:12 p.m.  
**To:** ; Kristina Temel  
**Subject:** FW: Complaint against Prime Minister's Hour programme

Hugh & Kristina  
For your consideration.

Robert

-----Original Message-----

**From:** [mailto:]  
**Sent:** Sun 10/30/2011 4:48 PM  
**To:** Robert Peden  
**Subject:** Complaint against Prime Minister's Hour programme

Dear Robert

Further to my complaint against the Prime Minister's Hour programme broadcast on Radio Live on Friday September 30 I wish to add the following based on information that appeared in the Dominion Post, yesterday, Saturday 29 October

In an article headed "Politics, policy and personality"  
<http://www.stuff.co.nz/dominion-post/news/politics/election-2011/election-comment/5877319/Politics-policy-and-personality>  
John Hartvelt wrote:

"National's campaign chairman, Steven Joyce, says Mr Key "will be burning up the miles". "The way voting has evolved in New Zealand is they place huge store around who's leading each party. They want to understand that. A lot of people want to know who the leaders are and what they do, and they put a lot of trust in those people," Mr Joyce says. As ever, Mr Key will be front and centre on any announcement that has an upside. While he can't shirk answering whatever tough questions are thrown at him, he is protected from bad news stories as much as possible. Maximum visibility with a full dose of the feel-good factor means pressing the flesh and blitzing the broadcast media. "We haven't had a phenomenon like John Key before, lobbyist and public relations' expert Mark Unsworth says. "He is the sort of person who, even if you are not a National Party supporter, if you meet him or see him at a function or get close to him a little bit, you tend to think he is a nice guy. I think he is in quite a special category. "All the billboards, the brochures, the pamphlets the whole lot they've all got John Key on it. It makes pure sense. He is their star and when you have got a star like that, then you promote it to death. "I presume they will be moving him around every small town and meeting as many people as possible.""

and of particular relevance to my complaint:

"Mr Key's strategists have shown a liking for television and radio media spots, preferably in a relaxed setting. His hour-long stint as "DJ Key" last month, hosting celebrity interviews on Radio Live, was perplexing to some observers, because the station attracts a relatively small afternoon audience of 63,700, according to latest figures. Talk-back radio listeners, however, are seen by National's wallahs as an "active audience". "They are what we might call opinion shapers, or early adopters," a party source says."

I believe that this report provides evidence that the programme complained of may be reasonably regarded as encouraging or persuading persons to vote for John Key as National Party leader and star candidate, and that there is a deliberate strategy by the Party to promote him via the broadcast media as happened in this interview.



I would also contend that the opinion pieces of experienced senior and independent commentators in the media provide further evidence that the programme may be reasonably regarded as encouraging voters to vote for John Key, and would draw your attention to the article by Simon Cunliffe, Deputy Editor of the Otago Daily Times, headed "Key's radio spot wasn't political - yeah right" that appeared in the ODT on Wednesday 5th October. <http://www.odt.co.nz/opinion/opinion/180786/keys-radio-spot-wasnt-political-yeah-right>

Simon Cunliffe is clearly of the view that the programme was political and designed to reinforce the John Key brand as I have contended. He also appears to have accepted the widely publicised but incorrect view that "Radio Live's apparent advice from the Electoral Commission was that the appearance would be acceptable as long as the subject of politics was avoided. Mr Key's disclaimer that the hour was to be an "election-free zone" allowed it to fall within the guidelines. This is indicative of not only an absurdly naive view of what constitutes "the political" on the part of our legislation and election broadcasting guidelines, but also of the disingenuous nature of much of the "noise" surrounding this affair. It may well be that, technically, no laws have been broken, nor guidelines seriously contravened. That is yet to be decided."

I note that the Broadcasting Standards Authority have produced a determination against a complaint by the Labour Party that the programme breached broadcasting guidelines for election programmes, and have issued their opinion that the programme was not an election programme as defined in the Broadcasting Act despite saying in their determination that they do not have jurisdiction on that matter.

I also note that their opinion is based on a view that the legislators intended that the words "encourage or persuade" should be interpreted such that the encouragement or persuasion should be "overt and direct": This would appear to differ from the Commission's statement in the Media Handbook that "The definition of "election advertisement" does not require an explicit statement (eg, "Vote for X", or "Don't vote for Y"). The complete advertisement needs to be considered, in context. It is not enough to consider the words or visual images used in isolation."

It seems to me that the intent of the legislators is contained in the insertion of Section 80A in the Broadcasting Act in 2004, giving the Electoral Commission the responsibility to refer any offences including breach of Section 70 to the police if the commission believes one has been committed. It would seem that their clear intention is that the interpretations of the Broadcasting Act and the Electoral Act should be aligned, and that reasonableness should be the criterion.

I am now more firmly of the view that the programme can reasonably be regarded as an election programme and an election advertisement. The edition of the paper in which John Hartevelt's piece appeared had a picture of one of the Prime Minister's interviewees, Sir Peter Jackson, on the front page, and an accompanying article by Tracy Watkins headed "Jackson endorsement would do Key nicely" <http://www.stuff.co.nz/dominion-post/news/politics/election-2011/election-comment/5974529/Jackson-endorsement-would-do-Key-nicely> in which Sir Peter Jackson endorsed the passage of a contentious policy. That obviously was editorial content and I am not complaining of it; but it does reinforce the point I originally made about celebrity endorsement being the advertising model for the radio programme.

With many thanks for your consideration,

Yours sincerely,

**Kristina Temel**

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**From:** [redacted]  
**Sent:** Tuesday, 11 October 2011 4:26 p.m.  
**To:** Kristina Temel  
**Subject:** Re: RadioLive complaint re Prime Minister's show

> Kristina  
>  
> I don't have any objection to the Commission releasing my complaint to  
> RadioLive or to my name being known to them.  
>  
> The only other matter that I would like the Commission to consider is  
> that RadioLive will have made some assessment of the value of the  
> programme to them in supporting their brand and that this should be  
> taken into consideration in assessing the value of the programme to  
> the Prime Minister in encouraging support for his brand. In my view it  
> is likely to be substantial and the matter is therefore serious and  
> not inconsequential.

regards

resent without typos

>  
> On Mon, Oct 10, 2011 at 5:56 PM, Kristina Temel  
> <[kristina.temel@elections.govt.nz](mailto:kristina.temel@elections.govt.nz)> wrote:  
>> Dear Sir/Madam,  
>>  
>>  
>> As you know, the Commission is currently considering your complaint.  
>> RadioLive has requested a copy of the complaint. We have to consider  
>> the request in accordance with the Official Information Act 1982.  
>>  
>>  
>> Can you confirm whether you have any objection to the Commission  
>> releasing your complaint to RadioLive or would you request that your  
>> name and other personal information be withheld to protect your  
>> privacy? Do you have any other matters that you wish the Commission to consider?  
>>  
>>  
>> Please let me have your comments by 5pm Tuesday 11 October 2011.  
>>  
>>  
>> Regards  
>>  
>>  
>> Kristina Temel | Manager Electoral Policy | Electoral Commission  
>>  
>> PO Box 3220 | Level 9, 17-21 Whitmore Street | Wellington  
>> | <http://www.elections.org.nz>  
>> Phone +64 4 498 2306 | Fax +64 4 495 0031 | Email  
>> [kristina.temel@elections.govt.nz](mailto:kristina.temel@elections.govt.nz)  
>>  
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>>

>> \*\*\*\*\*  
>> \*\*\*\*\*  
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